



DEPARTMENT OF DEFENSE
OFFICE OF GENERAL COUNSEL
WASHINGTON, D. C. 20301

November 6, 1974

03
2,5

MEMORANDUM FOR THE GENERAL COUNSEL, OSD

SUBJECT: Allegations of Mr. Richard Thorpe with Respect to
the Redistribution of Excess Property Within the
Trust Territories

The question which you have asked me to examine is whether the redistribution of excess property within the Trust Territories, particularly in view of the allegations of Mr. Richard Thorpe, would have any impact upon DoD policies in Southeast Asia.

I have examined this matter with Captain E. Whelan, USN, ISA (Ext. 56944), J. Blackburn, ISA (Ext. 78108), and Charles Senior, I&L (Ext. 79196). The conclusion which we have reached is that the procedures adopted for the redistribution of property, based upon an understanding between Mr. Laird and Mr. Hickle (letter dated 15 October 1969) appear to have been in order and not inconsistent with Federal law and practice. The Trust Territory was placed in varying positions with respect to its right or place in the "priorities" to make claims against such excess property. Once the property was determined as excess and once the TTPI became eligible to claim excess, redistributable property, an employee of the Department of the Interior, who was characterized as a "screener," a Mr. Jesse Quigley, under the PURA (Pacific Utilization Redistribution Agency) apparently undertook with great diligence the selection of property to be transferred to the Trust Territory. In securing excess property Quigley's report to the High Commissioner for the Trust Territories (6 January 1972, addressed to Mr. Edward Johnston, the High Commissioner) indicates that when the Trust Territory took title it was on the basis of "as is where is."

cf: xxx

Chron

Circulating

File: ILP - TTPI

None of the Defense personnel whom I have mentioned above believe there is any basis for a showing that Defense Department has been engaged in improper conduct either in interpreting United States property disposal laws or in failing to give full

10-419834

3

consideration to the priorities assigned the Trust Territory. Moreover, once these steps have been taken it was their view that the matter became a question for the Department of the Interior. Mr. Blackburn indicated that improper conduct in these activities by others including the Trust Territory Government could of course "rub off" on DoD but he believes that our position could be shown as sound and proper.

Mr. Thorpe's allegations are not clear at this time and I am requesting assistance from the Solicitor's Office at the Department of the Interior. However, among the rumors that have so far arisen is that the Trust Territories received five large US Navy barges each with three decks fully equipped with valuable tools and machine shops and that one of these allegedly may have been sold without following competitive bidding and legal procedures in order to get funds for the Trust Territory Government to maintain the other four.

Based further on discussions with Mr. Brewster Chapman, Solicitor, Department of the Interior (183-5216) the following conclusions can be reached:

- the DoD appears not to have engaged in any abuse or misconduct in the disposal of its redistributable excess property under United States law, procedures and practices.

- Thorpe appears to be in Chapman's view a "crank" who felt he had a "raw deal," was not given his "day in court" in the various agencies which he solicited for help (Justice, Interior, GAO, and FBI) and went on to the Congress - Sen. Jackson - for further assistance.

- the investigation underway at present appears, at least - to be "politically motivated," - and may as indicated above have a "spill over" on United States esp. DoD policies in redistribution of excess property - but this would not be the result of DoD

misconduct, rather it might be the effect of "politics" applied to this situation.

-there is nothing to show misconduct (according to Chapman) on the Trust Territory's handling of the property; that which was foreign excess could be handled by the TT as does any other foreign country, subjected primarily to who shall have the right to purchase or acquire the property from the Trust Territory.

-Mr. Chapman who has a closer familiarity with these matters from Interior's point of view would be pleased, if desirable on your part, to brief you in greater detail.

Harry H. Almond, Jr.
Office of Assistant General Counsel
International Affairs

OFFICE OF THE DEPUTY SECRETARY OF DEFENSE

6 November 1974

MEMO FOR OASD(ISA) Capt Whelan

OASD(LA) Col Hammond

OTSATSD Col Kempf

CASD(PA&E) Mrs. Christie

Subject: Tinian Land Acquisition

The enclosed memorandum to the DepSecDef submitting for signature a letter to Ambassador Williams on the land interest to be acquired for military purposes on the Island of Tinian, Marianas District, T.T.P.I. is forwarded for coordination by your principal. In view of the impending visit of Ambassador Williams to Washington, preferential consideration would be appreciated.



Francis B. Roche
Director. Real Property
and Natural Resources
OASD(I&L)