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ASSESSING THE GUAM WAR CLAIMS PROCESS

COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES
ONE HUNDRED ELEVENTH CONGRESS
FIRST SESSION

HEARING HELD
DECEMBER 2, 2009

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ASSESSING THE GUAM WAR CLAIMS PROCESS

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, DC, Wednesday, December 2, 2009.

The committee met, pursuant to call, at 1:20 p.m., in room HVC–210, Capitol Visitor Center, Hon. Ike Skelton (chairman of the committee) presiding.

OPENING STATEMENT OF HON. IKE SKELTON, A REPRESENTATIVE FROM MISSOURI, CHAIRMAN, COMMITTEE ON ARMED SERVICES

The CHAIRMAN. Good afternoon.

We welcome our witnesses today. And with us, we have as witnesses Anthony Babauta, Assistant Secretary of Interior for Insular Affairs for the Department of Interior; and the Honorable Mauricio Tamargo, the former Chairman of the Guam War Claims Review Commission; the Honorable Vicente Pangelinan, Senator of the 30th Guam Legislature; the Honorable Frank Blas, Junior, who is also a Senator of the 30th Guam Legislature; and Mr. Tom Barcinas, a survivor of the World War II occupation of Guam.

Appreciate your being with us here.

This important matter—and as you know, my colleague, our friend the gentlelady from Guam, Madeleine Bordallo, has worked tirelessly on this issue for many years, and she is such an outstanding legislator. We appreciate her keen interest and her recommendations in this regard.

She has introduced legislation on Guam war claims that has passed the House twice. It was also recently included in the House-passed National Defense Authorization Act (NDAA) for next year.

Today I hope you will address some of the objections and provide us with any other information that might be helpful for possible future considerations of the Guam war claims matter.

And I hope Mr. Tamargo will share with us the findings and recommendations of the Guam War Claims Review Commission and that others will clarify any questions that we might have.

It is important, and as any relevant proceeding—precedent for providing the conversation at issue and your thoughts on how the Guam war claims matter may impact United States military build-up on Guam which, of course, is the issue at hand.

Of course, having survived the brutal occupation of Guam during the Second World War, we are fortunate to have the unique personal perspective of Mr. Barcinas on some of the issues before us today, and we appreciate him being with us.

Before we get our testimony, I ask my friend, my colleague, the ranking member from California, Mr. McKeon, if he has comments.

STATEMENT OF HON. HOWARD P. "BUCK" MCKEON, A REPRESENTATIVE FROM CALIFORNIA, RANKING MEMBER, COMMITTEE ON ARMED SERVICES

Mr. MCKEON. Thank you, Mr. Chairman.

I note that many of our witnesses came all the way from Guam to be here today. Having traveled to Guam last February with Chairman Skelton and Ms. Bordallo, I know you have an important story to tell because you have come a long way.

I expect our hearing today will put into motion the legislative changes needed to allow the citizens of Guam a reasonable opportunity to submit claims for damages arising from the Japanese occupation during World War II.

As part of our conference agreement during the recently enacted National Defense Authorization Act for the Fiscal Year 2010, the House and Senate Armed Services Committees each agreed to hold hearings on this issue.

In point of fact, the House passed H.R. 44, which authorizes the payment of Guam war claims. It is valid legislation that the Senate could take up and pass today if they chose to take action during this Congress.

As a matter of general principle, most would agree that it is rarely prudent to review 63-year-old claims, especially when we contemplate compensating relatives of the survivor who actually suffered the damages.

Even though I was initially skeptical of the merits of this legislation, I think the people of Guam have made a good case that they did not have a reasonable opportunity to file their claims at the end of the war. Indeed, they hardly had any opportunity at all.

Congress recognized the suffering and patriotism of the people of Guam by enacting the Guam Meritorious Claims Act shortly after the end of the war in 1945, much earlier than subsequent war claim measures were enacted for the Philippines, Wake Island, the Aleutian Islands and the Northern Marianas.

Even though the island was ravaged by the war, had few roads and poor communications, Guam war claim regulations were established on May 1946, setting a claim deadline of December 1, 1946. That is where things stand today.

If a Guam citizen did not submit a claim by December 1, 1946, 63 years ago today, the citizen missed out. There were no extensions. For these reasons, I voted for H.R. 44 and support its enactment into law.

I don't think we can ever make anything fair and equal in this world, but we should give the courageous people of Guam a fair chance to make their claims.

Other people on other islands occupied by the Japanese had sufficient time to document their damages under far more favorable conditions. The people of Guam deserve a second chance.

You are represented by a great representative, Ms. Bordallo, who has done a great job of telling all of us your case, taking us to Guam, and I enjoyed serving with her on the committee.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Mr. McKeon.

Let me mention that the speaker and the governor of Guam were invited to be with us today, and although they can't attend, I understand that they will be submitting statements for the record.

[The statement of Governor Camacho can be found in the Appendix on page 73. The Speaker's statement was not available at the time of printing.]

The CHAIRMAN. With that, we will go to the Assistant Secretary of Interior, Mr. Anthony Babauta, please.

STATEMENT OF HON. ANTHONY M. BABAUTA, ASSISTANT SECRETARY OF THE INTERIOR FOR INSULAR AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR

Secretary BABAUTA. Thank you very much, Mr. Chairman and members of the Committee on Armed Services.

I am pleased to be here today to aid in your assessing of the Guam war claims process. It has been nearly 68 years since the Imperial Japanese military forces invaded and occupied the U.S. territory of Guam, subjecting its residents to 33 months of horrific pain and death.

Through it all, however, the largely native population, the Chamorro, remained ever loyal to the United States. In prayer and song, all longed for the return of the Americans.

In a monumental operation, U.S. naval ships bombarded the island and ground forces stormed the beaches of Asan and Agat on June 21, 1944. It took nearly two months to dislodge a well-hidden enemy, but Guam was finally secured on August 10, 1944.

Though our forces had been tempered by fierce battle throughout the Pacific, what they found and learned of Guam's occupation was harrowing.

Fellow Americans, innocent civilians, were subjected to summary executions, beheadings, rape, torture, beatings, forced labor, forced march and internment.

Approximately 1,000 people had died due to the brutality of occupation. Among current members of the American political family, no state, territory or group of civilians suffered any similar fate during World War II as did the people of Guam.

In November 1945, just after the surrender of Japan, the U.S. Congress passed the Guam Meritorious Claims Act of 1945. Other areas and people occupied by Imperial Japanese military forces were also granted relief by Congress at later dates.

Guam, however, was not included in subsequent legislation under the mistaken belief that the Congress had already taken care of Guam.

Over the years, it became evident that although Guamanians may have been first to receive relief, they may not have received treatment equivalent to that later given other Americans in Japanese-held areas.

For nearly 30 years, beginning in the 1970s, Members of Congress from Guam introduced legislation regarding Guam war claims. It was not until December 10, 2002 that the Guam War Claims Review Commission Act became Public Law 107–333.

Under the Act, the Secretary of the Interior appointed the five-member commission, all of whom had experience relevant to the task at hand.

Mr. Mauricio Tamargo, who was and is Chairman of the Foreign Claims Settlement Commission, was selected to be chairman of the Guam Commission. This fortuitous connection was of great benefit to the Guam commission because Mr. Tamargo was able to contribute not only his own expertise but that of members of his staff to the Guam war claims review effort.

The primary task of the Guam Commission was to determine whether there was parity of war claims paid to the residents of Guam under the Guam Meritorious Claims Act that compared with the awards made to other similarly affected U.S. citizens or nationals in territory occupied by the Imperial Japanese military forces during World War II.

The Guam commission met on numerous occasions, held lengthy hearings both in Guam and in Washington, D.C., and exhaustively analyzed relevant information and materials before committing its collective judgment to paper in its 2004 report on the implementation of the Guam Meritorious Claims Act of 1945.

The report is, indeed, comprehensive and carefully stated 32 findings and developed 6 recommendations for the Congress.

Included in the recommendations are, one, $25,000 for the heirs of Guam residents who died during Japanese occupation; two, $12,000 for personal injury, including rape and malnutrition, forced labor, forced march and internment, to each person who was a resident of Guam during the Japanese occupation and who personally suffered or to the eligible survivors; $5 million for grants to the Department of the Interior for research, education and media to memorialize the events of the occupation and the loyalty of the people of Guam.

Congresswoman Bordallo introduced legislation which drew from the report, and her legislation has passed the House of Representatives. However, it has failed to receive the support that would see it through to enactment that we believe it deserves.

As members of the Committee on Armed Services, you are aware of the bilateral agreement between the U.S. and Japan under which 8,000 Marines and approximately 9,000 dependents will move from Okinawa to Guam.

With planning for the military buildup under way, many hope that the passage of H.R. 44, the World War II Loyalty Recognition Act, would exhibit goodwill on the part of the Federal Government and would act as reciprocity for the goodwill and loyalty the people of Guam have always exhibited and will exhibit by hosting the Marines.

It is for the reasons of fairness, equity and justice that the Department of the Interior expressed a formal policy position on behalf of the Administration in September 22, 2009 letters to Chairman Skelton and Chairman Levin, urging that H.R. 44 be included in the conference report on the National Defense Authorization Act for fiscal year 2010.

The Department continues to strongly support enactment of H.R. 44, which would restore the dignity lost during occupation and heal wounds bound in the spirits of those who survived. For the 1,000 who passed by saber or savagery, their memory remains in stories of principle, courage and sacrifice.

The island of Guam has undergone tremendous change since World War II, and it will continue as its strategic value is realized in the 21st century. The opportunity to reach back and provide equity, parity and justice is manifested in the Guam World War II Loyalty Recognition Act.

Thank you very much, Mr. Chairman.

[The prepared statement of Secretary Babauta can be found in the Appendix on page 33.]

The CHAIRMAN. Thank you very much.

Before I call on Mr. Tamargo, let me point out that we are joined today for the very first time by our colleague from New York, the Honorable Bill Owens, from New York's 23rd district. He represents Fort Drum and will fill the large shoes left by our good friend the current Secretary of the Army, John McHugh.

We welcome you and hope you enjoy the committee, Mr. Owens.

Mr. OWENS. Thank you.

The CHAIRMAN. Mr. Tamargo.

STATEMENT OF HON. MAURICIO J. TAMARGO, FORMER CHAIRMAN, GUAM WAR CLAIMS REVIEW COMMISSION

Mr. TAMARGO. Chairman Skelton, members of the committee, thank you for the opportunity to appear before you today to speak about the work of the Guam War Claims Review Commission which the Commission completed on June 9, 2004.

I am Mauricio Tamargo, chairman of the Foreign Claims Settlement Commission in the Department of Justice. I appear before you today as former Chairman of the Guam War Claims Review Commission, an advisory body established by the Secretary of Interior under the Guam War Claims Review Commission Act, Public Law 107–333, which was enacted in December 2002.

I served in that capacity on a part-time basis from October 3, 2003 until the Review Commission went out of existence in June of 2004. The vice chairman of the review commission was the late Antonio Unpingco, former speaker of the Guam legislature.

And the other members of the Commission were the Honorable Robert Lagomarsino, former Member of Congress from Ventura, California; the Honorable Benjamin Cruz, former Chief Justice of the Guam Supreme Court; and Ms. Ruth Van Cleve, former career senior executive in the Department of the Interior.

The Guam War Claims Review Commission was established to determine whether there was parity of war claims paid to the residents of Guam under the Guam Meritorious Claims Act as compared with awards made to other similarly affected U.S. citizens or nationals in territories occupied by Imperial Japanese forces during World War II, and to advise on any additional compensation that may be necessary to compensate the people of Guam for death, personal injury, forced labor, forced march and internment suffered from the Japanese occupation of the island during the war.

The island of Guam, a U.S. territory, was attacked by Japanese forces on December 8, 1941, the same day as the attack on Pearl Harbor but on the other side of the International Date Line.

Two days later, on December 10, the Japanese forces overran and occupied the island. What followed after that was a period of 32

months of cruel, brutal and barbaric oppression of the people of Guam by the Japanese Imperial occupation forces.

Great numbers of islanders were beaten, whipped. Many of the women were raped. There were numerous beheadings. In the last months of the occupation, nearly all of the islanders were subjected to forced labor, forced marches and were herded into concentration areas, causing them to suffer acutely from malnutrition, exposure and disease.

After beginning the liberation of Guam on July 21, 1944, United States forces declared Guam secure on August 10, 1944 and immediately began organizing it as a base from which to launch air and sea attacks in the direction of the Japanese homeland.

At the same time, the Japanese devoted as much material and effort as could be spared to constructing shelter for the local citizens.

Within weeks after the termination of hostilities, Congress then enacted the Guam Meritorious Claims Act of 1945, authorizing and directing the U.S. Navy to provide immediate relief to the people of Guam. This included the U.S. providing monetary payments to the people of Guam.

In undertaking its task, the Guam War Claims Review Commission conducted research on the administration of the Guam Meritorious Claims Act conducted by the U.S. Navy's Land and Claims Commission and compared that statute and the claims program conducted pursuant to it with the following statutes and the claims programs conducted pursuant to them.

Those other statutes were the Philippine Rehabilitation Act of 1946, the War Claims Act of 1948, including the 1952, 1954, 1956 and 1962 Wake Island amendments to the Act, as well as the Title 2 amendment to the Act added in 1962, as well as Micronesian Claims Act of 1971 and the Aleutians and Pribilof Islands Restitution Act of 1988.

We also conducted hearings on Guam at which we heard moving testimony from survivors of this terrible period in history. We then held a legal expert conference in Washington, D.C., at which relevant legal issues were discussed.

Finally, we submitted a report to the Secretary of Interior and to specific congressional committees summarizing our work.

The Review Commission's findings and recommendations are set forth in chapters six and seven of the Review Commission's final report. I stand by those findings and recommendations and continue to believe strongly that they should be implemented.

I would also like to say that those of us who came to the review commission from the Foreign Claims Settlement Commission were pleased to have had the opportunity to use our familiarity and expertise regarding war claims issues to assist in the implementation of this important work.

As former chairman of the Guam War Claims Review Commission, I wish to also say that I strongly support H.R. 44, the Guam World War II Loyalty Recognition Act, as it seeks to come close to implementing the recommendations of the Review Commission report.

Mr. Chairman, this concludes my statement. I will be happy to respond to any questions that you or your other members of the committee may have. Thank you.

[The prepared statement of Mr. Tamargo can be found in the Appendix on page 37.]

The CHAIRMAN. Thank the gentleman.

Mr. Pangelinan, please, the Honorable Mr. Pangelinan, Senator.

STATEMENT OF HON. VICENTE C. PANGELINAN, SENATOR, 30TH GUAM LEGISLATURE

Mr. PANGELINAN. Honorable Chairman Ike Skelton and esteemed members of the Armed Services Committee, I am Vicente Cabrera Pangelinan, a senator of I Mina' Trenta Na Liheslaturan Guahan.

I testify before you on behalf of those voices silenced by fear, incapacitation or death. Today we come before you, our liberators from a war not of our own making and not waged to suit our needs, thankful and grateful.

We are here to seek justice and not merely in pursuit of recognition. Despite all the rejections of the past 60 years, we, as we did in war, we will do in peace. We will not beg.

We stand tall and tell you we have earned the justice we seek. We still have faith that America is the one place on earth where justice will prevail. We look to this committee and this Congress to prove our faith is not in vain.

I pray that we will finally see action, because we have had our fill of, "We hear you, we understand your pain, we sympathize with how you were treated," and I am referring to the Japanese treatment of the Chamorros during the occupation of Guam.

I am here today, traveling over 7,938 miles, crossing half the world's time zones, coming from tomorrow to be here today, on behalf of the people of Guam. I am here to plead for not just mere recognition of their sacrifices but seeking justice for how they were treated, not just by the enemy occupiers during the war but the liberators after the war.

