

Statement of Congresswoman Madeleine Z. Bordallo
at the hearing of the
Guam War Claims Review Commission
Hagåtña, Guam
December 8, 2003

Chairman Mauricio Tamargo, Vice Chairman Antonio Unpingco, and Commissioners Benjamin J. Cruz, Ruth Van Cleve and Robert Lagomarsino:

Buenas yan Hafa adai and welcome to Guam.

I am honored to testify before this historic hearing of the Guam War Claims Review Commission which has been authorized by Public Law 107-333 by the President and the Congress of the United States to review the matter of Guam War Claims and to report to the Secretary of the Interior and the committees of jurisdiction of the House and Senate on your findings and recommendations.

Sixty-two years after the initial bombing of Marine Barracks at Sumay, the U.S. Naval Station at Apra Harbor, and the city of Hagatna, that occurred on this day signaling the start of hostilities between the United States and Japan, and the subsequent occupation of Guam, you are here on Guam to fulfill an enormous responsibility on behalf of the United States. Guam was attacked on December 8, 1941, invaded two days later and occupied until liberation on July 21, 1944. During the occupation of Guam, atrocities were committed against the people of Guam, and our island was destroyed in the re-taking.

You will hear testimonies of first hand witnesses to the occupation and to the brutality visited upon the Chamorro people. You will not hear from thousands of people who survived the occupation but who passed away before the War Claims issue could be resolved. That is why the Commission's work is on such a short time frame. The Commission has been tasked to report back nine months after its forming, so that not one more day than is absolutely necessary should pass before justice is given to the people of Guam.

Today's hearing is the result of the work of many people who have expended a great amount of effort to bring this issue to the attention of the United States Congress. The first Guam Legislature raised this issue. Our first Delegate to Congress, Mr. Antonio B. Won Pat, introduced the first bill in Congress in the 98th Congress on September 21, 1983 directly addressing Guam War Claims. His bill, H.R. 3954, proposed a Commission to review the facts and circumstances surrounding Guamanian losses caused by the occupation of Guam by Japanese Imperial forces in World War II. My predecessors, Congressman Ben Blaz and Congressman Robert Underwood, continued this effort. Congressman Blaz introduced two War Claims bills during his four terms and Congressman Underwood introduced three War Claims bills and two War Claims Commission bills during his five terms. Congressman Underwood's bill authorizing your work passed in the final days of the 107th Congress.

I mention this legislative history to emphasize the deep conviction of all of Guam's leaders to resolve War Claims and to help bring closure to this very dark chapter of Guam's history.

In the aftermath of World War II, on November 15, 1945, Congress passed the Guam

Meritorious Claims Act of 1945, Public Law 79-224. This Act was intended to provide for War Claims for the American nationals residing on Guam who had endured the occupation. The United States Navy, who administered Guam at that time, was given the responsibility of administering the Guam Meritorious Claim Act. The Guam Meritorious Claims Act had a one year limit for Guamanians to file war claims and such claims had to be filed by December 1, 1946. Claims exceeding \$5,000 and all claims for death and injury were forwarded to the Secretary of the Navy for certification and then to Congress for appropriation. Approximately \$4.3 million was paid to 4,356 claimants for death, injury and property damage above \$5,000 and \$3.8 million to claimants for property damage below \$5,000.

I commend the Guam War Claims Review Commission for the work it has already accomplished to prepare for the Guam hearings. The Commission has gathered documents and records, and has begun its own intake process through questionnaires to assess the magnitude of unresolved war claims. The Commission has conducted research and has begun a preliminary analysis of the legal framework of the various war claims legislation that Congress has passed since World War II.

In order to resolve this issue, Congress created the Guam War Claims Review Commission and tasked the Commission with six directives. Accomplishing these six tasks would assist Congress immensely in the next step, which would be to enact new legislation that would re-open the opportunity for Guamanians to make war claims.

