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I am honored today to represent the brave men who fought in the Battle of Midway. It was their courage and blood that helped turn the tide of World War II. Sixty-three years ago, the Japanese naval juggernaut was leaving the waters of Japan and heading toward Midway. Then, against overwhelming odds the U.S. Navy won the most decisive naval battle in its history. It was a conflict that forever changed the course of the war in the Pacific. Today, I feel that we are again at a crossroads regarding the outcome of a new Battle of Midway.

Midway is much more than a wildlife refuge. The Midway Islands represent America's and the U.S. Navy's finest hour of sacrifice for liberty. It is a sacred place where Americans died in defense of their country and in so doing helped save democracy for the Western world. However, it is exactly the lack of appreciation of the significance of the Battle of Midway that has created many of the problems on Midway. (See Attachment A "Under-appreciated Victory" by former Secretary of Defense, James R. Schlesinger in the U.S. Naval Institute Proceedings, October 2003.)

The issue of public access to Midway Atoll has a more profound meaning than that which first meets the eye. The central questions of this debate should be whether the Midway National Memorial should be on an equal footing with a wildlife refuge; and should the federal agency having jurisdiction over the Memorial be as committed to a national memorial as it is to a wildlife refuge? If the answer to these questions is yes, as I believe it should be, then the problems facing Midway---including that of public access---will be resolved only when jurisdiction over Midway is given to an agency with an inherent ability to equalize its treatment of both historic and natural resources.

To validate the veracity of this statement, one must observe what I perceive to be a conflict of interest that is created when a federal agency, whose primary interest is wildlife, is asked to care for one of America's greatest National Memorials. Despite attempts to show its interest in the Memorial, the USFWS consistently, as it would be expected to, activated policies that put the needs of the Refuge above that of the Memorial.

The story begins in 1993 when the IMMF visited Midway Atoll with Midway veterans. We were all anxious to visit the famous airstrip on Eastern Island, which played such a prominent role in the outcome of the Battle of Midway. Still under Navy jurisdiction, LCDR Michael Driggers, USN was kind enough to take us there in his private boat. As we disembarked, representatives of the USFWS, traveling in two motorized rafts, angrily approached, shouting expletives, until they discovered we were with the LCDR Driggers. After that they continued to follow us as we toured the tiny island. This was my first experience with the

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USFWS. During that visit, it became apparent to me that the USFWS did not have the kind of interest that is necessary to preserve the rich history of Midway.

Upon returning to the states, my concern was that the Navy's departure would leave the historic sites on Midway vulnerable to destruction. These concerns were validated when I learned from the Acting Director of the USFWS that, if funds were available, the USFWS would destroy the historic airstrip on Eastern Island with dynamite and return Midway Atoll to a "pristine state". Equally as troubling was my observation that while going across Midway documents in the National Park Service's (NPS) History Department, I discovered a map of Eastern Island on which the airstrip was crossed out and the words "DO NOT CONSIDER FOR HISTORIC LANDMARK STATUS (HLS)" were written. I brought this discovery to the attention of National Park Service but no explanation was ever given to me. I was deeply troubled by the fact one of the most significant historic sites on the Midway Atoll was being excluded from Historic Landmark status.

This observation is further supported by a letter I received in January 1994, in which the Acting Director of the USWS (See Attachment B) states that "the subject airstrip, although cited in the NPS report supporting designation of several sites, was not included as part of the report." In fact, the four structures nominated for HLS by the NPS were all on Sand Island and never did receive HLS.

In February 1994, the IMMF received the full support for from Hawaii's State Historic Preservation Administrator to preserve all of Midway's World War II sites, including the airfield on Eastern Island (See Attachment C).

Further, in a letter dated August 1994 (See Attachment D), the Acting Director of the USFWS stated "...the Service opposes

the designation of the area as a National Historic Park because of the presence of significant endangered, threatened and migratory species resources [sic] and our responsibilities for protection and management under the Endangered Species Act and other environmental mandates [sic].”

In a return letter to the Acting Director by the IMMF dated September 1994 (See Attachment E), I wrote “The only endangered species of terrestrial or bird life recorded at Midway Atoll are the Short-tailed Albatross and Peregrine Falcon. One, perhaps two, of the former have been annually observed using Sand Island. The latter is an occasional ‘straggler’ on the Atoll. Nothing planned by the IMMF would interfere with their habitat. Further, there is no data to suggest that Midway Atoll is the sole or primary habitat with regard to any endangered or

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threatened species, whether they be marine, terrestrial or bird...The IMMF fully supports the protection of these and any other endangered or threatened species utilizing the Midway Atoll...In conclusion then, IMMF does not support the proposal of USFWS to utilize the Midway Atoll solely as a wildlife refuge administered by the USFWS.”

In April 1994 the IMMF became a member of the U.S. Navy’s NAF Midway Reuse Committee and attended its first meeting in Pearl Harbor. There we presented a requested proposal entitled “Project NAS Midway” (See Attachment F). The proposal was rejected by USFWS. The Foundation was not asked to its next meeting until this turn of events came to the attention of Senator Jesse Helms, at which point I was asked to the Committee’s third meeting.