The people of Guam deserve more than perfunctory recognition. The Chamorros of Guam deserve action, action that our people will never forget. Time cannot heal all wounds, and the Federal Government knows this all too well in the Pacific area.

A history of inaction continues the festering of the wounds earned by unmet obligations. We are not afraid to tell you, "Basta, basta, basta," "No more, no more, no more." We are no longer a generation rooted in the gratefulness of a liberation. We are a generation whose hearts have been hardened by unkept promises and transgressions unresolved.

Knowing this, you have no reason to be surprised if you are met with arms raised in opposition rather than arms open to accept your plans to take our lands again, change our way of life and to once again suit your needs.

While today we address war reparations, it is not the only issue that remains unresolved between the people of Guam and the United States.

The United States plans to expand military activities on Guam, placing our lands and resources at certain risk of environmental

and ecological harm, yet our lands remain contaminated and wait for remediation and cleanup from an earlier occupation.

The damage done to our people's health from the dreaded disease of cancer, which befalls our people at a greater rate than almost any other community in the country, from proven exposure to radiation fallout, continues.

And we are made to wait for inclusion in programs to heal these wounds available only to our continental cousins.

Self-determination continues to be denied to the native inhabitants and not supported by any action until just a few weeks ago with a hearing on H.R. 3940.

When we finally see action in the return of lands taken after the war, albeit 45 years later, we see even quicker action to reverse the course.

Today we again face the taking of our lands to support the relocation of 8,000 Marines and over 85,000 of their dependents that will come to support the military buildup on Guam. They are being relocated to relieve the burden of hosting the Marines by the people of Okinawa.

If there is a burden to hosting the Marines being borne by the people of Okinawa, there will be a burden associated with the hosting of the Marines by the Chamorro people.

I ask that you listen to a generation savoring freedom after three years of brutal occupation, the gratefulness for liberation they generously showered upon America.

Hear it, understand it, sympathize with it, but do not think for a moment of taking advantage of it again and do not accept it by its continued inaction.

I recognize your responsibility and heavy obligation to act on evidence that there were disparities in the treatment of people of Guam in war claims compensation compared to other compensation programs.

Do not focus on the claims that were filed and the payments made. Listen to the stories. See and hear of the claims not filed and paperwork not submitted as Chamorros told each other the value placed upon their lives, their homes and the suffering, and of the dollars claimed and the pennies paid and the decision that it was not worth it.

The issue of whether the people of Guam were treated fairly by those who had authority over the process of claiming and paying for taking advantage of the lands, the damages inflicted upon their lives and the destruction of their belongings has been studied literally to death.

Many of those harmed have succumbed to the injuries after the war, and some just were not able to outrun father time. From there, first, there was a Hopkins Commission in 1947 and now the War Claims Commission.

Both these reports issued by commissions concluded something more needs to be done to make things right for the people of Guam, to give them justice and peace in the remaining years of their lives.

The findings of these commissions state that in the process of resolving their claims, the people of Guam were misinformed and mistreated. For the people of Guam, there was no parity. There is no justice to bring them with peace at America.

Each time the issue has come before this august body, the recommendations remain the same. The people of Guam deserve recognition for loyalty they displayed to the United States in the face of a brutal enemy and the atrocities inflicted upon them.

Now we have the findings of a federal commission, which found that there was no parity in the treatment of the people of Guam and others in compensation programs of those similarly situated.

Throughout our island, we still see evidence of Guam's historical struggle. Concrete bunkers remain on our seashores, heavy artillery become landmarks overgrown with jungle, and war zones claiming the lives converted to national parks.

Chamorros throughout our island can attest to the plight of their ancestors, forced to march to concentration camps in Manenggon and to massacres in the case of Tinta, Faha and Fena.

The Chamorros of Guam do not expect to turn back time, change history or alter the future. But recognition of a people's sacrifice in upholding the honor of America in the face of a brutal enemy, maintaining their dignity in their fight for liberty and demonstrating that steadfast loyalty remains priceless.

That is the evidence of everything our founding fathers envisioned, everything thousands of young American soldiers died on the shores of Guam's beaches, and that will memorialize our history, bring peace to a dying generation, and alter the future of new generations.

We, too, fought for our freedom or held our dignity and earned this compensation. We know we deserve it. And yes, we want all America to understand it. With faith in democracy and the will of our leaders and our people, we slowly close one era while educating the next.

I believe, as Dr. Martin Luther King, Jr., remarked, we will not be satisfied until justice rolls down like waters and righteousness like a mighty stream. The book of history is never complete. The writing continues. The judgment will come.

And while it may never be too late to make a difference, I ask that you correct this injustice today. Not a single generation should again pass without sharing in the justice deserved.

Let there be no more naysayers. The Congress endorses it. The Administration supports it. And our Nation's place in history as a just and caring government demands it.

Today I am grateful you invited all of us to the table. Let no more time pass. Lady justice and the people of Guam must not be made to wait any longer. Thank you yan si yu'os ma'ase.

[The prepared statement of Mr. Pangelinan can be found in the Appendix on page 42.]

The CHAIRMAN. Thank you very much.

Next, Frank Blas, Jr., Senator.

Mr. Blas.

STATEMENT OF HON. FRANK F. BLAS, JR., SENATOR, 30TH GUAM LEGISLATURE

Mr. BLAS. Chairman Skelton, members of this esteemed committee, thank you for the opportunity to provide in this hearing testimony in this hearing on assessing the Guam war claims process.

My name is Frank Flores Blas, Jr., a senator with the 30th Guam Legislature and son to Frank Flores Blas and Lydia Ada Calvo, grandson to Vicente Cepeda and Beatrice Flores Blas and Jose Leon Guerrero and Herminia Ada Calvo, and son-in-law to Regina Manibusan Reyes.

I mention my relations because they were survivors of the horrors and atrocities of the Japanese occupation of Guam during World War II.

I mention them because for them, along with the thousands of Chamorros who suffered as well or died during the occupation, I come before you to ask of closure to their 65-year-old struggle for recognition of their loyalty to the United States in the face of a brutal enemy force.

While preparing this testimony, I thought it best to speak to survivors to get their advice on what to say. When I told them that the hearing was on assessing the war claims process, all of them started with a two-word question, "What process?"

Many had informed me that immediately after the war they had heard that the United States Government wanted details of how they were treated and of the savagery they witnessed. Some were told that because of what happened to them they would be compensated but, more importantly, that their struggles would not be forgotten.

Still, there were others who did not know at the time that their Nation's government wanted to know of their sufferings, because either the information never got to them or they were too busy trying to rebuild their lives.

Nevertheless, every survivor that I spoke to expressed that despite what they were told or what they heard being told, nothing ever happened.

In December of 2003, almost six years to this date, a few of the survivors who were still alive at the time gave testimony to the Guam War Claims Commission.

Survivors like my mother-in-law, Regina Manibusan Reyes, Mr. Edward Leon Guerrero Aguon, Mr. Jose Afaisen Pinaula, Mr. Juan Martinez Unpingco, and Mrs. Rosa Roberto Carter gave their personal accounts of the beatings and humiliations they endured, the slavery they were subjected to and the beheadings they were forced to witness.

They told of the nightmares that they still have about how their childhood was taken away and about how they did not know how to play with their grandchildren today because they were stripped of the opportunity to grasp that concept in order to survive.

Today, Mr. Chairman, if you were to ask these same people to come before this committee to provide their testimony again, many of them will not be able to make it because they have since passed on.

One such survivor is Mr. Edward Leon Guerrero Aguon. In 2003, he ended his testimony by saying, "I am 77 years old. If you ask me again in another 10 years, I may not be here to testify." Mr. Aguon passed away on September 28, 2007.

Mr. Chairman, as I had been told to ask at this hearing, what war claims process does Congress want to assess? My people have told their stories time and time again.

Our delegates to Congress, starting with the late Antonio B. Won Pat, then retired Brigadier Ben G. Blaz, Dr. Robert A. Underwood, and now the Honorable Madeleine Z. Bordallo have all made Guam's war claims a priority during their tenures. For 65 years my people have been waiting. When will it end?

There is a demoralizing sentiment that is growing amongst the survivors. This sentiment is that the United States Government is waiting for all of the war survivors to pass on so that this issue will not have to be dealt with.

Although my upbringing has taught me to apologize for this statement, I choose not to and challenge our Nation's leaders to prove that opinion wrong.

I thank you for keeping your commitment, Mr. Chairman, to hold this hearing in order to move this issue along.

I can tell you with confidence that if given the opportunity, the physical stamina and the financial resources to do so, many of the survivors will come before this committee or any other panel one more time in the hopes that this time they will have closure to their struggle.

But because many of the people whom I speak of could not be present today or will not be able to make the long trip it takes to get from Guam to here, I humbly and very respectfully request that you have continued hearings on Guam or require that any future process for the war claims be held on Guam as well.

Attached to my testimony today are newspaper articles of the individual accounts of four of Guam's war survivors.

As you read through their stories, I also ask that you look at their faces. It is said that a picture is worth a thousand words. I will tell you that at the time their photos were being taken, they were not asked to pose or provide a specific expression. They were only told to be comfortable.

Comfortable, Mr. Chairman, as I am providing this testimony to you, forces beyond the control of my island's people are mobilizing the largest and most expensive peace-time military buildup on Guam.

And I can confidently say that if you ask any Guam resident if they knew the two countries who partnered in this activity, they will all say the United States and Japan. This leads to an uncomfortable conversation that will ensue if you ask that question to a survivor of the war.

When word of the inclusion of Guam's war claims bill into the defense authorization act was received on Guam, many of our survivors were cautiously optimistic. Their unenthused reaction bewildered me at first.

I was perplexed as to why there as no excitement with the prospect that their 65-year wait will end. Even the efforts to drum up support through petition drives and letter-writing campaigns received lackluster responses.

Then one tired and dejected war survivor told me something that made sense of the reactions I was observing. He told me, "The United States and Japan don't give a damn about the Chamorro people. Putting the war claims into a bill that would help the military build their bases on Guam, to help Japan out, just puts

donne," or, in my language, pepper, "into the wound. With war claims, I will believe it when I see it."

When news that the war claims provision was stricken from the final version of the bill, obviously there was disappointment. Unfortunately, there was also recurred feeling of dejection and the emergence of a sentiment uncommon amongst survivors, resentment.

As one survivor has directed me to ask, "You want me to be comfortable with the building of military bases on my island with Japan when you haven't even recognized what Japan did to us during the war?"

This survivor further requested that I say, "Enough talk and enough planning. Deal with our war claims before you start to build your bases."

Comfort, this word best describes what I am asking for the people of Guam. Give my man'amko, the elderly people of my island, the peace and the peace and comfort they so rightfully deserve before they become just a memory of a Chamorro people who suffered and died yet remained loyal and patriotic.

Give my man'amko the comfort of knowing that even after all these years their suffering has not gone unnoticed.

Thank you for giving me this opportunity to speak for those who cannot be here and for those who can never speak again.

[The prepared statement of Mr. Blas can be found in the Appendix on page 51.]

The CHAIRMAN. Thank the gentleman.

Mr. Barcinas.

STATEMENT OF TOM BARCINAS, SURVIVOR OF GUAM'S WORLD WAR II'S OCCUPATION

Mr. BARCINAS. Thank you.

Good morning yan Hafa Adai, Chairman Skelton and honorable members of the House Armed Services Committee. My name is Tom Barcinas. I was born on November 14, 1937 in Malesso, in the southern part of the island, a very small community.

Through the grace of God, I survived World War II. But like so many others who lived through those days, lived through the war, who have since died, I am quickly getting old, as you can see. So many who lived through the war are advancing in age, and so many have passed on without closure to the issues arising because of the war.

Mr. Chairman, in 1946 there were approximately 20,000 survivors enumerated by the U.S. naval personnel who were part of the liberating forces. Today it is estimated that fewer than 9,000 are still living.

In the month of November, this last month, 12 more individuals living prior to July 21, 1944 died. Because of advancing age, more are passing away at alarmingly quicker rates.

Just yesterday I left a warm tropical island, traveled for 22 hours to be here in this cold climate. I will always remember this December as I made the hard call to appear before you, hopeful that the Members of Congress will find it in their hearts and conscience to bring closure to the people of Guam who, 65 years ago, proved beyond any doubt that they are loyal Americans.

I am very honored to be here in our Nation's great capital, the fulcrum of mankind's dedication to peace, justice and fairness of all people. I have been looking forward to this very memorable experience since the day I received your invitation to appear before this very important committee.

I am even more eager to bring back to my fellow survivors good news of hope that this closure they have waited for for 65 years may soon be a reality. Very vividly, like those who testified before the War Claims Review Commission nearly six years ago to this day, I remember the occupation of my homeland.

Memories such as those never leave you, no matter how old you get and no matter how hard you try to forget. Those survivors spoke eloquently about their experiences, bravely stating their pain as they recalled the fear of torture, death which filled every waking moment during those dark days.

Some relive the horrors of public beheadings. Some recall the massacres of Tinta, Famha and Chiguian massacres—mass massacres at that, where they witnessed the ruthless slaughter of innocent neighbors, brothers and sisters.

The records are full of vivid and graphic details of the atrocities endured by the Chamorro people over 30 months of occupation from December 8, 1941 to July 1944. I do not have to relate them to you, as they are always available for your review.

What is also available for your review, hopefully, so that you will never forget, are the records of the United States indemnifying Japan from any responsibility or obligation to make right the lives of the Chamorro people for the atrocities they endured at the hands of the Japanese soldiers frenzied by thoughts of their impending doom.

With the stroke of a pen, America told Japan, "Don't worry about what happened on Guam, no one will ever hold Japan responsible."

However, in contrast, America did assume full responsibility for the making right the lives of the Alaskan Aleuts evacuated from their island homes in anticipation of invasion by the Japanese forces.

Why did it have to be different for the Chamorro people who were abandoned on their island while American military personnel and dependents were evacuated because invasion and occupation by Japanese forces was imminent?

In 1988, 42 years after the end of the war, America assumed full responsibility for injustices served upon Japanese Americans by Americans who herded them into concentration camps during the war to ensure their personal safety from perceived assumed potential dangers.

Housed in warm quarters with sanitary facilities, they had a roof over their heads, ate three meals a day and had medical attention.

Eight thousand miles to the west, we lived on the banks of Ylig River, slept on dirt floors and, because it was the rainy season, many days in unyielding mud. We never knew where our next meal would come from. And because of a lack of medical attention and sanitary facilities, many, too many, children died and were buried in unmarked mass graves.

It was righteous of America to assume responsibility for bringing closure to the Alaskan Aleuts and Japanese Americans. So why does America hesitate to do the same for the people of Guam?

The Guam War Claims Commission report, published in 2004, clearly stated that there was an obvious absence of parity in the administration of war claims of the people of Guam.

Honorable congressmen, where there is lack of parity in the official statement of people, there is an absence of justice and, more seriously, there is the presence of injustice.

The Chamorro people have always demonstrated their faith in American democracy and loyalty and patriotism to the U.S. Our sons and daughters have the highest per capita percentage of enlistment in the U.S. military service.

On a per capita basis, more of her sons have made the ultimate sacrifice in the Vietnam conflict and the continuing war in the Middle East. We have never wavered in our sense of loyalty and allegiance to our great Nation.

That faith, loyalty and patriotism will soon be tested again. Despite recent indicators of growing discontent and questions relating to the truthfulness and accuracy of pronouncements by the Department of Defense (DOD), current surveys indicate that our people continue to support that promised military buildup and relocation of the 3rd Marine Expeditionary Forces from Okinawa, Japan to Guam.

