

琉球大学学術リポジトリ

アメリカの対沖縄軍政の総合的研究(続)

メタデータ	言語: 出版者: 大田昌秀 公開日: 2009-12-11 キーワード (Ja): キーワード (En): 作成者: Ota, Masahide, Miyagi, Etsujiro, Hosaka, Hiroshi, 大田, 昌秀, 宮城, 悦二郎, 保坂, 廣志 メールアドレス: 所属:
URL	http://hdl.handle.net/20.500.12000/13849

Congressional Investigation Team

A seven-man House of Representatives Armed Services Subcommittee, headed by Charles Melvin Price (D-Ill), and their escorts arrived at Kadena AB on Oct. 23 for a four-day fact-finding tour. The Price group toured the island by air and land, inspecting military installations and areas to be acquisitioned, directly talking to farmers and municipal leaders. The sub-committee also held two-day public hearings in the USCAR conference room in Naha, during which GRI leaders and representatives of the landowners testified in regard to various aspects of the land problem.

Wherever the group went, residents welcomed them with petitions and placards expressing their demands and high hopes they had on the group's investigation.

In a tape-recorded statement made just before departure, Price said, "We can assure all these people a fair consideration and we hope to be able to come up with conclusions and reach conclusions that will lead to an equitable settlement of this problem," adding, "We fully realize that the island of Okinawa will be occupied for many, many years by American armed forces. We are quite naturally, therefore, determined that the answer to this problem will be an equitable one."²³

Gen. Lyman L. Lemnitzer, CINCFE and Governor of the Ryujkyus, who was visiting the island during the investigation, also assured: "I have great confidence in the fairness and the wisdom of these representatives that are here and in the U.S. Congress to come up with the most fair, reasonable, and equitable solution to the problem."²⁴

Price Subcommittee Report

Seven months after the investigation, the Price Subcommittee submitted a report on its findings in Okinawa. The report traced the history of military-civil government in Okinawa and the land issue, describing problems inevitably caused by huge military land requirements in the small traditionally agrarian economy, and contrasting military land plans against the Okinawan demands.

In referring to the unique position Okinawa occupied in the U.S. defense setup in the Far East, a special mention was made as to the advantage of the U.S. in maintaining bases in the Ryukyus:

In Japan and the Philippines, as in other parts of the world, our base tenure is dependent upon the continued existence of friendly governments. In the Ryukyu Islands the circumstances of our political control and *the absence of a belligerent nationalistic movement* (emphasis added) allow us to plan for long

term use of a forward military base... Here, there are no restrictions imposed by a foreign government on our rights to store or to employ atomic weapons²⁵...

And elsewhere in the report, the committee said, "It has been said that however sympathetic one may be to Ryukyuan problems, a simple unpopular truth must be faced: Our primary mission in the islands is strategic and this mission in the last analysis, and the military necessity which flows from the mission, must take precedence."

But the committee also pointed out that land acquisition, although essentially a real estate activity, involved an "almost unprecedented number of problems" involving considerations going far beyond mere acquisition of land, such as local and international aspects of the issue as well as profound economic effects arising from it, and therefore the solution of the problem called for "the exercise of considerable imagination and sympathy," and "a broadness of view and elasticity of thought adequate to encompass the great variety of answers."

The report then went on to review the land policy of the military and the compensation requested by the Okinawans, concluding that while on the one hand the compensation request of the Government of the Ryukyus was "unreasonable," the position of the U.S. government on the other hand was also "unrealistic."

The military plan was unrealistic, the report said, because the "apparently generous" 6 percent annual rental rate fixed by the military was definitely inadequate for a landowner either to provide a livelihood or to resettle elsewhere. The 6 percent evaluation would bring him an average of \$330 an acre per year, but the average holding in Okinawa amounted only to eight-tenth of an acre, and although the area was sufficient for the average Okinawan family of five to subsist, it would bring them only less than \$20 a month if leased to the military, far below a mere subsistence level.

The inadequacy resulted, the report pointed out, from the method of land appraisal adopted by the military. The U.S. fixed the rate on the basis of sales and rentals of comparable property, a normal technique providing a reliable index of agricultural as well as other properties frequently bought and sold in the U.S. But in the Ryukyus there had never been an active market in agricultural lands, which usually remain in the same families for generations. "It would appear clear, therefore, that comparable sales alone do not provide a suitable index to the valuation of agricultural lands in Okinawa," the report said.

The committee, however, indicated approval for the lumpsum payment for lands acquired for permanent use--one of the points strongly opposed by the landowners--for

two reasons: 1) the lumpsum payment would provide the landowner with the funds necessary to start out on an alternative means of livelihood, or to resettle elsewhere in the Ryukus or to emigrate to foreign countries, 2) it would be economical to the American taxpayers and would prevent possible wrangling over re-evaluations under the annual rental system.

On the other hand, the committee considered the Okinawan demands preposterous, even beyond its understanding:

It is extremely difficult, however for the subcommittee to understand, even on a bargaining basis, how such an extreme request could be made. In effect, the request means that if an Okinawan owned a piece of agricultural land which is now needed by the United States, our Government should support that individual, and possibly his heirs, in the same manner and fashion as though he were spending long and arduous hours of work and accepting the hazards of nature throughout each year. This proposal transcends any socialistic theory of compensation with which the members of this subcommittee are familiar. Nothing could be more degenerating to the landowner or less fair to the American taxpayer. It would create a group of what might be called "landed gentry" inasmuch as the dispossessed landowner would, as previously pointed out, receive, without the expenditure of any labor, the equivalent of his total land productivity... Also, the basic issue would not be settled by an annual rental since it is inevitable that there would be an attempt to obtain even more rental as the time approached for periodic revaluation.

Actually, as the committee pointed out and strongly disapproved, the Okinawan demand was mainly based upon the Japanese Special Measures Law, which provided for 80 percent of the estimated gross income from lands as rentals. Simply stated, it called for a guarantee of livelihood of the dispossessed landowner. The committee objected to the application of the Japanese law on the ground that the legislation was enacted to meet temporary conditions in Japan, where landowners were not required to relocate permanently, but the situation in Okinawa was not the same as the U.S. tenure in Okinawa would be a long one.

At the end of the report, the committee listed a series of 11 recommendations, which were made public through USCAR on June 9 in Okinawa. Some of the recommendations which attracted special local attention were:

- * The interest to be acquired in properties intended for permanent use be the fee title or such maximum interest as can be acquired under existing law or under such modification as may be made to existing law.

- * For those properties in which fee title or an interest closely approximating it is acquired, "full fair value" (lumpsum payment) should be paid.
- * In evaluating agricultural lands, predominant consideration should be given to agricultural productivity in addition to the property value per se, whereas in evaluating commercial-type properties, the comparable sales approach be used.
- * All land, arable or non-arable, which can be returned should be returned expeditiously, and those lands within the military areas which are being farmed by landowners should be continued in such use.
- * The acquisition of additional lands be kept to an absolute minimum.

Granted that the recommendations had some ameliorative aspects, local reactions to them were adverse and violent, particularly in regard to the lumpsum payment recommendation. On June 14, the Military-Used Land Federation proposed to the (Military Land) Quadripartite Council to make public its position of total opposition to the policy, while Chief Executive Higa made an unprecedented special appearance at the full meeting of the Legislature and expressed his strong determination to join them to form a united front to wage the battle against the recommended policy.

On the next day, the Chief Executive and his department chiefs and the legislators announced a plan to resign en mass. At the same time, they and leaders of various organizations set up "Campaign Headquarters for the Realization of the Four Principles," headed by Tatsubin Yogi (Demo), Speaker of the Legislature, and Choko Kuwae, President of the Military-Used Land Federation.

On June 16, nine representatives of the Quadripartite Council, headed by Chief Executive Higa, met with Deputy Governor Moore to hand a resolution adopted by the council. They however agreed, upon the Deputy Governor's recommendation, to refrain from taking any further action until the full report was received by USCAR for detailed examination and consideration on specific points of the recommendations.

The resolution said in part:

The Ryukyuan people cannot accept whatsoever the lumpsum payment and additional land acquisition in line with the Price Recommendations. We are determined to resort to all and any means possible to prevent them.

The Conference of four Powers (Quadripartite Council) consisting of the Executive Branch, Legislature, Mayors Association and Military Land Federation is in a position of having to adopt a serious determination.

It went further on in an almost menacing tone:

The forcible execution of these recommendations by the United States will further complicate the land issue and will probably result in the arrival of a situation contrary to the one expected by the United States.

By relaying our people's important decision immediately to the United States Government, the Deputy Governor should exert utmost effort in order to cope with the situation.

On June 20, the Campaign Headquarters sponsored Land Struggle Rallies simultaneously at major municipalities throughout the islands. In Naha an estimated 40,000 residents participated in the protest rally, bringing the island-wide total to an amazing total of 155,000, it was reported.

