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8

October 23, 1974

Jack Weiss, Esq.
Office of Senator J. Bennett Johnston, Jr.
254 Old Senate Office Building
Washington, D. C. 20510

Dear Jack:

Thank you for sending me a copy of the letter Mr. Borja sent to Senator Johnston. I was surprised to see that Mr. Borja's letter did not mention the fact that the agreement finally reached between the Marianas Political Status Commission and the United States delegation will grant the United States only 2/3 of Tinian, and will not require the village to be moved at all.

Sincerely,

Michael S. Helfer

bcc: Howard P. Willens

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REPLY VIA AIR MAIL TO Marianas Office

October 11, 1974

The Honorable J. Bennett Johnston, Jr.
The Senate
254 Old Senate Office Building
Washington, D. C. 20510

Dear Senator Johnston:

The Tinian Municipal Council has engaged us to advise and represent it with respect to the present plans of the United States Military to establish a joint-military complex on Tinian. On their behalf, we have decided to inform you and several other members of the United States Congress of the current developments on Tinian. This is the purpose of this letter, plus its enclosures of a Resolution passed by the Tinian Municipal Council, a cover letter by the Speaker of the Tinian Municipal Council and various other documents and news clippings.

Tinian is an island in the Mariana Islands archipelago, immediately south of Saipan. It is part of the Trust Territory of the Pacific Islands, otherwise known as Micronesia, administered by the United States under the United Nations Charter and a 1947 Trusteeship Agreement.

During Japanese times, Tinian was inhabited only by Okinawans and Japanese people. Following World War II, the United States Government decided to return all those peoples who had, in one way or another, migrated to other islands, to their original islands. A group of these peoples were Chamorros (people from the Marianas) who had migrated to Yap Island during Japanese times. These Chamorros were returned to the Mariana Islands in the late 1940's. While a few went to other islands in the Marianas, many went to Tinian because the United States promised them that they would be given valuable fee simple estates if they resettled and farmed on Tinian.

11613

The Honorable J. Bennett Johnston, Jr.
October 11, 1974
Page 2

Relying on this promise, this group of people gave up lands that they had acquired on Yap. They went to Tinian, stayed and farmed the land under a homestead program similar to the homestead programs in the United States. That program, however, has been poorly administered from the beginning. A few received the promised titles, but most have been denied homestead deeds for entirely arbitrary reasons.

At present, there are approximately 800 people on the island of Tinian. Some of these have been issued homestead permits which were summarily revoked without due process. Some have paid the required permit fee but never received the permit. Some have been issued permits and have farmed the land for the acquired three-year period, but have never received deeds to which they are entitled under the law.

The people of Tinian, characteristic of Micronesians, are a patient group of people. They have quietly borne this injustice thinking that all will turn out as promised eventually. You can imagine the disillusionment of the people of Tinian when they discovered that they may be removed from Tinian altogether.

On May 16, 1973, an unauthorized newspaper story appeared in the Pacific Daily News, a copy of which is enclosed, which informed the public and the people of Tinian, for the very first time, the extent of the United States' plans to establish a military base on Tinian. According to the article, the Department of Defense wanted all of Tinian. The residents of Tinian would be moved off-island to be relocated later. As an alternative to this plan, the United States would propose to relocate the village the people are presently living in to another area on Tinian.

Because of the uproar over the military's first alternative the military decided to take the other alternative - relocating the village to another area. Again, the people of Tinian learned of this decision, not by direct communication to the people, but through the news media. In a May 30, 1973 article in the Pacific Daily News, a copy of which is enclosed, the people of Tinian learned that, although the plans had not yet been officially announced, the United States proposed to take control of two-thirds of Tinian, and that the people would be relocated. That same evening, May 30, 1973, according to a

May 31, 1973 Pacific Daily News article, Ambassador Williams, in a radio broadcast to the people of the Marianas, confirmed the May 30, 1973 news article. But it did more than confirm the previous stories. The article stated not only did the United States want the northern two-thirds of the island, but also that the United States "should also ask to acquire the southern third but would then make this part of the island available to the current residents for normal civilian activities and community life." (Pacific Daily News, May 31, 1973, front page). (See enclosed copy.) The people of Tinian were going to be allowed to lease a small portion of their own island! It should be noted that United States officials had, for the previous two weeks, flatly denied that the United States wanted the whole of Tinian.