There is no doubt that the buildup will impact the very lives of our people and will substantially change our social and cultural traditions, our environment and our political and economic way of life. We know that our lifestyles, customs, traditions, and our language as we know it today will change.

But we are willing to accept it because we love our Nation. And we love and cherish the freedom its flag guarantees and the prosperity it promises.

Those of us who have experienced the tyranny and oppression of enemy occupation, those of us who have lived through the horrors of war, are prepared to accept these changes, just as we accepted the changes that came in the post-World War II years.

But we ask that this great Nation also live up to its promise that this loyalty and patriotism, this willingness to serve, will not be in vain nor taken for granted.

Mr. Chairman, no one must underestimate the importance of resolving the issues of parity, fairness and justice related to the administration of the war claims. Resolving these issues will prove beyond any reasonable doubt that America does live up to its promises and responsibilities.

When Congress set up the first meritorious claims commission immediately after the war, it promised resolution to the losses suffered by people in a conflict to which they were but innocent bystanders.

When Congress authorized the War Claims Commissions Review Commission, rather—it promised that should the commission find an absence of parity or injustices, that these issues would be resolved.

The meritorious Claims Commission never completed the mandated task, and the War Claims Review Commission indeed found an obvious lack of parity.

The people of Guam now ask that these issues be resolved expeditiously and equitably, that we may proceed and continue with the work of good in Guam and to America's most strategic and powerful bastion of freedom and democracy in the western Pacific.

In our vernacular, I extend my heartfelt dangkulo na si yu'os ma'ase. Thank you, and may God bless you, God bless Guam, and God bless America.

Mr. Chairman and members of the committee, I have with me—but I am not going to do as I intended, just to bring to your attention, like he mentioned, if we could have the hearing on Guam, I have here a song just to that effect.

It says, here in Guam, paradise calls you—it is a song, very nice song, and you will find this song in a book called "Bisita Guam," means visit Guam, written by a retired general of the American—of the Marine Corps—and you find that song on page 173 of this book.

I also will submit as part of my testimony—I call your attention to a booklet—a story of a lady like 17 years old. Here is what happened to her. They took her from home back then, and she was never returned back home, and she was never found.

[The information referred to is retained in the committee files and can be viewed upon request.]

Mr. BARCINAS. So these are some of the stories I relate to you, and I submit this as part of my testimony, and I hope someday—that the hearing will be conducted in Guam.

Thank you, Mr. Chairman and members of the committee.

[The prepared statement of Mr. Barcinas can be found in the Appendix on page 65.]

The CHAIRMAN. Mr. Barcinas, thank you very much.

Let me point out to the panel that the gentlelady from Guam has been a real champion for you. This committee has supported this claims matter, and it was also included in our bill, that passed the House, for the authorization in 2010, and your problem is not before this committee or the House of Representatives.

I might also mention I have a personal recollection of having attended a military school and high school in my hometown of Lexington, Missouri. And a fellow high school student a year ahead of me was on Guam during the Japanese occupation, and he was quite talented and a musician, and had to play the piano for the Japanese on occasion.

And I think later on he became a well-known band leader in both Guam and on the west coast here in America.

We thank you very much for your testimony.

Mr. McKeon.

Mr. MCKEON. Thank you, Mr. Chairman.

I have just a couple of questions. Do any of the witnesses have an estimate of the number of claims—this is something that came up in our discussion, and it would have helped if I had had some of these answers. I hope that you might be able to help me—the number of claims that would be submitted if the legislation were adopted.

And if so, do you know how many of those would be survivors of the occupation and how many descendants of survivors?

Mr. TAMARGO. Thank you, Congressman. Before I answer your question, I wish to point out to the committee that I brought copies of the Guam War Claims Review final report, if anybody or the committee staff or any members wish to take a copy with them, as well as the Foreign Claims Settlement Commission's annual report that explains how the commission operates and what claims programs it has administered over our 58-year history.

It would be hard to estimate the number of claims. I would say that at the time of liberation there were, as one of the witnesses testified, approximately 20,000 people. And if you add the ones who died during the occupation, it probably would be 21,000 people.

And many of them over the years have moved off the island and are located throughout the U.S. But as to the ratio of survivors to heirs, that would be very difficult to calculate.

I think one of the witnesses said 9,000 survivors might still be living. I think it could be nine. It could be 10. It is, again, difficult because they don't live on Guam, and they are all over the U.S.—I mean, many of them have moved off the island.

So based on those numbers, I would say it is 10,000—10,000 survivors and 10,000 that have passed away.

Mr. MCKEON. Anyone else have any differing information?

Mr. PANGELINAN. No, but just to kind of gauge it, we had a program in Guam for Chamorros, which would be those that were there during—after the war, part of that 20,000, for a land program. And of those eligible—we had about 30,000 eligible—about one-third applied for the land, so—and that was for a 99-year lease on a piece of property.

So if we were to kind of gauge that generation, which would be maybe one-third, so we probably would not see the entire 9,000 remaining file claims, but it would be somewhere between one-third of that to, of course, the ultimate would be 100 percent.

So that would be the range of numbers, given the—having a local program of those same eligible people that have taken advantage of—of a program geared towards them.

Mr. MCKEON. Those would all be—both of those groups would be direct survivors.

Mr. PANGELINAN. That is correct.

Mr. MCKEON. But the legislation also goes to descendants. Do you have any kind of guess on that?

Mr. PANGELINAN. No, I would not.

Mr. TAMARGO. It would be, Mr. Chairman—I mean, Congressman, the—it would be impossible to calculate how many heirs there are. It would be simpler to look at how many claims there would be, because it would be one claim per survivor or—I mean, one claim per resident of the island during the occupation.

And that number is limited to the population at the time of the occupation, and that was 20——

Mr. MCKEON. So the most would be, then, 20,000.

Mr. TAMARGO. Yes. That would be the number of claims possible. Of course, it is not a guarantee that all would pursue their claims. Many may not pursue their claims, and that would be up to—hard to estimate.

Mr. MCKEON. I know that was one of the questions that came up with the senators. There was concern about—not so much about claims by survivors but descendants. You know, how would they—how were they harmed, and what would be the justification for giving a benefit to them?

Mr. TAMARGO. Well, if I may——

Mr. MCKEON. Sure.

Mr. TAMARGO [continuing]. The Guam Claims Review Commission included survivors in its recommendations strictly because as a matter of parity that is how all the other claims programs were administered. They all allowed for heirs to pursue the claims of their decedent war victim. And that was why we included it in the report.

And if one wishes to, you know, achieve parity, that would probably be an element of parity.

Mr. MCKEON. Okay. I bring it up because I think that probably would be one of the problems in the other body in getting it passed.

I yield back my time, Mr. Chairman. Thank you.

The CHAIRMAN. Thank the gentleman.

Dr. Snyder.

Dr. SNYDER. Mr. Chairman, I would be glad to let Ms. Bordallo go first, if I can have my time whenever——

The CHAIRMAN. You bet.

Dr. SNYDER [continuing]. Her name comes up in the queue.

The CHAIRMAN. The gentlelady from Guam is recognized.

Ms. BORDALLO. I thank my colleague for yielding his time.

And I do have a few opening remarks, Mr. Chairman, and then I have a couple of questions.

First, I want to thank Chairman Skelton and Ranking Member McKeon for convening this hearing today on a very important issue of the Guam war claims.

But as our chairman mentioned, really, you are preaching to the choir here. This body of Congress has passed this legislation twice, and also when it was included in the Defense Authorization Act of 2010. So we are the good guys. We have to convince the other body of Congress.

And I want to thank both Chairman Skelton and Ranking Member McKeon. You have been steadfast supporters of this issue, and I appreciate all your hard work during conference this year trying to protect the provision.

And I also welcome our panel of witnesses. We are very proud of our new Assistant Secretary, Babauta, a son of Guam.

Mr. Tamargo, who has been very, very supportive, a former chairman of the Guam War Claims Review Commission—and of course, he has got a lot of the information that I think the Senate has—during conference, some of the questions that they asked. I am sure that your expert testimony will help us today.

And I also want to thank our senators who have traveled many thousands of miles, Senators Ben Pangelinan, Frank Blas, Jr., from the 30th Guam Legislature.

And finally, our survivor—thank you very much, Mr. Tom Barcinas, for giving us some very insightful comments today at the hearing.

The issue of the Guam war claims is a very sensitive issue for my constituents. And it is an issue that must be legislatively resolved by the Congress.

The need for this Congress to take action and resolve the matter of Guam war claims heightens by the day. Continued popular support for the military buildup on Guam is tied, to a certain extent, to finally solving this longstanding issue for many of us on Guam.

People wonder how we can spend over $14 billion in military construction but their suffering and patriotism during the Imperial Japanese occupation of Guam has yet to be fully recognized and redressed.

My colleagues on this panel know about the importance of the Guam war claims. The issue of the Guam war claims takes the form of legislation H.R. 44, which carries broad bipartisan support in the House of Representatives.

As I mentioned earlier, the House has now passed the bill on three separate occasions, twice as a bill and during the defense authorization. But securing the favorable concurrence of the other body remains the challenge before us today.

So I am hopeful that this hearing today will illuminate further the facts and circumstances surrounding the occupation endured by the people of Guam and the injustice that they hope will finally be redressed by this Congress.

This is an injustice rooted in their having been treated differently from their fellow Americans, as it was pointed out, by the Federal Government in redressing their war-time losses and their damages.

The hearing today presents another opportunity to review this history, however painful it may be, to recount and repeat. We further this discussion today in the name and the pursuit of justice and with faith in our government and for a cherished principle of equal protection under the law.

We also remain focused and determined because of the very findings and the recommendations of now two federal commissions that have independently and thoroughly examined this matter against all its political and legal sensitivities.

The Commission's report speaks for itself. But this hearing affords us an opportunity to explore this issue in greater present-day context and to gain and place in the record answers to the questions that were posed during and leading up to the consideration of this issue as part of the National Defense Authorization Act.

I want to thank again—I can't thank him enough—Chairman Skelton and our Ranking Member McKeon for agreeing to hold this hearing so soon. So we have our hearing out of the way. Now it is up to the Senate to call a hearing, and we look forward to that.

I have a question that I know came up during conference, and this is directed to you, Mr. Tamargo. It has been stated by some here on Capitol Hill and in the community that H.R. 44, the Guam World War II Loyalty Recognition Act, would set a new legal precedent.

Can you comment on whether we as a Congress should be concerned that if compensation is provided to the people of Guam for war damages that they suffered that this could lead to new legal

precedents for future war claims and lead to a flood of claims from other affected people like the POWs and the veterans?

Mr. TAMARGO. Thank you, Congresswoman. My short answer to that is that it would not establish any new legal precedents because everything in the Guam War Claims Review Commission report's recommendations has precedent elsewhere in the previous claims programs that have existed in U.S. history.

And furthermore, as compared to those other possible people that might have some sort of claim, international claims law treats civilians differently than it treats military claimants, and so this sort of—these recommendations would not be the same sort of situation that would apply to those other possible victims of the war.

Additionally, those other claimants were covered by other claims programs that were conducted after the war. Some of them were covered as a group, not individually, but by multiple programs, so they could have—they did have—and they did pursue their own claims in the other programs that the Foreign Claims Settlement Commission administered.

Ms. BORDALLO. Well, thank you, Chairman. That clears up that issue.

Was there anything else you wanted to add? No?

Mr. TAMARGO. No. No, that is it.

Ms. BORDALLO. All right. I have a question for Secretary Babauta.

I believe that further support could have come from the Administration on the issue of maintaining war claims in this year's defense authorization bill, so can you give us a commitment that the Administration will make this issue a top priority if it is attached to next year's defense authorization bill?

Secretary BABAUTA. Thank you very much, Congresswoman. The Administration, as you know, through the Department of the Interior, submitted two letter—or submitted letters to Chairman Skelton and Chairman Levin in support of keeping H.R. 44 within the conference report of the defense authorization.

Again, I am here testifying on behalf of the Administration that we continue to support the inclusion and the future enactment of the legislation.

Ms. BORDALLO. So this support will continue.

Secretary BABAUTA. Yes, ma'am.

Ms. BORDALLO. Thank you very much, Secretary.

And I yield back my time.

And thank you, Congressman Snyder.

The CHAIRMAN. Thank the gentlelady.

Before I call Mr. Bartlett, you have touched on this, Mr. Babauta, and let me ask you, though, what are the differences between the Guam war claims program that was authorized back in 1945 and the other World War II claims programs that were subsequently implemented for other Americans who suffered damages?

Secretary BABAUTA. Mr. Chairman, I am going to pass this off to Mr. Tamargo, as the commission itself did a thorough——

The CHAIRMAN. Yes.

Secretary BABAUTA [continuing]. Analysis.

The CHAIRMAN. Go right ahead, please.

Mr. TAMARGO. Mr. Chairman, I would say that the main difference between—or the key difference between the Guam Meritorious Claims Act and program as compared to the other claims programs was the filing period.

The filing period for any claims program is essential. It is a threshold issue. If it is inadequate, then large numbers of claimants never get an opportunity even to file a claim, let alone have its merits considered.

And the Guam Meritorious Claims Act and program had a very truncated filing period. It was basically seven months. And in today's age of communication and advertisement and telecommunications, claims programs typically even now have a year.

Back then, during the war, and the communications problems that were existing, one would probably expect not even a year—you would probably expect to have a two-year filing period for a sufficient number of the population to have a proper opportunity to file a claim.

In the case of the Philippines, they had two years. In the War Claims Act, they had two years. And many of the other claims programs we compared this to had at least a year. So that was the main flaw.

Besides that, there were also lower cash limits for personal injury and death than the other claims programs had, and they also needed congressional appropriations individually for all death and personal injury claims. And that doesn't normally happen with the other claims programs.

So those were the main flaws and the main inequities between the Guam program and the other claims programs, but the filing period being the main one.

The CHAIRMAN. Thank the gentleman.

Mr. Bartlett.

Mr. BARTLETT. Thank you very much.

Thank you for your explanation of why we need to be here today. I have been to Guam several times. I have seen the beautiful Chamorro children perform. By the way, they have the most beautiful skin, the most beautiful complexion, that I have seen anywhere in the world.

I have read Ben Blas' book, and I am embarrassed that we have to be here today talking about this. We should have resolved this thing a long time ago.

I don't have any questions. You know, I am enormously supportive of this. And again, I am embarrassed that we have to be here today talking about this. This should have been resolved a long time ago. Let's make it go away now. Thanks.

The CHAIRMAN. Thank you.

Dr. Snyder.

Dr. SNYDER. Thank you, Mr. Chairman. Mr. Chairman, I don't want you to think I was being magnanimous when I offered Madeleine the time ahead of me, because she is so nice to work with she generally gets her way around here anyway. I thought I might as well let her have the time.

Mr. Tamargo, the question Mr. McKeon brought up about heirs of decedents—I assume that the reason that—and Mr. McKeon

thought of that as the obstacle in the Senate side, or one of the obstacles on the Senate side.

I assume the reason that heirs would be recognized is to deal with this emotional issue that we have run into other aspects of legislating, which is you are waiting for us to die, that if you—I am getting a nodded head—if you recognize that regardless of when this thing kicks in, even the people who predecease the beginning date of the bill, their heirs will be recognized also.

Is that the rationale for having that? I assume that is part of the emotion behind the——

Mr. TAMARGO. It is. I cannot speak for the emotions. I assume that might be——

Dr. SNYDER. Well, I got a nodded head down here from Mr. Barcinas, so I assume we are on track there, so——

Mr. TAMARGO. But the reason we included it in our recommendations, and I assume the reason it is in the report, is because justice—in that the other programs all had that element to them as well. They all included heirs.

Dr. SNYDER. Yes.