On the next day, the Deputy Governor called representatives of the Quadripartite Council to his office, handed them a Japanese translation of the full text of the Price Report and gave them his own assessment of the report, at the same time warning them against any "rash or precipitous acts" in their protest against the recommendations. He said:

I consider the report to be a splendid one, factual, complete, and fair to both the U.S. taxpayers and the Ryukyuan land owners. It is a careful analysis of all aspects of the problem and the note shown throughout is one of generosity and sympathy for the Ryukyuan people.²⁶

He also reminded the representatives that the general concept adopted by the U.S. for settling the land problem was based on the recommendations of representative landowners, businessmen, and politicians. Although disagreements still remained between the U.S. and the Okinawan side as to the matters of land evaluation and the amount of compensation, he said, "the basic principles now being so strongly opposed were recommended at that time by representative Ryukyuans. This Congressional Report reflects an acceptance by the United States of those original Ryukyuan concepts." Gen. Moore continued:

Since the findings in this very considerate report, which are in broad form in many respects, were accepted by the Congress of the United States as well as the Executive Branch of the Government, I consider it to be the final position of the United States Government.

And he was stern in his warning to the representatives:

I must caution you again as I did last Saturday (June 16) that rash or precipitous action on your part will not be in the best interest of the Ryukyuan people. With all the rights and privileges of a democratic form of government

go also responsibilities. If these responsibilities are thrown away lightly, it will show immaturity on your part and will be a backward step for these islands.

This is not the time to listen to men who, for political reasons, subversive reasons, or for reasons of personal gain, whip up agitation on the part of the people particularly when the people have not yet had an opportunity to understand the full implications of this report. I do not at this time propose to name names and motives.²⁷

Allowing for the freedom of using every possible means to get a good bargain, he said that "to take actions which would give aid and comfort to enemies of the Free World is something else again." He even quoted the famous words of Justice Holmes in the Schenk vs. U.S. case (1919): "Freedom of speech does not mean the right to shout 'Fire' in the theater."

But they were adamant. On July 16, the Municipal Assembly Speakers Association joined the Quadripartite Council to form the Five-Power Council, and the council sent petitions to the Deputy Governor and to the Governor in Tokyo asking him to come to discuss the problem in Okinawa.

However, on the very day the Assembly Speakers joined the council, Naha Mayor Jugo Thoma caused a public fury when he made it known through the Okinawa Times newspaper that he was not necessarily against the lumpsum payment. Coming at a time when the prevailing public opinion was still strongly against the new policy, his statement was taken to be almost an act of betrayal. If not an intended damper, it at least revealed that a crack was now developing in the seemingly monolithic solidarity of the Five-Power Council, of which Thoma was a member.

An internal rift was developing within the conservative Democratic Party, with one group, apprehensive that the land issue was now being used for political purposes, proposing to concentrate themselves on winning practical concessions from the U.S. side through peaceful negotiation, and the other group asserting that they should generate increased political impetus to the struggle by having the chief executive resign from his post as an indication of their protest.

The Japanese government, to which Okinawans had turned for help in desperation, viewed the land problem as a "domestic problem" of the U.S. and refrained from taking any positive action on behalf of the Okinawans, dumping cold water on their hopes for strong support from their "mother country."

On the other hand, the Council for the Protection of Land in Okinawa (Tochio Mamoru Kyogikai), headed by Chobyō Yara, also president of the Okinawa Teachers

Association, held a huge rally in Naha on July 28 calling for renewed efforts to push the Four Principles. A resolution adopted during the rally demanded, among other things, the resignation of Chief Executive Higa and Naha Mayor Thoma. The Land Protection Council, originally formed by 20 various organizations such as OTA and Okinawa Youth Association (Oki Seikyo) as a support group for the Quadripartite Council, had become progressively radical and was now even critical of the four-power Council as too soft in its position vis-a-vis USCAR. The Land Struggle was now beginning to show signs of disintegration, as the Council's support groups became increasingly vociferous, while the conservative Democratic Party fell behind the line as its internal, factional antagonism surfaced over the handling of the land issue.

The military lost no time in exploiting the situation to turn the tide in its favor. On August 8, the U.S. Forces placed Koza City (present Okinawa City) and its adjoining municipalities, which were heavily dependent economically on off-base spending of U.S. servicemen, off-limits to U.S. personnel, ostensibly to avoid possible incidents involving servicemen and local demonstrators, but actually with the intent of forcing the municipalities affected to stop hosting rallies and demonstrations participated in by OPP members and radical University of the Ryukyus students. USCAR also put pressures on the University's Board of Directors to mete out severe punishment to those students who had demonstrated in Koza.

The offlimit directive was later lifted (Aug.14) as the municipal leaders gave in to the threat to cut off the important source of income for them and pledged that they would not thereafter regard OPP leader Senaga as one of their representatives.

On August 17, Deputy Governor Moore met with Chief Executive Higa, Legislature Speaker Tatsubin Yogi, Eishin Yoshimoto of the Mayors Association and a few others in his office and showed them a letter from Governor Lemnitzer to Higa, a reply to the August 16 petition sent to the governor from the Five-Power Council requesting him to come to Okinawa for land negotiation and to invite the Japanese Government to participate in the land talks.

Moore read the letter to them: "The United States Government considers this to be a matter which should be settled directly and equitably between the United States Civil Administration of the Ryukyu Islands and the Ryukyuan landowners affected, with appropriate assistance on the part of the Government of the Ryukyu Islands."

Pointing out that the letter had been addressed to Higa as Chief Executive, not to him as representative of the Five-Power Council, Moore told them that correspondence on the land issue must be accomplished only through "official channels," and that

negotiations on the land issue would be held by USCAR only with the landowners concerned through GRI officials and those of the municipalities affected.

In short, this means there is no place in this process for self-appointed representatives of landowners, such as the Okinawa Teachers Association and the Federation of Shi-Cho-Son (Municipal) Military Landowners, or hybrid organizations, such as the Five-Powers, Land Protection Council, etc. which have been or may be organized.²⁸

He said that there had been a tendency to relegate the position of the landowner to the background, and "demagogic individuals who have no competence in this field and organizations whose primary mission is one far remote from the complex land matter are most vocal." He also said that he had received a number of requests to start discussions on the problem, "most of them from landowners who desired lump-sum payment," and extensive studies were now underway involving the development of plans and policies within the framework of the Price Report.

Meanwhile, USCAR issued on July 10 an amendment to CA Proclamation No. 26 and CA Ordinance No.109 providing for new appraisals of the U.S. held lands. Although the amendment did not exactly specify the terms of years for reappraisals, the USCAR announcement said that new appraisals would perhaps be made every three years. The rental increase resulting from the new 1 July 1955 reappraisals would amount, on an average, to about three times the amount of rental previously paid on the basis of the 28 April 1952 appraisals. But this did not mean that the U.S. was ready to change its basic policy of lumpsum payment and new acquisitions.

To counter the USCAR offensive to check the land movement by separating the landowners from their support groups, the Five-Power Council and its affiliated groups reorganized themselves into an even larger organization called General Federation of the Okinawa Land Protection Associations (Tochi-Soren), while the landowners decided to entrust the entire authority pertaining to contract and negotiation for rental and damage compensation to the Land Federation.

But the consolidation of the land groups yielded no significant result as its member groups began showing differences of opinion as to the manner to be employed in accomplishing their objectives. In the midst of the stalemated situation, Chief Executive Higa suddenly died of a heart attack and was succeeded by Naha Mayor Jugo Toma, who had it publicly known that he was not necessarily against the lumpsum policy. With Thoma's faction gaining control in the conservative Ryukyu Democratic Party and the party starting to fall behind the line—with OPP becoming increasingly radical

and trying to lead the movement—the land situation began to change.

While the land groups still continued to profess their strict adherence to the Four Principles, it became also apparent, however, that their attention, particularly that of the landowners, was now being focused on the first of the principles only, i.e., opposition to the lumpsum payment policy, with lesser attention being paid to the remaining three. One survey by the land group showed that 15,704 landowners were against, with only three for, the policy of lumpsum payment.

Then, the land movement finally hit a snag. On December 28, it was reported that landowners of Henoko village, Kushi in northern Okinawa concluded lease contracts with USCAR on a lumpsum payment basis, offering a vast area (768,600 tsubo), mainly non-arable land, for a Marine Corps base. The report shocked the land movement leaders, because the villagers had voluntarily offered their lands in their hopes that base development would lead to the economic development of their area, and because the contracts were made between the mayor of Kushi, who acted as agent for the landowners, and USCAR, bypassing the procedures stipulated in Ordinance No.91, which designated the Government of the Ryukyu as agent. The USCAR action was in line with the policy of direct negotiation clarified in Lemnitzer's August 16 letter to the Chief Executive.

