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27 September 1974

PERSONAL AND CONFIDENTIAL

Theodore R. Mitchell, Esq.  
Executive Director  
Micronesia Legal Services Corporation  
P. O. Box 826  
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Dear Ted:

Thank you for sending me a copy of the Ninth Circuit Opinion in the Continental Hotel case. I too think it is a very significant victory.

I had recently heard about the action of the Marianas District Legislature with respect to the return of public lands. Needless to say, I am disappointed that the legislature did not choose to use a non-profit membership corporation as the vehicle for accomplishing the return of these lands, as was proposed by the Marianas Political Status Commission with our assistance. Just in case you did not see the relevant papers, I am enclosing copies of our memorandum and draft articles.

I have had only the most fragmentary reports regarding the substance of the objections to the proposal to create a non-profit membership corporation. It was, I recognize, a complicated proposal, and perhaps that was a major hurdle in view of the time constraints. I have also heard that a member of your staff assigned to Tinian submitted a letter concerning the proposal to the Tinian Municipal Council or the District Legislature. If this is correct, I would appreciate your sending me a copy of this letter or any other comments which emerged from your office relating to the MPSC proposal. I would also appreciate any additional information you can provide regarding reactions to the proposal, or the problems you see with it.

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If you feel it is appropriate, I think that your office might take a serious look at the legislation passed by the District Legislature concerning the return of public lands. As I read the legislation, I am afraid that it may not provide sufficient assurances to the people of the Marianas that the public lands will be used for their benefit free from interference by the United States or the TTPI. The District Administrator may well have serious conflict of interest problems; and, in any event, his actions can be controlled by his superiors within the TTPI and ultimately the United States Government. Moreover, as I understand it, resolutions passed by the District Legislature need not be regarded by the District Administrator as controlling.

In light of these concerns the legislation passed by the District Legislature may fall far short of securing the return of public lands in the Marianas to the people for their benefit and future development. I do not suggest that it follows from this that the MPSC proposal must now be adopted in the precise form proposed. But it does seem to me that there are problems with the bill passed by the District Legislature, and that we should all work together now toward a more satisfactory and permanent solution.

Let me know your thoughts.

Sincerely,

Howard P. Willens

Enclosures

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