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HICOMTERPACIS SAIPAN
MARIANAS ISLANDS
SECSTATE WASHINGTON DC

COMTWELVE SAN FRANCISCO CA UNCLASSIFIED
CINCPAC HONOLULU HI
US MISSION TO UN NEW YORK NY

STATUS LNO
SCHIELE
10/31/74

ROUTINE

ROUTINE

FROM STATUS LNO 307

PASS OMSN AND INTERIOR FOR DOTA
COMTWELVE FOR AMB WILLIAMS
CINCPAC FOR POLAD

E.O. 11652: N/A
TAGS: PGOV TQ
SUBJECT: VETO OF MARIANAS DISTRICT LAND LEGISLATION

REF: STATUS LNO 269

1. ON OCT 26 MARIANAS DISTAD VETOED LEGISLATION ON RETURN OF PUBLIC LANDS (ACT 1-1974) WHICH WOULD HAVE DESIGNATED DISTAD TO QUOTE RECEIVE, HOLD AND ADMINISTER THE PUBLIC LANDS AS PRESCRIBED BY THE MARIANAS

ISLANDS DISTRICT LEGISLATURE UNQUOTE. DISTAD THANKED LEGISLATURE FOR TRUST AND CONFIDENCE EXPRESSED IN HIM BY LEGISLATION, BUT SAID BILL MUST BE VETOED DUE TO QUOTE SUBSTANTIAL LEGAL PROBLEMS INHERENT IN THE

ACT IN THE FORM PRESENTED UNQUOTE.
CITED

2/ WEAKNESSES IN LEGISLATION WERE: (1) DISTAD NOT LEGAL ENTITY AND UNABLE TO BRING SUIT OR BE SUED EXCEPT BY AND THROUGH TT GOVERNMENT; (2) NO PROVISION FOR FUNDING; (3) PROHIBITION ON LEASE, SALE OR

DISPOSAL OF LANDS TO WHICH CLAIMS DISPUTES EXIST WAS IMPRECISE AND POTENTIALLY TROUBLESOME; (4) PROVISION ON HEARING PRIOR TO LEASE, SALE OR DISPOSAL OF LAND COULD BE INTERPRETED TO MEAN REOPENING OF CLAIMS

ALREADY RES JUDICATA, CONFLICTING WITH TT LAW; AND (5) DISTAD WOULD BE REQUIRED QUOTE TO SERVE TWO MASTERS UNQUOTE AS HE IS ALSO HICOM REPRESENTATIVE. SITUATIONS MAY ARISE IN WHICH HOLDER OF PUBLIC LANDS

IS IN CONFLICT WITH TT ADMINISTRATION, AND SUCH CONFLICT QUOTE UNDER PRINCIPLES OF THE LAW OF EQUITY AND FIDUCIARY OBLIGATIONS AS TRUSTEE, DISQUALIFIES HIM (THE DISTAD) FROM SERVING IN BOTH CAPACITIES UNQUOTE.

LNO

3. VETO HAS NOT RECEIVED PUBLICITY AND THERE IS NO PUBLIC REACTION YET.

BERGESEN

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