

Pub Land Corp

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April 8, 1975

Adrian deGraffenried, Esq.  
Legal Advisor  
Office of Micronesia Status Negotiations  
Department of the Interior  
Room 3356  
Washington, D.C. 20240

Dear Adrian:

I enclose a brief memorandum which we have prepared explaining the reasons for our conclusion that the Mariana Islands District Legislature Public Land Act (No. 100-1975) fully complies with the Secretarial Order concerning the return of public land (Order No. 2969).

Since you are intimately familiar with both the Act and the Order, the enclosed memorandum will be self-explanatory. I do want to stress one point, however. Section 6 of the Secretarial Order does not require the District Legislature to enact legislation which tracks the language of the Order in haec verba. If this had been required, it certainly could have been done. Instead, Section 6 of the Order requires laws "satisfactory to the High Commissioner." Thus the Order gives the District Legislature flexibility in fashioning legislation which meets the objectives of Section 6, even if the precise wording of Section 6 is not followed, and protects the interests of the United States by providing for review of the legislation by the High Commissioner.

Viewed in this light, it seems clear that the requirements of Section 6 of the Order are met by the Marianas District Legislature's Act. We do not see how the High Commissioner could reasonably come to any other conclusion.

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Adrian deGraffenried, Esq.

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April 8, 1975

I appreciate your discussing this matter with us, and I look forward to having the opportunity to comment on the views of the Attorney General of the Trust Territory concerning this question, if those views are in fact requested by the District Administrator.

With best regards,

Sincerely,

Michael S. Helfer

cc: Edward DLG Pangelinan, Esq.

bcc: H. P. Willens (w/o encl.)  
E. O'Hara (w/o encl.)

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