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To : Captain Crowe  
From : A. de Graffenried  
Subject : Protecting the option to obtain land in the Mariana Islands District prior to the Termination of the Trusteeship Agreement

A major legal obstacle to the immediate utilization of lands on Tinian island is that focusing upon the use of public lands. Since public lands in Micronesia are held in "trust" for the use and enjoyment of all the Micronesian peoples, the present difficulty is surmountable only by separating-out the Mariana Islands public lands from the remainder of the Trust Territory public lands. After accomplishing this goal, there must be some retention of eminent domain powers to obtain lands, private or public that may be utilized for military purposes. Absent a full separation-out of the Mariana Islands into a separate administrative district, the less complex and most immediate method is by use of the Secretarial Order Amendment. The following are two approaches :

A. " All public lands now held in trust in the Mariana Islands shall be under the control of the District Administration and shall be utilized for the use and enjoyment of the residents of that district. Said public lands may be disposed of only by the Trust Territory Administration in accordance with the provisions of the Trusteeship Agreement. "

B. " All public lands now held in trust shall be under the

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control of the District Administration in that district in which the public lands are located and shall be utilized for the use and enjoyment of the residents of that district. Said public lands may be disposed of only by the Trust Territory Administration in accordance with the provisions of the Trusteeship Agreement. "

Both provisions take tactical advantage of the Trusteeship provisions permitting installation of military fortifications and other provisions requiring the USG to promote the economic development of the Trust Territory that envision the taking of lands via eminent domain. The first approach is limited solely to the Mariana Islands district and removed the justification of the COM to exert its jurisdiction over land matters in the Marianas, namely, that the public lands are held in trust for all of Micronesia. The latter approach appeals to the desire of the individual districts to control the public lands within their district, but permits the TTPI to continue exerting control in reality via control over the District administrations and via the disposition power remaining with the TTPI.

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