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SECT 01 OF 28513

ACTION J5(02) ASD:ISA(10)
DISTR CJCS DJS SJCS(02) J31(04) J4(08) SECDEF(04) NMIC
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FM HICOMTERPACIS SAIPAN MARIANAS ISLANDS
TO ZEN/ALDISTADS TERPACIS
ZEN/TT LNO GUAM MARIANAS ISLANDS
RUHNBAA/TT LNO KWAJALEIN MARSHALL ISLANDS
RUHNSAA/COMNAVMARIANAS GUAM MARIANAS ISLANDS
RUHNSAA/CINCPACREP GUAM/TTPI GUAM MARIANAS ISLANDS
RUHQHQA/CINCPAC HONOLULU HI
RUHQHQA/IPAC HONOLULU HI
RUHJPBA/NAVINSERVO GUAM MARIANAS ISLANDS
RUWJAJA/COMTWELVE SAN FRANCISCO CA
RUEHC /SECSTATE WASHINGTON DC
RUEKJCS/SECDEF WASHINGTON DC
RUEKJCS/JCS WASHINGTON DC
RUENAAA/CNO WASHINGTON DC
RHHMBA/CINCPACFLT MAKALAPA HI
RUHVAAA/CINCPACAF HICKAM AFB HI
RUHQHQA/CGFMPPAC CAMP H M SMITH HI
RHHMRB/COMCBPAC PEARL HARBOR HI
RUERJHA/NAVFACENGCOMHQ ALEXANDRIA VA
RHHMRB/PACNAVFACENGCOM PEARL HARBOR HI
RUWLSBT/TT LNO HONOLULU HI
RUWJSLC/SAMTEC VANDENBERG AFB CA
RUWMHAF/PCDNA KIRTLAND AFB NM
RHAIBQA/CDRUSAGO MAKIMINATO JAPAN//TTPI-LNO//
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SECTION 01 OF 03

COMTWELVE PASS INFO FOR AMB WILLIAMS
SECSTATE PASS TO DEPT INT/SEC INTERIOR/DOIA OSN
AMEMBASSY CANBERRA FOR PAC. ISL. MONTHLY
(ROI-NAMURA SUIT FILED)

SAIPAN, APR. 24 (MNS)---A \$10 MILLION SUIT HAS BEEN FILED IN THE U.S. COURT OF CLAIMS IN WASHINGTON AGAINST THE UNITED STATES BY THE LEADERS AND OWNERS OF ROI-NAMUR, AN ISLAND IN KWAJALEIN ATOLL, MARSHALLS, FOR THE "UNLAWFUL AND UNCOMPENSATED TAKING AND CONTINUED USE" OF THE ISLAND AND "FOR RELOCATION OR DISLOCATION EXPENSES FOR THOSE WHO HAVE BEEN UNLAWFULLY DISPOSED..."

COUNSEL FOR THE PLAINTIFFS IS STEPHEN N. SHULMAN, FROM THE WASHINGTON LAW FIRM OF CADWALADER, WICKERSHAM AND TAFT. MICRONESIAN LEGAL SERVICES CORP. DIRECTOR TED MITCHELL SERVES AS CO-COUNSEL.

PLAINTIFFS IROIJS (TRADITIONAL CHIEF) KABUA KABUA, LEJELLON KABUA, ALBERT LEOAK AND LEROIJ NEIMORO, CONTEND THAT THEY HAVE NOT RECEIVED ANY RENTAL OR OTHER COMPENSATION FOR THE USE AND OCCUPANCY OF ROI-NAMUR BY THE UNITED STATES NAVY. THEY ASSERT THAT THEY ARE ENTITLED TO COMPENSATION FOR THE "ECONOMIC VALUE OF THE LAND THEY HAVE LOST ON ROI-NAMUR" AND ARE SEEKING COMPENSATION FOR "FORCED RELOCATION OR DISLOCATION" BY THE U.S.

