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January 22, 1974

Stephen D. Sander, Esq.
Staff Assistant for Political
and Legislative Affairs
Room 4311
Department of the Interior
C between 18th and 19th Streets
Washington, D. C.

Dear Stephen:

Enclosed is a revised draft of the Public Land Transfer Act of 1974. This version reflects the discussions Jim Berg, Adrian de Graffenried, Jay Lapin, P. J. Mode, Eleanor O'Hara, and you and I had yesterday.

I want to call two sections to your attention. In Section 4(1)(b), the phrase "pursuant to the laws of the Trust Territory of the Pacific Islands and of the district" has been eliminated. Presumably this phrase was intended to assure that the legal entity could not act in contravention of general Trust Territory or district law with respect to land it holds. If so, the phrase is unnecessary, for the legal entity will be subject to the laws of the Trust Territory and the district even if the phrase is omitted. The danger the phrase presents is that it might be read to permit the central government to enact laws which restrict or control the administration of land by particular legal entities. Such control by the central government would be contrary to the policy of returning the lands to the districts.

In Section 6(4), we have provided alternative wording. The first alternative is the one we proposed yesterday. The second alternative tracks the language of Section IV(B)(5) of the U. S. policy statement.

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Stephen D. Sander, Esq.

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We remain available to provide such assistance as you consider desirable in the drafting of this important piece of legislation. Jim Berg said yesterday that he would arrange for a copy of the version of the bill which is sent to the Trust Territory to be made available to us, and we appreciate that courtesy. It might also be productive if we have an opportunity to comment on your working draft before you send the final version of the bill to the Trust Territory. I will give you a call on Thursday morning to see if we can get together for this purpose.

Sincerely,

Michael S. Melfer

cc: Adrian de Graffenried

Adrian: I'm also enclosing for you our extra copies of the Trust Territory Code Supplement. Would you be kind enough to send us a copy of the charter of the Marianas district legislature and of the Transpac franchise, if either is available?
Thanks.

xbc: H. Willens
J. White
P. Mode (with attachment)
E. O'Hara

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