



# United States Department of the Interior

OFFICE OF THE SOLICITOR  
WASHINGTON, D.C. 20240

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October 18, 1977

## Memorandum

**To:** Director of Territorial Affairs  
**From:** Assistant Solicitor, Territories  
**Subject:** Ownership of Real Property in the Northern Mariana Islands by Guamanians

This responds to your memorandum of October 13, 1977, requesting my comments on the above subject. I have also reviewed the Congressional Research Service memorandum to Congressman Won Pat on the same subject. I find I am in substantial agreement with that memorandum. I am afraid there is very little that can be done about the problem of ownership by Guamanians of real property in the Northern Marianas, at least for the next twenty-five years. I am attaching a copy of Article XII of the Constitution for the Northern Mariana Islands which makes it very clear that Guamanian chamorros will not be entitled to own land in the Northern Mariana Islands. Of course, if Congressman Won Pat could persuade the Northern Marianas to have Section 805 of the Covenant amended to permit such ownership, and if the U.S. Congress enacted such a law, and if the Northern Marianas amended Article XII of their Constitution to permit it, it could be accomplished; but short of that or a successful lawsuit challenging the constitutionality on this restriction of alienation I'm afraid there is no answer to Congressman Won Pat's problem.

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C. Brewster Chapman, Jr.

## Enclosure

cc:  
Div Chron (2)  
Subj File  
Reading File  
CBChapmanJr.

SOL:GL:CBChapmanJr:vph:10/18/77:5216

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ARTICLE XII: RESTRICTIONS ON  
ALIENATION OF LAND

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Section 1: Alienation of Land. The acquisition of permanent and long-term interests in real property within the Commonwealth shall be restricted to persons of Northern Marianas descent.

Section 2: Acquisition. The term acquisition used in section 1 includes acquisition by sale, lease, gift, inheritance or other means. A transfer to a spouse by inheritance is not an acquisition under this section. A transfer to a mortgagee by means of a foreclosure on a mortgage is not an acquisition under this section if the mortgagee does not hold the permanent or long-term interest in real property for more than five years.

Section 3: Permanent and Long-Term Interests in Real Property. The term permanent and long-term interests in real property used in section 1 includes freehold interests and leasehold interests of more than forty years including renewal rights.

Section 4: Persons of Northern Marianas Descent. A person of Northern Marianas descent is a person who is a citizen or national of the United States and who is of at least one-quarter Northern Marianas Chamorro or Northern Marianas Carolinian blood or a combination thereof or an adopted child of a person of Northern Marianas descent if adopted while under the age of eighteen years. For purposes of determining Northern Marianas descent, a person shall be considered to be a full-blooded Northern Marianas Chamorro or Northern Marianas Carolinian if that person was born or domiciled in the Northern Mariana Islands by 1950 and was a citizen of the Trust Territory of the Pacific Islands before the termination of the Trusteeship with respect to the Commonwealth.

Section 5: Corporations. A corporation shall be considered to be a person of Northern Marianas descent so long as it is incorporated in the Commonwealth, has its principal place of business in the Commonwealth, has directors at least fifty-one percent of whom are persons of Northern Marianas descent and has voting shares at least fifty-one percent of which are owned by persons of Northern Marianas descent as defined by section 4.

Section 6: Enforcement. Any transaction made in violation of section 1 shall be void ab initio. Whenever a corporation ceases to be qualified under section 5, a permanent or long-term interest in land in the Commonwealth acquired by the corporation after the effective date of this Constitution shall be forfeited to the government.

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