A TWX dated Jan 18, 1957, from CINCFE to Department of Army said: "Although opposition to lump sum payment is still apparent, '4 principles' are reported to be no longer the unalterable demands they were last year, a development to which land acquisition on basis voluntary agreement in Kushi (Henoko), contributed considerably."

According to a USCAR document dated April 17, 1957, Deputy Governor Moore said during a conference with his land staff members on March 8: "I told the people of Hinoko (sic) when I presented them the \$700 that it was for good will. That money was an ex gratia payment to break the Four Principles," and declared, "The ice has been sufficiently broken on the Four Principles." (Memorandum for Record, dated 17 April 1957. Subject: Implementation of Civil Administration Ordinance No.164)

In the midst of the confusion created by the Henoko landowners, the Secretariate (Kuwae Choko) of the General Federation of the Okinawa Land Protection Associations (Tochi-Soren) drafted a compromise version of the Four Principles. The first, second and fourth principles survived intact, but the third one, i.e., "no new acquisition of land," was changed to read, "to limit new acquisitions to barren, non-arable or forested areas," which in effect conceded to acquisition of new lands if they were not arable lands. The revision inevitably threw a subsequent meeting of the Federation into complete chaos, with representatives of the Okinawa Youth Association (Oki-Seikyo) and Okinawa

Socialist Masses Party vehemently opposed to the compromise, which they perceived as a humiliating setback in their battle against the U.S. policy. The year drew to its end without any signs of hope in sight for the Federation torn by internal division.

Lemnitzer Statement and Ordinance No.164

On January 4, 1957, Gen. Lemnitzer, Governor of the Ryukyu Islands, issued a statement reiterating that the U.S. land policy of lumpsum payment would still stand, and that the U.S. would have to acquire additional land despite its policy of limiting new acquisition to an absolute minimum.

As the result of our reappraisals, we are prepared to give landowners, in lieu of annual rentals, a cash payment a great many times more than the annual rent for the full use of their (landowners') property. This cash payment will not be for the purchase of land... but will be payment for full use of the land by the United States so long as it may be needed... Moreover, we shall continue to pay annual rentals to the owners up to the moment we are prepared to offer the single large payment which I have described.²⁹

He also said he had directed a comprehensive review of all military land requirements with a view to reducing the existing requirements wherever possible and limiting new acquisition to an absolute minimum, by using "the most austere standards,... even to the extent of restricting our military operations." For an example, he said the military abandoned the plan to acquire new land for construction of an airstrip on Miyako Island.

As a result of this review, we have found on the one hand that it may be possible in the near future to release substantial amounts of land, but on the other hand we have also determined that some additional land will have to be acquired for military purposes.³⁰

Coming at a time when the General Federation of the Okinawa Land Protection Associations (Tochi-Soren) was divided over the revised version of the Four Principles mentioned earlier, Lemnitzer's statement was apparently intended to undermine the still unified opposition of the Federation to the lumpsum payment policy. The Federation had already made an important concession in its opposition to new acquisition of land, and the military by now had detected that the Four Principles were no longer "unalterable demands" they were the previous year. The other principles—of appraisals of land, just and equitable compensation for land and damaged properties—were matters of technicalities, or economic problems adjustable through negotiation. In retrospect, the Lemnitzer statement marked a point of departure in the history of the land issue,

where the issue, deprived of its political or ideological underpinning, was gradually reduced to an economic issue of rental and compensation.

Other salient points of the statement were:

- 1 . The U.S. decided not to acquire ownership or fee title in land used by the military.
- 2 . A thorough review of appraisals of the land value was conducted, with particular reference to the relationship of the annual income from farm land to the total value of the land.
- 3 . A new judicial commission (in lieu of the U.S. Land Acquisition Commission) would be appointed by the Secretary of Defense for deliberation on appeals from landowners, and for an independent review of actions taken by the local military agencies relative to new land acquisition.
- 4 . The land problem should be settled directly and equitably between USCAR and the landowners affected, with appropriate assistance from GRI (to the exclusion of any third party).

A TWX from CINCFE to Department of Army (180910Z JAN57) indicated how the local community reacted to the statement:

Release of statement (of) General Lemnitzer... has received generally favorable reaction... While not all aspects of statement are fully understood by Ryukyuan, decision not to acquire fee simple titles and to relinquish long term interests once land no longer needed by U.S. is welcomed... Failure of U.S. to accede to Ryukyuan desires but to insist on lump sum payment is, however, noted in almost all accounts through in moderate tone. Also mentioned was promised higher evaluations of land.

The 3 Jan. announcement of Democratic Party that "4 Principles" are still valid principles but are not indispensable conditions for settling land problem, was widely publicized.

A meeting on 7 Jan. of "Legislative and Counter-Measure Committee," attended by leaders of all parties, came to no definite conclusions beyond urging further study of land problem in light of statement and Henoko development (was) deplored by many of the conferees. Democratic Party members were sharply criticized for 3 Jan. announcement.

Yoshimoto (Eishin), chairman of the Land Protection Federation, is reported as pleased with statement and his organization will seek to carry out Governor's wishes, but Socialist Masses Party members indicate they will continue their opposition.

Seiko Irei, chairman of the Federation of Shi-Cho-Son Assemblies, stated in a meeting with the land Protection Federation that (it) is now time for Okinawan to reconsider their attitude since from the Governor's statement it is clear the U.S. has restudied its program and made its position clear even though some errors in land valuation continue...

Chief Executive Thoma, who told the Governor that he is in full accord with principles announced, publicly pointed to U.S. disclaimer of intention to acquire title and observed that this cleared up the political doubt and *limited question to one of economic benefit to landowners...* (Emphasis added)

Now that (the) position of U.S. Government has been announced, the atmosphere has been cleared and the land acquisition program will be carried out as planned...

U.S. leaders were evidently pleased with the reactions. They were also encouraged by an Okinawan official to enforce the program even by overriding the local opposition. One GRI department director volunteered a piece of advice in a private conversation with a USCAR official: "Present program will not be generally accepted by landowners as long as there is any possibility of obtaining increased compensation by lease arrangement providing for periodic reappraisal of land values; however, if they are convinced (the) program presents final U.S. policy, acceptance is expected."³¹ In other words, once the program was enforced, despite grievances, the landowners would accept it as *fait accompli*, he advised.

On February 23, 1957, USCAR promulgated CA Ordinance No.164 "United States Land Acquisition", which set forth details and procedures for implementing the land policy outlined by Lemnitzer. It was an attempt to finalize U.S. land policy which had been progressively bolstered since 1953 by the issuance of a series of ordinances and proclamations intended to acquire firmer interests in land acquired and to be acquired, and to establish a system for economical maintenance of military bases in Okinawa. It replaced Ordinance No.109 "Land Acquisition Procedure" (3 April 1953), and the land interests acquired by Proclamation No.26 "Compensation for Use of Real Estate within Military Areas" (5 December 1953) were switched to those stipulated in the new ordinance.

The ordinance established three types of estates in land that the U.S. could acquire: 1) determinable estate, 2) easement, and 3) leasehold.

"Determinable Estate"—An estate that continues until such time as the U.S. determines it has no further need of the land and or properties acquired, while title

and ownership remains vested in the landowner. It extends to "full, exclusive use, possession and enjoyment above, below, and upon the surface of the land concerned for the duration of the estate." It is acquired by a lump sum payment for the full value of the land or properties taken, and for lands so acquired, the U.S. assumes no obligation to restore or adjust the land to its original condition when the lands are returned.

"Leasehold" — An estate extending to "full, exclusive use, possession and enjoyment above, below, and upon the surface" of the land concerned, for any specified period of time not exceeding five years, with rentals paid at specified intervals. The U.S. can terminate the estate at any time by notifying the landowner at least 90 days prior to the effective date of the termination of the estate. In this case, obligation devolves upon the U.S. to restore the land to substantially the same condition as existed before the leasehold estate started, or by option to pay damages instead, if the landowner submits a written request for restoration at least 60 days before the effective date of termination of the estate.

"Easement" — An estate acquired by a lumpsum payment or annual rentals and gives the U.S. the right to use the land for any specified or limited purpose. The U.S. can terminate the estate any time upon a 90 day prior notice and return the land to the owner. Compensation can be made either in annual rentals or in lumpsum, but if a lumpsum payment is made, the U.S. is relieved of its obligation to restore the land to its former condition; in case no such payment was made, the U.S. must, upon the owner's request, restore it or pay damages.

The ordinance provided further that under normal circumstances lands would be acquired through negotiation or by condemnation if negotiation failed. But, it said, "in urgent cases," when necessity and time do not permit such procedures, the U.S. could take needed lands regardless of the normal procedures.

