

FF5-9/10

A17

Ser 3450

SEP 24 1956

From: Commander Naval Forces Marianas
 To: Commander in Chief U. S. Pacific Fleet
 Subj: Luis D. MISA, alleged maltreatment of on Saipan by Island Constabulary

Ref: (a) CINCPACFLT ltr FF1-1 A17 Ser 3787 of 5 September 1956
 (b) CINCPACFLT ltr FF1-1 A17 Ser 3559 of 21 August 1956
 (c) COMNAVMARIANAS first endorsement FF5-9/10 A17-6 Ser 2040 of 7 June 1956 on CDR Frank W. AVILA, USNR ltr of 14 May 1956

Encl: (1) CNO ltr Op-215/mb Ser 4359P21 of 23 August 1956 with enclosures

1. In accordance with reference (a), enclosure (1) is returned.
2. Reference (c) reported the result of an investigation into the alleged maltreatment of a Filipino Contract laborer named Luis D. MISA occurring on 28 April 1956.
3. During the investigation, Mr. YANGO, the Philippine Vice Consul on Guam, requested that he be permitted to cross examine witnesses on behalf of Mr. MISA. Inasmuch as Mr. MISA was a complaining witness and neither a party to the investigation nor on trial for the criminal acts that he committed, the request was denied. However, Mr. MISA was permitted to testify at length, nominate witnesses who were called and interrogated by the investigating officer, and introduce other evidence to support his allegations.
4. The investigating officer examined witnesses and accepted evidence for the purpose of determining the circumstances attending the alleged injuries of Luis D. MISA. It was determined that Luis D. MISA had several opportunities to ride back to camp after 1900 on 28 April 1956. MISA, being somewhat intoxicated, further was involved in an altercation with a civilian, Mr. KARL P. SCHWANTES, was then arrested by Insular Constabulary, and, on being incarcerated, did resist the law enforcement officer to his utmost. These actions are criminal violations of the Trust Territory Code. However, the District Attorney did not press charges against Mr. MISA but turned him over to the contractor in accordance with normal procedure. The contractor, finding Mr. MISA in violation of the terms of the contract, repatriated Mr. MISA to the Philippines through Guam.

FFS-9/10
A17
Ser

5. Mr. MISA while on Guam made a sworn statement to the Philippine Consul, Mr. UYAM, attached to enclosure (1), which was found to be misleading through its incompleteness. On questioning Mr. MISA he denied resisting the officers and assaulting Mr. SCHWANTES. Further he denied deliberately avoiding return to the camp and rejecting offers of transportation. In view of the preponderance of evidence contradicting these denials, MISA's testimony and his credibility became questionable.

6. The investigating officer believed that there was insufficient evidence to show maltreatment of Mr. MISA. While struggling with and resisting the Insular Constabulary, he obtained a few minor scratches. The eye injury happened while he was locked in his cell and during a period in which he was agitated, destructive, truculent, and striking out at objects. There was insufficient evidence either developed through questioning or the presentation of a shoe with blood on it to confirm the alleged maltreatment by Mr. Vicente GUERRERO. Thus a finding of "That MISA did suffer injuries to his left eye by objects and/or means unknown while locked in a cell in the Saipan jail" was reported in reference (c).

7. Commander Naval Forces Marianas does not consider that this matter requires reinvestigation, nor that any drastic action was taken against MISA. The repatriation of Philippine laborers who become involved in criminal offenses and violations of their contract is a reasonable procedure.

8. The basic matter underlying this instance is related to the restrictive condition of the contract whereby Filipino laborers are permitted on Saipan. The Philippine Government has, and, it is believed, will continue to have objections to these restrictions. It desires that contract laborers during their off-hours be allowed to go out from their compounds to nonrestricted areas to divert themselves from the monotony of camp life. At present, supervised shopping trips are permitted into the village; further relaxation by permitting supervised recreation parties for the purpose of sightseeing, swimming, picnicking, and engaging in other sports in designated areas are recommended, however, complete relaxation of present restrictions by permitting freedom of movement on Saipan is not considered desirable for reasons of which the Commander in Chief U. S. Pacific Fleet is cognizant.

9. It is estimated that construction under this contract will be completed by 1 January 1957. A few contract laborers will remain on Saipan for about another month during the roll-up operations. Accordingly, the problems associated with the contract will then cease to exist.

W. E. AMMON

OP-215/mb
Ser 4358P21

AUG 23 1956

My dear Mr. McKay:

This will acknowledge receipt of your letter dated 16 August 1956, which transmitted a copy of the note dated 31 July 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.

The correspondence on this matter has been forwarded to the appropriate Pacific Commander having jurisdiction over such matters as was requested in your letter.

I shall furnish you with the results of this referral as soon as they are received.

Sincerely yours,

J. N. McDonald
Captain, U.S. Navy
Director, Administration Division
By direction

Mr. Vernon McKay
Acting Director, Office of
Dependent Area Affairs
Department of State
Washington 25, D. C.

ORIG: MAJOR SWENSON X54360
20 August 1956 m. brown

RECEIVED
OPNA: LMR

AUG 23 1956

PINK - TO FILES
PINK

02

MATERIAL

215

S.

J