Also in April 1994, the Foundation could not receive permission from General Kicklighter (of the World War II Commemorative Committee) to place and dedicate its Midway Memorial Monument on Midway. It was only after the IMMF turned to an official in CincPacFleet that permission was given to the IMMF to hold a ceremony on Midway in August 1995. That year, while under the jurisdiction of the U.S. Navy, the Foundation dedicated a significant Midway Memorial Monument, which was erected and dedicated by the IMMF on Sand Island with many Midway veterans in attendance. The keynote speaker at this ceremony was Admiral Jeremy M. Boorda, USN, Chief of Naval Operations.

In May 1994, a document published by the USFWS revealed their intention to totally subjugate Midway’s great historic value to their primary mission of caring for the wildlife refuge. In their Cultural Resources Management Draft Plan Table 3: “Historic Resources Considered Physical Hazards to Wildlife Sand and Eastern Islands, Midway Atoll”, USFWS listed 24 historic Category I and II structures that were planned for demolition, including the historic Cable Buildings, the Seaplane Hangar and Ramp and the Command Post. In addition, the USFWS recommended plans for acceptance to bury the airstrip on Eastern Island (See Attachments G and H). Upon receiving this information, letters of protest were immediately sent by Senator Jesse Helms and the IMMF (See Attachment I). Our concerns appeared to be heeded at the time as many (but not all) of the historic structures recommended for demolition by the USFWS were in the 1996 edition of their Cultural Resources Plan listed as “secure or use” (See Attachment J).

During this time, the IMMF made every effort to work with the USFWS. The Foundation had frequent meetings with the USFWS in Virginia. Attempts were also made on Capitol Hill in 1996 to resolve the issue without legislation. Discussions were held by all interested parties and their legislative staffs on

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Capitol Hill regarding the designation of the Midway Islands as an Historic Landmark and the creation of an Advisory Committee for the historic aspects of the Islands.

However, a draft letter sent to Senator Helms in September 1996 by the Acting Director of the USFWS made no mention of designating the Midway Atoll as a National Historic Landmark (NHL) as had been previously agreed to in our meetings. This letter prompted Senator Helms to respond by stating in his return letter that in order to avoid remedying this omission by legislation, he strongly urged the Director to specifically commit to on making the Midway Islands a National Historic Landmark (See Attachment K).

This request was not acted on by the USFWS. After more than one year’s time, Senate Bill S.940 was introduced by Senator Helms and was unanimously passed in the Senate in November 1997.

In 1996, President Clinton signed an Executive Order affirming public use for Midway (see attachment L (1)). That same year, the regional USFWS on Midway had signed a cooperative agreement with the Midway Phoenix Corporation (MPC)

regarding Midway beginning in August 1, 1996. In the cooperative agreement between the two parties, it is stated, " In recognition of the outstanding wildlife and historic resources of Midway Atoll and the existing infrastructure on the Atoll, the Service determined that the resources should be made open to the public." (See Attachment L).

This corporation had responsibility for all operations and maintenance of the infrastructure, including those related to eco-tourism. A Public Access Plan was developed by the USFWS. The plan permitted up to 100 persons to visit the Atoll at one time. This number was in addition to the 170 staff living on Midway (See Attachment M). To its credit, MPC volunteered over 15 million dollars of its own funds to upgrade the infrastructure of the Atoll, including the construction of a new restaurant and beach pavilion. This infusion of funds for new construction and upgrading went a long way to attract new visitors to the Atoll. Indeed, they began to make a profit for the first time in July 2001. However, it was becoming increasingly apparent to the MPC that the USFWS' actions, such as lowering street signs and poisoning the ironwood trees on Eastern Island, were not enhancing Midway Atoll's image as a tourist destination. To make matters worse, the USFWS billed MPC for two million dollars worth of fuel that was GIVEN to the USFWS by the Department of Defense (See Attachment M).

At this point, the MPC decided that the \$200,000 a year in the cooperative agreement that MPC was asked to donate to the Service "for the sole purpose of supporting the Service's responsibilities under this Agreement" (See Attachment

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N) was not fair. When this amount was not paid, the USFWS charged the MPC with a breach of contract and asked the corporation to leave. The MPC departure occurred on May 1, 2002.

It is of interest that, stated in the June 1999 USFWS Midway Atoll National Wildlife Refuge Historic Plan, was that "At some point in the future, it is possible that MPC will withdraw from the agreement. If this occurs, and there is no other party interested in continuing the services provided by MPC, then public use program would likely be curtailed...Closing the refuge to public access and reducing staff to a caretaker status would have an adverse effect on historic properties, because the current program of reusing (maintaining) and securing (preserving) Midway's historic properties would no longer be economically feasible" (See Attachment O).

