

**I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN**  
**2005 (FIRST) Regular Session**

**Resolution No. 72 (EC)**

As amended.

Introduced by:

L. A. Leon Guerrero

J. T. Won Pat

R. J. Respicio

A. R. Unpingco

B. J. Cruz

F. B. Aguon, Jr.

J. M.S. Brown

Edward J.B. Calvo

Mike Cruz

Mark Forbes

L. F. Kasperbauer

R. Klitzkie

J. A. Lujan

A. B. Palacios

Ray Tenorio

**Relative to expressing the unity of the Guam Legislature  
and the people of Guam relative to War Claims for all.**

1        **BE IT RESOLVED BY *I MINA'BENTE OCHO NA LIHESLATURAN***  
2 ***GUÅHAN*:**

3        **WHEREAS**, pursuant to the Treaty of Paris in 1898, which ended the  
4 war between Spain and the United States, the United States acquired  
5 sovereignty over Guam; and

6        **WHEREAS**, for fifty-one (51) years, from the end of the Spanish-  
7 American War until the transfer to the United States Department of the  
8 Interior in September 1949, Guam was administered by the United States

1 Department of the Navy, and the people of Guam were United States  
2 nationals until August 1, 1950, when they became United States citizens upon  
3 the enactment of Guam's Organic Act; and

4       **WHEREAS**, on December 8, 1941, Japanese armed forces invaded Guam  
5 and seized control of the island from the United States, and occupied Guam  
6 which then had a population of approximately twenty-two thousand two  
7 hundred ninety (22,290) for nearly three (3) years; and

8       **WHEREAS**, Guam is the only United States territory, possession or  
9 State today that was occupied by the Japanese armed forces during World  
10 War II; and

11       **WHEREAS**, during this period of Japanese occupation, the people of  
12 Guam were subjected to death, personal injury, forced labor, forced march,  
13 and internment; and

14       **WHEREAS**, on July 21, 1944, the United States liberated Guam from  
15 Japanese occupation; and

16       **WHEREAS**, on June 9, 1945, in a letter from the Honorable H. Strive  
17 Hensel, Acting Secretary of the Navy, to the Honorable Sam Rayburn, Speaker  
18 of the House of Representatives, Mr. Hensel transmitted proposed legislation  
19 to provide relief to the residents of Guam through the settlement of  
20 meritorious claims; and

21       **WHEREAS**, on November 15, 1945, the Guam Meritorious Claims Act  
22 (Public Law 79-224) authorized the Secretary of the Navy to adjudicate and  
23 settle claims, for a period of one (1) year, for property damage occurring on  
24 Guam during the occupation of Japanese forces. Certification of claims in

1 excess of Five Thousand Dollars (\$5,000) or any claims for personal injury or  
2 death were to be forwarded to Congress; and

3       **WHEREAS**, on January 8, 1947, United States Navy Secretary James  
4 Forrestal appointed a civilian commission, referred to as the Hopkins  
5 Commission, to study and make recommendations on the Naval  
6 administration of Guam; and

7       **WHEREAS**, on March 25, 1947, the Hopkins Commission submitted a  
8 report (hereinafter referred to as the 'Hopkins Report') to Navy Secretary  
9 Forrestal, which summarized that settlements and payments for war damage  
10 claims on property, personal injury, and death had proceeded slowly and  
11 stated that immediate steps should be taken to hasten this process and to  
12 remove unsound and unfair distinctions in the allowance for claims; and

13       **WHEREAS**, the Hopkins Report also stated that when many claimants  
14 were advised that the local Naval Claims Commission had power to settle and  
15 make immediate payments of claims not in excess of Five Thousand Dollars  
16 (\$5,000) but that claims above that amount must go to Washington for further  
17 action with an indefinite time required for payment, they offered or agreed to  
18 reduce their claim to below Five Thousand Dollars (\$5,000) and accept the loss  
19 above that amount, in order to receive money for much-needed personal  
20 rehabilitation; and

21       **WHEREAS**, the Hopkins Report recommended that the Guam  
22 Meritorious Claims Act be amended to authorize Naval officials to provide  
23 immediate 'on the spot' settlement and payment of all claims; and

24       **WHEREAS**, the Hopkins Report also stated that officials of the Naval  
25 Claims Commission testified to the basic honesty and fairness of the

1 Guamanians in presenting their claims, that review in Washington of claims  
2 between Five Thousand Dollars (\$5,000) and Ten Thousand Dollars (\$10,000)  
3 did not seem to serve any useful purpose, and that sufficient reliance and  
4 trust should be placed with the Naval authorities in Guam to safeguard the  
5 national interest; and

6       **WHEREAS**, the War Claims Act of 1948 (Public Law 80-896), was  
7 enacted by the Congress to address victims of World War II; and

