

Action Precedents Exist

By Tom Stevens
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There is no shortage of precedents — legal or otherwise — if the U.S. decides it would want to take over Tinian militarily, says Trust Territory liaison officer Captain L. Gordon Findley.

It is well within the realm of possibility," Captain Findley said yesterday. He cited Bikini Atoll, Eniwetok, and Kwajalein as merely three cases in which the U.S. has exercised its option in the past to relocate native Trust Territory populations for reasons of international security.

He stressed that the Trust Territory was set up as a "strategic" trust, meaning that the administering authority (in this case the U.S.), retains the option of using parts of the territory for defense purposes. "With this in mind," he said, "and by virtue of past precedents, it's conceivable that the whole Northern Marianas group could be turned back to the military and closed off for reasons of national security."

Findley was responding to general questions about the legal and historic grounds for the establishment of U.S. military bases in the Trust Territory. He was not asked to verify or deny any of the statements made in

yesterday's Daily News story about the Tinian proposal.

Regarding previous U.S. takeovers in Bikini and elsewhere, Findley remarked "We have received nothing but a lot of hell ever since," but he felt the situation on Tinian might be quite different.

"It's well known that the people of the Northern Marianas would welcome the return of the U.S. military," he said, though he did not know if the people would want to leave their islands for the military, or give the military complete political control.

Findley cited Article Five of the original trusteeship agreement as conferring upon the U.S. the authority to "establish naval, military and air bases and to erect fortifications in the trust territory," and "to station and employ armed forces in the territory." The article also states that the U.S. is empowered to "make use of volunteer forces, facilities and assistance from the trust territory" in carrying out its obligations to the U.N.

As administrator of the

"strategic" trust, the U.S. has "full powers of administration, legislation and jurisdiction over the territory..." according to the original trusteeship agreement. This authority, coupled with the concept of "eminent domain" also stated in the agreement, has enabled the U.S. in the past to take over Trust Territory islands for military research, missile deployment, and atomic testing.

Eminent domain, as defined in the trusteeship agreement, "is in the right of the government to condemn private property for public use, and to appropriate the ownership and possession of such property for public use upon paying the owner a just compensation to be ascertained according to law."

On the other hand, the same trusteeship agreement pledges in Article Six to "promote the development of the inhabitants of the Trust Territory toward self-government or independence as may be appropriate to the particular circumstances of the Trust Territory and its peoples and the freely-expressed wishes of

the peoples concerned." Article Six also pledges that the U.S. "protect the inhabitants against loss of their lands and resources...." In Article Seven of the same document, the U.S. is required to "guarantee" to the inhabitants of the Trust Territory the fundamental freedoms of conscience, speech, press, assembly, worship and "freedom of migration and movement." These freedoms, however, are subject to "the requirements" of public order and security.

Findley noted that the Tinian proposal was primarily a military matter, and that "we are all a little premature in saying much of anything" about it.

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