In the meantime, and, after 5 years of effort, H.R. 3194 was passed on November 17, 1999 directing the Secretary of Interior (DOI) to designate the Midway Atoll a National Memorial and to consult with the IMMF on a regular basis (See Attachment P (2)). President William Clinton signed the bill into law in 2000. Later that year, Secretary of Interior, Bruce Babbitt signed a Secretary's Order designating Midway Atoll a National Memorial and directing the USFWS to establish a planning committee to address its management. In addition, he stated in a letter to the IMMF that the Service would continue to consult with the IMMF on a regular basis regarding the interpretation and management of the National Memorial, which is a part of the Midway Atoll National Wildlife Refuge (See Attachment P (1))

Over the next year, I repeatedly requested that the USFWS work together in planning the 60th anniversary of Battle of Midway. I stressed that an event of this magnitude required that we start planning early. However, my recommendations were rejected, in spite of the fact that without the Service's permission and commitment, the IMMF could not formulate a plan that included Midway Atoll. During this time there was no Midway Planning Committee nor did the Service consult with the IMMF on a regular basis regarding the interpretation and management of the National Memorial.

In January 2002, I was appointed by Secretary of Interior, Gale A. Norton to be a member of the Battle of Midway National Memorial Planning Committee (See Attachment Q). By April of 2002, the USFWS still had not held a single meeting with the IMMF regarding a commemoration ceremony on Midway for the 60th anniversary of the Battle of Midway and denied us permission to hold the ceremony on Midway because of the lack of time (See Attachment R). Phone conversations revealed that USFWS refused to grant the IMMF permission to

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place a flag pole on Midway which would fly the newly designed Midway National Memorial flag; nor would the Service permit a complimentary 5x3 foot National Memorial Monument at the site of the Foundation's present monument. To my knowledge, there is no sign provided by the USFWS that states that Midway is a National Memorial as there is that the Atoll is a National Wildlife Refuge.

Just before I was leaving for Hawaii to commemorate the 60th anniversary of the Battle of Midway in late May 2002, I learned that the first meeting of the Battle of Midway Planning Committee would be conducted by telephone conference. Those recent events and those of the past by the Service led me to resign my position on the Battle of Midway Committee. I

concluded that the goals of the Foundation would be better served by acting as an advisor to the Secretary or Assistant Secretary of Interior regarding Midway, as directed by Congress. I stated so in my letter to the Secretary of Interior. No response to my letter from the DOI was forthcoming (See Attachment S (1)).

The newly appointed Assistant Secretary of Interior, Judge Craig Manson felt it appropriate, even at this late date to hold a 60th anniversary Battle of Midway commemoration ceremony on the Midway. I was honored and accepted the invitation by Judge Manson to be a guest speaker at this event.

Since MPC departed, there was no real attempt by the USFWS to restore eco-tourism. The corporations that followed were only charged with operations of the airport and the necessary infrastructure to maintain that responsibility. As a result, I met with DOI and presented a plan and analysis of sound fiscal policy for Midway, (see Attachment S (2)), based on the records of the successful months of operation of MPC's tenure. * This plan outlined a sound fiscal policy for all the operations on Midway. The key to its success was the imperative that ALL of the operations be under one cooperator, otherwise failure would be ensured. It was my feeling, and that of Congressman John J. Duncan (See Attachment S (3)), that this solution was well worth trying. Its goal was to minimize taxpayers' expense and, at the same time, cover all of the multiple operations of Midway, including eco-tourism. Interestingly enough, though this plan would require far less funding by the government for TOTAL operational service, it was rejected by the DOI.

* The IMMF wishes to stress that it has no financial relationship with the MPC, nor has it ever received any donations from this corporation.

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It was becoming increasingly clear to me that the USFWS' attitude toward eco-tourism was not dissimilar to its attitude toward Midway's historic significance. With this conclusion in mind, the only realistic solution to the problems confronting Midway is to remove the underlying source of the conflict, namely the USFWS. The IMMF has encouraged Congress to pass legislation to direct the DOI to remove the USFWS' jurisdiction over Midway and replace it with an agency from within the DOI. Subsequently, on February 26, 2003, H.R. 924 was introduced in the House by Congressman John J. Duncan, Jr. Later that year, Senator Richard G. Lugar introduced S. 1574 (See Attachment T). Both of these bills were supported by the Navy League, the Marine Corps Aviation Association and Dr. William S. Dudley, then – Director of the Naval Historic Center. In addition, the Veterans of Foreign Wars, and the Association of Naval Aviation support public access to Midway (See Attachment U).

In conclusion, it is the position of the International Midway Memorial Foundation that the only long term solution to Midway's problems is for the DOI to replace the USFWS with another agency: one that has the capability of giving equal importance to the needs of the National Memorial as it does to the Wildlife Refuge. This viewpoint is the linchpin for any successful policy toward public access.

Thank you for affording me the opportunity to express the Foundation's position on the issues involving Midway.

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Chairman, Board of Directors

Midway Photographs: (See Attachment V)