8       **WHEREAS**, the War Claims Act of 1948 authorized the creation of a  
9 commission to make inquiries and reports to settle claims of American  
10 citizens and military personnel imprisoned during World War II, civilian  
11 American citizens captured by the Imperial Japanese Government, United  
12 States contractual employees, and religious organizations located in the  
13 Philippines; and

14       **WHEREAS**, despite the recommendations from the Hopkins  
15 Commission to amend the Guam Meritorious Claims Act, the War Claims Act  
16 of 1948 did not address the claims arising out of the Japanese occupation of  
17 Guam; and

18       **WHEREAS**, in 1950, Congress passed the Organic Act of Guam (Public  
19 Law 81-630), granting the people of Guam United States citizenship and a  
20 measure of self-government; and

21       **WHEREAS**, on September 8, 1951, the United States, along with forty-  
22 seven (47) Allied Powers, signed a peace treaty with Japan, in San Francisco,  
23 which waived all claims of reparations against Japan by United States citizens;  
24 and

1       **WHEREAS**, in 1962, Congress passed Public Law 87-846, which  
2 amended the War Claims Act of 1948 and addressed the remaining United  
3 States citizens and nationals that had not received reparations from previous  
4 enacted laws; and

5       **WHEREAS**, the people of Guam were excluded from the 1962 law  
6 because Federal policymakers believed that they were included in the War  
7 Claims Act of 1948; and

8       **WHEREAS**, as a consequence, despite the study and recommendations  
9 of the Hopkins Commission, which concluded that reparations for Guam as  
10 provided by the Guam Meritorious Claims Act fell short of rehabilitating the  
11 island and redressing damages suffered by its people from the occupation of  
12 Japan, Congress failed to address the recommendations of the Hopkins  
13 Commission under the War Claims Act of 1948; and

14       **WHEREAS**, on December 30, 1980, the Government of Guam created a  
15 Guam Reparations Commission which, among its other duties, compiled war  
16 damage claims for death, forced labor, forced march, internment, or injury,  
17 from survivors or descendants who did not receive any or full reparations  
18 under the Guam Meritorious Claims Act; and

19       **WHEREAS**, since given the authority to be represented in Congress by  
20 an elected representative in 1972, each Delegate from Guam to the United  
21 States House of Representatives has introduced legislation to correct the  
22 historical flaws of the Guam Meritorious Claims Act and the War Claims Act  
23 of 1948; and

24       **WHEREAS**, on December 16, 2002, the United States Congress  
25 established the Guam War Claims Review Commission through Public Law

1 107-333, which was tasked to “determine whether there was parity of war  
2 claims paid to the residents of Guam under the Guam Meritorious Claims Act  
3 as compared with the awards made to other similarly affected U.S. citizens or  
4 nationals in territory occupied by the Imperial Japanese military forces during  
5 World War II”; and

6 **WHEREAS**, on June 9, 2004, the Guam War Claims Review Commission  
7 submitted to the Secretary of the U.S. Department of the Interior its “Report  
8 on the Implementation of the Guam Meritorious Claims Act of 1945, Including  
9 Findings and Recommendations” (herein after the “War Claims Report”); and

10 **WHEREAS**, the Guam War Claims Review Commission determined  
11 that “there was a lack of parity in some aspects of the process and the  
12 amounts made available for payment to the residents of Guam”; and

13 **WHEREAS**, in addition to its findings, the Guam War Claims Review  
14 Commission made a recommendation that the issue of compensation be  
15 reopened and that the “Congress enact legislation providing for additional  
16 compensation...”; and

17 **WHEREAS**, despite its finding that there was not parity in the treatment  
18 of Guam’s war claims, the Guam War Claims Review Commission in Item (3)  
19 of Section VII of the War Claims Report discusses the eligibility of claims for  
20 personal injury, including rape and malnutrition; forced labor; forced march;  
21 and internment, including hiding to avoid capture (hereinafter “Category II”):

22 “Eligibility – The Review Commission has found  
23 that it would be most appropriate to limit eligibility in  
24 Category II claims to individuals who were alive as of the  
25 year 1990. That year represents the last time that the

1 Administration, the leadership of the U.S. Congress, and  
2 the leadership of the Guam Legislature were within reach  
3 of achieving agreement on legislation to compensate the  
4 claims of the people of Guam arising from World War II.  
5 The Review Commission, therefore, recommends that, in  
6 the case of individuals who suffered the types of harm  
7 described above, who were living in 1990 but who are no  
8 longer living, the compensation provided for in Category  
9 II claims be limited to the spouse, child or children, or  
10 parents, respectively, in this order of priority, who  
11 constitute the classes of survivors identified in the War  
12 Claims Act of 1948, as amended”,

