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ZCZC HSA47/31/MD SEA
RTTUZYUW RUMGSAA0008 3040955-UUUU--RUMGSUU.
ZNR UUUUU
R 310955Z OCT 74
FM HICOMTERPACIS SAIPAN MARIANAS ISLANDS
TO SECSTATE WASHINGTON DC
INFO COMTWELVE SAN FRANCISCO CA
CINCPAC HONOLULU HI
US MISSION TO UN NEW YORK NY
BT

OCT 74 ORIG.....STATUS LNO

FROM STATUS LNO 307

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

E.O. 11652: N/A
TAGS: PGOV TO
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.

2. CITED 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 TROUBLESOOME; (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.

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

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