



# CHamoru Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

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## PRESS RELEASE 2019-06

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**Joshua F. Tenorio**  
Lieutenant Governor

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Commissioner

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Commissioner

**Arlene P. Bordallo**  
Commissioner

**Joseph I. Cruz**  
Commissioner

**Jack E. Hattig III**  
Administrative Director

Tamuning, Guam – The CHamoru Land Trust Commission announces, through CLTC Resolution 2019-08, the approval of a settlement Term Sheet in United States v. Government of Guam, Chamorro Land Trust Commission, and Administrative Director of the Chamorro Land Trust, District Court Civil Case No. 17-00113.

In 2017, the U.S. Department of Justice sued the CHamoru Land Trust Commission, alleging, among other things, violations of the Fair Housing Act.

The CLT Commission took this lawsuit and the allegations seriously, at stake was the entire program of the Chamorro Land Trust. However, the Commission knew that this allegation was false: the eligibility criteria for becoming a land trust beneficiary did not discriminate based on race, color or national origin. Therefore, the Commission, the Administrative Director, and the Government of Guam, decided to defend against the allegations.

Then, in March of this year, the U.S. Department of Justice offered settlement terms to settle this case and avoid going to trial. Over the course of the following nine months, the Commission, along with the Governor's office, the Administrative Director, attorneys from the Attorney General's office, and attorneys from the U.S. Department of Justice worked together to negotiate a settlement agreement.

This settlement agreement generally presented in the *November 14<sup>th</sup>, 2019 Term Sheet*, was unanimously approved by the Chamorro Land Trust Commission at a December 13 meeting. The Commission's approval and the Term Sheet are detailed in CLTC Resolution 2019-08.

In general, the Term Sheet's favorable terms achieve several things for the CLT.

1. It preserves the CLT program intact, including our current leaseholders.
2. It admits our island's history and more clearly demonstrates that the CLT Program is a land restoration program meant to rectify the unjust taking of Chamorro homelands by the U.S. federal government between 1898 and 1968.
3. It expands the definition of eligible land trust beneficiaries to all those owned, farmed, ranched or occupied land, or descendants thereof, that was taken by the U.S. federal government between 1898 and 1968.
4. It includes a new, compassionate provision, to allow land trust leaseholders to designate their spouse of seven or more years (who would not otherwise be

eligible as a land trust leaseholder), to receive a life-estate for their home on land trust property at their spouse's death.

The Commission's approval of this term sheet achieves the sole mission of the Commission, which is to act exclusively in the best interest of our beneficiaries.

While the Commission has exercised all its powers to achieve settlement of the case, the Commission turns now to the 35<sup>th</sup> Guam Legislature to enact any and all legislation necessary to comply with and carry out the terms of the Agreement in order to settle the case.

The Commission is hopeful the Legislature will act favorably, in order to avoid the delay, uncertainty, inconvenience and expense of protracted litigation. The CLT Program has approximately 3,000 current leaseholders and approximately 8,000 individuals still waiting for an agricultural or residential lease for property. The swift resolution of this case would allow the Commission the chance to return to work in the program and further the process of returning property to our eligible beneficiaries, a majority of whom have been waiting for 24 years.

Although the Commission has involved the Legislature as far as permissible, the Commission understands and looks forward to additional legislative proceedings to further discussion about this case, towards the enactment of legislation. The Legislature held two hearings (October 18<sup>th</sup> and December 11<sup>th</sup>) where the Commission and the Assistant Attorneys General participated and provided preliminary information about the case and settlement, and the Commission looks forward to participating in a much more in-depth review of the settlement terms to inform and educate the general public.

During this season of reflection and thanks, the Commission is grateful for the work done by all to get this far in the lawsuit, and for the confidence and trust the Chamorro Land Trust beneficiaries have bestowed upon the Commission, to represent and protect their interests in the program.

END OF RELEASE