The ordinance also established "USCAR Land Court," which succeeded to the "duties, jurisdiction, and current docket of the U.S. Land Acquisition Commission." The three-man judicial body, named by the Secretary of Defense, was vested with broad authority to rule on all matters of controversy arising from interpretation and implementation of the new ordinance and other laws pertaining to land acquisition. Provision was made for appeals by landowners to higher authority (Secretary of Defense or his designee), not on matters pertaining to compensation amounts or others under jurisdiction of the Court, but only on questions of law. The Court was also specifically prohibited, as its predecessor was, "to inquire into the wisdom of the governmental use to which any

condemned land has been devoted."

Funds deposited in the Bank of the Ryukyus for the landowners would be kept there for two years, after which time the money would be withdrawn or forever recovered to the U.S. But landowners could as under the previous policy withdraw up to 75 per cent of the amount awarded them even when they were dissatisfied with it and decided to appeal.

Initiation of Lumpsum Payment Program

With the legal basis established, USCAR set out to initiate the lumpsum payment program. USCAR or the military knew that, although a great majority of the landowners were still strongly against the program, the Four Principles were no longer inflexible demands as evidenced by the voluntary offer of land by Henoko villagers and internal disagements in the Land Federation.

Besides, "he (Chief Executive Thoma) believes 80% will take lump-sum," it was reported during a land staff meeting at the Deputy Governor's office on March 3, 1957 (Memorandum for Record, Subject: Implementation of Civil Administration Ordinance No.164, dated 17 Apr.), and during a similar meeting held on April 29 April (Memorandum for Record, Subject: Initiation of Lump Sum Acquisition Program under Civil Administration Ordinance No.164, dated 29 April), Gen. Moore said, "If the land owner takes the 75%, that is the important thing. In doing this, he is accepting the lumpsum principle."

According to the April 17 document mentioned above (Implementation of CA Ordinance No.164), the District Engineer (USAED), not USCAR, would handle all future negotiations with help of GRI if it wished to join. The document said:

General Moore desires that we acquire on an installation or area basis and "not skip all over the island for Thoma's convenience..."

General Moore understands that the District does not negotiate in the true sense of the word, that it makes a single offer which is either taken or rejected...

A general discussion was held on the method to be used in negotiation. First of all, General Moore desires that District Engineer conduct all future negotiations... The District is considering that its representative will negotiate through the mayors—the "Town Hall" approach. If the GRI people decline to go along with USAED representatives, no issue should be made of it. It was suggested that negotiations include a meeting at Son level at which the USAED representative would point out the advantage of negotiation. From that point

on, GRI could take over under a service contract...

It was the general consensus that negotiations will be unsuccessful and that as a result all land will be taken by condemnation, to which General Moore agrees in principle, after the formalities of negotiation have been gone through...

Plans ready, Lemnitzer and Moore wanted to implement the new program as soon as possible because they were now witnessing, after a series of unsuccessful attempts, encouraging signs emerging (such as the Henoko case) for the implementation of the program with much greater ease than ever before, but they feared that the situation might deteriorate again unless the funds were not forthcoming soon for the lumpsum payments, especially when Kamejiro Senaga, chairman of the OPP, whom they regarded as a communist in disguise, was in the post of mayor of Okinawa's capitol (Senaga was elected mayor, Dec.25, 1956, which Americans called Black Christmas).

A priority TWX from USCAR to CINCFE indicates a USCAR perception of the situation in those days:

There is mounting opposition to single land payment. In addition to action by Legislature, Nakamoto Ibi sponsored an organization meeting in Naha City Office yesterday. Result, a Senaga-led rally against single payment to be held evening 18 May in Naha. It is believed that this issue will strengthen Mayor's position. You will recall how unification of all political parties can be had when land is the issue.³²

Another message said "Req max effort to secure apportionment and acquisition authority in first quarter FY 58. In my opinion favorable attitude of Hinoko (sic) land owners will deteriorate in direct relation to length of delay and a delay until fourth quarter FY 58 would be considered by them to be an apparent breach of faith."³³

(Also see TWX from CMC to DEPTAR, 281320Z JUNE 57: Urgently request expeditious action immediately after 1 July to acquire these 1680 acres at Hinoko under authorization of PL 161/84 using funds appropriated for this purpose by P1219/84).

A TWX 100630Z MAY 57, FM GOVRYIS TOKYO, TO CG AFFE/ARMYEIGHT: "The phrase 'lump sum payment' in connection with land acquisition in Ryukyus has developed undesirable connotations, Therefore, it will no longer be used in official communications, or in conversation. Among other substitute phrases considered acceptable is the phrase 'single payment'. It is desired that this matter brought to the attention of all concerned."

In order to get necessary appropriations, Lemnitzer wanted to tell the U.S.

government that the land program had irrevocably started and that no delay was permissible for the successful implementation of the program. In the previously-mentioned "Memorandum for Record, 29 April 1957," Moore, back from his meeting with Lemnitzer in Tokyo, told his land staff members that in view of the pending visit of Prime Minister Nobusuke Kishi to the U.S. on June 12, Lemnitzer wanted "to see everything possible done to get the lump sum acquisition program started and be able to advise Kishi and the State Department prior to Kishi's departure that the program was underway." "The further along (the program) the better," Moore added.

During the April 29 meeting, Moore decided: 1) the Naha Port Area (Army land) would be acquired first, 2) the Engineer District (USAED) would immediately ask Moore for authority to issue a Notice of Intent on 4 May, 3) USAED would prepare necessary paperwork to have the Notice of Intent ready on that same day, 4) USAED would go through "the formalities of negotiation," 5) and issue a Declaration of Taking and deposit the money in the Bank of the Ryukyus on 4 June, if negotiations fail, and check if there was any city-owned land involved in the taking (if so, Moore would be advised because Mayor Senaga would be involved.)

Against this background, however, local opposition to the ordinance persisted, with the Land Federation (Tocho-Soren), the municipalities where determinable estate in land was to be acquired and the Legislature adopting petitions and resolutions for the modification or revocation of the new ordinance.

During their meeting with Lemnitzer and Undersecretary Nash on 24 May in Naha, the members of the Legislature's Land Committee requested revocation of the ordinance. Referring to his Aug. 16 letter to the Chief Executive and Jan. 4 statement on land policy, Lemnitzer told them "in unmistakable terms that Ordinance No.164 was the document which contained the implementing instructions for the program which had been definitely decided upon by the U.S." The Governor further told them: "No change would be forthcoming and Undersecretary confirmed those views." OSMP however still asked that the subject should be negotiated by the Japanese government with the United States.³⁴

As mentioned earlier in this paper, the Japanese Government regarded the land problem as a "domestic" problem of the U.S. and refrained from directly getting involved in it. Repeated appeals from Okinawa, therefore, had little effect. By August, 1957, USCAR apparently thought that the situation was under control. Describing the background of the land problem since the announcement of the Price Recommendations on June 9, 1956, a 7-page report filed by USCAR for Rep. William G. Bray (Rep.-Ind.)

of the House Armed Services Committee, said:

Actually...the turning point came when the residents of Henoko signed long term acquisition agreements for the use of their land in the construction of the Marine Base. This act was tangible proof that opposition to the land program was not unanimous. More than any other incident it was responsible for the disintegration of the organized opposition, symbolized by "The Four Principles" ... Thereafter, even the local press has acknowledged that the populace is not of one opinion on this issue, and has been far more objective in its reporting on the subject...

Though still publicly acclaimed and requested, the local press and radio campaign to make Japan officially a party to the Okinawa land question has lost its former fury.

...Solidarity is a thing of the past, various organizations have disbanded or simply fallen apart. Recent attempts at political martyrdom in order to arouse the people against our land policy have not been effective.³⁵

This report went on to say that the landowners of Kin-Son, a municipality adjoining Kushi-Son, where Henoko villagers offered land for the Camp Schwab Marine Corps base construction, followed suit, requesting construction of another permanent Marine base in their area, and that another village also offered land for a Nike Missile site. "The experience of Henoko and Camp Schwab has, indeed, had a very salutatory effect," the report commented.

The remaining problem for the U.S. was that of the rentals and lump sum payments:

Of the original "Four Principles," that which calls for payment for land rental on an annual basis still has numerous adherents and remains a frequent topic for newspaper and political discussion... However, until funds adequate to take maximum interests required by the various services are forthcoming this particular point will remain in the fore and continue to serve as grist for propaganda mills of the pro-reversionists, the communists, political opportunists, and those who are generally anti-American... The longer funds for maximum interest are delayed the longer will this subject be one for public harping, and needling of the United States.³⁶

According to the report, the U.S. had taken, since the promulgation of Ordinance 164, long term interest determinable estate through the lumpsum payment plan in approximately 3,433 acres in areas of Naha Port, Camp Kue, Machinato Service Area, Kadena AB and on two off-shore islands of Kumejima and Miyako. But only a small portion of the payments for the lands had been paid because of a delay caused by

administrative reasons, and due to the lack of funds, the acquisition of new land was being suspended temporarily.