Mr. TAMARGO. And the number of heirs can be intimidating. Again, you shouldn't look at the number of heirs. You should look at the number of claims.

Dr. SNYDER. No, no, I understand. We understand.

Mr. TAMARGO. Okay.

Dr. SNYDER. Mr. Secretary, I am going to digress and take on another issue that you and I have talked about, which is the issue of the Marshall Islanders which has impact on Guam also.

In fact, Madeleine, I was listening to a Guam radio station that was interviewing Secretary Babauta a few—month or two ago, I guess, when you were there—over the Internet I listen to Guam radio. And one of the things that he brought up there was the presence of Marshall Islanders outside of the Marshall Islands.

As you know—and, Mr. Chairman, you may not know this, but the compact came about after World War II to recognize the contributions of Marshall Islanders, the Federated States of Micronesia and the Nation of Palau to World War II, and part of it was that—the nuclear testing.

But Marshall Islanders now can come into the United States at will, no health inspections, and what has—the expectation is that a lot of them would go to Guam. A lot of them would go to Hawaii. And so a compact came about that gives some financial aid to Guam and to Hawaii and to Mariana Islands.

The problem that we have and the challenge in Arkansas is we love the Marshall Islanders and they have been great, great contributors to Arkansas. But there are now more Marshall Islanders in Arkansas than any other place than the Marshall Islands.

Some of them came up there back in the late 1980s and liked it, and word got around, and it has just been—there is now a consulate up there. I think you have got some—up there for the consulate opening.

They have just been great, great contributors—candidates in the Marshall Islands have to campaign in Arkansas because there is so many Marshall Islanders there.

Here is the challenge, and we want them to continue to come and to be free to come and—but the resources for public health are lacking in Arkansas. And as you may know, Marshall Islanders have high rates of tuberculosis. They have leprosy.

They have other infectious diseases that we need to get a handle on. And they don't qualify for a lot of the federal programs. So I have two questions for you, Mr. Secretary.

Number one—and Guam has experience also—I see some nodding heads here from our legislator. Is the amount of money that the Federal Government is now giving to Guam and Hawaii and Mariana Islands—is that sufficient to handle the impact of keeping our obligations to the Marshallese?

And second, does it need to be evaluated because of places like Arkansas, which now has the highest population outside of the Marshall Islands? Do we need to revisit how we are handling the financial impact?

And I ask that question in the spirit of we really admire and love the Marshall Islanders' contribution to Arkansas and America and do not want to do anything that would interfere with our obligations and affection for them, but we are not able to do as good a job as we would like to because of the cost.

Mr. Secretary

Secretary BABAUTA. Thank you very much, Congressman Snyder. And I have appreciated the conversation that we have been able to have over the presence of Marshallese in northwest Arkansas.

I also appreciate the fact that you listen to Guam radio, especially when I am there.

Dr. SNYDER. Guam radio.

Secretary BABAUTA. The question of is the compact impact money sufficient—I think based on the claims that have been submitted by the primary jurisdictions that have—that receive the immediate effect of compact migration, which for large measure is Hawaii, Guam and the Northern Mariana Islands—based on the claims of those governments, the $30 million that is currently made available for—annually for compact impact to be divided amongst those three jurisdictions is probably not sufficient in response to the claims that they have made.

There has not been, however, I will say, a thorough analysis of the claims that each of them have given. But clearly, there is a measurable impact on those jurisdictions.

Should it be reevaluated? The Administration every five years reevaluates the presence of Micronesian citizens in those three primary areas. For many years, for decades, there was no compact impact money available, and it wasn't until 2003, with the reauthorization of the compact with the Marshall Islands and Micronesia that actually $30 million became available.

So for very many years there was no money available—very small pots of money got through the legislative process.

Dr. SNYDER. And Arkansas?

Secretary BABAUTA. Currently, Arkansas does not participate in the division of compact impact money.

Dr. SNYDER. We are not allowed to, correct?

Secretary BABAUTA. I believe so.

Dr. SNYDER. We are not allowed to.

Secretary BABAUTA. I believe that Arkansas is not factored in——

Dr. SNYDER. So that is the inequity.

Mr. BABAUTA [continuing]. Into the formula.

Dr. SNYDER. We have more Marshall Islands—Marshallese in Arkansas that any other place outside of Guam but get no impact money, and so I would argue that we really do need to look at a different way of approaching that, in fairness to everyone, because everyone wants to do a good job for these folks.

Secretary BABAUTA. Certainly.

Dr. SNYDER. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Mr. Kissell.

Mr. KISSELL. Thank you, Mr. Chairman.

And just a quick opening comment and then a couple of questions. I recently had the opportunity to travel with the gentlewoman from Guam, and I come today to—in support of her and her efforts here.

If there is a better spokesperson for all aspects of the good qualities of Guam, I don't know where they would be. Matter of fact, on our trip, the gentlewoman spoke so much about Guam we teasingly told her we didn't have an opportunity to talk about other things, like Fort Bragg.

But also, based upon the soldiers that we saw from Guam, I am not sure so much she is a representative but royalty. Everywhere she went, she was adored by the good folks in Guam, and we appreciate the young men and women that serve in our Nation from Guam.

And just a couple questions that I have. This is my first term here, so I am not as familiar with this question other than what the gentlewoman told me while we were on the trip.

But in the 20,000—approximately 20,000 claims that may be there, is there a monetary amount that that would total? Has anybody put some numbers on that?

And, Mr. Tamargo, I am not sure if you are the right one or not, but, you know, if you—if somebody has any numbers on that——

Mr. TAMARGO. Well, do you want to answer?

Secretary BABAUTA. I don't have a definitive answer. I believe that the legislation calls for an authorization of appropriations that attempts to capture what the number of claims and the type of claims could amount to.

I don't think that until the legislation is enacted, however, and claims are actually made that you can come up with a definitive number, final number.

Mr. KISSELL. And it was mentioned—I think the number was 20,000 people in Guam at the—was it July of 1944? Is there an estimate of how many people in Guam lost their lives during the time of occupation? And anybody who might have that answer?

Mr. TAMARGO. We believe it is roughly 1,000.

Mr. KISSELL. One thousand, okay. Okay.

Thank you, Mr. Chairman. I yield back.

The CHAIRMAN. The gentlelady from California, Mrs. Davis.

Mrs. DAVIS. Thank you, Mr. Chairman—I know that I have been coached by my colleague on this, and I appreciate it as well as all

my colleagues do. We have a course out here because we have been to Guam with her.

We have seen the exceptional way that she has represented and is so much a part and, you know, it really means a lot to see the response that she receives. And we just know she is doing a wonderful job, and I just wanted to be here to also support her.

There is a question that I know has been touched on, and I wondered, Mr. Babauta, if you could help us to understand the extent to which you think that the claims issue, which is very, very important, really does undermine in many ways the plans that the U.S. government has to work toward leases and the buildup—military building on Guam.

How involved is this—is that in the decisions that are being made and in the discussions and what role, if any, do you think that Congress needs to be playing?

Secretary BABAUTA. Thank you very much, Congresswoman, for the question. I believe you are asking what sentiment does non-enactment or non-movement of the legislation have with bearing on the planned program of military buildup in Guam.

I think we have gotten a good sense from the local legislators here themselves that though generally there is a strong support for the Guam military buildup itself.

And I think that there is a sense of what that would mean for Guam as it moves forward in terms of the new economy and jobs and so on and so forth. There is a concern that there is this problem that has existed for more than 60 years that has been viewed and analyzed by 2 different federal commissions, the Hopkins Commission and the Tamargo Commission, or the most recent commission, coming up with very similar conclusions that there was not parity, there was not enough time for people of Guam who suffered during the war to actually file a claim, and then later on, that the claims in and of themselves weren't at the same level as subsequent pieces of legislation to address other victims of war in a similar manner.

So that is hard, I think, for any community to accept when, at the same time, you have within the next several years a very aggressive buildup plan to bring more Marines and more U.S. military presence to Guam, which, as one of the senators pointed out, is an agreement between U.S. and Japan which, at one time, of course, was Guam's occupier.

Mrs. DAVIS. Well, I appreciate that. I know Ms. Bordallo spoke to that briefly as well.

Mr. Barcinas, I don't know if you wanted to add anything more. I know that you have touched on that. But is there anything else that we should know?

Mr. BARCINAS. Oh, yes, I will be very happy to comment on that issue. Like I said in my testimony, the people of Guam now have been called upon again and being tested for their loyalty and their support of the—and I think I mentioned that recent surveys said—indicated that the people of Guam are supportive of the buildup on the island.

But I think they would be more supportive if they think that the U.S. Congress will live up to that commitment and say, "Hey, look." You see, America is Guam. We need America. And I think

I personally am in favor—like the idea of coexistence and work side-by-side in a win-win situation.

And I think the people of Guam will be more—let's call it ready to accommodate whatever U.S.—just give us that indication that yes, we are together, and just give us that—let's call it a measly $127 million—I think is what we are asking. Hopefully it could be more, not less.

Mrs. DAVIS. Thank you. Thank you very much.

I have 30 seconds——

Mr. BARCINAS. Thank you for the question.

Mrs. DAVIS [continuing]. If I can yield to my colleague, Ms. Bordallo, if she wants to—well, not enough. I think you will be next.

Thank you.

The CHAIRMAN. Thank the gentlelady.

The gentlelady from Guam has a comment or question.

Ms. BORDALLO. I just have a couple of questions I think we should clear up, Mr. Chairman. It would be good for—when we are working on this in the future.

The two senators, if you would give me your answers to this. As members of the 30th Guam Legislature, can you tell me whether the issue of resolving Guam war claims will affect your decision to permit the leasing of Chamorro land trust property to be used by the Department of Defense as part of the buildup?

Senator Pangelinan.

Mr. PANGELINAN. Thank you very much for that question. I think the issue of the military's plan for Guam is affected by the way Guam treats—or the United States treats Guam and the fairness that it treats Guam in any of these issues.

I don't want to mislead and say that you pay war reparations and we will welcome everything with open arms. I think the military buildup has to be studied independent of these issues.

They may link with the terms of the sentiment, but in terms of the obligations that the United States has, paying war reparations does not remove any obligations that they have to do the military buildup in a manner that is consistent with respecting the rights of the people of Guam and what is good for Guam.

So it is not one or the other, but it certainly is going to assist the United States in terms of its ability to present itself and say, "These are the plans we have. There are going to be problems with the military buildup as we have already seen with the current EIS (Environmental Impact Statement), and if we pay reparations we don't have to resolve those problems."

Those problems still have to be resolved, have to be dealt with in that manner. And the taking of land—of lands that have been given back, to be taken right back after 45 years, where the people don't have the use of those properties, and not adequately compensated, is going—is another issue.

There are many issues between the people of Guam and the United States Government, and war reparations is but one of them. And it has got to be in terms of fairness and equity that we have to deal with it in terms of accepting—both sides accepting their obligations to this country.

And we are ready to do ours, as we have always demonstrated we have. It is the United States that has failed to demonstrate its commitment to fairness and equity in the treatment of the Chamorro people over the years.

Ms. BORDALLO. Right. Well, I think I want to make myself clear. I didn't say taking of the lands. I said leasing. And so your answer would still be the same. It depends on——

Mr. PANGELINAN. That is correct. I think that——

Ms. BORDALLO. All right.

Mr. PANGELINAN [continuing]. The current plans by the military says that they are going to reserve the federal lands that are available for the military expansion and not take the—not use those properties——

Ms. BORDALLO. Right.

Mr. PANGELINAN [continuing]. But they want the local properties that are under the control of the government of Guam. Why would they want more property?

They currently have federal property that they are not going to develop and they are going to leave in the inventory. Why would they want to come and take the properties we have?

Ms. BORDALLO. Well, I am not so sure they are going to be leasing Chamorro trust property. I think they are really looking at private property, is what I understand.

Senator Blas, do you want to——

Mr. BLAS. Thank you. Thank you, Madam Congresswoman. And yes, we all share the same sentiment here, that, you know, the war reparations, the war payments, is probably the single most morally significant issue that is faced, when you start to look at it in the context and the pretext of what is happening with the military buildup.

And I have to agree with my colleague here that the—you know, that is not—it is not just the one only—one and only issue. You know, there are other issues. The discussion earlier——

Ms. BORDALLO. I understand, but I just asked that one issue——

Mr. BLAS. And it will have an effect. It does have an effect on whether or not, you know, I as a legislator and representing my constituents would see—look fairly and look on the issues and concerns with regard to the utilization of the Chamorro interests if war claims have not been resolved.

Ms. BORDALLO. Thank you.

And one final question for Mr. Barcinas.

This came about when we were in conference over the war claims with the Senate. And they wanted me to compromise, which I did not. So in your opinion, should Congress limit compensation for war damages to the living survivors of Guam—the World War II occupation—and exclude the descendants? Your answer?

Mr. BARCINAS. Thank you so very much for asking—bringing that point up. No. I don't want no limit. I don't want no separation. And I will tell you why, and I feel very, very strongly about this.

It is not my grandfather's fault, it is not my father's fault, for not being given whatever compensation is due to him. And so that if it ever is—look, I am a survivor.

And if I don't get that compensation before I pass on, I think that the government of the United States owes my descendants or my heirs whatever there is coming to me, Madam Congresswoman.

And you know what? It is American law. Assuming now my father dies, he has an estate. And you know what? If my father owes tax to the government of Guam or the Federal Government, you know what happens?

I would like to have it but I cannot get hundred percent of that because under probate law that property or real estate or—will be probated and he will—he would be—the estate would be required to pay whatever that is to the government.

So for the same token, whatever that is owed to my dad should come to me, and whatever that is due to me, owed to me, if I pass on, is—goes to my heirs. Simple as that. It is fairness.

Ms. BORDALLO. Thank you. Thank you very much.

Mr. BARCINAS. Yes, ma'am. Thank you for that question.

Ms. BORDALLO. Thank you very much.

And, Mr. Chairman, before I close off, I just want to thank you and Mr. McKeon and all of my colleagues for supporting me in this measure, and we will look forward to having a hearing with the Senate in the near future.

Thank you very much, and I yield back.

The CHAIRMAN. Thank the gentlelady.

The gentlelady is right. The Senate did commit to a hearing on this subject. We appreciate the panel for being with us, and I know some of you made a long, long trip to be with us. It is awfully good of you to do that. And frankly, it is very helpful.

No further questions? We are adjourned.

[Whereupon, at 2:45 p.m., the committee was adjourned.]

A P P E N D I X

DECEMBER 2, 2009

PREPARED STATEMENTS SUBMITTED FOR THE RECORD

DECEMBER 2, 2009

STATEMENT OF HONORABLE ANTHONY M. BABAUTA
ASSISTANT SECRETARY OF THE INTERIOR FOR INSULAR AREAS

BEFORE THE
HOUSE COMMITTEE ON ARMED SERVICES

ON
ASSESSING THE GUAM WAR CLAIMS PROCESS

December 2, 2009

Mr. Chairman and members of the Committee on Armed Services, I am pleased to be here today to aid in your Assessing the Guam War Claims Process.

It has been nearly 68 years since the Imperial Japanese military forces invaded and occupied the United States territory of Guam, subjecting its residents to 33 months of horrific pain and death. Through it all however, the largely native population, the Chamorro, remained ever-loyal to the United States. In prayer and song, all longed for the return of the Americans.

In a monumental operation, United States naval ships bombarded the island and ground forces stormed the beaches of Asan and Agat on June 21, 1944. It took nearly two months to dislodge a well hidden enemy, but Guam was finally secured on August 10, 1944. Though our forces had been tempered by fierce battle throughout the Pacific, what they found and learned of Guam's occupation was harrowing. Fellow Americans, innocent civilians, were subjected to summary executions, beheadings, rape, torture, beatings, forced labor, forced march and internment. Approximately 1,000 had died due to the brutality of Imperial Japanese occupation. Among current members of the American political family, no State, Territory, or group of civilians suffered any similar fate during World War II as did the people of Guam.