ACCORDING TO THE SUIT, THE U.S. NAVY, WHICH HAS OCCUPIED ROI-NAMUR SINCE 1944, REMOVED THE PEOPLE TO ENNUBIR AND EBEBE AND OTHER ISLANDS IN KWAJALEIN ATOLL. APPROXIMATELY 8,000 MARSHALLESE, INCLUDING FORMER OWNERS OF ROI-NAMUR, LIVE ONNEBEYE.

THEY CHARGE THAT THE PEOPLE "HAVE BEEN DEPRIVED OF THEIR TRADITIONAL WAY OF LIFE" AND "MUST NOW LIVE ON A MONEY-WAGE ECONOMY ON EBEBE," AN ISLAND THREE MILES SOUTH OF KWAJALEIN.

THE SUIT FURTHER STATES THAT FORMER TT HIGH COMMISSIONER DELMAS H. NUCKER, IN MAY 1960, EXECUTED A TRANSFER AGREEMENT (ON BEHALF OF THE TT GOVERNMENT) TO GRANT TO THE U.S. THE RIGHT TO USE AND OCCUPY ROI-NAMUR FROM FEBRUARY 7, 1944, FOR AN INDEFINITE PERIOD OF TIME.

"ALTHOUGH THE TRANSFER AGREEMENT STATES THAT THE CONSIDERATION FOR THE AGREEMENT IN THE SUM OF '\$10 AND OTHER GOOD AND VALUABLE CONSIDERATION,' THE UNITED STATES NAVY ACTUALLY TRANSFERRED THE SUM OF \$80 THOUSAND TO THE TT GOVERNMENT AS CONSIDERATION FOR THE TRANSFER," THE SUIT CLAIMS. "NONE OF THE PLAINTIFFS OR THEIR PREDECESSORS IN INTEREST WAS A PARTY TO THIS AGREEMENT NOR DID ANY OF THEM RECEIVE ANY PORTION OF THE \$80 THOUSAND," THE SUIT ALLEGES.

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IN A HEARING HELD ON EBEYE IN 1964 BY THE LAND AND CLAIMS ADMINISTRATOR FROM THE TT GOVERNMENT TO DETERMINE OWNERSHIP OF THE LAND, IT WAS RULED THAT ROI-NAMUR "WAS NOT A PART OF THE PUBLIC DOMAIN OF THE TRUST TERRITORY BUT WAS OWNED BY PLAINTIFFS AND/OR THEIR PREDECESSORS...", THE SUIT STRESSES.

THE SUIT ALSO CHARGES THAT THE U.S. HAS ADOPTED A POLICY OF NEGOTIATING LONG-TERM LEASEHOLD INTERESTS RATHER THAN SEEKING TO OBTAIN A FEE SIMPLE TITLE. PLAINTIFFS HAVE SOUGHT TO NEGOTIATE THE AMOUNT OF COMPENSATION TO BE PAID BY THE U.S. FOR THE USE AND OCCUPANCY OF ROI-NAMUR. THE U.S. NAVY TOOK RESPONSIBILITY LAST YEAR TO CONDUCT NEGOTIATIONS ON BEHALF OF THE UNITED STATES. "NEGOTIATIONS WITH THE UNITED STATES HAVE PROVED UNSUCCESSFUL, AND A NEGOTIATED SETTLEMENT NOW APPEARS UNLIKELY," ACCORDING TO THE SUIT.

THE SUIT POINTS OUT THAT THE U.S. NAVY, ON BEHALF OF THE TT GOVERNMENT, ENTERED INTO A CONTRACT WITH HAMBLETON AND ASSOCIATES, INC. OF HONOLULU TO APPRAISE THE RENTAL VALUE OF CERTAIN LANDS IN KWAJALEIN ATOLL, INCLUDING ROI-NAMUR. HAMBLETON APPRAISED THE RENTAL VALUE OF ROI-NAMUR AT \$7,666.67 PER ACRE. THIS APPRAISAL, THE SUIT CONTENDS, REPRESENTS A LUMP SUM PAYABLE ON FEBRUARY 7, 1970 FOR A PERIOD OF 50 YEARS, (FROM FEB. 7, 1944 TO FEB. 6, 1994). THE U.S. NAVY SUBSEQUENTLY REJECTED HAMBLETON'S APPRAISAL.