As if it were not enough that the United States military was eventually going to drive the people of Tinian out of their homes, another move was made by the administering authority to further aggravate the people of Tinian. This time, the High Commissioner of the Trust Territory of the Pacific Islands, an American appointed by the President and directly responsible to the Secretary of Interior, unilaterally and without authority or consultation from the Congress of Micronesia, suspended the Tinian homestead program, a program which the government had really never started despite its promises. The apparent reason for the homestead moratorium was to minimize the cost and difficulty of acquiring land for the military.

On February 14, 1974, the Tinian Municipal Council passed an Ordinance providing for a referendum to determine what the people of Tinian thought about the military's land requirements. This Ordinance, unfortunately, was vetoed by the District Administrator, an appointee of the High Commissioner of the Trust Territory of the Pacific Islands, apparently out of fear that the results of the referendum would be negative.

A proclamation was circulated among the voters of Tinian on June 8, 1973. The proclamation, signed by 178 of the 348 registered voters, expressed the opposition of the people to the plans of the military. This proclamation was presented to Ambassador Williams. He refused to even read it saying that the proclamation should go to the Marianas Political Status.

The Honorable J. Bennett Johnston, Jr.
October 11, 1974
Page 4

Commission. This was done. However, the Marianas Political Status Commission voted that the proclamation should not be referred to Ambassador Williams. (The Marianas Political Status Commission was established in May of 1972 by the Marianas District Legislature for the purpose of negotiating with the United States as to a possible commonwealth status for the Mariana Islands. Ambassador Franklin Haydn Williams was appointed head of the United States delegation to the negotiations.) Another petition was later circulated on July 7, 1974. This one was in favor of the military's plans. What all of this shows is that the actions of the United States has only sown confusion and disruption among the people of Tinian. No one really knows or understands exactly what the military's plans include.

It is obvious that the U. S. Military's plans on Tinian are serious and substantial. It also appears that the administering authority has not, and does not intend to live up to its obligation under the Trusteeship Agreement in which it "protect the inhabitants against the loss of their lands and resources". (Art. 6(2), Trusteeship Agreement).

Admittedly, the United States is granted the power, under Article 5 of the Trusteeship Agreement (an agreement which the people of Micronesia were never a part of), "in the maintenance of international peace and security...to establish naval, military and air bases and to erect fortifications in the Trust Territory..." (Art. 5, Trusteeship Agreement.) However, nobody from the United States has clearly shown to the people of Tinian that the whole of Tinian would be needed for the maintenance of peace and security. This was not shown when the military's land requirements were changed to two-thirds. The whole plans for Tinian have been kept secret from the people of Tinian until the news leak on May 16, 1973. In fact, the military's plans would, in all probability, be secret still had it not been for the news leak. Moreover, in an article appearing in the July 7, 1974 issue of the Honolulu Advertiser, a copy of which is enclosed, Ambassador Williams was quoted as saying that the "President approved the military plan in 1971 and reaffirmed it in 1972 following a National Security Council review."

The Honorable J. Bennett Johnston, Jr.
October 11, 1974
Page 5

Our client is very interested in learning the present status of the military plans for their island, what decisions and commitments have already been made by the United States executive branch agencies involved, and what steps are to be taken to protect the existing culture of the people of Tinian. Our initial attempt to get this description failed, as you can see from the enclosed October 2, 1974 news story. Our client strongly believes that any military installation occupying more than one third of the island and any acquisition of land beyond a lease for such use would be extremely and unnecessarily disruptive of the lives of the people of Tinian. The Tinian Municipal Council is unaware of any reason why the United States must establish an installation larger than one third of the island, especially in light of the extreme consequences to the people of Tinian. As the enclosed Resolution states, the people of Tinian are not opposed to use of the northern one-third of Tinian by the U. S. Military.

Your assistance in this matter would be greatly appreciated.

It would also be appreciated if any response on this matter would be addressed to this office.

Sincerely,


Jesus C. Borja
Attorney

Enclosures

11617

Mr. Jesus C. Borja

-2-

October 16, 1974

In the meantime, please let me know of any further information I should have. Rest assured I will be following all developments closely.