Once secured, the newly-liberated people of Guam were overwhelmingly thankful that their prayers were answered, and conversely, our grateful nation had immense admiration for them and the pain and suffering they had endured. Cognizant of the dire straits of the people of Guam, the U.S. Congress passed, in November 1945 just after the surrender of Japan, the Guam Meritorious Claims Act.

Other people in other areas occupied by Imperial Japanese military forces were also granted relief at later dates. Guam was not included in this subsequent legislation under the mistaken belief that the Congress had already taken care of Guam. While the Guam recipients of the relief were appreciative, over the years it became evident that although Guamanians may have been first, they may not have received treatment equivalent to that later given other Americans in Japanese held areas.

For nearly 30 years beginning in the 1970s, members of Congress from Guam introduced legislation regarding war claims. It was not until December 10, 2002 that the Guam War Claims Review Commission Act became public law 107-333. Under the Act the Secretary of the Interior appointed the five-member Commission, all of whom had experience relevant to the task at hand. Two members were from Guam. Mr. Mauricio Tamargo, who was and is Chairman of the Foreign Claims Settlement Commission (FCSC), was selected by the other newly appointed members to be chairman of the Guam War Claims Review Commission. This fortuitous connection with the FCSC was of great benefit to the Guam Commission because Mr. Tamargo was able to contribute not only his own expertise but that of members of his staff to the Guam war claims review effort.

The primary task of the Guam War Claims Review Commission was to "determine whether there was parity of war claims paid to the residents of Guam under the Guam Meritorious Claims Act as compared with awards made to other similarly affected United States citizens or nationals in territory occupied by the Imperial Japanese military forces during World War II . . . ."

The Guam Commission met on numerous occasions, held lengthy hearings both in Guam and Washington, and exhaustively analyzed relevant information and materials before committing its collective judgment to paper in its 2004 Report on the Implementation of the Guam Meritorious Claims Act of 1945. The Report is indeed comprehensive. The Commission carefully stated 32 findings and developed six recommendations for the Congress.

Included in the recommendations are:

(1) $25,000 for the heirs of Guam residents who died during the Japanese occupation, which amounts to approximately $25 million for approximately 1,000 deaths,

(2) $12,000 for personal injury, including rape and malnutrition; forced labor; forced march; and internment (including hiding to avoid capture), to each person who was a resident of Guam during the Japanese occupation and who personally suffered or to the eligible survivor(s), which amounts to approximately $101 million for the entire 1945 population of Guam, and

(3) $5 million for grants by the Department of the Interior for research, education and media to memorialize the events of the occupation and the loyalty of the people of Guam.

Congresswoman Bordallo introduced legislation which drew from the report. Her legislation has passed the House of Representatives three consecutive times beginning with the 109th Congress. However, it has failed to receive the support that would see it through to enactment that we believe it deserves.

As members of the Committee on Armed Services, you are aware of the bi-lateral agreement between the U.S. and Japan, under which 8,000 Marines and approximately 9,000 dependents will move from Okinawa to Guam. This massive undertaking is estimated to cost approximately $10.5 billion. Other related military moves to Guam may cost several billion more. With planning for the military build-up underway, many hoped that passage of the Guam World War II Loyalty Recognition Act would exhibit good will on the part of the Federal government and would act as reciprocity for the good will and loyalty the people of Guam have always exhibited and will exhibit by hosting the Marines. Guam is vital to the protection of American interests in Asia and the Western Pacific.

It is for the reasons of fairness, equity, and justice that the Department of the Interior, expressed a formal policy position on behalf of the Administration, in September 22, 2009 letters to Chairmen Skelton and Levin, urging that the Guam World War II Loyalty Recognition Act be included in the conference report on the National Defense Authorization Act for Fiscal Year 2010.

The Department continues to strongly support enactment of H.R. 44. It is the position of the Department of the Interior that enactment of the provisions of H.R. 44 would restore the dignity lost during occupation and heal wounds bound in the spirits of those who survived. For the thousand who passed by saber or savagery their memory remains in stories of principle, courage, and sacrifice.

The Island of Guam has undergone tremendous change since World War II, and it will continue as its strategic value is realized in the 21st Century. The opportunity to reach back and provide equity, parity, and justice is manifested in the Guam World War II Loyalty Recognition Act.

Anthony Marion Babauta
Assistant Secretary of the Interior
for Insular Areas

Prior to being confirmed by the U.S. Senate, Babauta served as Interior Secretary Ken Salazar's senior advisor. Tony Babauta previously worked on the U.S. House of Representatives Natural Resources Committee, as its Staff Director for the Subcommittee on Insular Affairs, Oceans, and Wildlife. He advised the full committee on US policy towards U.S. territories and other U.S. affiliated island nations. Tony was instrumental in advancing the renegotiated compact with the Republic of the Marshall Islands and the Federated States of Micronesia, the Guam war claims, and the political advancement of Puerto Rico. Tony also directed the Subcommittee's jurisdiction and responsibilities over other issues pertaining to the Department of the Interior. He has developed and maintained working relationships with island leaders which include presidents, governors and ambassadors. Tony first joined the Natural Resources Committee in 1998 as Professional Staff under its then Ranking Member, the Honorable George Miller; and his service to the Committee continued under then Ranking Member and now Chairman, the Honorable Nick Rahall. In his role as Professional Staff, Tony served as the main advisor on all matters regarding U.S. territories and the Freely Associated States. He assisted in the formulation of policy alternatives through specialized knowledge and experience. Tony first worked on Capitol Hill as legislative assistant for the former Guam Delegate, Dr. Robert Underwood, covering issues relating to the Resources Committee, as well as issues concerning the Departments of Justice and Agriculture and all international work related to the United Nations. Tony is a native from Guam, who spent much of his childhood on the U.S. mainland. He is a graduate of Gonzaga University.

Department of Justice

STATEMENT OF

MAURICIO J. TAMARGO
CHAIRMAN, FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES
FORMER CHAIRMAN, GUAM WAR CLAIMS REVIEW COMMISSION

BEFORE THE

COMMITTEE ON ARMED SERVICES
UNITED STATES HOUSE OF REPRESENTATIVES

HEARING ON THE GUAM WAR CLAIMS REVIEW COMMISSION

PRESENTED

DECEMBER 2, 2009

MAURICIO J. TAMARGO
CHAIRMAN, FOREIGN CLAIMS SETTLEMENT COMMISSION
Before the U.S. House Committee on Armed Services – December 2, 2009

Chairman Skelton and Members of the Committee, thank you for the opportunity to appear before you today to speak about the work of the Guam War Claims Review Commission, which the Commission completed on June 9, 2004.

I am Mauricio Tamargo, Chairman of the Foreign Claims Settlement Commission in the Department of Justice. I appear before you today as the former Chairman of the Guam War Claims Review Commission, an advisory body established by the Secretary of the Interior under the Guam War Claims Review Commission Act, Public Law 107-333, which was enacted in December 2002. I served in that capacity, on a part-time basis, from October 3, 2003, until the Review Commission went out of existence in June 2004. The Vice Chairman of the Review Commission was the late Mr. Antonio Unpingco, a former Speaker of the Guam Legislature, and the other members were the Honorable Robert J. Lagomarsino, former Member of Congress from Ventura, California, the Honorable Benjamin J. Cruz, a former Chief Justice of the Guam Supreme Court, and Mrs. Ruth Van Cleve, a former career senior executive in the Department of the Interior.

The Guam War Claims Review Commission was established to "determine whether there was parity of war claims paid to the residents of Guam under the Guam Meritorious Claims Act as compared with awards made to other similarly affected U.S. citizens or nationals in territory occupied by the Imperial Japanese military forces during World War II" and to "advise on any additional compensation that may be necessary to compensate the people of Guam for death, personal injury, forced labor, forced march, and internment" suffered from the Japanese occupation of the island during the war.

The island of Guam, a U.S. territory, was attacked by Japanese forces on December 8, 1941 -- the same day as the attack on Pearl Harbor, but on the other side of the International Date Line. Two days later, on December 10, 1941, the Japanese overran and occupied the island. What followed after that was a period of 32 months of cruel, brutal, and barbaric oppression of the people of Guam by the Japanese occupation forces. Great numbers of the islanders were beaten and whipped, many of the women were raped, there were numerous beheadings, and in the last months of the occupation nearly all of the islanders were subjected to forced labor and forced marches and were herded into concentration areas, causing them to suffer acutely from malnutrition, exposure, and disease.

After beginning the liberation of Guam on July 21, 1944, United States forces declared Guam secure on August 10, 1944, and immediately began organizing it as a base from which to launch air and sea attacks in the direction of the Japanese homeland. At the same time, the U.S. Navy devoted as much material and effort as could be spared to constructing shelter for the local citizens. Within weeks after the termination of hostilities, Congress then enacted the Guam Meritorious Claims Act of 1945, authorizing and directing the U.S. Navy to provide "immediate relief" to the people of Guam. This included the U.S. providing monetary payments to the people of Guam.

In undertaking its task, the Review Commission conducted research on the administration of the Guam Meritorious Claims Act by the Navy's Land and Claims Commission, and compared that statute and the claims program conducted pursuant to it with the following statutes, and the claims programs conducted pursuant thereto, after the war:

–The Philippines Rehabilitation Act of 1946

-The War Claims Act of 1948, including the 1952, 1954, 1956, and 1962 (Wake Island) amendments to the Act, and Title II of the Act, added in 1962

-The Micronesian Claims Act of 1971

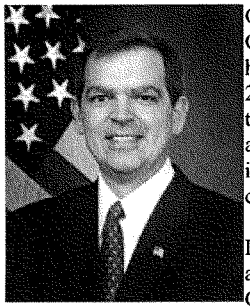
-The Aleutian and Pribilof Islands Restitution Act (1988)

We also conducted hearings on Guam, at which we heard moving testimony from survivors of this terrible period in history. We then held a legal experts' conference in Washington, D.C., at which relevant legal issues were discussed. Finally, we submitted a report to the Secretary of the Interior and to specified congressional committees summarizing our work.

The Review Commission's findings and recommendations are set forth in Chapters VI and VII of the Review Commission's Report. I stand by those findings and recommendations and continue to believe strongly that they should be implemented. I would also like to say that those of us who came to the Review Commission from the Foreign Claims Settlement Commission were pleased to have had the opportunity to use our familiarity and expertise regarding war claims issues to assist in the accomplishment of this important work.

Mr. Chairman, this concludes my statement. I will be happy to respond to any questions that you or the other Members of the Committee may have.

Chairman Mauricio J. Tamargo



On February 6, 2002, Mr. Mauricio J. Tamargo was sworn in as Chairman of the Foreign Claims Settlement Commission (FCSC), having been nominated to the position by President Bush in July 2001. Chairman Tamargo was twice re-nominated and confirmed to the FCSC: first in 2003 to a term expiring in September 2006, and subsequently in 2006 to a term expiring September 2009. He is the fourteenth person to hold the office since the Commission's creation by Congress in 1954.

During his tenure at the FCSC, Chairman Tamargo has administered the Albanian Claims Program and the Second Cuban Claims Program. In September 2003, at the request of the Secretary of the Interior, Chairman Tamargo chaired the Guam War Claims Review Commission which compiled a report evaluating the treatment accorded by the U.S. Navy to claims of residents of Guam after World War II.

Before assuming the Chairmanship of the FCSC, Chairman Tamargo was the Staff Director for the International Operations and Human Rights Subcommittee of the House International Relations Committee, and Chief of Staff and Legal Counsel to Congresswoman Ileana Ros-Lehtinen, for whom he had earlier served as Legislative Director. Prior to his work in those positions, Chairman Tamargo served as Staff Director and Counsel for two other Subcommittees of the House International Relations Committee, the Subcommittee on Africa and the Subcommittee on International Economic Policy and Trade. Earlier in his career, Chairman Tamargo served as Administrative Assistant to then-Florida State Representative Ros-Lehtinen, and as Staff Assistant to Senator Paula Hawkins. During law school, he served as a law clerk to the Chairman of the National Labor Relations Board.

Chairman Tamargo serves on a pro-bono basis as president of the Freedom and Historic Preservation Foundation, a non-profit organization dedicated to the preservation of Whittaker Chambers' farm as a National Historic Landmark. He is also active in other charitable efforts through his local church.

Born in Cuba, Chairman Tamargo came to the United States with his family when he was four years old. Chairman Tamargo holds a B.A. in history from the University of Miami and a J.D. from Cumberland School of Law at Samford University. He is a member of the Florida, District of Columbia, U.S. Court of Federal Claims and U.S. Supreme Court Bars. He is also a member of the Federalist Society, the Cuban American Bar Association, and the District of Columbia Hispanic Bar Association. He and his wife Tara have two children.

Office of
The People

Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

Chairman
Committee on
Appropriations, Taxation,
Banking, Insurance, and
Land

Member
Committee on Education

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

Member
Committee on Labor, the
Public Structure,
Public Libraries, and
Technology

Senator Vicente (ben) Cabrera Pangelinan
Hearing on Assessing the Guam War Claims Commission Process
House Armed Services Committee
United States Congress
December 2, 2009
Washington D.C.

Manana si Yu'os **Honorable Chairman Ike Skelton and esteemed Members of the Armed Services Committee.**

In the novel A Christmas Carol, the ghost of Christmas past appears to Ebenezer Scrooge and shows him what kind of person he is and how he has treated people in his life. My familiarization with this western classic just about ends there; forgive this *Chamorro* if he gets his metaphors mixed.

I hope that unlike Ebenezer Scrooge, we are not facing the ghost of war reparation hearings past, which will only see what happened in the past, hear what happened in the past, and understand what happened in the past, and then it ends. I pray that we will finally see action, because we have had our fill of "we hear you, we understand your pain, and we sympathize with how you were treated", and I am not referring to the Japanese's brutal treatment of the *Chamorros* during its occupation of *Guahan*.

Despite the many beatings, forced marches and torture inflicted by a brutal enemy who suspected assistance to the Americans, the *Chamorros* of *Guahan*, that is, every man, woman and child never gave up the American soldiers who were left behind during the war, to the Japanese enemy. They endured, at the peril of death and at the risk of their families' lives, and were

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subjected to beatings and dangerous situations. And no one ever begged for mercy or turned to the enemy to escape its cruelty.

As a Senator of *I Mina' Trenta Na Liheslaturan Guåhan*, I testify before you on behalf of those voices silenced by fear, incapacitation, or death. Today, we come before you, our liberators from a war not of our making and not waged to suit any of our needs, thankful and grateful. We are here to seek justice, and not merely in pursuit of recognition as the title of HR 44 implies. Despite all the rejections of the past sixty years, we, as we did in war, we will do in peace, we will not beg. We stand tall and tell you we have earned the justice we seek. We still have faith that America is the one place on earth where justice will prevail.

We look to this Committee and this Congress to prove our faith is not in vain. The people of *Guahan* deserve more than perfunctory recognition. The *Chamorros* of *Guahan* deserve "action" – action that our people will never forget. Time cannot heal all wounds and the federal government knows this all too well in the Pacific area. A history of inaction continues the festering of the wounds caused by unmet obligations. And we are not afraid to tell you, Basta, Basta, Basta. No More, No More, No More.