Land requirements by the U.S. Forces as of August of the year were as follows:

27 Aug 1957

LAND REQUIREMENTS

Service/Agency	Proposed Permanent Land Requirements(Pvt)
Army	11,177
USCAR	24
CSU	704
Navy	1,574
Marines	19,691
Air Force	18,837
IBS(State)	382
FBIS	148
Coast Guard	37
	52,574**

** The 52,574 acres of privately owned land reported above do not reflect the following requirement of Japanese State property:

Service	Acres
Army	87
Air Force	1,422
Marine	21,459
Navy	3
Coast Guard	6
	22,977 — Japanese State Property
	52,574 — Private Property
Total Requirements	75,551

(USCAR document)

Local Reactions

As USCAR correctly saw it, the Four Principles were gradually crumbling, but the local populace was still adamantly opposed to the U.S. intention to acquire long term determinable estate by lumpsum payment. On May 14, 1957, the Legislature unanimously adopted a resolution demanding the revocation of CA Ordinance No.164, claiming that the peremptory enforcement of the lumpsum payment plan was like causing unnecessary trouble where there was no cause, creating "a serious threat to the development of democracy to be founded on mutual trust." The resolution said:

We had been doing our utmost in search of a peaceful settlement of the problem of the military-used land in Okinawa, when USCAR, in order to acquire a special interest in the use of land in Okinawa, promulgated CA Ordinance No.164 on February 23, 1957, causing doubts and apprehensions among the people (as to the intent of the U.S.)...

Currently, the U.S. is using the land concerned (i.e., the Naha Port area and its vicinity for which a Notice of Intent was issued by USAED on May 4) presumably by virtue of "implied lease," and despite the fact that there exists no cause that will prevent such use in the foreseeable future, the U.S. is attempting peremptorily to enforce the lumpsum payment plan, disregarding our endeavor. This raises serious doubts as to the true intention of the U.S.
...

The Legislature again adopted two similar resolutions on Sept. 26, asking for U.S. understanding and Japanese Government cooperation toward the solution of the problem, this time somewhat toning down its language and proposing some specific proposals for solution. The one addressed to USCAR read:

We have been strongly urging the U.S. to solve the problem of the military-used land through adoption of our Four Principles. In response to continued appeals from the people, the U.S. on the other hand has made such concessions in its policy on the basis of the Price Recommendations as reappraisals of rentals, release of land no longer used and the change of estate in land acquired by the U.S. from "fee title" or ownership to "determinable estate." We express due appreciation for these improvements as attributable to the goodwill of the U.S. and sincere efforts of Your Excellency.

However, the feeling of attachment the Ryukyuan people have toward their land is profoundly related to their faith, and it is an unchangeable belief commonly shared among them that they should by no means relinquish the ownership of their lands even when reduced to a state of dire poverty. Perhaps

such sentiment of attachment is far beyond the understanding of Americans. Almost all landowners are opposed to the lumpsum payment plan, financial problems aside, because they believe that receiving lumpsum payments will be tantamount to selling their lands.

In the light of the urgent request from the landowners and the rest of the people and the importance of base construction, we have newly adopted a series of specific proposals. If the issue is resolved by these proposals, we are convinced that obstacles to the construction and maintenance of military installations will be eliminated and unrest and discontent among the people, which have impeded friendly relationship between the U.S. and the Ryukyus, will also be mitigated, and this will contribute to securing the defense posture of the Okinawa base, in both physical and spiritual sense.

The other one of the twin resolutions, addressed to the Prime Minister of Japan and the President and Speaker of the Upper and Lower House of the Diet, strongly called for Japanese participation in the efforts toward the solution of the problem, saying, "As things stand now, we have no choice but to ask the government of our fatherland to negotiate with the U.S. Government."

The resolutions were different from those adopted in the past in the sense that they contained in their appendix specific proposals and requests:

1. New Acquisitions

To avoid new acquisitions through more effective use of lands already acquired and expansion of land space by reclamation of tidal flats or by landfill. Only when these measures have failed to meet requirements will new acquisitions be admitted, with lands to be so taken strictly limited to barren, unproductive lands.

2. Lumpsum Payment

Acquisition of determinable estate as defined by Ordinance No.164 is not acceptable. A contract period should not exceed five years, and rentals should be determined through mutual agreement at the end of each contract period. Rentals should be paid, in principle, on an annual basis, but provision should be made, if necessary, to allow advance payments for any periods within the five year period.

3. Damage Compensation

Early and just compensation should be made on the matters listed below:

1) Pre-Peace Treaty compensation (to be solved between the U.S. and Japanese

governments).

- 2) Compensation for properties above the ground, including tombs, wells, stonewalls, trees, etc..
 - 3) Compensation for "lost lands" and lands under the military highways and roads and for loss of water sources.
 - 4) Payment of expenditures necessary for the restoration of released lands.
 - 5) Compensation for damages caused by military training exercises.
- 4 . Rentals

Despite rent increases on the basis of the Price Recommendations, strong dissatisfaction still remains among landowners. Equitable amounts of rentals should be determined after a thorough investigation of the actual circumstances and in such a way that landowners should not suffer undue damage.

5 . Change of Policy

To initiate measures by which to assist dispossessed landowners in establishing new ways to earn a living, and particularly to realize the following policies:

- a) Overseas emigration of Okinawan residents.
- b) Creation of new jobs through development of industries.

The resolutions and the new proposals met strong opposition from the reformist groups in the legislature because they contained a serious setback in Principle One, opposition to new acquisition, and even made some concessions in rental payment methods. But the conservative majority overcame the opposition, which indicated that there had developed a definite split of opinion within the Legislature between the reformist groups insisting on adherence to the Four Principles as originally adopted and the conservative party supporting a predominant opinion within the Land Federation, which had actually drafted the proposals attached to the resolutions.

On the other hand, an increasing number of landowners, mostly those who voluntarily offered the use of their land, were receiving 100 percent of the lumpsum payments deposited in their names, and the number of those owners who were dissatisfied with the rental rates but received 75 percent of the deposited payments was slowly increasing.

A USCAR "Fact Sheet" dated 19 Feb. 58 indicated that 381 owners received 100 per cent (total: B¥99,895,820=\$832,465, for 383.94 acres) and 317 others received 75 percent (total: B¥108,572,707=\$904,772 for 327.76 acres), during three and a half months between November 1957, when lumpsum payments began, and 15 February 1958.

According to a survey by the General Federation for the Protection of Land (Tochi-soren), however, a total of 15,704 landowners were opposed to the lumpsum

payment program and only three were for it as of June 14, 1957.³⁷

New Land Policy and a Solution

While some landowners in northern Okinawa offered their lands for long-term single payments, a vast majority of owners remained strongly opposed to the policy, and their apprehensions grew as the military forcibly proceeded to establish the determinable estate in lands already in use and continued to acquire new land. Resolutions and petitions were addressed to the local American and Japanese government authorities, and rallies were held in various municipalities affected to protest the land policy. In answer to the protest, USCAR only reiterated that no change was expected in the land policy and attempted to assuage local fears by emphasizing that the U.S. was not trying to obtain land title through the establishment of determinable estate.

“Single payment” is primarily a different method of payment and not a change in ownership from previously existing policies...Under single payment as in other methods of payment, title remains in the hands of the owner.³⁸

But, to the landowners, having determinable estate established by single payment meant, in effect, the loss of ownership as it deprived them of their right to free contract and the opportunity to participate in the determination of rent permanently.

To allow the establishment of determinable estate by accepting the lumpsum payment is tantamount to the outright sale of land. Moreover, the amount of rental paid in lump sum is far below the ordinary market price...With the unanimous opinion of all the landowners concerned behind us, we are determined to fight to the last in order to prevent the implementation of the lumpsum payment policy. (Ryukyu Shimpo, March 28, 1958)

Entries from a chronology of events prepared by the Government of the Ryukyus provides a glimpse into the land problem situation in the early part of 1958:

Jan.24 - Notices of Intent issued for more than 2. million tsubo of land in the Kadena AB area for establishing determinable estate.

Jan.26 - A protest rally held in Gushichan-son.

Jan.29 - Estate in land for Nike missile sites in 14 municipalities converted from “leasehold” to “determinable estate”.

Jan.31 - Deputy Chief Executive Ota conveyed to Deputy CA Guilles strong requests from the landowners organizations for reconsideration on the land policy.

