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SUMMARY OF THE REPORT OF THE SELECT COMMITTEE APPOINTED TO INVESTIGATE  
LAND PROBLEMS IN THE MARIANA ISLANDS DISTRICT

Introduction

1. In resolution 8-1967 of 9 August 1966, the Mariana Islands District Legislature decided to appoint a Select Committee to investigate land problems in the district. Under the terms of that resolution the President of the District Legislature directed the Select Committee to "investigate and report as fully as possible on the existence of land problems encountered by inhabitants of the Mariana Islands District, and to pay special attention to problems involving the leasing and homesteading of Public Lands; to receive complaints from the public at public hearings; to consult officials employed by the Trust Territory Government who are connected with land matters; and to review any pertinent files pertaining to this problem." The President of the Mariana Islands District Legislature requested the Select Committee to "submit to the Legislature as soon as practicable a report on its visit throughout the district, containing its findings, with such observations, conclusions and recommendations as it might wish to make."
2. The Select Committee visited the District Administrator on November 20, 1966, and gave a general outline of its origin and purposes. The District Administrator promised the committee the full co-operation of his staff in connection with its investigation and made available all documents and files in the District Land Office.

Background and Findings

3. The report states that by 1950 the inhabitants from the islands north of Rota, who had formerly been moved to Guam, were returned to Saipan and several families were granted parcels of land by the Spanish authorities.
4. Under German administration, it is said that all land titles were recorded and individual owners were given certificates of titles to their land. At the time there was enough land and families could acquire it according to their needs.
5. Under Japanese administration, the availability of land diminished. Japanese citizens and companies moved into the Marianas followed by Korean, Chinese and Okinawan field workers. The Japanese took ownership to all land not owned by individuals, and kept records of ownership, leases and sales. The indigenous

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inhabitants also leased their excess land to Japanese citizens and to the sugar mill company on a long-term basis. Before the Second World War the Japanese took large plots of private land without compensation to private landowners but promised rewards after the war. The report states, "it has been suggested that all land acquisition by the Government subsequent to the date on which the Japanese illegally withdrew from the League of Nations are void."

6. The report further states: "when the American forces invaded Saipan on 15 June 1944, all public land documents were apparently destroyed. After the island of Saipan was secured on 9 July 1944, the construction of air fields and storage and quartering facilities were constructed and vast areas were bulldozed and compacted with coral. The village of Garapan, where most of the native inhabitants of Saipan lived during the Japanese administration, was leveled by the United States military forces and established as a warehouse and storage area for the military.

7. About 1951, an attempt was made to resolve the land problems in the Mariana Islands District through the land exchange programme by the United States Navy, which had jurisdiction over the Saipan District, i.e., Tinian, Saipan and the Northern Marianas. As will be later revealed through direct testimony given the Select Committee, people were forced to exchange their lands; adequate notice was not given to individuals who owned private land during the Japanese administration; the Trust Territory Government (United States Navy) used and occupied private lands that had only been leased to Japanese citizens and companies; and no compensation was paid to persons for the use and occupancy of their lands. In many instances, these private lands were used by the United States Military Forces for periods of from ten to fifteen years.

8. Determinations of ownership were instituted to certify ownerships prior to the execution of the exchange agreements. Land exchanges were made at ratios from 2 to 1 to 10 to 1, based on the following criteria:

- (a) Extent of damage to lands owned
- (b) Location and accessibility of the lands owned
- (c) Agricultural productivity of the lands owned
- (d) Extent of cultivation to which the land was put prior to the war
- (e) Agricultural productivity of the lands to be given in exchange
- (f) Accessibility to hard surfaced roads and remoteness from the village of the lands to be given in exchange

No attempt was made to compensate those individuals who exchanged their lands for public land for the use and occupation of their privately owned lands from 1944 to the date of exchange. Furthermore, the people were told that if they refused to exchange their lands, the Government would take them anyway and they would be left without any land.

9. The report also states that in many instances where the landowner was dead or unavailable a surviving heir was appointed "Land Trustee" to execute the exchange agreement. Many individuals refused to exchange their lands in which case most of them were required to sign a statement certifying that they were not claiming any reimbursement for damage to the land which they considered minor to require an exchange agreement. They also certified, the report continues, that they were declining the exchange lot offered. No cash payment was ever offered to the landowner in lieu of an exchange and the lands of many who refused to execute an exchange agreement are still in use mainly for public highways and streets. Others are unable to use them for the purposes for which they were previously used because of the compacted coral or concrete slabs. The report points out that the United States Congress appropriated the sum of \$1,772,000.00 for land acquisition and rental in 1951 (P. L. 155, 65 Stat. 366) and that there is no indication that any of this money was ever paid to any inhabitant in the Mariana Islands District.

#### Homesteading

10.- The report states that the Trust Territory Code outlines the extent to which public land may be used for homesteading purposes. Basically, the areas for these purposes must be so designated by the High Commission. The District Administrator, with the advice of the Land Advisory Board, is authorized to establish the maximum area of land allowable, standards and requirements for the use and the amount of land which a person may own.