We are no longer a generation rooted in the gratefulness of a liberation. We are a generation whose hearts have been hardened by unkept promises and transgressions unresolved. Knowing this, you have no reason to be surprised if you are met with arms raised in opposition rather than arms open to accept your plans to take our lands again, change our way of life forever, to once again suit your needs. Self-determination continues to be withheld and not supported by any

action until just a few weeks ago with the hearing on HR 3940 to provide grants via the Department of Interior for a political status public educational program to facilitate the plebiscite on self determination for the native inhabitants of *Guahan.* The United States voluntarily assumed this obligation when it placed *Guahan* on the list of non-self governing territories and agreed to be the administrating authority under the United Nations Charter.

When we finally see action in the return of lands taken after the war which the federal government deemed they no longer needed, albeit more than 45 years later, we see even quicker action to reverse the course. Today, we again face the taking of our lands to support the re-location of over 8,000 or 10,000 marines and the unprecedented population growth of over 45,000 or 80,000 people depending who you talk to, to accomplish this military build-up. They are being re-located to relieve the burden of hosting the Marines by the people of Okinawa. If there is a burden to hosting the Marines being borne by the people of Okinawa, there will be a burden associated with hosting the Marines by the *Chamorro* people. We are asked to bear this new burden, without first being relieved of the old burden of a wartime occupation, and in the wake of continued denial of war reparations. There is a Chamorro saying *"Dalai esta este na ma la bida" which translates to This treatment is just too much.*

I am here today, traveling over 7,938 miles, crossing almost half the world's time zones, coming from tomorrow, to be here today on behalf of the people of *Guahan.* I am here to plead for not just mere recognition of their sacrifices, but seeking justice for how they were treated not just by enemy

occupiers during the war, but the liberators after the war. I am here today, along with other representatives of the people of *Guahan* to show our commitment and voice our desire to bring closure on the war reparations issue.

While today we address the war reparations, it is not the only issue that remains unresolved between the people of *Guahan* and the United States. The United States plans to expand military activities on *Guahan* placing our lands and resources at certain risk of environmental and ecological harm from these new activities. Yet, our land remains contaminated and waits for remediation and clean-up from its earlier occupation. The damage to our people's health, from the dreaded disease of cancer, which befalls our people at a greater rate than almost any other community in our country from proven exposure to radiation fallout, continues as we are made to wait for our inclusion in programs to heal these wounds, available only to our continental cousins.

The people of *Guahan* are here with me in spirit to show our commitment and voice our desire to bring closure to the war reparations. In the eyes of *Chamorros,* America did not forgive the Japanese for any and all war crimes or atrocities committed upon the people of *Guahan.* In our eyes America "pardoned" Japan for all the death, rape, beheadings, forced marches, starvation, and separation of families it imposed upon our *Chamorro* people. This in our eyes is just as clear as when President Gerald Ford pardoned former President Richard Nixon. Let there be no mistake, that single act added much to the years of suffering by *Chamorros* on *Guahan.* Because of that act, there are many Americans and new-comers to *Guahan* who actually believe that the land-takings

were really not a big issue and that the *Chamorros* here did not suffer any more than most Americans in similar conflicts. This could not be further from the truth, but it is hard to blame these mistaken individuals when the United States government treats our people and this part of our history as if it was no big deal.

Over the three (3) years of occupation, Guam was renamed *Omiyatu* by the Imperial Japanese. Our island paradise became home to torture and oppression. Our *Manåmko'* and adults of the war period are for the most part gone now. Their children who witnessed torture, forced labor, injury, forced march, internment, and death, survived to give their accounts and hold their stories in their hearts. They too carry the scars and nightmares of this experience.

I ask that you listen to a generation savoring freedom after three years of brutal occupation, the gratefulness for liberation and the generosity they showered on America. Hear it, understand it, sympathize with it, but do not for a moment think of taking advantage of it again and do not accept it by continued inaction.

I recognize your responsibility and heavy obligation to act on evidence that there were disparities in the treatment of the people of *Guahan* in war claim compensation compared to other compensation programs. Do not focus on the claims that were filed and the payments made. Listen to the stories today. See and hear of the claims not filed and paperwork not submitted, as *Chamorros* told each other of the value placed upon their lives, homes, and the suffering endured and of dollars claimed and pennies paid and the decision that it was not worth it.

The issue of whether the people of *Guahan* were treated fairly by those which held authority over the process of claiming and paying for the taking of

their lands, the damages inflicted upon their lives and the destruction of their belongings have been studied literally to death. Many of those harmed have succumbed to their injuries after the war and some were just not able to outrun Father Time, before justice could come to them.

First there was the Hopkins Commission of 1947 and now the War Claims Commission of 2004. Both reports issued by each commission concluded that something more needs to be done to make things right for the people of *Guahan* to give them justice and peace in the remaining years of their lives. The findings of each commission state that in the process of resolving their claims, the people of *Guahan* were misinformed and mistreated. For the people of *Guahan*, there was no parity, thus no justice to bring them peace with America.

Each time the issue has come before this august body, the recommendations remains the same. The people of *Guahan* deserve recognition for the loyalty they displayed to the United States in the face of a brutal enemy and the atrocities inflicted upon them. Now we have the findings of a federal commission, which found that there was no parity in the treatment of the people of *Guahan* and others in the compensation programs of those similarly situated.

Throughout our island, we still see evidence of *Guahan*'s historical struggle. Concrete bunkers remain on our seashores, heavy artillery become landmarks overgrown with jungle, and war zones claiming lives converted to historical parks. *Chamorros*, throughout our island can attest to the plight of their ancestors forced to march to the concentration camp in *Manenggon* Valley and to massacres in the caves of *Tinta* and *Faha*. These accounts come from our people

whose hands washed clothes in rivers, worked in rice fields, and constructed airfield - all at point of the bayonet and threat of death.

Our people share childhood memories as our *manåmkos* search for closure that comes with formal recognition. As individuals, each of us testifying today recognizes this may be our last chance to accurately recount American history. These are the unsung heroes of our wartime effort. You will discover six decades of patience and the emotional buildup of those hesitant to discuss brutality reaching far past the gates of Auschwitz. No other American family suffered bombings, occupation by the Axis of evil, prayed for liberation, and had one year in the midst of rebuilding after war to make war claims known to the federal government.

The *Chamorros* of *Guahan* do not expect payment to turn back time, change history, or alter the future. But recognition of a people's sacrifice in upholding their honor, maintaining their dignity in the fight for their liberty, and demonstrating steadfast loyalty remain priceless. That is evidence of everything our founding fathers envisioned, everything thousands of young American soldiers died for on the shoreline of Guam's beaches, and that will memorialize our history, bring peace to a dying generation, and alter the future for new generations. We too fought for our freedom, upheld our dignity, and earned this compensation. We know we deserve it. And yes, we want all Americans to understand it.

Congress formed this commission and after countless years and eventful political advancements; we thank Guam Delegates Antonio Won Pat, Ben Blaz,

Robert Underwood, and Madeleine Bordallo for their efforts. However, with faith in democracy and the will of our leaders and our people, we slowly close one era while educating the next. I believe as Dr. Martin Luther King Jr. remarked, "We will not be satisfied until justice rolls down like waters and righteousness like a mighty stream".

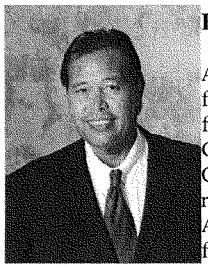
The book of history is never complete. The writing continues, the judgment will come, and while it may never be "too late" to make some difference, I ask that you correct this injustice today. Not a single generation should again pass without sharing in the justice deserved.

Let there be no more naysayers. The Congress endorses it. The Administration supports it. Our Nation's place in history as a just and caring government demands it.

Today, I am grateful you have invited all of us to the table. Let no more time pass.

Thank you *yan si Yu'os ma'åse'*.

Senator Ben Pangelinan



Hafa Adai!

As a public servant, Senator Ben Pangelinan has proved to be a good friend and great leader for the people of Guam. He has led the fight for a fair and open government on the Legislative floor, the highest courts of Guam, the Ninth Circuit of Appeals and the United States Supreme Court. He established the crop compensation program to help farmers recover from typhoons, floods and other disasters. He also created the Agriculture Board of Commissioners, a policy making body to give the farmers a voice over agriculture services.

Understanding the sacrifices of our veterans, Senator Pangelinan wrote the law that allowed us to honor those who served and were wounded in battle by providing the resources to construct the Purple Heart Memorial at Skinner's Plaza.

A friend to the people of Guam

Responding to business challenges, Senator Pangelinan streamlined services and established the one-stop permit program to assist existing and new businesses. He enacted business laws to increase opportunities for investments and improving the economy. He understands the needs of retired public servants and introduced measures to ensure that cost of living allowances or COLA and supplemental are paid and fights to preserve the retirement fund and protect it from being raided.

SENATOR FRANK F. BLAS, JR.
I' MINA' TRENTA NA LIHESLATURAN GUÅHAN

Chairman Skelton, members of this esteemed Committee, thank you for the opportunity to provide testimony in this hearing on assessing the Guam War Claims process.

My name is Frank Flores Blas, Jr., a Senator with the 30th Guam Legislature and son to Frank Flores Blas and Lydia Ada Calvo; grandson to Vicente Cepeda and Beatrice Flores Blas and Jose Leon Guerrero and Hermina Ada Calvo; and son-in-law to Regina Manibusan Reyes. I mention my relations because they were survivors of the horrors and atrocities of the Japanese occupation of Guam during World War II. I mention them, because for them, along with the thousands of Chamorros who suffered as well, or died during the occupation, I come before you to ask for closure to their sixty-five year old struggle for recognition of their loyalty to the United States in the face of a brutal enemy force.

While preparing this testimony, I thought it best to speak to survivors to get their advice on what to say. When I told them that *the hearing was on assessing the war claims process*, all of them started with a two-word question, "What process?"

Many had informed me that immediately after the war, they had heard that the United States government wanted details of how they were treated and of the savagery they witnessed. Some were told that because of what happened to them, they would be compensated, but more importantly, that their struggles would not be forgotten.

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EMAIL: frank.blasjr@gmail.com

Still, there were others who did not know at the time that their nation's government wanted to know of their sufferings because either the word never got to them or they were busy trying to rebuild their lives. Nevertheless, every survivor that I spoke to expressed that despite what they were told, or what they heard being told, nothing ever happened.

In December of 2003, almost six years to this date, a few of the survivors who were still alive at that time, gave testimony to the Guam War Claims Commission. Survivors like my mother-in-law, Regina Manibusan Reyes, Mr. Edward Leon Guerrero Aguon, Mr. Jose Afaisen Pinaula, Mr. Juan Martinez Unpingco, and Mrs. Rosa Roberto Carter gave their personal accounts of the beatings and humiliations they endured, the slavery they were subjected to, and the beheadings they were forced to witness.

They told of the nightmares that they still have, about how their childhood was taken away, and about how they did not know how to play with their grandchildren today because they were stripped of the opportunity to grasp that concept in order to survive.

Today Mr. Chairman, if you were to ask these same people to come before this Committee to provide their testimony again, many of them will not be able to make it, because they have since passed on.

One such survivor is Mr. Edward Leon Guerrero Aguon.

In 2003 he ended his testimony by saying, "I am 77 years old. If you ask me again in another ten years, I may not be here to testify." Mr. Aguon passed away on September 28, 2007.

Mr. Chairman, as I had been told to ask at this hearing, what war claims process does Congress want to assess?

My people have told their stories time and time again. Our delegates to Congress, starting with the late Antonio B. Won Pat, then retired Brigadier General Ben G. Blaz, Dr. Robert A. Underwood, and now the Honorable Madeleine Z. Bordallo have all made Guam's war claims a priority during their tenures. For sixty-five years my people have been waiting. When will it end?

There is a demoralizing sentiment that is growing amongst the survivors. This sentiment is that the United States government is waiting for all of the war survivors to pass on so that this issue will not have to be dealt with. Although my upbringing has taught me to apologize for this statement, I chose not to and challenge our nation's leaders to prove that opinion wrong.

Mr. Chairman, I thank you for keeping your commitment to hold this hearing in order to move this issue along. I can tell you with confidence that if given the opportunity, the physical stamina, and the financial resources to do so, many of the survivors will come before this Committee, or any other panel, one more time, in the hopes that this time, they will have closure to their struggle.

But because many of the people whom I speak of could not be present today, or will not able to make the long trip it takes to get from Guam to here, I humbly and very respectfully request that you have continued hearings on Guam or require that any future process for the war claims be held on Guam as well.

Attached to my testimony today are newspaper articles of the individual accounts of four of Guam's war survivors. As you read through their stories, I also ask that you look at their faces. It is said that a picture is worth a thousand words. I will tell you that at the time their photos were taken, they were not asked to pose or provide a specific expression. They were only told to be comfortable.

Comfortable, Mr. Chairman as I am providing this testimony to you, forces beyond the control of my island's people are mobilizing the largest and most expensive peace-time military buildup on Guam. I can confidently say that if you ask any Guam resident if they knew the two countries who partnered in this activity, they will all say the United States and Japan.

This leads to an uncomfortable conversation that will ensue if you ask that question to a survivor of the war.

When word of the inclusion of Guam's war claims bill into the Defense Authorization Act was received on Guam, many of our survivors were cautiously optimistic. Their unenthused reaction bewildered me at first. I was perplexed as to why there was no excitement with the prospect that their sixty-five year wait will end.

Even the efforts to drum up support through petition drives and letter writing campaigns received lackluster responses.

Then one tired and dejected war survivor told me something that made sense of the reactions I was observing. He told me, "The United States and Japan don't give a damn about the Chamorro people. Putting the war claims into the bill that will help the military build their bases on Guam, to help Japan out, just puts *donne'* (pepper) into the wound. With war claims, I'll believe it when I see it."

When news that the war claims provision was stricken from the final version of the bill, obviously, there was disappointment. Unfortunately, there was also the recurred feeling of dejection and the emergence of a sentiment uncommon amongst survivors, resentment.

As one survivor has directed me to ask, "You want me to be comfortable with the building of military bases on my island with Japan, when you haven't even recognized what Japan did to us during the war?"

This survivor further requested that I say, "Enough talk and enough planning. Deal with our war claims before you start to build your bases."

Comfort, this word best describes what I am asking for the people of Guam. Give my *man'amko*, the elderly people of my island, the peace and comfort they so rightfully deserve before they become just a memory of a Chamorro people who suffered and died, yet remained loyal and patriotic.

Give my *man'amko* the comfort of knowing that even after all these years, their suffering has not gone unnoticed.

Thank you for giving me this opportunity to speak for those who cannot be here and for those who can never speak again.

-end-

REAL PEOPLE.
REAL STORIES.

Testimonies of war survivors
presented to the
War Claims Review Commission in 2003.

- **Keeping the stories alive.**
- **Keeping the war reparations discussion fresh.**
- **Keeping the Federal government on notice to resolve the issue in 2010.**

War survivors' quest for justice continues

Tuesday, 17 November 2009 01:46 by Therese Hart | Variety News Staff

GUAM'S quest for recognition of the pain and suffering endured by Japanese Imperial Forces during their occupation in World War II recently suffered a setback by the United States Congress in their crafting of the 2010 Defense Authorization Act.

Although the Guam World War II Loyalty Recognition Act did not survive the attempt to have it included as an amendment to the Defense bill, U.S. Senate leaders promised Guam's representative to have hearings on the war claims bill and consider taking action on the measure before the end of 2009-2010 term.

These hearings are expected to begin in December. Since many of our manamko who suffered the atrocities of war have since passed away or are infirmed, there are ongoing discussions to have them appear before the committee via teleconference in the District Court of Guam's courtroom.

In December 2003, survivors of the war told their stories to the Federal War Claims Commission during a series of hearings held on Guam. They gave their accounts of the brutality, the anguish, the degradation, the sufferings, and the fears that they had to endure.