There has been some discussion on the directive to "determine whether there was parity of war claims paid to 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". This is the heart of the "fairness" issue and the sense among Guamanians that Guam has not been treated equally. The Commission should review this issue in contrast with claims authorized for other Americans under the War Claims Act of 1948 and the amendments to the War Claims Act of 1948 which were enacted in 1962. The amounts of compensation authorized would be one test of parity. Other tests of parity would include the categories authorized for compensation, noting that the Guam Meritorious Claims Act did not specifically authorize payments for forced labor, forced march and internment as did the War Claims Act of 1948 for other Americans.

The question of parity should also include a comparison with the treatment of war claims for Aleutian islanders, who received compensation for their dislocation in World War II when the Aleutian and Pribilof Islands were evacuated and later occupied by Japan. In 1987, Senate bill S. 1009, the War Reparations Act, was passed which provided compensation for Japanese-Americans interned by the U.S. government and which included a section providing the compensation for the Aleutian islanders. The Aleutian and Pribilof Islands Restitution Fund was set up by Treasury and operated by the Secretary of the Interior to make restitution for certain Aleut losses. \$5,000,000 was set aside for the benefit of the Aleut communities. The funds were used to assist (1) the elderly, disabled or seriously ill; (2) students in need of scholarship assistance; (3) preservation of Aleut cultural heritage and historical records; (4) the improvement of community centers in affected Aleut villages; and (5) other purposes to improve Aleut life. Records indicate that 881 Aleuts were relocated in World War II. It is significant to also note that individuals were each given \$12,000 from the fund for any uncompensated personal property losses.

The legislative history of Public Law 107-333 indicates that the issue of parity is not intended to be a constraint for the Commission to limit its review of the treatment of Guam for war claims vis-à-vis how other Americans were treated. The Committee Report 107-172 of the Senate Energy and Natural Resources Committee for H.R. 308, states that "In view of the patchwork of war claims laws, which provided different treatment for different groups of persons at different times, H.R. 308 is needed to examine whether the relief provided to the residents of Guam was on a par with that provided to similarly affected United States citizens or nationals in other areas occupied by the military forces of the Empire of Japan."

Parity should also include a consideration of fair treatment in the law. Guam was specifically excluded in the 1962 amendments to the War Claims Act of 1948. Besides the differences in authorized categories between the 1948 Act and the Guam Meritorious Claims Act, the 1962 amendments re-opened the period to file war claims for all other eligible Americans. Fair treatment would dictate that, as a minimum, Guam should have an equal opportunity to re-open its war claims. The Congressional Record of August 8, 1962 (consideration of H.R. 7283 to amend the War Claims Act of 1948) includes this colloquy:

"Mr. O'Hara of Illinois: Section 202 refers to the claims that are authorized by the bill. It authorizes claims for damage to property caused by the imperial Japanese military forces, in all places seized or occupied by them - except the island of Guam. I wonder if the gentleman, my good friend from Illinois, could tell me why little Guam is left out.

"Mr. Mack: If the gentleman will yield, I will say that Guam was covered by the Guam Relief Act which was passed by this Congress.

"Mr. O'Hara of Illinois: I thought that must be something of that nature...I thank the gentleman for putting in the Record the explanation that Guam is already covered."

Unfortunately, American citizens of Guam were excluded from all the provisions of the War Claims Act of 1948, which, had they applied, would have no left doubt that Americans on Guam were treated with the same fairness as other Americans.

I want to emphasize the first and most important directive that Congress has given to the Guam War Claims Review Commission. Public Law 107-333 directs that the Commission shall (1) review the facts and circumstances surrounding the implementation and administration of the Guam Meritorious Claims Act and the effectiveness of such Act in addressing the war claims of American nationals residing on Guam between December 8, 1941 and July 21, 1944". The administration of the Guam Meritorious Claims Act was severely flawed due in large part to the chaotic environment on Guam after liberation and the dislocation of families. There were issues of communication and comprehension of the process. There was confusion due to the ongoing land acquisitions for military needs, and the demobilization of U.S. forces. There was no civilian government in place to assist in the administration of the war claims.