With kindest regards, I am,

Sincerely,

J. Bennett Johnston
Chairman
Territories and Insular
Affairs Subcommittee

JBj:jjw

11622

TRUST TERRITORY OF THE PACIFIC ISLANDS

THIRTEENTH TINIAN MUNICIPAL COUNCIL

TINIAN, MARIANA ISLANDS

Resolution No. 26-1974

Introduced by: Committee of the Whole

A RESOLUTION TO REQUEST
THE SUPPORT AND ASSISTANCE OF THE
HONORABLE J. BENNETT JOHNSTON, JR.
UNITED STATES SENATOR,
FOR THE PEOPLE OF TINIAN

BE IT RESOLVED BY THE TINIAN MUNICIPAL COUNCIL:

WHEREAS, the Mariana Islands District is presently negotiating with the United States of America to determine its future political status;

WHEREAS, one of the subjects of negotiation is the land to be made available to the United States Military in the Mariana Islands District;

WHEREAS, the United States Military has indicated its desire to acquire two-thirds (2/3) of the island of Tinian in the Mariana Islands District for a joint service military complex;

WHEREAS, the Tinian Municipal Council, as the elected representatives of the people of Tinian, opposes this acquisition by the United States Military, and has adopted the following position with respect to United States Military

involvement on the island of Tinian:

(a) In order to preserve and protect the island of Tinian for the people of Tinian and to ensure an adequate amount of land for future generations, military land acquisition must be limited to no more than the northern one-third (1/3) of the island of Tinian;

(b) The military must not be permitted to purchase land on Tinian, but may only lease land on terms which are fair to the people of Tinian;

(c) The moratorium on the homesteading of "public" land on Tinian which was unilaterally imposed on the people of Tinian against their will by the Trust Territory Government is completely unacceptable to the people and in violation of Article 6 of the Trusteeship Agreement. This moratorium must immediately be terminated and homestead permits granted to all eligible applicants;

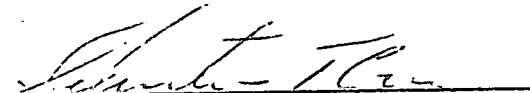
WHEREAS, the United States Political Status Delegation has consistently refused to respect the position of the people of Tinian concerning military land acquisition on the island of Tinian;

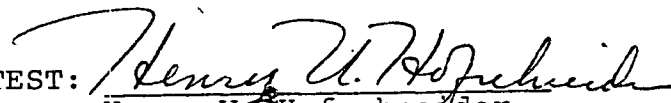
WHEREAS, the people of Tinian are in great need of support and assistance in their position with respect to United States Military involvement on the island of Tinian;

WHEREAS, the Tinian Municipal Council is aware of the interest and concern of the Honorable J. Bennett Johnston, Jr. for the welfare and well-being of the people of Micronesia;

BE IT RESOLVED, that the Tinian Municipal Council hereby requests the support and assistance of the Honorable J. Bennett Johnston, Jr. with regard to the position of the people of Tinian concerning United States Military involvement on the island of Tinian, so that the people of Tinian and all their succeeding generations may be protected in their land, resources, and culture.

Passed and adopted this 25 day of September,
1974.


Sylvestre T. Curz
Speaker
Tinian Municipal Council

ATTEST: 
Henry V. Hofschneider
Legislative Secretary

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JERRY T. VERKLER, STAFF DIRECTOR

United States Senate

COMMITTEE ON
INTERIOR AND INSULAR AFFAIRS
WASHINGTON, D.C. 20510

October 16, 1974

Mr. Jesus C. Borja
Attorney
Micronesia Legal Services Corporation
Post Office Box 826
Saipan, Mariana Islands 96950

Dear Mr. Borja:

Thank you for your letter of October 11, 1974 concerning the military land needs of the United States on Tinian. At this time, I would also like to acknowledge the letter from Mr. Sylvestre T. Cruz, Speaker of the Tinian Municipal Council, which body I understand to be your client.

For some time, I have been aware that the disposition of lands on Tinian for U.S. military purposes presents one of the most delicate issues to be resolved in the Marianas Status Negotiations. I can certainly understand the great concern of both parties to the negotiations -- the Marianas, since the use of vital lands is at stake, and the United States, since the use of those same lands significantly affects planning for United States security needs in the Pacific.

I also note the suggestion in your letter that significant legal issues may be involved.

I trust that you and your client will have a full opportunity to present your side of this matter when the people of the Marianas vote on the final agreement with the United States, and also when ratification of the agreement is debated here in Congress.

11621