THE UNITED STATES, HAS TAKEN EXCLUSIVE USE AND OCCUPANCY OF PRIVATE PROPERTY OF THE LAND OWNERS OF ROI-NAMUR AND HAS FAILED TO PAY ANY COMPENSATION, THE SUIT STATES. IT CLAIMS THAT EACH OF THE PLAINTIFFS "HAS BEEN INJURED BY THE TAKING AND CONTINUING USE BY THE UNITED STATES OF ROI-NAMUR AND IS ENTITLED TO COMPENSATION..."

THE PLAINTIFFS DEMAND JUDGEMENT AGAINST THE UNITED STATES IN THE SUM OF \$10 MILLION "TOGETHER WITH INTERESTS, COSTS, AND REASONABLE ATTORNEYS FEES..."
(BURTON'S STATEMENTS MISINTERPRETED)

SAIPAN, APRIL 24 (MNS)---REFERRING TO STATEMENTS MADE LAST WEEK BY US REP. PHILIP BURTON TO AMEND THE LEGISLATION TO PAY ALL WAR CLAIMS IN FULL IN MICRONESIA, MARIANAS SENATOR PEDRO A. TENDRIO SAID THIS WEEK THAT BURTON'S STATEMENTS WERE "MISINTERPRETED TO MEAN THAT THE US IS OPEN TO RE-NEGOTIATION OF OTHER ISSUES IN THE COVENANT."

TENDRIO SAID IN HIS LETTER TO BURTON THAT "IF SUCH RE-NEGOTIATION IS POSSIBLE, I WOULD SINCERELY REQUEST THAT THE MPSC BE INFORMED AS SOON AS POSSIBLE SO THAT THE PLEBISCITE

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MAY BE APPROPRIATELY RE-SCHEDULED FOR SUCH FUTURE RE-NEGOTIATION."

THE MARIANAS SENATOR FURTHER ADDED THAT THE PEOPLE OF THE MARIANAS ARE READY TO VOTE IN THE PLEBISCITE, "BUT CURRENT DEVELOPMENT HAS LED MANY OF THEM TO BELIEVE THAT A RE-NEGOTIATION TO INCLUDE FAST AND FULL WAR CLAIMS SETTLEMENT IS STILL POSSIBLE."

"MY HOPE IS THAT THIS ISSUE WILL BE RESOLVED OUTSIDE OF THE REALM OF OUR STATUS PLEBISCITE, FOR I DO NOT BELIEVE THAT THE ISSUE PROPERLY FALLS UNDER A STATUS NEGOTIATION," TENORIO ADDED. "I STRONGLY FEEL THAT YOUR STATEMENT IN SUPPORT OF MY VIEW WILL HAVE A DEFINITE CLARIFICATION AMONG THE MINDS OF THE PEOPLE THAT SUCH ISSUE IS NOT IN FACT A PART OF THE COMMONWEALTH COVENANT THAT HAS ALREADY BEEN SIGNED." HE SAID.

JUDGING FROM THE PRESENT AUTHORIZATIONS, TENORIO INDICATED, IT DOES NOT SEEM POSSIBLE THAT EXCESS FUNDS WOULD BE AVAILABLE FOR THE FINAL PAYMENT. CERTAIN PROVISIONS UNDER US PUBLIC LAW 92-39 "CONFUSES ALL MY PEOPLE BECAUSE THEY, IN THE FIRST PLACE, ARE EXPECTING FULL COMPENSATION AND SECONDLY, WHEN THEY FILED THEIR CLAIMS, THEY WERE TOLD THAT THEY WILL ONLY RECEIVE 16 PERCENT, BUT AT THE SAME TIME, WERE OBLIGATED TO EXECUTE A FULL RELEASE AS A CONDITION FOR RECEIPT OF COMPENSATION NEGATING ANY FURTHER GUARANTEE FOR FULL SETTLEMENT OF THEIR CLAIMS," SENATOR TENORIO WROTE. (ALL USERS: PLEASE CREDIT CONGRESS OF MICRONESIA) (R & O COMMITTEE COMPLETED HEARINGS)

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