They gave eye witness testimonies of the lashings, the beatings, and the beheadings of their loved ones and friends. In those hearings, those who testified also expressed their hope that their nation will finally acknowledge what they went through and give them the recognition they so rightfully deserve.

Although there has been the promise of the opportunity to address the war claims issue over the next year, many of the remaining survivors are well within their golden years and traveling to Washington, DC to testify once again may be too difficult.

Because of this, the decision makers in Congress have been asked to seriously consider holding any hearings on this matter on Guam, and because of the midterm elections that will be occurring across the United States late next year, it was further requested that the hearings be conducted before March 2010.

Unfortunately, there are also those who testified in 2003 who have since passed away. It is for those individuals who have died while waiting for their recognition and for our elderly who will find it impossible to travel almost 9,000 miles away that Sen. Frank Blas Jr.'s office will present a weekly series entitled, "Real People, Real Stories."

Once every week, the testimonies of those individuals who appeared before the War Claims Commission in 2003. Although transcripts of the hearings are open to the public, we will get the permission of the survivors, or that of their heirs, to provide their testimonies in this series. If the survivors or their heirs wish, we will also include their sentiments of the waiting they continue to endure.

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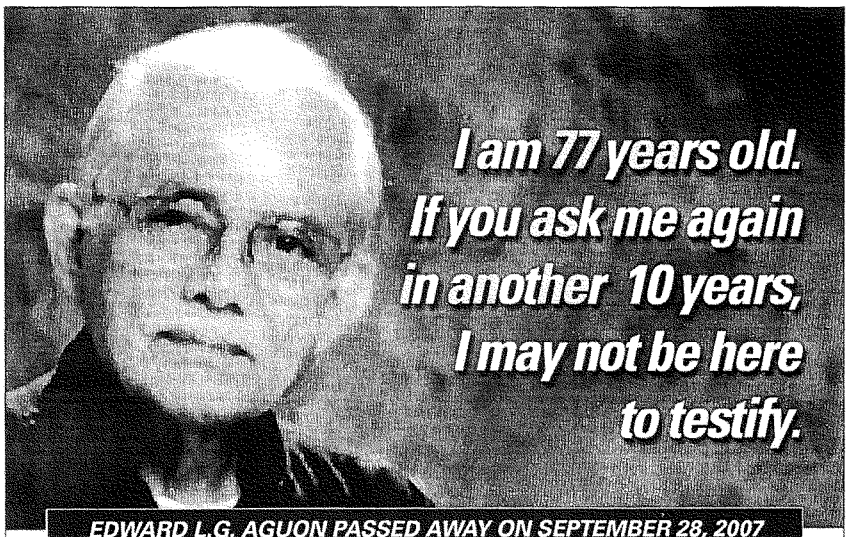


EDWARD L.G. AGUON PASSED AWAY ON SEPTEMBER 28, 2007

My name is Edward L.G. Aguon. I am a sole survivor. I was 15 years old when Guam was invaded. Today, I am asked to remember a painful time in my life, a time that I have been trying to forget, twice before have been asked to remember the same painful memories. I hope that today will be the last. In the questionnaire, number six, A and B, and number seven, I wrote about my injuries, forced labor, and the infamous march to Manenggon. I am confident that this honorable Commission will read it with compassion and empathy. I would like to spend the next few minutes to express the deep pain and sorrow that were carved in my mind and in the minds of our people, I'm pretty sure, because of the cruel occupation we were forced to endure.

But how can anyone express all these feelings, Mr. Chairman? An experience of leading to a brutal, atrocious occupation by the enemy force in five minutes.

The most agonizing memories come to mind when I think of the occupation of being forced to watch people brutalized, tortured and killed, to see the look on their face when the final stab of the bayonet pierced their flesh, to hear the cries as their last breath leave their bodies. And even then, the attackers continued to thrust the bayonet into their lifeless bodies.

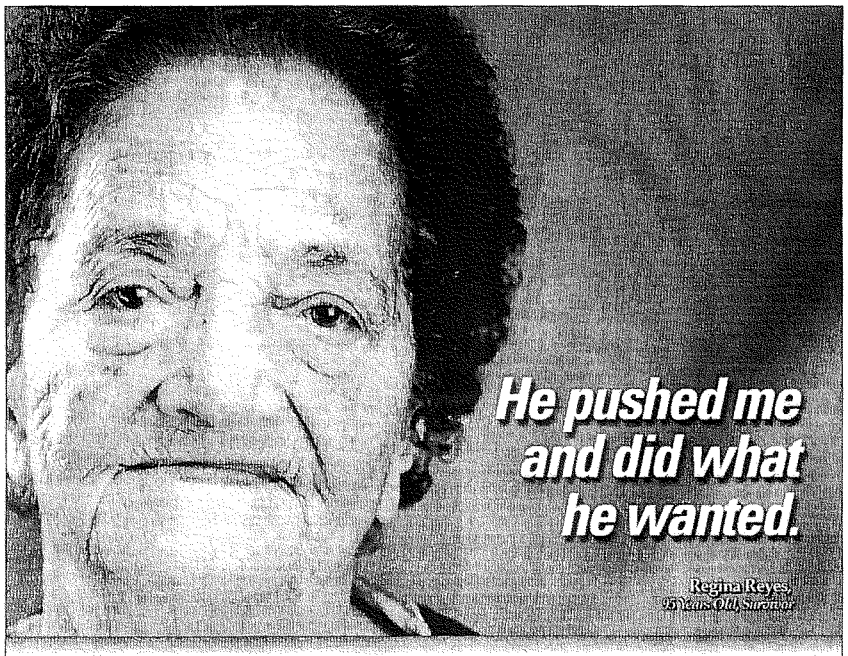
I recall, as well, the most heartbreaking incident in my life, when we were hustled from our ranch and ordered to march to Manenggon. Tens of miles in hot and rainy days, we were gathered like cattle being led to the slaughter. We could not help anyone who fell behind or fell down. Even if that person was your grandmother, a sick relative or a dying friend, you had to move on and leave them there, lying on the road covered with mud.

I didn't know what lay ahead, Mr. Chairman. Whether we were going to live or be slaughtered. And what of those who were injured or killed? My cousin, Marikita Perez Howard was killed. God knows how she died. My uncle, Phillipe Aguon Unpingco was brutally tortured and died, as well. Moreover, what about those members in my labor group who were critically injured? Jose Ignacio Flores from the Bisentiko Family, Jesus Cruz from the Papa Family, and a man called Ibong who died from his internal injuries? What about those who lived through the war, Mr. Chairman, but have since passed away, like my friend, Juan Cabrera, who miraculously survived near beheading?

Their stories will never be told, and their testimony will never be heard.

I am 77 years old. If you ask me again in another 10 years, I may not be able to be here to testify.

REAL PEOPLE. REAL STORIES. *A weekly testimonial series provided by the Office of Senator Frank F. Blas, Jr. The testimony of Edward L.G. Aguon is recorded in Guam War Claims Review Commission public hearing held in Hagåtña, Guam on December 8, 2003.* **This ad paid by the community involvement of Guam Premier Outlets (GPO).**



I am Regina Reyes. My husband is Henry Reyes. I live in Agana Heights. In 1941, when we heard that the Japanese is in Hawaii, we're to get away in the house. We stay there all day until four o'clock. I go to my other house. Since I just got in my house, they got in with gun and shiny bayonet.

He asked me -- I don't know what to say about this, pointed the gun, and I said, no, I don't have.

And then he just pushed me on the wall and do what he want. He raped me.

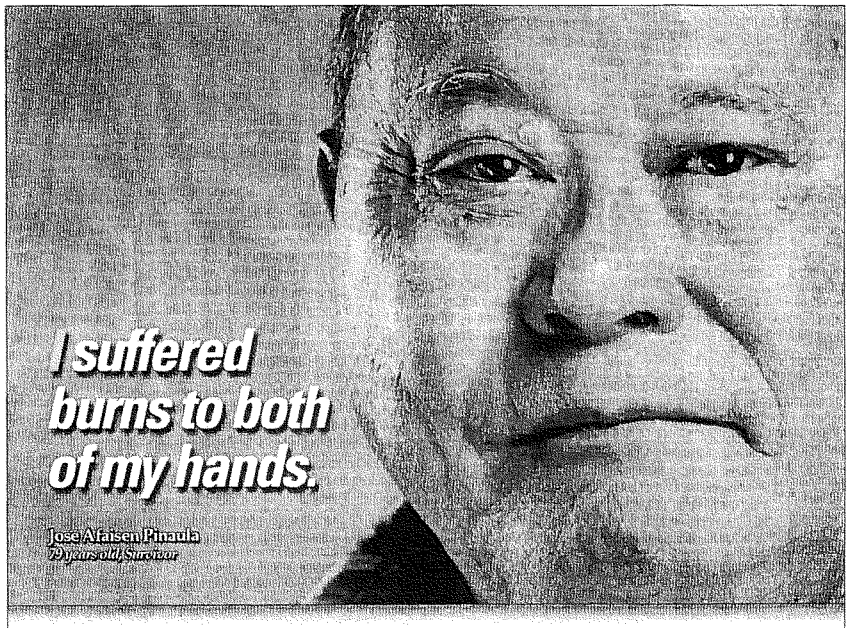
Afterwards he left, then I went to my in-laws and they questioned me what happened so I said to wait first until I took a shower. The next day, my husband went to Mr. Tomas Ooka who was the commissioner at the time and he told him what happen to me.

Mr. Ooka said that they couldn't do anything because they did not know his name. They made my husband work from Tai to Agana Heights then we stayed in Famha. My husband kept working but I was left in Famha deep in the jungle.

When the Japanese came, my husband was working in Tai. When we moved to Manenggon, my husband accompanied me then he left again because he was tasked to do some carrying of things for the Japanese.

Then, that night, when the Americans came, a Saipanese Chamorro came to tell me that my husband told him to tell me that he was alright. Since the time my husband and I parted company in Manenggon, that was the last time I ever saw him.

REAL PEOPLE. REAL STORIES. *A weekly testimonial series provided by the Office of Senator Frank F. Blas, Jr. The testimony of Regina Reyes is recorded in the Guam War Claims Review Commission public hearing held in Hagåtña, Guam on December 8, 2002.* This ad paid by the community involvement of Guam Premier Outlets (GPO). Photo courtesy of Expressions Studio.



My name is Jose Afaisen Pinaula. I'm from Malojloj, Inarajan. I was 11 years old at the time. A little bit more than 11 years. I was born in August 13, 1930.

The physical trauma I received, and others alike here on Guam, shares the same feeling which our rights and our freedom was taken away.

We were treated and traumatized by the frequent formation and meeting reminding us that if we did not obey the Japanese Imperial order, we would be punished or killed by the firing squad. In addition, they frequently search our bodies and homes for weapons and other U.S. made goods or items.

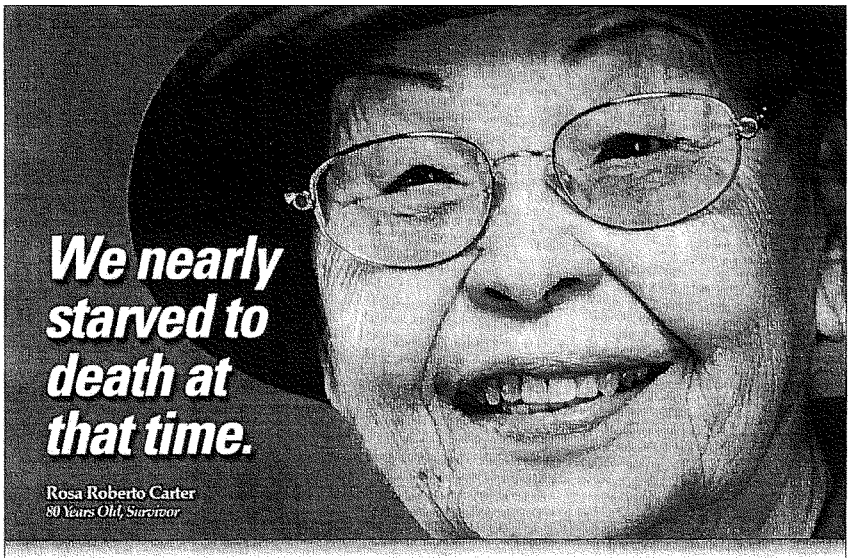
At one time, Japanese soldier had slapped me six times, more time because he had claim that an order he received from the Japanese officer in charge was to inform the people working at the coral pit to stop and prepare to return to the camp before daybreak.

I have suffered painful burn to both of my hands that lasted at least three days, then I was assigned to keep the diesel oil torchlight burning all night.

I became nervous wreck. My morale was at its lowest breaking point. I was frightened and scared for my life, that I did anything the Japanese soldier just to survive and be alive. Forced to work, even if I was extremely ill, there was absolutely no excuse not to work, unless you on the verge of dying.

I reach a breaking point in my life when I did not care what happened to me. If I had a weapon, I would kill the Japanese guard and hope that I would be able to run away and hide afterward.

REAL PEOPLE. REAL STORIES. *A weekly testimonial series provided by the Office of Senator Frank F. Blas, Jr. The testimony of Jose Pinaula is recorded in the Guam War Claims Review Commission public hearing held in Hagåtña, Guam on December 9, 2003.* **This ad paid by the community involvement of Guam Premier Outlets (GPO). Photo courtesy of Expressions Studi**



We nearly starved to death at that time.

Rosa Roberto Carter
80 Years Old, Survivor

When Japan occupied Guam 62 years ago, I was 12 years old, the oldest child in our family. My mother would have another child during the occupation, and her last one after the war, for a total of nine of us who made to through childhood. In regard to physical damage from the war, I am sure the effects of malnutrition on my parents, as well as nine of us kids, was severe in both the near term and over the following years.

There's no way to know all the negative effects of the two years of malnutrition we were forced to experience during the occupiers who confiscated our food for themselves. In the last two weeks, they forced us into more difficult situations involving a forced march and virtual imprisonment in a squalid camp, where there was no food at all. We older kids foraged for our family, searching wild lands for many miles. We nearly starved to death at that time

In regard to immediately visible physical damage, most of us suffered wounds from being forced into the jungle, where we contacted scarring napalm from the United States bombing of the Japanese. When the bombing stopped, we were forced to go back to clearing bushes, which were dripping with this napalm. And in a proper setting, I could show you some scars, which have irritated me for 60 years. One of my brothers lost parts of two fingers, as well, from the live ammunition scattered over so much of Guam after the fighting in 1944.

And at one time, I found myself clinging to a large breadfruit tree while American planes attacked. Human limbs, arms and legs, flew through the air on their own. People screamed in the grip of hysteria. I saw people going berserk.

My own forced labor consisted, at first, of clearing fields in the Mangilao area. My brother Juan was also forced to do this too. At this time I was singled out by the Japanese soldiers, locked up in a tiny room at the old Price Elementary school house, and interrogated about my loyalty to the United States. It may have had something to do with my slightly lighter skin color, but the terrifying experience is still vivid in my mind. Also, at this time, I was given the extra duty of carrying their lunches to Japanese soldiers located at the present site of the Father Duenas Memorial School.

Our forced march started for me late one afternoon, when my brother and I returned from working in the fields to find my parents and my siblings loading our bull cart with as much food and personal belongings as possible. People congregated at the Mangilao school areas, where the trek to Manenggon concentration camp started around twilight. We trudged along on foot all night. Weak people fell by the way side. I do not know what happened to them.

In regard to the constant terror of being an occupied people, earlier in Mangilao, many of us were forced to line up in orderly rows to witness the beating of a family for the crime of trying to hide some of its food from the Japanese occupiers. If we showed any emotion, we would have been beaten too. We practiced a code of silence because that means collaborators might be anywhere at any time.

