

Public Land
Corp

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March 28, 1975

MEMORANDUM FOR THE MARIANAS LAND CORPORATION FILE

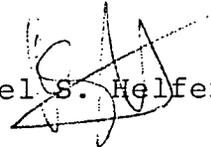
Subject: District Legislation

Eleanor O'Hara and I met today with Adrian deGraffenried concerning the MDL bill providing for the creation of the Marianas Land Corporation and requesting the return of public lands. Adrian told us that the District Administrator would be instructed to sign the bill.

With respect to Section 2 of the bill, Adrian noted that the MDL had recognized the paramount power of the TT with respect to eminent domain and other matters only until separate administration. The Secretarial Order requires a more permanent recognition of this reservation of authority. After discussion, we appeared to have persuaded Adrian that, if the District Administrator is to say anything about this matter, he should say only that he understands that this section of the bill means that the authority of the "central" Government after separate administration will be dealt with under the terms of separate administration, or that this Section is intended simply to express the view of the MDL that what is now the "central" Government will not have eminent domain authority after separate administration -- which is true.

We also discussed the fact that additional legislation would be necessary before the land could actually be returned. For example, as recognized in Section 7 of the bill, adjudicatory bodies will have to be established. In addition, Adrian thought that certain portions of Section 6 of the Secretarial Order (prohibiting transfer of the land until the legislature passes bills protecting the TT and the U.S. in various ways) would have to be compiled within future legislation. After discussion, we agreed that there may be portions of Section 6 of the Order which are not complied with by the present legislation, though an additional analysis of the bill and the Order is required. Adrian suggested that the District Administrator not mention these matters when he approves the bill. Rather, he suggested the District Administrator should request the TT Attorney General to review the bill and the Secretarial Order and to provide advice concerning the exact steps which must be taken in order to have the land returned to the Marianas as quickly as possible. We agreed that this was a sensible approach. Adrian is to report back to us as to whether this suggestion is taken by those in power.

Michael S. Helfer



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cc: Howard P. Willens
Eleanor O'Hara
Jay Lapin