11. The report points out that the Select Committee did not visit the Land and Claims Office and was, therefore, unable to state to what extent, if any, these procedures had been followed. Statements made to the Committee indicate that there are no procedures set up in regard to clearly marked areas available for homesteads; no official lists of persons who have made requests for homesteads with an indication of the order of their priority; and no rules or regulations as to who is qualified to get homesteads.

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Summary of complaints

12. The report presents the following brief summary of the complaints made to the Committee during its hearings:

- "1. Persons who owned property during the Japanese administration never received their land back or any land in exchange.
- "2. Persons who only leased their land to Japanese citizens or companies, were told that the lands would be returned when the lease period expired, but have not yet received their lands back. On the contrary, many people state that their leased lands have now been given to other individuals.
- "3. Those individuals who exchanged their lands do not know where their boundaries are located and are frequently onto their neighbors' lands.
- "4. Some individuals have received several homesteads while other applicants have not been granted a homestead at all.
- "5. Individuals have requested homesteads in certain areas and were told that the particular area was reserved for some other use, only to learn at a later time that some other person has been allowed to homestead the requested area.
- "6. The placing of restrictions on the use of homesteads by some people, and allowing others to make any use of their homestead.
- "7. The lack of set rules and regulations to govern homesteading."

Opinions and recommendations

13. Under this heading the report states the following:

"At the close of World War II, over 90 per cent of the native population had survived, but the occupational forces proved ill-equipped to deal equitably in returning to the people privately owned land. In all fairness it should be pointed out that after the war, the United States military forces were faced with a chaotic situation as it was important to get the local economy back on a subsistence basis as quickly as possible. In this regard, the native inhabitants were given revocable permits to go onto any land and start raising food crops, which proved to be of no value in the settlement of the land problems in Saipan. Those who elected to farm on public lands had no assurance of security of tenure. Farmers were encouraged to plant permanent trees but could not be sure that when the trees matured and began to bear, they would still possess the land. United States naval authorities attempted a solution to this problem by establishing a Land Titles Commission within the Land and Claims Office.

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Individuals who had filed claims received a determination of their ownership. The difficulty was, however, that no general notice was issued to the people regarding this programme, and many land owners were attending school or working on Guam and knew nothing of this programme. In addition to these shortcomings, the following are felt to have been most detrimental:

- "1. The claimants had no representation of their own;
- "2. Those native inhabitants who served as advisors to United States naval officials were not qualified and used their position of trust to increase the land holdings of their relatives to the detriment of others;
- "3. Individuals who claimed land that was being used or needed by the military were told that the land had been sold to the Japanese by some relative and they no longer had ownership to the land; and
- "4. Claimants who were not satisfied with the results of ownerships determinations had no recourse but to accept the decision.

"While the Select Committee has not completed the investigation, it wishes to make the following recommendations:

- "1. Stop the homesteading programme immediately and establish concrete rules and regulations as are authorized under the Trust Territory Code.
- "2. Establish priority lists in the District Administration for all homestead applicants.
- "3. Employ qualified personnel in the Land and Claims Office.
- "4. Open the land programme and accept those persons who were not given an opportunity to file claims previously.
- "5. Follow the procedures outlined in Land Management Regulation No. 1, Trust Territory Code, and compensate those persons whose lands are being used by the Trust Territory Government.
- "6. That the Administering Authority fulfill its obligation regarding the welfare of the people by solving the land problems once and for all."

14. Following the above opinions and recommendations, the report presents details of seventy-five individual cases considered by the Select Committee. In each instance the description of the case includes the claim of the individual concerned, the reply of the Administration, and the findings and recommendations of the

Committee. In fifteen cases the Committee made no recommendations, in nine others it concluded that further investigations were required, and it dismissed one case. In the remaining cases, the Committee made concrete recommendations concerning the rights of the claimants which include: recognition of the claimant's right to the fulfillment of the exchange agreement, in some instances; the right to redeem the land in question, in others; and in still others, the right to compensation or to the allotment of additional public lands. The Committee also made recommendations concerning procedures and publicity for homesteading programmes.

15. The report concludes with the following statement:

"We feel sure that there are many more problems such as these but due to our time limitation, all persons were not able to report them to the Committee. It is hoped that the foregoing report will provide the administration with a basis for vigorous and decisive action in dealing with the land problems in the Mariana Islands District, which appear to have resulted from ineffective administration and favoritism generated by public officials whose duties and obligations are to serve all the people. The Committee feels that the need to give immediate attention to the land problems cannot be overemphasized, and hopes that this report will provide a basis for corrective legislative action."

16. The report, dated 26 February 1968, is signed by: Juan CH. Reyes, Chairman; Daniel T. Muna, member; Mateo M. Masga, member; Santiago B. Magofna, member; and Bernardo V. Hofschneider, member.

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