- Feb.2 - A spokesman for the State Department said the single payment policy would be implemented as scheduled; USCAR told GRI that single payment does not mean a change in ownership of land.
- Feb.6 - Socialist Masses Party leaders submitted a written request to USCAR, demanding to discontinue the single payment system.
- Feb.7 - General Federation of Landowners Associations submitted a petition to GRI that the Executive Branch must join the Legislature and the land owners organization for concerted efforts toward a solution that would satisfy the U.S. need and the landowners' demand.
- Mar.3 - Declarations of Taking issued for land in the Kadena and Chatan airfields and for Nike missile sites in Ginowan, Katsuren and five municipalities in southern Okinawa.
- Mar.4 - Chief Executive Thoma requested a change in the land policy during his meeting with CA Burger.
- Mar.16 - (The reformist parties defeated the Democratic Party in the March 16 Legislative Election: Democratic,7; OSMP,9;OPP,5; Independent,8)
- Mar.18 - Declarations of Taking issued for determinable estate in lands acquired for Nike missile sites in Yomitan, Kin, Onna, Ishikawa, Gushikawa, Yonashiro and Katsuren.
- Mar.22 - Ginowan-son Assembly adopted anti-single payment resolution; Sashiki villagers submitted a petition to GRI.
- Mar.24 - Eighty-five landowners, led by Chinen-son Mayor, visited Chief Executive to hand him an anti-single payment petition.
- Mar.26 - Chatan-son Assembly adopted an anti-single payment resolution.
- Mar.28 - Eighty landowners of Chatan-son visited Chief Executive to express their opposition to the lumpsum payment policy.
- Mar.29 - OSMP leaders Tsumichiyo Asato and Koichi Taira met with Prime Minister Kishi at his official residence in Tokyo, revealed their plan to launch direct negotiation with the U.S. government, and asked for the unified support

of the Japanese government and all the political parties to back up their negotiation.

Apr. 1 - Gazen Tokeshi, president of the Pre-Treaty Damage Claims Association, Nobuo Ashitomi, Chairman of the Association of the Municipal Assembly Speakers Assn., and Choko Kuwae, Chairman of the Land Federation, left for Tokyo to present petitions to the Japanese Government and the U.S. Embassy in Tokyo.

It was against this background that High Commissioner Moore revealed in his annual message to the Ryukyuan Legislature on April 11 that the land acquisition program was being reviewed by the authorities in Washington. On the same day, the Legislature established a Special Committee for the Military-Used Land, and also passed on a unanimous vote a resolution against the lumpsum payment policy. As of April 11, determinable estate had been established in 12,233,785 tsubo of land in 21 municipalities, according to the resolution. On May 7, the Legislature again adopted a resolution, demanding that the U.S. stop lumpsum payment immediately, and on the following day decided to send six representatives to Washington, including two from the Legislature, two from the Executive Branch and two from the Land Federation.

On May 20, recently-installed High Commissioner Lt. Gen. Donald P. Booth relayed to Chief Executive Thoma an invitation from Secretary of Army Brucker to send a delegation to Washington to discuss the land problem. The group left for Washington on June 10, via Tokyo, where they met with Japanese government leaders and Ambassador to Japan MacArthur II. They arrived in Washington on June 25, and after about a week's preliminary talks with State and Army Department leaders and House Armed Services Subcommittee members, official discussions were held from 2 through 7 July.

The delegates emphasized the following points during the negotiations:³⁹

1. The land problem was no longer a problem of only landowners, but was a serious issue in which other people were deeply interested.
2. Determinable estate is a legal concept difficult to understand for Okinawans, and the U.S. intention to acquire this estate was making the landowners increasingly apprehensive.
3. The lumpsum payment-determinable estate policy should be replaced by a system of a leasehold interest for indefinite periods.
4. Rentals should be paid on an annual basis, renewable at three to five year intervals. A Ryukyuan-American body should be set up to determine rentals.

Released lands should be restored to their original condition or be properly compensated for.

5. Proper compensation should be made for property damages caused by the U.S. during the period prior to the coming into force of the Peace Treaty. Use of land after administrative reversion of the Ryukyus to Japan should be negotiated for with the Japanese government.

According to Tsumichiyo Asato, who headed the delegation, the U.S. side reminded them of the fact that certain sacrifice was inevitable when land was expropriated for public use in any country, to which the Ryukyuan side pointed out that land expropriation under a law reflecting the will of the governed was acceptable, but CA Ordinance 164 did not belong to that category of legislation. In addition, it was also pointed out that the word "public use" as used by the U.S. side meant primarily U.S. interests, not necessarily Okinawan interests.⁴⁰

Total abolition of the lumpsum payment method was the strongest demand of the Ryukyuan delegation, and they felt they could not return to the Ryukyus without winning some concessions on this point from the U.S. The U.S. side, however, repeated its contention that it was against democratic principles to deny some landowners their right to receive rentals in lumpsum. Asato wrote that he retorted by claiming that the U.S. contradicted itself when it enforced the lumpsum method, without leaving any choice for those landowners who wanted to receive rentals on an annual basis.

The Okinawan representatives suggested that if the single payment system for determinable estates were to be abandoned, a satisfactory method could be worked out to meet the desires of those landowners who wished to receive rentals in a substantial amount at one time in stead of annual rentals. They also suggested that the GRI Legislature should enact a law effectively stabilizing land values in the Ryukyus. Asato later wrote that although a joint announcement issued after the six-day negotiation contained nothing specific and definite, the delegates felt assured that their basic demands would be favorably considered.⁴¹ The announcement did admit that the U.S. was "deeply aware" of the landowners' opposition to "certain aspects" of the land policy, and called for the establishment of committees of Americans and Okinawans to work out specifics for the final resolution of the issue.

On July 30, High commissioner Booth issued the following statement:

After careful review of the land program, the U. S. is prepared (on the assumption that a more satisfactory solution will be found) to cease further acquisition of determinable estate acquired in the past and to abandon completely the sole method of single payment connected therewith. The United States is

prepared to pay annual rentals for such use.⁴²

On the basis of this new policy, the High Commissioner called the first of a series of the joint U.S. Ryukyuan land policy meetings on Aug. 11, with three committees appointed with American and Ryukyuan co-chairmen to develop specific recommendations for the implementation of a new land policy. The committees worked for three months and presented their recommendations to the full Land Policy Conference held on Sept. 8, Oct. 6, Oct. 13, and Nov. 3. Salient points of agreement developed by the three committees and approved by the four joint conferences since Aug. 11 included:⁴³

- 1 . GRI will negotiate basic leases with the individual landowners and in turn execute master leases with the U. S. for all the lands. Only two types of leasehold interests will be acquired: one for a five-year period where the period of tenancy can be determined in advance and is for a period of five years or less; where the period of tenancy cannot be determined in advance, indefinite leasehold will be used. All the determinable estate interest will be cancelled.
- 2 . The U. S. will pay to the GRI the total amount of rental required for each master lease and GRI will distribute such payment to the individual landowners, who will be permitted a choice of accepting annual rental or prepaid rental for a long period not exceeding 10 years.
- 3 . Such prepaid rental is applied to the indefinite leasehold contract only, not to the temporary or five-year leasehold contract. Applicants for such rentals must meet such requirements as determined by GRI, including plans to emigrate, purchase of substitute farmland, purchase or construction of a residence and purchase of land for it and finally "special worthy circumstances" determined by GRI.
- 4 . Annual land rental would be payable in advance at the start of each fiscal year (July1), and rentals will be re-evaluated at five-year intervals. Prepaid rentals for long terms will be paid starting from July 1, 1959 for a 10 year period only, ending June 30, 1969, after which date all the landowners will receive annual rental. Prepaid landowners can keep their money even if their land is released before the end of the leasehold.
- 5 . Separate formulae will be used for determining amounts of annual rentals for agricultural land, residential and commercial land, forest and other classifications of land. Amounts of rental for agricultural lands, for example, will be determined upon the productivity of the land based on the production records of the lands for designated years.
- 6 . GRI will enact an appropriate law to stabilize land values effectively. The law, to be effective on July 1, 1958, will include a schedule of per annual

rental values for each classification and grade of land, subject to approval by both the U. S. and GRI; establishment of a judicial or fact-finding body to deliberate upon appeals concerning corollary matters such as misapplication of schedule prices, etc., but not pertaining to the ceiling of price per tsubo.

7. GRI will have 60 days to obtain leases upon land required by the U.S. If GRI fails to obtain such leases within the period, the U.S. may obtain them by condemnation. In the event of "unavoidable circumstances," this period may be shortened. Leasehold interest will be vested in the U.S. upon filing a Declaration of Taking and payment of the rental to GRI.
8. The U.S. will be responsible for restoring land to its original condition, or pay damages in place of restoration after the leasehold is terminated by the U.S.
9. The U.S. will pay rentals for military training areas in Kin, Ginoza, Higashi, Kunigami, Nago and Onna, etc. Compensation will be paid in proportion to the number of days actually used for training.

