

**Genealogy Workshop & Exhibit**  
**Guam Ancestral Lands Commission**  
**John T. Burch, Executive Director**  
**November 11, 2022**

Right after World War II, the United States military implemented an aggressive policy of land taking. This left an estimated 1,350 families without access to real property and water resources that had been in their families for centuries. Many of these landowners received little or no compensation for land that was taken. And while it may "technically" be correct to state that many of the original landowners were compensated, most claim that the transactions were unfair and made under duress. That the United States federal government had dealt unfairly with the landowners and had obtained land under conditions and procedures which failed to protect their right of fair and just compensation.

Having been denied many basic human rights, CHamoru leaders spent years pushing for greater autonomy resulting in the passage of the Organic Act in 1950. Drafted without input from the people of Guam, the Act established Guam as an organized unincorporated territory of the United States and granted United States citizenship to its peoples who were previously United States nationals. The Organic Act retained plenary power to amend or enact legislation for Guam to the United States Congress and provided the Department of the Interior with direct control over the affairs of the local government. This allowed the United States to retain thousands of acres of land that it had confiscated and specifically excluded claims for these properties from the War Claims Act of 1948.

The War Claims Act of 1948 provided compensation for "civilian American citizens" captured on Guam or any other territory or possession of the United States attacked or invaded by Japan. It did not, however, provide compensation for the residents of Guam, who were United States nationals, but not "American citizens," prior to 1950. Congress amended the War Claims Act in 1962 to extend compensation to United States nationals for property loss, but specifically excluded claims for property located on Guam.

In 1976, Attorney John A. Bohn filed suit on behalf of Guam to recover land he claimed had been taken by the United States Navy with only minimal compensation. This resulted with the United States federal government

agreeing to a \$39.5 million settlement to land claimants. Payment to be made at the value of the land at the time it was condemned. While many landowners accepted payment, several did not. Some wanted their property returned and rejected the land settlement. Some viewed the payment as a lease and not a purchase. And some were off-island and were unaware that they were eligible to file a claim. As of today, an unclaimed balance of more than \$4 million of the land claims money is deposited in the United States Treasury, with future payments to be made only by petitioning the court.

In 1994, the "Guam Excess Lands Act", U.S. Public Law 103-339 specifically identified parcels deemed "excess" by the United States federal government to be returned to the Government of Guam with restrictive covenants that required the properties be used for "public benefit". The Act also required the Government of Guam to prepare a land use plan for the properties as a condition for their release.

The Guam Ancestral Lands Commission was created in 1999 by Public Law 25-45 to pass title of federal excess lands, once returned to the government of Guam, back to original landowners or their heirs and to maintain a Land Bank Trust for those dispossessed landowners who will never realize the return of their ancestral lands.

In the early years, the Commission was supported by eight employees inclusive of the Executive Director. But by 2006, due to normal attrition and hiring freezes, the staff was eventually reduced to three employees. Then in 2012, in an effort to reduce payroll costs by decreasing the number of employees in the government of Guam, the Commission was merged into the Department of Land Management through Reorganization Advisory No. 9.

Recognizing the difficulties the Commission was experiencing with fulfilling its responsibilities and wanting to provide direct support and governing authority to the Commission, Governor Lou Leon Guerrero signed her first executive order in 2019 separating the Guam Ancestral Lands Commission from the Department of Land Management.

A year later, around the weekend of March 14, 2020, the coronavirus emerged in our community. In response to the public health emergency, on March 16, 2020, the Governor directed the closure of all non-essential government of Guam offices inclusive of the Commission. The Commission's

temporary office space within the Department of Land Management was reassigned, to provide necessary space for the Department of Public Health and Social Services and all its files were secured in the Department of Land Management Vault on the third floor of the ITC Building. March 26, 2020, the terms of five of the seven Commissioners expired. June 2020, notice was received that the Executive Director was retiring and one of the two classified employees was transferring to another agency, leaving the Commission with two Commissioners, one classified employee and no office. Making 2020 one of the most challenging years for the Commission.

The Governor immediately assigned an Acting Executive Director and an Administrative Officer to the Commission. Before year-end, although our community remained in PCOR1, the Commission was up and running and was operating with seven members of the Board of Commissioners supported by two unclassified employees and one classified employee. Today, the Ancestral Lands Commission has four staff members and an Executive Director to include seven members of the Board of Commissioners.

April 2021, we were able to gain better access to our files after we moved them out of the Department of Land Management Vault and into our permanent office on the third floor of the ITC Building. This is when we discovered the deplorable condition of the files that filled thirty-two four drawer file cabinets. Some of the documents were nearly destroyed, with fist-size holes having been carved out of them. Others were salvageable but still significantly damaged by termites. We also have recordings stored on old cassette tapes that are becoming brittle. We prioritized the preservation of these files and recordings, and set aside one day each week to repair and digitize them. These documents and recordings are important. Copies are often requested by title companies, attorneys and individuals who are doing research on returned properties.

Recently, the Office of Insular Affairs awarded the Ancestral Lands Commission a \$185,301 Technical Assistant Program Grant (TAP) for our IT Infrastructure Upgrade and Modernization Project. The grant award period is June 1, 2022 through September 30, 2025. We recently received authorization to proceed with the IT infrastructure project from the U.S. Department of Interior.

The purpose of the project is for the Commission to upgrade and modernize

its Information Technology (IT) infrastructure by procuring supplies (software and hardware) and professional services (digitization and website support) as necessary to maintain operations and improve efficiencies. Currently, the Ancestral Lands Commission works with limited staff to address hundreds of acres of excess federal properties pending transfer with thousands of fragile land records pending digitization.

To date, the Ancestral Lands Commission has been able to scan only 0.5% of the files, many of which are in poor condition and deteriorating due to insect damage and/or time. The COVID-19 pandemic placed additional pressure on the Commission to provide much needed services to the community and has highlighted IT shortfalls as the Commission strives to digitize documents and conduct land ownership research while maintaining basic operations.

Scanning and digitization of Ancestral Lands Commission's records is needed to meet basic agency objectives and to archive land records while they remain salvageable. Until this process is completed, access to these files are restricted to authorized Commission personnel.

Finally, IT support, website design services, and upgraded equipment will allow the Commission to improve operations and establish its own website to provide service content, allow for greater information exchange, improve access points for community stakeholders, and provide greater transparency for Commission activities.