

ALIG: KC/11 SEPT 74
PROPOSED VETO MESSAGE

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STATEMENT OF OBJECTIONS TO
SENATE BILL NO. 296, S.D. 1, H.D. 4, CONF.D. 1

It has been determined that the Administration cannot approve the "Public Land Act of 1947". A thorough review and analysis of Senate Bill No. 296, S.D. 1, H.D. 4, C.D. 1, entitled,

"A Bill for an act to allow the transfer and conveyance of certain public lands from the Government of the Trust Territory of the Pacific Islands to legal entities in each of the six districts; to empower the High Commissioner to transfer and convey such lands; to prescribe certain limitations, reservations, and conditions to such transfers and conveyances; and for other purposes."

indicates that the act is in direct conflict with Secretary Morton's Public Land Policy of November, 1973. The Act is contrary both to the Secretary's policy as clarified during the Seventh Round of Status Talks in Washington, D.C. and as endorsed by the Joint Committee on Future Status and to the subsequent U.S. policy position approving certain of the policies and technical clarifications and objecting to other amendments which impair United States obligations under the Trusteeship Agreement made by the Congress during the Second Regular Sessions of the Fifth Congress of Micronesia.

It is indeed unfortunate that this important policy could not be properly effected by legislative action. While we recognize that local attitudes towards Micronesian public lands may differ with that of the administering authority, we have consistently attempted to clarify the paramount importance that the administering authority must be able to meet its continuing responsibilities under the provisions of the Trusteeship Agreement. The Congress has brought these responsibilities to our attention in a number of instances. In this important matter we fully concur that our

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Trusteeship obligations must be fulfilled. I am therefore issuing in the near term, an executive order to effect the Secretary's public land transfer policy.

A brief review of the events leading to the action I now undertake is in order.

Trust Territory public lands are now held in trust by the administering authority for the Micronesian people. Many of these lands are actively used by the administration to fulfill its responsibilities to the Micronesian people and these lands are the sites of hospitals, schools, airfields, docks, roads, administration offices and public utilities and services without which it would be impossible to operate a viable governmental entity for the people of Micronesia.

A change in this approach occurred when the traditional leaders of Palau took the position that they would not meet United States land requirements in that district until public lands in the district were transferred to their control and ownership. That position was subsequently endorsed by the Joint Committee on Future Status and was made a precondition to any future political status negotiations with the United States. This position was accepted by the Office for Micronesian Status Negotiations and it then undertook with the administration an extensive review of the public land situation in each of the districts. A detailed report of that review was provided to the Congress of Micronesia so as to share with them the particular findings and issues involved in any transfer of public lands. That office then made certain recommendations to

Ambassador Williams and the U.S. Government, which were by their nature sensitive.

Upon a complete review of the report and its recommendations, Secretary Rogers C. B. Morton issued a formal United States policy position on the early transfer of Trust Territory public lands to Micronesian control. This policy was the first item on the agenda of the Seventh round of Future Political Status Negotiations in Washington D.C. During that round, the policy position of the Secretary was clarified as to its implementation and clear understandings were reached with the Joint Committee and the Palauan leadership ^{WHO THEN} endorsed the official U.S. policy position on the transfer of public lands. The status negotiations then went forward.

Legislation was subsequently prepared by the administering authority to effect the U.S. public land policy. This legislation was presented to the Fifth Congress of Micronesia during its Second Regular Session. The Congress reviewed the bill and undertook to amend the bill in several significant areas. This administration maintained a continuing contact with the Congress on the land legislation and undertook to indicate the areas where potential conflict could arise with the continuing responsibilities of the administering authority under the trusteeship agreement. The Second Regular Session did not adopt the bill. Prior to the convening of the First Special Session of the Fifth Congress in July of this year, I undertook to explain the position of the administering authority on the public land bill to be considered by the Congress during the special session, I explained in

detail the specific amendments which the administering authority was prepared to accept as further clarifying the U.S. public land policy and which amendments the administering authority could not accept because they were in direct conflict with the agreements reached in the Seventh Round of Status Negotiations on the public land transfer and with the paramount responsibilities of the administering authority under the trusteeship agreement. I also explained at that time that certain compromises could be reached on these points and presented several suggested amendments for the consideration of the Congress.

The Special Session of Congress rejected these proposed compromises and evidently felt compelled to adopt provisions which had previously been identified as an impairment to the ability of the administering authority to meet its obligations to the Micronesian people. It is with particular regret that I note that the Conference Committee report refers to the "hypocritical" approach of the United States to transfer these lands when in fact the administering authority has undertaken with deliberate speed and consideration to satisfy almost all the Micronesian requests. The record clearly indicates which party has obfuscated the issues and which party must accept full responsibility for irresponsibility and its inability to meet its prior endorsements of policy and intent.

Therefore, to meet its commitment to transfer Trust Territory public lands to Micronesian control, I will use the authority of my offices to effect the official United States policy as issued in November 1973 by Secretary Morton and as clarified in subsequent occasions by the United States Government.

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