

ADDRESS OFFICIAL COMMUNICATIONS TO
THE SECRETARY OF STATE
WASHINGTON 25, D. C.



DEPARTMENT OF STATE
WASHINGTON

August 16, 1956

Ref: OP-215/ed
Ser 4330P21

Dear Captain Duffill:

This office has received a note dated July 31, 1956, from the Philippine Ambassador to the United States, regarding the imprisonment and alleged maltreatment on Saipan by the Island Constabulary of Mr. Luis D. Misa, a Filipino contract laborer. A copy of this note and the statement of Luis D. Misa are enclosed.

Although this matter was brought to your attention on July 19 in connection with a despatch from the American Embassy in Manila, I want to inform you that the Philippine Government now considers the incident of sufficient importance to require a formal note from their Ambassador to the Secretary of State.

The Department of State would appreciate your forwarding to the Pacific Commander having jurisdiction over such matters this additional correspondence. In particular, the following assertions of the Ambassador should be answered: the infraction committed by Mr. Misa did not warrant the drastic action taken against him; the case should be reinvestigated; and Mr. Misa should be given a chance to cross-examine the witnesses against him. Of more basic importance to continued good relations between the United States and the Philippines is the Ambassador's suggestion that incidents of this nature may be avoided if the Naval authorities at Saipan and other bases employing Filipino contract laborers could allow the laborers during their off-hours to go out from their compounds to non-restricted areas to divert themselves from the monotony of camp life.

Captain Monroe B. Duffill, USN,
Acting Director, Administrative Division,
Office of the Chief of Naval Operations,
Department of the Navy,
Washington 25, D.C.

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I would appreciate being informed of the results of this referral so that the Department may advise the Philippine Ambassador as to any action which may be taken in this regard.

Sincerely yours,

Vernon McKay

Vernon McKay
Acting Director, Office of
Dependent Area Affairs

Enclosures:

Note from Philippine Ambassador dated July 31, 1956
Statement of Luis D. Misa dated May 2, 1956

EMBASSY OF THE PHILIPPINES
WASHINGTON

July 31, 1956

Excellency:

I have the honor to bring to Your Excellency's attention the incident which took place in the Trust Territory of Saipan in which Mr. Luis D. Misa, a Filipino contract laborer, was imprisoned and allegedly maltreated by the Island Constabulary.

There are approximately 400 Filipino laborers in Saipan under contract with the Brown Pacific Maxon to work on U. S. Naval projects. It is reported that these laborers are restricted during their off-hours to the Brown Pacific Maxon compound except on occasional escorted shopping tours by bus to Chalon Kanoa, the shopping center and seat of the local government, but they are required to return to the compound with the bus.

In the evening of April 28, 1956 Mr. Misa, who has been with the Brown Pacific Maxon for four years and who joined a shopping tour, was left behind by the bus. He, therefore, tried to hitch-hike back to the compound which was five miles away. While waiting for a ride, two members of the Island Constabulary arrested him and took him to jail where he was confined from that evening until the morning of May 1st following when he was deported from Saipan. It is reported that during his arrest Mr. Misa was maltreated by the members of the Island Constabulary. A copy of Mr. Misa's sworn statement regarding this incident is enclosed.

His Excellency

John Foster Dulles

Secretary of State

Washington, D.C.

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is enclosed.

In consonance with the request of the Philippine Consul at Guam, the Commander of the U. S. Naval Forces at Marianas authorized an investigation of this incident. However, it is said that the investigation consisted merely of taking down direct testimony of Mr. Misa and of the members of the Island Constabulary of Saipan as well as of the other witnesses. It is further said that the investigator of the U. S. Navy adopted the question and answer method for each witness and pursued or clarified certain points in each testimony as he deemed fit or necessary without giving Mr. Misa a chance to cross-examine the witnesses, thereby making the line of questioning or development of the theory for a point wholly that of the investigator. Mr. Misa objected to this procedure but he was overruled.

The case was dismissed for alleged insufficiency of evidence to support the charge of maltreatment. Mr. Alejandro D. Yango, Philippine Vice Consul at Guam who sat during the investigation and acted as a mere observer and translator for Mr. Misa, feels that there is no basis to support the finding of insufficiency of evidence made by the investigator to support the charge of maltreatment. The Constabulary was completely at a loss to explain the cause of the injury on the eye of Mr. Misa which occurred during the time he was under custody and detention.

This incident was headlined by the Guam Daily News on May 4, 1956. In the article, Mr. J. Russell Marshall, Project Manager of the Brown Pacific Maxon, was quoted as saying "We want none of our people abused because we believe they should be treated as gentlemen."

It seems to me that the infraction, if it was indeed an infraction to be left by the bus, committed by Mr. Misa did not warrant the drastic

action

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action taken against him - the loss of his job, his arrest and unkind treatment. It would seem to me also that the case should be reinvestigated and that Mr. Misa should be given a chance to cross-examine the witnesses against him. I believe that this would go a long way towards enhancing the friendly relations between the laborers and the government authorities in the Island. Incidents of this nature may be avoided in the future if the Naval authorities at Saipan and other bases employing Filipino contract laborers could allow the laborers during their off-hours to go out from their compounds to non-restricted areas to divert themselves from the monotony of camp life. I would appreciate being advised as to any action that may be taken in this regard.

Accept, Excellency, the renewed assurances of my most distinguished consideration.

(s) Carlos P. Romulo

Enclosure:

Copy of Mr. Misa's sworn statement.

STATEMENT OF LUIS D. MISA

That on or about 2130 hours, Saturday, April 28th, I was apprehended by the Island Constabulary in front of the Escolastica's Store, Chalan Kanoa Village, Saipan. While I was about to get in the I. C.'s jeep, one of the Island Constabulary pushed me in the jeep violently that I felt so dizzy. Aside from this feeling, I sustained injuries on my both legs. When we reached the Island Constabulary's Headquarters, the I. C. emptied my pockets, and brought me to jail.

The following items were taken from my pockets without any receipts thereof:

1. One wallet containing \$32.00 in cash, pictures (assorted), Membership card for American Legion, Driver's permit and Permanent Trip Ticket.
2. Belt and one (1) wrist watch (water-proof)

I was taken by the I. C. to the jailhouse by Island Constabulary and one companion whose name I don't know. I happened to know the name of Vicente Guerrero as I heard someone called him Guerrero and I was further informed that he is the son of the incumbent Sheriff of the Island. When we reached the Jail's door, both I. C. gave me another hard push so I stumbled down on the Jail's cemented floor and caused my right shoe off my feet.

When I was already inside the jail I asked for my other shoe. I peeped through the hole of the Jail's wall and heard the I. C. guard say, "Okay, you can have your shoe" he said and he suddenly slapped my face with my other shoe, hitting my left eye. It was Vicente Guerrero who hit my left eye with my shoe. When I felt the bleeding of my eyes at that moment, I yelled for hospitalization and they took me immediately at the Naval Hospital on that same night and was given treatment by the Navy Doctor, Dr. Conroy.

They jailed me from September 28th at about 2130 until May 1, 1956 to take the plane for Guam.

(s)

LUIS D. MISA , #66338

SUBSCRIBED and sworn to before me this 2nd day of May, 1956, at Agana, Guam, M. I.

Washington, D.C.