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July 2, 1974

Senator Olympio T. Borja
Marianas Delegation to the
Congress of Micronesia
P.O. Box 825
Saipan, Mariana 96950

Dear Senator Borja:

Enclosed is a memorandum which we have prepared concerning the public land legislation which the Congress of Micronesia is expected to consider at the upcoming special session. We have focused our comments on Senate Bill No. 296 as it is proposed to be amended by the Committee on Judiciary and Governmental Operations, since we understand that this will be the starting point of the Congress' consideration of the public land issue.

The memorandum is intended to explain the significant difficulties which the bill, as proposed to be amended, could create for the Marianas Public Land Corporation. The memorandum also describes what we have been able to learn about views of the United States with respect to the bill, and gives you our comments on those views.

I should tell you that the United States seems pessimistic about the chances that the Congress will pass a bill acceptable to it. The representatives with whom we spoke emphasized two critical issues which they fear will not be resolved satisfactorily. First, the Senate

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Committee bill requires Congress of Micronesia approval of any arrangement which permits the United States to use public land in the Marianas under a new political status, while the Administration bill gives the Congress no such control. Second, the Senate Committee bill requires military retention land to be returned to the districts, while the Administration bill specifically excludes such land from the definition of public land. It appears that the United States is prepared to have the legislation vetoed if these differences are not resolved. This means that if you and the other members of the Marianas delegation want to have prompt and effective land legislation from the Congress, you will have to use your good offices to persuade the Congress to understand the positions taken by the United States.

If there is no satisfactory resolution of the differences between the Senate Committee bill and the Administration bill, then consideration will have to be given to alternative ways of securing the return of the public land in the Marianas. One possibility would be to seek the return of public land and separate administration at the same time. The United States could deal with both issues in a single executive order, we believe, perhaps in the fall of this year. If it becomes necessary to take this approach, then perhaps the District Legislature in its August session should focus on the request for the return of public lands and for separate administration, and defer the steps necessary to create the Corporation and designate it as the recipient of public lands in the Marianas until the executive order has been promulgated.

These thoughts, of course, are tentative and preliminary. We are at this time continuing to work on the legal documents which will be needed promptly by the District Legislature and by the Corporation if the pending land legislation does become law.

If we are able to obtain additional information from the United States in a timely fashion, we will be back in touch. We are also available if you have questions or concerns about

portions of the bill which are not discussed in the memorandum, or about amendments to the bill which may be brought up for consideration during the session.

An identical letter as well as the enclosed memorandum have been sent today to Senator Pangelinan and to Congressman Guerrero. Copies have been sent to James White, Esq.

Sincerely,

A handwritten signature in cursive script that reads "Howard".

Howard P. Willens

Enclosure

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