

Congress To Probe Navy Land Acquisition On Guam

By Pat McElroy
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Rep. Antonio B. Won Pat will head the first congressional subcommittee inquiry on Guam into charges of unfair Navy land acquisition tactics that reportedly resulted in little compensation and denied owners the right of due process.

One of the biggest problems Congress faces in settling the issue is to find now a fair approach by which to assess land values on Guam immediately after World War II.

The usual land value assessment in the States, based on abundant supply and freedom of sale, was not evident on Guam. First, the Navy prohibited the sale of land here to non-Guamanians until passage of the Organic Act in 1950. This, added to the fact that a Naval security

clearance was necessary to visit Guam until 1962, stifled any kind of development that could have raised property values, according to Sen. Edward Terlaje, head of the local subcommittee on federal land taking.

Terlaje's committee has come up with "a more reasonable" assessment, because, he said yesterday, it would not be fair to use today's prices. Terlaje feels land values based on rates from 1963 and 1968 would be a fair approach.

Investigations into charges by landholders here began in 1972 with establishment of a special committee funded at \$150,000. It opened an office in June to interview complaints. The committee went to Washington later that year to plead its case before Congress. After the 11th Guam Legislature was dissolved, a subcommittee of the

Committee on Resources and Development was formed and appropriated \$75,000 to continue investigations.

Some of its findings allege that nearly two-thirds of the total land area owned by the U.S. government here was taken by unfair means.

After interviewing more than 200 former landowners and their descendants, the subcommittee has a "good case against the Navy," Terlaje said yesterday. "There were some grave injustices that need correcting," he added.

One case involves the Arterro family, who before the war owned the land where Andersen is today. Terlaje said a son, Jose, told the subcommittee and other investigators that Navy officials threatened to deport his father if he did not sign over the land title to the Navy.

Arterro was given \$40,000 for hundreds of hectares of land, Terlaje said.

Terlaje said such practices were common because Guamanians were not U.S. citizens until 1950.

Other citizens were told their land would be swapped for property at other locations. There are many instances of landowners with holdings where NCS was built who were promised swaps, Terlaje said.

It is the Navy's position, according to a transcript from the subcommittee of Territorial and Insular Affairs committee meeting of Sept. 14, 1972, that appraisals were taken "to determine the fair market value... based on the highest and best use of the land." The Navy has not complied with a directive by subcommittee (Continued on page 32)

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chairman Rep. Phillip Burton that copies of the appraisals be supplied. The request was made last October, Terlaje said.

The Navy ignored local circumstances in arriving at a low monetary value for the land and then imposed restrictions that prevented the land values from being stimulated in a free market atmosphere, Terlaje said.

He said local residents were forced to sell their land, and if they complained, they were represented by a Naval attorney and the case was heard before a Naval judge.

After the Organic Act, due process was extended to Guamanians through the federal court system. But the committee's position on this is that full due process was inhibited until 1957, because a jury trial was not held until that date.

A case to illustrate the differences in compensation between the military's initial offer and a jury trial's compensation was a civil suit filed June 21, 1950. A complaint was filed by a resident who had 4,182.38 square meters of land in Barrigada. He was offered \$210, or 5 cents a square meter, but contested the action in court. In 1958, he won an uncontested court award of \$29,400 or \$7.03 a square meter.

The past two years the investigations have shown inconsistent land compensation and piecemeal attempts to redress individual grievances, Terlaje said, and others involved in investigating land problems feel Congress will listen.

"We have a real good case and when the subcommittee documents its findings, surely this whole mess will be straightened out," Terlaje concluded.