At the conclusion of the final joint conference on Oct. 13, High Commissioner Booth lauded the conferees and the committees for arriving at a "highly successful solution to the major items upon which mutual agreement was needed," adding that the agreement was needed to establish a basis "for setting in motion a land program which would be acceptable to the greatest number of Ryukyuan and Americans alike." GRI Chief Executive Thoma also cited the "untiring zeal and unremitting efforts to seek a mutually-acceptable solution."⁴⁴

In fact, as Choko Chinen, co-chairman of Committee No. 3 later wrote, the committee meetings were often seriously hampered by difficulties arising from differences in ways of thinking, in the respective legal systems and conflicts of interests between the U. S. and the Okinawan side. The language barrier added to the difficulties, particularly when the agenda called for highly professional, technical knowledge. "Only patience and arduous efforts made it possible," he recalled.⁴⁵

As a result, however, rentals for the total area of the military-used land (43, 570 acres, as of the end of March, 1958) were raised to \$5,968, 437, or B¥716, 212, 495). This was 2.1 times more than the values appraised by the US District Engineer in 1956, and about 6 times more than the 1953 annual rentals. According to Ryojun Kugai, co-chairman of the Committee No. 2, the newly fixed rent amounted to about 80 per cent of the amount demanded by the landowners.⁴⁶

In determining the rentals, all the lands were first classified into 14 categories

depending upon the purposes of their use and the current condition of use, and the land in each category was divided into two to five grades on the basis of productivity, market value, etc..

For example, rental value for wet farm land (rice paddy) was determined at 38 per cent of gross income from the wet farm land No. 3 (average of five grades of wet farm). Gross income for wet farm land No. 3 was determined by using 1955 wet farm land crop yield reflected in the 1956 GRI Ryukyu Statistics Report. Such yield would be increased by 23.8 per cent to reflect higher 1958 productivity over 1955; increased by 78 percent for the second crop; increased by 5.6 per cent for by-product; and, multiplied by 41.67 cents per "sho" for polished rice. Rental by grades from 1 through 5 would be: 120 percent, 108 percent, 100 percent, 72 percent and 60 percent.⁴⁷

One special feature that came out of the Conferences was the designation of "special areas." That is, provision was made for separate treatment of special areas such as Naha, Ishikawa, Koza and others, where improvements had been made before the U.S. forces took land, or where residential areas had spread over the original housing zones into other types of land adjoining them, raising their values. For example, annual rental for nonresidential land used by the military in a special area would be equal to 50 percent of rental for Building Lot No.2, regardless of classification. Rent for some tracts of non-residential land was raised to almost nine times the original evaluation.⁴⁸

Although there still remained some differences of opinion as to minor technical aspects of the new program and finer points as to its execution were yet to be determined, the joint conferences were termed "successful" by the parties concerned.

The High Commissioner forwarded this package of recommendations to Washington for consideration on Nov. 3, and announced on Nov.25 that he received a reply from Washington saying that the U.S. government had approved in full all the agreements reached by the joint conferences. On Dec. 18, he announced a seven-point preliminary program of transition to the new land program:⁴⁹

1. Suspend any additional determinable estate or lump sum payments.
2. All determinable estates previously held by the U.S. will be cancelled.
3. The U.S. will acquire temporary leasehold as interim interest in the land in place of the determinable estate interest.
4. The interim leasehold will be replaced by leases to be negotiated by GRI with landowners under terms of agreement of good faith expressed at the

land conferences.

5. Payment of interim leasehold money will be made to all landowners whose property was acquired under determinable estate after the proposed GRI land legislation is signed into law.
6. About \$775,000 will be deposited by the U.S. in a special trustee account for interim rentals for periods up to June 30, 1958. GRI Military-Used Land Office will disburse the funds.
7. A new Land Advisory Committee with equal American and Ryukyuan representation will be formed to discuss corollary matters agreed to at the land conferences and any other matters that may arise in the implementation of the new land program.

On the basis of the program,USCAR issued HIGOM Ordinance No.18, "Acquisition of Interim Leasehold Interests," on Jan. 13, 1959; HICOM Ordinance No.19, "Establishment of the United States Land Tribunal for the Ryukyu Islands," on Jan.21; and HICOM Ordiance No.20, "Acquisition of Leasehold Interest," on Feb,12. The GRI Legislature passed Land Rental Stabilization Act during an extraordinary session convened on Nov.25, 1958.

Thus, the Land Problem finally came to an end in the form of a compromise generally acceptable to most landowners, six years after it first emerged in 1952 and then flared into an island-wide Land Struggle, which spread like a brush fire and picked up momentum as the U.S. successively attempted to enforce unilaterally-decided policies against mounting opposition of the landowners. The final compromise was a product of political maneuvering of the U.S., which effectively took advantage of the Henoko landowners, who had voluntarily offered their land for lumpsum payment. The U.S. successfully alienated politically-oriented elements from the opposition movement, thus reducing the problem into mainly an economic matter of rental payment.

"The former never-ceasing criticism of United States policy in regard to the land program, especially in relation to acquisition of a determinable estate interest, came to a complete halt," said USCAR in its annual report, "Civil Affairs Activities in the Ryukyu Islands." ⁵⁰

A complete halt it came to perhaps, as far as the U.S. was concerned: the determinable estate interest, the thorniest point of the problem, was cancelled, dispelling local apprehensions about the unfamiliar legal concept; rentals were raised to some 80 per cent of the landowners' demands; and wishes of some land owners who wanted a one-time, long-term payment were fulfilled as the U.S. had insisted, though with

some reservation.

Seen from the Okinawan side, however, there still remained problems and disputable legal points in the new program.

First, the enactment of GRI legislation (Land Rental Stabilization Act) applicable to lands used by the military and the civilian alike was effective in putting a lid on complaints from military-used land owners, because the legislation, mandatory in nature, foreclosed any appeals in regard to, for example, the maximum rental prices set by the law. (Art.20).

But on the other hand, special provision was made applicable only to the military-leased land that the classifications and grades of land, upon the basis of which the maximum rental prices were to be determined, remained the same in the case of the military-used land as they were at the time of taking by the U.S. military. (Art.11). In the case of the civilian used lands, adjustments could be made in grades in accordance with Act No.87 (July, 1959) concerning the grading of lands, by authority of the mayor acting on complaints from the persons concerned, in cases where justifiable changes had occurred in the utility values of land in question.

CA Directive No.3, "Registration and/or Entry Regulations in regard to Land in Which the United States Holds or Acquires an Interest," (14 July, 1959) provided:

...all applications for a change in official description of lands, including but not limited to division, consolidation, increase or decrease in area and change in classification and/or grade of land, in which the United States has acquired an interest must be approved by the USAEDO...

Under the Stabilization Act, an 18-member committee called Land Rental Appraisal Committee was established with its members appointed by the Chief Executive. The committee determined the maximum rentals and submitted them to the Chief Executive, who approved them after obtaining concurrence from the High Commissioner.

In regard to restoration of land, HICOM ordinance No.20 provided that a landowner had to submit a written request to GRI on requirements for restoration of his land "at least 30 days prior to the effective date of the termination" of use of his land by the military (which would issue a notice of termination 60 days before the effective date). Since landowners were not given free entry into bases in which their lands were located, there was no way to accurately assess requirements for restoration or damages caused to their property.

The new policy, in essence, was no different from the previous ones in the sense

that it did not promise an end to new acquisition, nor did it give the landowners the freedom of contract. The military still could take whatever land it needed and use it for an indefinite period of time, determinable by the military alone.

Yet with major problems resolved in one way or another, the remaining problem was that of the pre-Peace Treaty compensation.

In March, 1958, the Land Owners Federation (Tochi-ren), together with the Okinawa Shi-Cho-Son Mayors Association and Okinawa Shi-cho-Son Assembly Sepeakers Association, formed the Okinawa Association to Acquire Compensation for Damages Prior to Peace Treay. (president, Gazen Tokeshi, mayor of Chatan-Son).

The Federation hired Noel Hemmendinger, attorney at law in Washington, as its official agent, and under his guidance, prepared a petition and submitted it to the joint U.S. and Ryukyuan Land Advisory Committee. The committee submitted it after review to the High Commissioner, who in turn transmitted it to the U.S. government on June 14.

On November 9, 1960, High Commissioner Booth announced (USCAR Press Rress Release #1457) that the U.S. government had earlier reached a desision to authrorize the consideration and settlement of claims pertaining to the use of land by the U.S. during the period 1 July 1950 to 28 April, 1952, and that other claims covering prior periods were still under review by the government.

