

RICHARD H. WILMER
LOYD N. CUTLER
JOHN H. PICKERING
MANUEL F. COHEN
HUGH R. H. SMITH
LOUIS F. OBERDORFER
J. ROGER WOLLENBERG
CHARLES C. GLOVER, III
MARSHALL HORNBLLOWER
HENRY T. RATHBUN
REUBEN CLARK
SAMUEL J. LANAHAN
WILLIAM R. PERLIK
SAMUEL A. STERN
ARNOLD M. LERMAN
ROBERT P. STRANAHAN, JR.
MAX O. TRUITT, JR.
JOEL ROSENBLUM
HOWARD P. WILLENS
ANDREW T. A. MACDONALD
ROBERT A. HAMMOND, III
DANIEL K. MAYERS
TIMOTHY B. DYK
DAVID R. ANDERSON
J. RODERICK HELLER, III
ARTHUR F. MATHEWS
JAMES S. CAMPBELL
DENNIS M. FLANNERY
DANIEL MARCUS
JAMES ROBERTSON
RAYMOND C. CLEVINGER, III
LOUIS R. COHEN
MICHAEL R. KLEIN
STEPHEN A. WEISWASSER
EZEKIEL G. STODDARD
ALFRED E. DAVIDSON
GERARD C. SMITH
COUNSEL

WILMER, CUTLER & PICKERING

1666 K STREET, N. W.
WASHINGTON, D. C. 20006

CABLE ADDRESS: WICRING WASH., D. C.
INTERNATIONAL TELEX: 440-239
TELEX: 89-2402
TELEPHONE 202-872-6000

EUROPEAN OFFICE

5, CHEAPSIDE
LONDON, EC2V 6AA, ENGLAND
TELEPHONE 01-236-2401
TELEX: 851 883242
CABLE ADDRESS: WICRING, LONDON

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RICHARD A. ALLEN
PETER A. BELL
PETER D. BEWLEY
STEPHEN F. BLACK
TIMOTHY N. BLACK
MICHAEL L. BURACK
BARRY E. CARTER
RICHARD W. CASS
BARRY O. CHASE
MICHELE B. CORASH
WILLIAM A. DIETCH
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C. BOYDEN GRAY
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JAY F. LAPIN
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MARY A. MCREYNOLDS
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STEPHEN B. PRESSER
PHILLIP RADOFF
JOHN ROUNSAVILLE, JR.
DEANNE C. SIEMER
THEODORE S. SIMS
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DOUGLAS G. THOMPSON, J
VAUGHN C. WILLIAMS
GARY D. WILSON
WALTER T. WINSLOW, JR.

July 2, 1974

Senator Edward DLG. Pangelinan
P. O. Box 977
Saipan, Mariana Islands 96950

Dear Senator Pangelinan:

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 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

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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.

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An identical letter as well as the enclosed memorandum have been sent today to Senator Borja and to Congressman Guerrero.

Sincerely,

Howard P. Willens

Enclosure

cc: James E. White, Esq.

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