

**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, 1945. 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 Relief 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.