Although the U.S. never accepted legal responsibility for payment of such claims, it gradually became receptive to the Okinawan request, thanks largely to efforts by such men as Hemmendinger and decided to consider it "for reasons of equity."⁵¹ Hemmendinger, discussing the problem from a legal as well as practical and moral standpoint in his written argument presented to the Secretaries of State and Defense, said:

If the U.S. believes Article 19(a) (of the Peace Treaty) to be applicable on the extinguishment theory—that is, on the theory that the Treaty extinguished Ryukyuan claims although U.S. control since the Treaty has been exclusive—then it owes it to the Okinawns to assert their claims against Japan, although it would be difficult to say whether the claims meet the traditional tests for an international reclamation. The difficulty arises mainly from the illogic of this theory. Thus a correct statement, on this theory, might be that the Okinawan had claims founded on the Japanese Constitution and their political rights as Japanese subjects, but being under exclusive U.S. jurisdiction need, and are entitled to, the help of the United States in vindicating their rights.⁵²

On the position of the Japanese government vis-a-vis the Okinawan residents, he

said:

The Japanese Government was not in position, as a practical matter, to ascertain the views of the Ryukyans or to act for them in negotiating the Peace Treaty... The theory that the Japanese Government did in fact waive Okinawan claims implies that it took an action vitally affecting the interests of a group of its nationals without any contact with them or right on their part to petition their government...

It would be unreasonable to expect Japan to accept responsibility on the theory that the Okinawans remain Japanese nationals in the sense of Article 19(a) *unless* the United States took a consistent position and conceded that Japan is entitled actively to exercise some of the powers of sovereignty during the period of U.S. administration under Article 3.⁵³

After discussing legal complexities in regard to the position of the U.S. and Japan, Hemmendinger proposed:

If acceptance of its responsibility to find a solution for the pre-Treaty claims appeared adverse to some U.S. political interests, it would nevertheless be necessary for the United States to do so in the interest of justice and to live up to American standard of international morality...⁵⁴

The U.S. Congress passed Public Law 69-296 (A Contribution to Certain Inhabitants of the Ryukyu Islands for Death and Injury to Persons, and for Use of and Damage to Private Property Arising from Acts and Omission of the U.S. Forces, or Members Thereof, after August 15, 1945, and before April 28, 1952) on October 27, 1965 and about a year later passed another law authorizing disbursement of funds for payment of the claims (PL 89-691). By authority delegated from the Secretary of Defense, via Secretary of Army, the High Commissioner of the Ryukyus promulgated HICOM Ordinance NO. 60, "Settlement of Ryukyuan Pre-Treaty Claims," on Oct. 1, 1967 for "ex gratia payment of claims."

Footnotes

1. Stitt & Hemmendinger, *The Pre-Treaty Ryukyus Land Claims, Petition and Brief*, submitted to The Secretary of State and the Secretary of Defense, on behalf of The Okinawan Association to Acquire Compensation for Damages Prior to Peace Treaty, December 19, 1958.p.8.
2. Cabinet Committee hearing, House of Representatives, 1 June, 1956, as cited in Hemmendinger's Petition, pp.109-112.

- 3 . Seiki Toyama, *Backstage of Post-War Politics of Okinawa*, Okinawa Aki Shobo, 1987, pp.360-361. Also, see "Military-Used Land Problem," compiled by the Government of the Ryukyus, pp.60-61.
- 4 . "Histoty of United States Land Acquisition in the Ryukyus," Nov. 1, 1954. This four-page summary of the land problem is one of five enclosures attached to a memorandum for Deputy Governor, entitled "Policy and Procedures for New Land Acquisitions", dated Nov.18,1954.
- 5 . USCAR document, "Brief Outline of United States Land Acquisition Commission," dated 20 Oct. 1955,p.3-4.
- 6 . USCAR Press Release, "Non-Connunists Should Avoid Gatherings of Communists on May Day,"24 April, 1954.
- 7 . USCAR Press Release, "Communist Pre-Karl Marx Day Activity Here is Typical of That of Communists Elsewhere Who Plan to Spread Discontent Prior to Aggressive Acts," 27 April 1954.
- 8 . USCAR Press Release, "Commuists' Plans for Karl Marx Day Demonstrations Fail Miserably Under Pressure of Ryukyuan Public Opinion: Rodeo and Band Steal the Show," 1 May 1954.
- 9 . USCAR Press Release, 4 May 1954.
10. USCAR Press Release, "Gen. Bromley Contrasts Free Election of Legislators on March 14 with Controlled Elections Behind Iron Curtain: Reminds That Election of Best Candidates will Help Speed Rehabilitation Program,"24 Feb.1954.
11. Letter from Chobyoy Yara, president of the Association for Reversion to Mother Country of Okinawa Islands, to General Ogden, Deputy Governor, USCAR, dated 5 February 1954.(English version)
12. Letter from Brig. Gen. Charles V.Bromley, Office of the Deputy Governor, to Chobyoy Yara (RCCACIE 000.8, dated 24 Feb.1954).
13. Letter from Brig. Gen. Charles V.Bromley to Col. Louis M. Gosorn, J-5, Hq. FEC, dated 23 Feb. 1954
14. Ibid.
15. USCAR document, Memo for Record, Subject: Conference with Mr.R.H., dated 10 Feb.1954. The memo was made by CIE.
16. An undated English translation of notes allegedly written by an Okinawan leader in Tokyo.
17. Letter from Meitatsu Takamine, vice-president, Association of Supporters for Reconstruction of War-destroyed School Buildings in Okinawa, to Maj. Gen. David

- A.D. Ogden, Deputy Governor, dated 2 Sept. 1954.
18. Memo for Deputy Civil Administrator (RCCA-CIE 400.1) on Yara and Japanese Collected Rehabilitation Funds, dated 13 Sept.1954.
 19. Twx No. DA981130, from DEPTAR to CINCFE, Ref. Apr. C 72340 (AGCR 1047) and May C 72492 (AGCR 1229). 5-3455.
 20. Ibid.
 21. Twx from DepGov, USCAR, to CINCFE, Tokyo, dated 13 May 1955.
 22. Twx from CG, Rycom, to Deptar, Washington, 7-10855,1 Aug.55.
 23. USCAR Press Release, 26 Oct.1955.
 24. Statement of Gen. Lemnitzer, USCAR Press Release, 26 Sept. 55, page4.
 25. Report of a Special Subcommittee of the Armed Services Committee, House of Representatives, following and Inspection Tour, Oct. 14 to Nov. 23, 1955 (Price Report), p.7657.
 26. USCAR Press Release, 21 June 1956, page 1.
 27. Ibid, page 2.
 28. USCAR Press Release, 30 Aug. 1956, page 1.
 29. Statement of Gen. Lemnitzer on the land problem, Jan. 4, 1957, page 4.
 30. Ibid, page 3.
 31. Twx from CINCFE to DA, Washington, 25 Jan. 1957, page 1.
 32. Twx from DepGov, USCAR, to CINCFE, Tokyo, 15 May 1957.
 33. Twx from CMC to DeptAr, 28 June 1957, Crypto Nr. 9810 AJB/FCM.
 34. . Twx from OIC ComGen, USARYIS/IX Corps, Okinawa, to OIC ComGen AFFE/SA Rear Japan, 25 May 1957.
 35. Status of Implementation of the Price Report, for Hon. William G.Bray, from USCAR (HORI-CA), page 3.
 36. Ibid.
 37. Toyama, op.cit.p.383.
 38. USCAR Fact Sheet, 15 February 1958, page 1, re. "Single Payment."
 39. Tsumichiyo Asato, "Process of Land Problem Negotiation in America," *Report on the Military-Used Land* compiled by Information Section, Secretariat, Office of the Chief Executive of the Government of the Ryukyus (Gunyochi Mondaino Keii, May, 1959), pp.43-44.
 40. Ibid, p.45.
 41. Ibid.
 42. USCAR Press Release No.134, 30 July 1958, Statement by Lt. Gen. Donald P.

Booth on Land Policy in the Ryukyu Islands.

43. USCAR Press Release, 8 Sept. 1958, "Joint Statement of Second Land Policy Meeting." Also see, Third Joint Land Conference Statement of 6 Oct. 1958, of 13 Oct. 1958, and of 3 Nov. 1958.
44. Joint Statement, fourth Joint Land Conference, 13 Oct. 1958, page 1, USCAR Press Release.
45. Choko Chinen, "Work of Committee No.3," *Report on the Military-Used Land*, pp.79-80.
46. Ryojun Kugai, "Details on Military-Used Land Negotiations," *op.cit.* p.52.
47. USCAR document, Fourth Joint Land Conference Joint Statement, 13 Oct.58, p.2.
48. Kugai, *op.cit.* p.62.
49. USCAR Press Release No.272, 18 Dec.58.
50. USCAR, *Civil Affairs Activities in the Ryukyu Islands*, Vol.VII, No.1, p.28.
51. USCAR Press Release, No,1457, Nov. 9, 1960.
52. Hemmendinger, *op.cit.*, p.33.
53. Hemmendinger, p.31.
54. Hemmendinger, p.34.