You will hear testimony from survivors regarding the situation on Guam in the aftermath of the war. You should also take note of the contemporaneous reports to Congress by the Hopkins Committee, which was appointed by Navy Secretary James Forrestal to review the situation on Guam. The Hopkins report urged Congress to streamline the claims process, to extend the deadline for claims, and to remove onerous provisions that make it difficult to settle claims.

In addition, Interior Secretary Harold Ickes testifying before a House Committee on June 3, 1947, referred to the Hopkins Committee report, stating, "I hope that the secretary and members of this committee have read carefully the report of the Special Civilian Committee appointed by Mr. Forrestal. That report fully supports the most important allegations...extreme dilatoriness in the disposal of war damage claims; laxity in performing the work of rehabilitation...the inefficient and even brutal handling, by the Navy, of the rehabilitation and compensation of the war damage tasks."

Secretary Ickes went on to emphasize, "only 5.8 % of the 'estimated value' of claims on file had been processed...At this rate, the settlement of claims will not be completed for more than twenty years...Such a pittance may be observed by referring to claim No. 21 transmitted to Congress on April 5 last; the life of the man who was beaten to death by the Japanese because of his loyalty to the United States was capitalized at precisely \$665 [six hundred sixty five dollars], with .10 [ten cents] thrown in for good measure."

Secretary Ickes concludes, "Such procedures, such shameful results as above, have not been forced upon the Navy by Congress or the President or the Budget or by anyone." [Organic Act Report, pp. 247-249]

If this criticism of the Navy stings today, one can understand the reluctance of the Chamorro people to criticize the administrators of the war claims who just two years earlier, were their liberators. There was great faith that whatever problems had arisen would be worked out. There was trust in the United States, its military, and its government. There was a deep appreciation for the human cost in liberating Guam.

But these sentiments do not relieve the responsibility of the United States to address the administration of war claims and to review the issues of parity and fairness.

I urge the Guam War Claims Review Commission to also consider the fairness of war claims for Guam in contrast to efforts by the United States government to compensate the neighboring islands whose residents were Japanese nationals during World War II. The United States appropriately dealt with these claims generously and expeditiously, enacting the Micronesian Claims Act in 1971 for our neighbors. Significantly, this Act also authorized compensation for heirs in cases where the claimant has passed away prior to the settlement of claims. We would urge you to consider these issues in your recommendations to Congress.

It is extremely important that the Commission make specific recommendations to Congress regarding proposed resolutions of this issue. The House Committee Report 106-815 to accompany H.R. 755, the identical bill in the 106th Congress, states that "One of the major obstacles to a resolution of restitution to Guam has been the lack of a comprehensive list of claimants by the federal government and the related amounts of reparations. A recent solution proposed during Congressional hearings was to temporarily establish a federal commission to first determine the universe of claims." Therefore, the provision in Public Law 107-333 to, "(5) 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" is one that the Commission should carefully consider. Congress has been constrained in the past several attempts to resolve the war claims issue because of the complexity of the issue and the need to undertake an exhaustive review of what claims may still be unresolved and at what amounts. Any new legislation to implement your recommendations would invariably require an assessment of the claims to be paid and the impact on the budget, which had been very difficult to determine without the review of records that you are undertaking.

This is a day of deep emotion, anxiety, and apprehension. We are embarking on a process to bring closure to the issue of Guam war claims. This is not going to be an easy process, but it need not be delayed.

Above all else, more than restitution, the people of Guam want recognition of their heroic struggle to survive during the occupation. The people of Guam want recognition of their bravery in remaining loyal to the United States even during the darkest hours in the internment camps. And, the people of Guam want you to know how very grateful we all are for the courageous men who liberated Guam, for the freedom we enjoy, and for the ability to bring our grievances to our government. Your presence today underscores the seriousness of this issue and the willingness of our government to listen to our story.

Today, December 8th, is an important day on Guam. It is the day of our occupation, and the day of our commemoration of our patron, Our Lady of Camarin. We pray for those who died during the war, we pray for everlasting peace, and we pray for you for the burden of the responsibilities that you have chosen to undertake on our behalf. Si Yu'os Ma'ase. God Bless Guam, God Bless America.

[[Information on the Guam War Claims Review Commission](#)]