

Draft/MSH
April 3, 1975

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Dear Eddie and Jim:

We have had a number of conversations with OMSN concerning the District Legislature's Public Land Bill (Act No. 100-1975). Apparently there are some in the Trust Territory Administration who believe that the bill should be vetoed. We have been assured, however, that the District Administrator will be instructed to sign the bill.

Getting the bill signed, alas, is just the first problem. Both the Interior Department and the Trust Territory Administration have some questions as to whether the bill does everything that is necessary under the Secretarial Order to permit the transfer of land. They are particularly concerned about compliance with Sections 6(d) and (e) of the Secretarial Order. We believe that the bill fully complies with these and all other requirements of the Secretarial Order, and that nothing further is required of the District Legislature in order to have public land transferred from the TTPI to the Corporation. Attached is a memorandum which explains our position in more detail. We plan to submit this memorandum to OMSN.

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OMSN says that it is still studying the bill to see if it complies with the Secretarial Order. In addition, we understand that the District Administrator will request the Trust Territory Attorney General for advice on this issue. We have been assured that we will be able to comment on the Attorney General's opinion before it is issued. But you may want to use the enclosed memorandum and your good offices generally to assure that the Attorney General opines that the bill fully complies with the Secretarial Order, and that no further action by the District Legislature is required.

We have also been assured by OMSN that preparation for the return of public land can begin immediately, regardless of questions concerning the bill. Thus, the Corporation should be promptly organized, and should enter into discussions and negotiations with the Trust Territory Government as soon as possible. All the necessary documents should also be drawn up. In this way, such additional conforming legislation as may be demanded could be enacted either at the August session of the District Legislature or at a special session called for that purpose, and the High Commissioner could immediately thereafter sign the necessary documents and convey the land. Since the work that is involved in getting the land back is obviously very substantial and would take a few months in any event, the actual transfer of the land need not be delayed even if more legislation is needed.

In this connection, you may be interested in knowing that Adrian informed us that the Ambassador would like to see the land returned prior to the plebiscite, and would support a prompt special session of the District Legislature if needed. Adrian has also assured us that the United States is sensitive to the desirability of avoiding asking the District Legislature to pass additional legislation unless it is absolutely necessary. As demonstrated in the attached memorandum, we think it is not necessary at all.

With best regards,

Sincerely,