

v. Safeguards and Limitations on the Administration of the Public Lands

Once transferred to the corporation, the public lands of the Marianas would thereafter have the legal status not of public land but private -- land wholly owned by a private, non-profit corporation. The private nature of the corporation gives it certain advantages with respect to its lands. Perhaps most importantly, the government would be substantially restricted -- as described below at length -- from impairing rights associated with the land without providing due process of law and paying just compensation. Another advantage of the private status of the corporation is that it may make it easier for the corporation to impose restraints against the alienation of lands to those other than the people of the Marianas.

The very independence associated with the private corporation, however, makes it necessary that the interests of the people of the Marianas in the public lands be specifically protected. The United States Policy Statement 1/ speaks directly to this need in several respects.

The Policy Statement requires a fundamental commitment by the recipient to "agree to hold the public land in trust for the people of that district" The recipient would be required to honor titles issued in connection with the homestead program and "leases and other land uses acquired by individuals or business or private concerns from

1/ pp. 2-3.