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Assistant Majority Leader



*I Mina'Trenta na Liheslaturan Guåhan*  
Thirtieth Guam Legislature

**CHAIRPERSON, COMMITTEE ON THE GUAM MILITARY BUILDUP AND HOMELAND SECURITY**

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**ROTARY PRESENTATION ON U.S. GUAM MILITARY BUILDUP/LANDTAKINGS**  
**December 14, 2009**

Thank you, Rotary Club of Northern Guam for inviting me to address you today.

Thank you for your presence here this morning and for your interest in bettering our island of Guam. I came to Guam when I was only three months old. I have had a full career at the University of Guam and now I have the opportunity to serve us all in the Legislature.

Guam is now facing the biggest United States Department of Defense military buildup here since the end of World War II. This is why I, as Chair of the Legislature's Committee on the Guam Military Buildup, am constantly urging everyone to read the DEIS and do so again today.

I hardly need to tell you that life on Guam will change forever. If you think we've 'westernized' a lot in the last 40 years, expect more. We will be jamming twenty years of regular growth on Guam into only four years. In exchange, we expect the federal and military officials to do right by Guam.

It's estimated our population will rise 28 percent from the current 178,430 to 228,390 or more by 2020. And that does NOT include the temporary workers needed between 2010 and 2015 for the construction of facilities for the military buildup. There will be about 25,000 additional cars and trucks on our roads.

The General Accounting Office has told us there will be 6,000 temporary workers from Hawaii and 8,000 temporary workers from the Republic of the Philippines in this group. We don't know where the GAO arrived at those figures, but we do know that the recent additions to the U.S. Federal Government's FY2010 National Defense Authorization Act make it harder to hire H-2B workers.

But let's cut to the chase here! These sorts of numbers and all the information we've been looking over in the DEIS tell us that, once again, our limited land on this small island is the root of our difficulties with the federal government. We are not living in Texas or Iowa. Here, land is limited and finite and intertwined with our culture.

When Major General David Bice first visited Guam, in April 2007 for the initial scoping meetings, he announced that the military would remain within its current land holdings, their "footprint" as he calls it, and would not need any additional land for the buildup.

Now, the draft Environmental Impact Statement declares that the military wants additional land – the Former FAA Housing area of 680 acres and a large amount of land, either 1,129 or 921 acres in two alternatives, east of the back road to Andersen in the Marbo area. One alternative involves both private and public lands while the other alternative appears to avoid private land.

Major General Bice also reassured me personally that condemnation, AKA eminent domain, would not be used as an option for acquiring any additional land. Now, the draft EIS declares that it will be

obtained by “long term lease or condemnation.” The General’s assistant, Col. John Jackson, played coy with Ray Gibson about this matter, saying, “Everything is on the table.” Several weeks ago, we wrote to General Bice asking for clarification, but there’s been no response to date.

So, we are faced with the deplorable threat of the military rushing to judgment that it needs to acquire more than 2,000 acres of additional land. Don’t forget, the Federal Government’s power of eminent domain is absolute!

Let me now propose some alternatives that DO NOT require the military acquiring additional land and would permit it to remain within its current footprint.

What about the former FAA Housing Area? In my opinion, this is merely catering to the military desire to be “tidy,” filling in a separation gap between the main area at NCTS and South Finegayan. There is no national security need for that land. Why not merely give them access to a roadway through that area to connect the two base areas, without having to go out onto the main road? In doing so, we can demand that access is finally settled for the Castro family on the northern coast.

It appears that the military has not considered Tinian for a firing range. They cannot have live firing ranges on Oahu and they transport the troops to another island for such training. Why not here? They will have lots of aircraft based here that could transport the Marines back and forth to Tinian. After all, the Federal Government in the Covenant, back in 1976, obtained two-thirds, of Tinian, 21,000 acres under a long-term lease to be a fallback for our bases further west in the Philippines or Okinawa. Of course, I do not want to second guess the good people of Tinian and the CNMI. This is an option that the military would have to negotiate with them.

Better yet, we know from multiple sources inside the military that Tarague Beach is indeed suitable. Just use the land to the east of where the road enters the beach area. Just look at any map. There is plenty of land there with an existing firing range expanded and still have the recreational area. In my opinion, it is pure selfishness on the part of the Air Force to deny joint use of this area.

Another option would be for the military to use the land area of the Fish & Wildlife area at Ritidian – to the north of the buildings down there. The military can protect the wildlife there while firing out toward the ocean along the north coast of our island. For both the Ritidian and Tarague locations, no one fishes in the Rota channel. The currents are just too rough.

Another option is to use the Nimitz Golf Course acreage. There are plenty of commercial golf courses available for military use, and one could even be built on Orote Peninsula. There is no military necessity for the military to hang on to Nimitz Golf Course. Berms could be built to create a safe live fire training range.

Further, these locations could be used in combination with each other. For example, a third of the range could be at Ritidian, a third at Tarague, and a third at Nimitz.

These are my proposed alternatives. The military does not need to take or condemn any more land from the long-suffering people of Guam. The military can fulfill its national security needs without having another land grab.

**Our only course as a community is to voice as strong an opposition as possible to such land takings. We have to have a united effort to get the military to realize that it will significantly damage, or eliminate, its welcome mat if they exercise eminent domain.**

**Accordingly, I have authored, with four co-sponsors, a very strongly worded resolution stating that the Legislature and the people of Guam are dead set against any use, or threat of use, of condemnation of land by the federal government. The resolution lays out the sordid history of the federal government regarding land takings on our tiny island.**

**For the federal government to use eminent domain once again, in view of this history, would be a tragedy. Sure the feds could use it, but it would be immoral for this to happen once again and we just have to fight it! Especially, when additional land is NOT needed for the buildup. As patriotic Americans we have to fight back against an un-needed land grab in Guam.**

**Our resolution, 258-30, mentions two laws that the Legislature has recently passed in an attempt to ensure that no person or corporation can unduly benefit from land dealings involving GovGuam land with the military.**

**Public Law 29-114, which calls for duly enacted legislation by the Legislature to authorize “the acquisition by condemnation or otherwise of private property” by means of Congressional appropriation to acquire property for public use; and**

**The other law is Public Law 30-21, which requires Legislative approval of any Federal acquisition of GovGuam property, whether by lease, sub-lease, exchange or sale.**

**The resolution’s key “Resolve” clause states, “RESOLVED, that the people of Guam are absolutely opposed to the use, or threat of use, of eminent domain/ condemnation, for any acquisition of any additional Guam land, private or public, for any purpose whatsoever related to the planned military buildup.”**

**Other “resolve” clauses state that the people of Guam “demand negotiations at arms length, with a level table, and without undue pressure being exerted on Guam landowners,” and also that any negotiations and dealings be held in good faith.**

**The final key clause is: “RESOLVED, that the people of Guam demand that the Federal Government renounce any repeat of history and declare that condemnation SHALL NOT be a tool available to the federal government, either directly or through the use of intimidation, in relation to the Guam military buildup.**

**Resolution 258-30 closes by recognizing and memorializing the “many years of injustice and mistreatment of the people of Guam as reflected in the foregoing history of federal land takings.”**

**My Committee will hold a public hearing on this Resolution on Tuesday December 29<sup>th</sup>, starting at 9 a.m. in the Legislature’s Public Hearing Room. Written testimony is also welcome. You can find Resolution 258-30 on the Legislature’s web site at [www.guamlegislature.com](http://www.guamlegislature.com). We are also distributing copies of it to you today.**

**Thank you all for being attentive. I look forward to exchanging views with you all and answering any questions you might have.  
Si Yu'us Ma'ase.**