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January 11, 1977

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Memorandum

To: Acting Associate Solicitor
Division of General Law

From: C. Brewster Chapman, Jr.
Assistant Solicitor, Territories

Subject: Monthly Report - December 1976

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1. Kobua-Kobua, et al. v. U. S., No. 119-75 (C.Cla.)

The Court of Claims has dismissed the complaint in Kobua-Kobua, et al. v. U.S. The plaintiffs had sued the United States in a multi-theoried complaint for \$10 million in damages for an alleged taking of Roi-Namur Island, Kwajalein Atoll, Marshall Islands District, Trust Territory of the Pacific Islands. Roi-Namur had been used exclusively by the Department of Army since at least 1960 in connection with its Kwajalein Missile Range operations. The Court of Claims ruled that the complaint was barred by the Tucker Act's six year statute of limitations.

2. Thompson, et al. v. Kleppe, et al., U.S.D.C. Hawaii (Civ. No. 76-0012)

In a curiose opinion, the U.S. District Court for Hawaii ordered a partial dismissal of the complaint in Thompson, et al. v. Kleppe, et al. The plaintiffs alleged a violation of their civil rights and also asked for damages for false arrest and imprisonment in connection with a raid on their private quarters during which unlawful possession of marijuana was discovered. The Court dismissed the civil rights part of the complaint.

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effectively dismisses the complaint as to Secretary Kloppe. It left standing, however, the damage claims which run against the named defendants who participated in or were responsible for the raid, arrests and imprisonment.

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