Near the end of the war out here in Guam, because tomorrow men were being forced to the front lines where they were to be sacrificed as human targets, my father went into hiding. As a survivor, immediately he led his entire family back to Mangilao. The regimentation of our lives extended to digging our own graves in the last days at Manenggon.

REAL PEOPLE. REAL STORIES. *A weekly testimonial series provided by the Office of Senator Frank F. Blas, Jr. The testimony of Rosa Roberto Carter is recorded in the Guam War Claim Review Commission public hearing held in Hagåtña, Guam on December 8, 2003.* **This ad paid by the community involvement of Guam Premier Outlets (GPO). Photo courtesy of Expressions Studio.**

"The Review Commission affirms that there is a moral obligation on the part of our national government to pay compensation for war damages ...

... in order to ensure to the extent possible that no single individual or group of individuals bears more than a just part of the overall burden of war."

Guam War Claims review Commission
Final Report
June 9, 2004.

HOUSE COMMITTEE ON ARMED SERVICES

U.S. House of Representatives
Washington, DC 20515–6035
ONE HUNDRED ELEVENTH CONGRESS

November 23, 2009

The Honorable Frank Blas Jr.
Senator
30th Guam Legislature
I Mina' Trenta Na Liheslaturan Guahan
238 Archbishop Flores Street, Suite 908
Hagatna, Guam 96910-5113

Dear Senator Blas:

You are invited to testify before the House Armed Services Committee on Assessing the Guam War Claims Process on Wednesday, December 2, 2009, at 1:00 PM in room 210 of the House Visitor Center.

Committee Rule 13 provides that witness statements must be delivered to the committee at least 48 hours in advance of the hearing to facilitate distribution to the members. Therefore, we request that 120 copies of your prepared statement be delivered to room 2120 Rayburn House Office Building by the morning of Monday, November 30, 2009. In addition, consistent with the House rules requirement to make materials from hearings electronically available to the general public, Committee Rule 13 requires that witness statements be provided to the committee in electronic form. This request may be satisfied by a transmittal via e-mail to Caterina Dutto at caterina.dutto@mail.house.gov.

I appreciate your willingness to appear before the committee and look forward to your testimony. Should you have any questions, please contact Julie Unmacht on the committee staff at (202) 225-4252 or at julie.unmacht@mail.house.gov.

Very truly yours,

IKE SKELTON
Chairman

IS:cd

TESTIMONY
Guam War Claims
by
Tom Barcinas – Survivor, WWII
December 2, 2009

Good morning yan Hafa Adai, Chairman Skelton, and Honorable Members of the House Armed Services Committee.

My name is Tomas San Nicolas Barcinas. I was born on November 14, 1937 in the village of Malesso, a very small community on the southernmost shores of Guam. Through the grace of God I survived World War II. But like so many others who lived thru those days, but who have since died, . . . I am quickly getting old. So many who lived thru the war are advancing in age and so many have passed on without closure to the issues arising because of the war.

Mr. Chairman, in 1946, there were approximately 20,000 survivors enumerated by U.S. Naval personnel who were part of the liberating forces. Today, it is estimated that fewer than 9,000, of the 20,000 who marched out of the jungle when it was declared safe, are still living. In the month of November, twelve more individuals living prior to July 21, 1944, died. Because of advancing age, more are passing away at alarmingly quicker rates.

Just yesterday, I left a warm tropical island, traveled for 22 hours, to be here in this cold climate. I will always remember this December as I made the hard call to appear before you, hopeful that the Members

of Congress will find it in their hearts, ***AND CONSCIENCE***, to bring closure for the people of Guam who, 65 years ago, proved, beyond any doubt, that they are loyal Americans.

I am very honored to be here in our Nation's great Capitol, the fulcrum of mankind's dedication to peace, justice and fairness for all people. I have been looking forward to this very memorable experience since the day I received your invitation to appear before this very important committee. ***I am even more eager to bring back to my fellow survivors good news of hope that the closure they have waited for, for over 65 years, may soon be a reality.***

Very vividly, like those who testified before the Guam War Claims Review Commission nearly six years ago to this day, I remember the occupation of my homeland. Memories such as those **NEVER** leave you, no matter how old you get, . . . and no matter how hard you try to forget.

Those survivors spoke eloquently about their experiences, bravely masking their pain as they recalled the fear of torture and death which filled every waking moment during those dark days. Some relived the horrors of public beheadings, . . . some recalled the massacres at Famha, Tinta, Fena, and Chiguian, where they witnessed the ruthless slaughter of innocent neighbors, brothers and sisters.

The records are full of vivid and graphic details of the atrocities endured by the Chamorro people over thirty months of occupation, from

December 8, 1941 to July 21, 1944. I do not have to relate them to you as they are always available for your review.

What is also available for your review, hopefully, so that you will never forget, are the records of the United States indemnifying Japan from any responsibility, or obligation, to make right the lives of the Chamorro people for the atrocities they endured at the hands of Japanese soldiers frenzied by thoughts of their impending doom. With the stroke of a pen, America told Japan "Don't worry about what happened on Guam, . . . no one will ever hold Japan responsible."

However, in contrast, America did assume full responsibility for making right the lives of the Alaskan Aleuts, evacuated from their island homes in anticipation of invasion by Japanese Forces. Why did it have to be different for the Chamorro people, who were abandoned on their island, while American military personnel and dependents were evacuated, because invasion and occupation by Japanese forces was eminent?

In 1988, forty two years after the end of the war, America assumed full responsibility for injustices served upon Japanese Americans by America who herded then into concentration camps during the war to ensure their personal safety from perceived or assumed potential dangers. Housed in warm quarters with sanitary facilities, they had a roof over their heads, ate three meals a day and had medical attention.

Eight thousand miles to the west, we lived on the banks of the Ylig River, slept on dirt floors and, because it was the rainy season, many days in unyielding mud, . . . we never knew where our next meal would come from, and because of a lack of medical attention and sanitary facilities, many, too many children, died and were buried in unmarked mass graves.

It was righteous for America to assume responsibility for bringing closure for the Alaskan Aleuts and Japanese Americans. So why does America hesitate to do the same for the people of Guam? The Guam War Claims Review Commission report published in 2004 clearly stated that there was an obvious absence of parity in the administration of war claims for the people of Guam.

Honorable Congressmen, where there is a lack of parity in the official treatment of people, . . . there is an absence of justice, and more seriously, there is the presence of injustice.

The Chamorro people have always demonstrated their faith in American democracy and loyalty and patriotism to the U.S. Our sons and daughters have the highest per capita percentage of enlistments in the U.S. military service. On a per capita basis more of her sons have made the ultimate sacrifice in the Viet Nam Conflict and the continuing war in the Middle East. WE have never wavered in our sense of loyalty and allegiance to OUR great nation.

That faith, loyalty, and patriotism will soon be tested again. Despite recent indicators of a growing discontent and questions relating to the truthfulness and accuracy of pronouncements by the Department of Defense, current surveys indicate that our people continue to support the proposed military buildup and relocation of the Third Marine Expeditionary Forces from Okinawa, Japan to Guam. There is no doubt that the buildup will impact the very lives of our people, . . . and will substantially change our social-cultural traditions, our environment and our political – economic way of life. We know that our lifestyles, customs, traditions and our language as we know it today, will change. And we are willing to accept it because we love our nation, . . . and we love and cherish the freedom it's flag guarantees and the prosperity it promises.

Those of us who have experienced the tyranny and oppression of enemy occupation, . . . those of us who have lived through the horrors of war, . . . are prepared to accept these changes – just as we accepted the changes that came in the post World War II years. But we ask that this great Nation also live up to its promise that this loyalty and patriotism, . . . this willingness to serve, . . . will not be in vain, nor taken for granted.

Mr. Chairman, no one must under estimate the importance of resolving the issues of parity, fairness and justice related to the administration of war claims. Resolving these issues will prove, beyond any reasonable doubt, that America does live up to its promises and

responsibilities. When Congress set up the first Meritorious Claims Commission immediately after the war, it promised resolution to the losses suffered by our people in a conflict to which they were but innocent bystanders. When Congress authorized the Guam War Claims Review Commission it promised that should the Commission find an absence of parity or injustices that those issues would be resolved. The Meritorious Claims Commission never completed their mandated tasks and the Guam War Claims Review Commission indeed found an obvious lack of parity. The people of Guam now ask that these issues be resolved expeditiously and equitably that we may proceed and continue with the work of building Guam into America's most strategic and powerful bastion of freedom and democracy in the Western Pacific.

In our vernacular, I extend my heartfelt Dangkulo na Si Yu'os Ma'ase - Thank you, . . and May God Bless You, God Bless Guam, . . . and God Bless America.

DOCUMENTS SUBMITTED FOR THE RECORD

DECEMBER 2, 2009

Hearing on the Guam War Claims Process
Testimony Presented to the House Armed Services Committee

by

Felix P. Camacho
Governor of Guam

Mr. Chairman and members of the Committee, thank you for the opportunity to testify on the assessment of the Guam War Claims Process. This hearing is part of our final push to recognize our people's struggles during an extraordinarily difficult period in our history.

I want to thank the 111th Congress for its leadership in recognizing the need to revisit the war claims issues that have been long outstanding for the people of Guam.

I want to commend the work of the War Claims Review Commission over the years for the monumental task of piecing together findings that have passed through numerous commissions and studies spanning close to six decades. Chairman Mauricio J. Tamargo, the late Vice Chairman Antonio R. Unpingco, Mr. Robert J. Lagomarsino, Mr. Benjamin J. Cruz, and Ms. Ruth G. Van Cleve have shown a level of commitment worthy of their responsibility to finally bestow upon the survivors the recognition they deserve and have sought for nearly 60 years.

Our history books remind us of President Roosevelt's description of America's "Day of Infamy" – the day Japan attacked Hawaii. Yet history books fail to remember the bombs that fell on Guam and forget a story of the two and a half years of invasion, occupation, and torture endured by our people.

For approximately 900 days, the Chamorro people endured one of the most tragic and horrific enemy occupations of the 20th century. Women on Guam were raped. Men, women, and children were enslaved and often forced to plow fields harvesting food they were not allowed to eat. Families were forced to dig their own graves. And these are just a few of the stories we have heard from our fathers and mothers. We continue to share them with you in hopes that you may acknowledge our case in both houses of Congress, the halls of Washington, D.C., and throughout our great country.

The Chamorro people are the only members of the American community to have suffered the inhumanity of occupation by the Japanese Imperial Army. Yet the 60-year-old question remains: Do the Chamorro people deserve reparations for the agony they endured as a result of their undying patriotism and love of freedom? It has been five years since the War Claims Commission reviewed that question, and our people continue to wait for an answer.

No price can be placed on what our people endured in the name of freedom. We cannot buy back the tragic stories of those who survived while the men, women, and children they loved were lost … nor can we erase the traumatic memories of the heroes who displayed courage during this dark time.

Words cannot describe the efforts of those American servicemen and women lost in World War II. We are here today because of those who took an oath to defend freedom at any cost. While we

rightfully honor the sacrifice that was made and continues to be made in the name of liberty, our nation has yet to honor the sacrifice of the men and women who stood in defense of America on Guam.

Despite widespread atrocities suffered across our island during this period of occupation, news that the Americans were winning the war inspired hope that freedom was coming. However, when America's return became imminent, our occupiers worked quickly to destroy the evidence of their crimes – our people.

As we plead our case, you will hear stories of the suffering, murder, rape, pillage, and forced labor. You will hear the stories of mothers, fathers, sons, daughters, aunts, uncles, and friends who were innocent victims of a cruel regime.

Some 65 years later, the honor we pay our servicemen and women from this time will remain partial until we acknowledge the seeds of patriotism planted by Guam's Great Generation 65 years ago.

Our island's leaders and the rest of our community understand that part of our healing process requires that we, as a people, forgive our past oppressors and move forward. Moving forward will also require the proper acknowledgement of our people's loyalty and sacrifice. Our survivors are in declining number and can no longer be forgotten Americans, for it is their bravery, resilience, and undying patriotism that is the hope of America.

Sixty-five years later we still bear the scars of the Japanese occupation – on caves, fortifications, bomb holes, the foundations of a war-torn Governor's Palace, land yet to be returned to families, cemeteries of countless unmarked graves of soldiers, and on the aging faces of the people we know today as our parents and grandparents. We recognize that war reparations are about more than money. This is their legacy, this is our heritage, and it deserves its rightful place in American history.

It is my hope that my testimony today is part of Guam's final case for war reparations as the only community of Americans invaded and occupied by a foreign power. Though the story we tell our children about that time will be forever painful, we will also tell them that we rose from the ashes of cruelty, slavery, and injustice ... We will tell them that the loyalty of Chamorro people to the United States of America experienced its finest hour. I believe God and history will look kindly upon those who deliver justice to Guam's Greatest Generation.

May God bless Guam... May God bless America...

QUESTIONS SUBMITTED BY MEMBERS POST HEARING

DECEMBER 2, 2009

QUESTIONS SUBMITTED BY MS. BORDALLO

Ms. BORDALLO. Has the issue of Guam war claims generally, or more specifically of H.R. 44, been addressed at federal interagency meetings that focus on coordination for the Guam build-up? More specifically, has this issue been addressed in terms of what impact the legislation has on public support for the build-up? If not, is this an issue that will be addressed at any future federal interagency meeting?

Secretary BABAUTA. To date, H.R. 44, the Guam World War II Loyalty Recognition Act, has not been discussed in a meeting of the Interagency Group on Insular Areas (IGIA). Because the issue is being further considered by the Congress, the Guam World War II Loyalty Recognition Act will be on the agenda of the IGIA at its next meeting in late February 2010. It has, however, been reviewed by the Administration as reflected in the letter submitted to the Committee on H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010, and testimony presented on this issue on December 2, 2009.

Ms. BORDALLO. Can you comment on the rationale as to why the United States should pay for Guam War claims and not Japan?

Mr. TAMARGO. The Japanese cannot be held responsible for any further payment of reparations for World War II wrongs committed against Americans, including the World War II claims of the American residents of Guam, because the terms of the 1951 Treaty of Peace released the Japanese from such responsibility.

At the same time, notwithstanding that the actual funding to pay those Guam claims will come from taxpayer funds, it could be argued that the funds are, in some sense, traceable to the funds derived from the postwar liquidation of the Japanese and German assets frozen at the beginning of World War II. Those Japanese and German funds were lumped together and distributed by the Department of the Treasury, pursuant to the various War Claims Commission and Foreign Claims Settlement Commission claims programs. No distinction was drawn between Japanese and German responsibility for any particular claim or set of claims. (This contrasted with the funding of war claims against the Axis countries Hungary, Romania, and Bulgaria. Title III of the International Claims Settlement Act of 1949 mandated separate funds, derived from the respective countries' frozen assets, to cover claims against each of those countries.) Insofar as the Foreign Claims Settlement Commission is aware, it has not been possible to determine whether all of the proceeds from liquidation of the Japanese and German assets have in fact been expended. Therefore, in this sense, it could be said that these Guam claims would be paid with Japanese funds.

Ms. BORDALLO. In previous war claims programs administered by the United States, is it typical for an Administration to request funds for the claims program in its annual budget request to Congress prior to the authorization of the program by the Congress and the subsequent approval of valid claims under that program?

Mr. TAMARGO. The Administration has not requested funding to pay claims under any program of the nature currently contemplated for the residents of Guam, prior to the Foreign Claims Settlement Commission's evaluation of the claims. This is necessarily so, as it would be nearly impossible to know how much funding to request.

There have been a few claims programs in which Congress appropriated funds to pay claims after it had conferred authority to adjudicate the claims on a commission, but before the commission had evaluated specific claims. These claims programs arose out of post-World War II conflicts and involved inadequate rations and inhumane treatment of American servicemen held as prisoners of war.

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