



**BRADEN, Judge and Hearing Officer.**

Following the onset of World War II, the United States (“Government”) acquired, pursuant to the War Purposes Act of 1917, 40 Stat. 241 (codified as amended at 50 U.S.C. § 171) (repealed 1956) (“War Purposes Act”), approximately 35,849.28 acres of land in the counties of Henderson, Union, and Webster, Kentucky, to establish an Army training facility that was named Camp Breckinridge. Almost all of this property: was owned by farmers who resided on their land; had been in the same families for generations; and constituted the entirety of these families’ livelihood. On February 4, 1942, the Department of War authorized the first of five subsequent condemnation petitions, filed during 1942-1944 in the United States District Court for the Western District of Kentucky. Once these properties were condemned, the owners either could voluntarily negotiate a sale price and contract with federal agents or demand a jury trial to determine the amount of “just compensation” that the Government should pay for the appropriation of their land. At the end of this process, the Government ultimately paid the landowners approximately \$3.7 million for their property, whether it was purchased under contract or conveyed under judicial order.

A decade after World War II was over, the Government began to lease and sell all the coal, gas, oil, and other mineral rights discovered under the former landowners’ properties, that ultimately generated tens of millions of dollars of revenue. In 1968, after the appeal of a failed lawsuit was exhausted, the landowners turned to Congress for help. Twenty five years later, “a bill for the relief of land grantors in Henderson, Union, and Webster Counties, Kentucky, and their heirs,” was enacted. This bill recognized the basic injustice of the Government’s actions and allowed the landowners to pursue their claims in the United States Court of Federal Claims. *See* S. 794, 103d Cong. (1993).

On January 12, 1994, a Complaint was filed and assigned to another judge. Intermittent settlement negotiations and discovery disputes ensued for over a decade.<sup>2</sup> On August 15, 2003, this case was transferred to the undersigned. On September 8-10, 2004 and November 23, 2004, an evidentiary hearing and trial was held. On April 1, 2005, an Interim Report And Memorandum Opinion was issued, that found any representations that the Government employees or agents may have made about Claimants’ ability to repurchase their land after World War II were unauthorized and therefore did not contractually bind the Government. *See Land Grantors I*, 64 Fed. Cl. at 703-04. The April 1, 2005 Interim Report And Memorandum Opinion, however, also found that the 1942-1944 contracts conveying the landowners’ property to the Government were based on a mutual mistake that no coal, gas, oil, or other mineral deposits existed under the condemned properties at that time that would support exploration or operation. *Id.* at 703-08. Therefore, restitution was

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request to file a Motion To Dismiss in Case No. 93-6481L); and *Land Grantors v. United States*, 80 Fed. Cl. 196 (2008) (“*Land Grantors V*”) (dismissing Case No. 93-6481L, as barred by 28 U.S.C. § 2501).

<sup>2</sup> An overview of the procedural history between 1994 and August 15, 2003, is set forth in *Land Grantors I*, 64 Fed. Cl. at 685-89.