13 and with such eligibility requirements, it only grants reparations to those war  
14 victims who were living in year 1990 or their survivors, and excludes those  
15 who died before 1990 or their survivors; and

16 **WHEREAS**, the Commission’s Category II recommendation creates  
17 disparity among the victims of war because all of them, whether dead or alive  
18 in 1990, were terribly tormented, both physically and mentally during World  
19 War II—a painful scar that remained with them permanently; and

20 **WHEREAS**, the Commission’s Category II recommendation imposes an  
21 additional burden on Guamanian survivors of the War who seek war  
22 reparations to have survived an additional forty-five (45) years after the war  
23 before being allowed to make a claim; and

24 **WHEREAS**, Congresswoman Madeleine Z. Bordallo introduced into  
25 Congress on April 13, 2005, the Guam World War II Loyalty Recognition Act

1 (H.R. 1595), which would adopt and enact into law the recommendations of  
2 the Commission; and

3 **WHEREAS**, on April 20, 2005, the Committee on Resources, United  
4 States House of Representatives, held a Congressional hearing on H.R. 1595;  
5 and

6 **WHEREAS**, the Governor stating in his testimony on December 8, 2003  
7 to the Guam War Claims Review Commission that “the sentiments at home  
8 are that all victims should be recognized and made whole in the war claims  
9 process. The claims process is an emotionally charged issue and this emotion  
10 is guided by the Chamorro familial custom of ensuring the proper care of the  
11 entire family; and

12 **WHEREAS**, on November 17, 2005, the House Resources Committee  
13 ordered the bill as amended to include all victims back to 1945 favorably  
14 reported to the full House; and

15 **WHEREAS**, H.R. 1596, as amended by Congresswoman Madeleine Z.  
16 Bordallo and approved by the House Resources Committee, will be  
17 transmitted to the Speaker of the House and subsequently referred to the  
18 House Parliamentarian; now, therefore, be it

19 **RESOLVED**, that all provisions of prior Guam Legislature resolutions  
20 endorsing the 1990 cut-off date, are hereby superseded by provisions of this  
21 resolution; and be it further

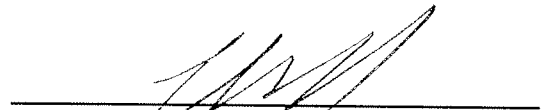
22 **RESOLVED**, that the Guam Legislature stands united with the people  
23 of Guam and the leaders of Guam in full support of H.R. 1595 as amended by  
24 the House Resources Committee requesting reparations for all of the  
25 Chamorros who suffered and died during the war; and be it further



1       **RESOLVED**, that the Speaker certify, and the Secretary of the  
2   Legislature attests to, the adoption hereof, and that copies of the same be  
3   thereafter transmitted to the Honorable Robert Underwood, former Guam  
4   Delegate, United States Congress; to the Honorable Ben Blaz, former Guam  
5   Delegate, United States Congress; to the Honorable Mauricio Tamargo,  
6   Chairman, U.S. Department of Justice Foreign Claims Settlement Commission;  
7   to the Honorable Joshua Bolten, Director, Office of Management and Budget;  
8   to the Honorable Gale Norton, Secretary, U.S. Department of the Interior; to  
9   the Honorable Alberto Gonzales, Attorney General, U.S. Department of  
10  Justice; to the Honorable Condoleezza Rice, Secretary, U.S. Department of  
11  State; to the Honorable Richard W. Pombo, Chairman, U.S. House of  
12  Representatives Committee on Resources; to the Honorable Nick Rahall,  
13  Ranking Member, U.S. House of Representatives Committee on Resources; to  
14  the Honorable F. James Sensenbrenner, Jr., Chairman, U.S. House of  
15  Representatives Committee on the Judiciary; to the Honorable John Conyers,  
16  ranking Member, U.S. House of Representatives Committee on Judiciary; to  
17  the Honorable Pete V. Domenici, Chairman, U.S. Senate Committee on Energy  
18  and Natural Resources; to the Honorable Jeff Bingaman, Ranking Member of  
19  the U.S. Senate Committee on Energy and Natural Resources; to the  
20  Honorable Orrin G. Hatch, Chairman, U.S. Senate Committee on the  
21  Judiciary; to the Honorable Patrick J. Leahy, Ranking Member, U.S. Senate  
22  Committee on the Judiciary; to the Honorable Daniel K. Inouye, U.S. Senator,  
23  Hawaii; to the Honorable Daniel Akaka, U.S. Senator, Hawaii; to the  
24  Honorable George W. Bush, President of the United States of America; to the

- 1 Honorable Madeleine Z. Bordallo, Guam Delegate, United States Congress;
- 2 and to the Honorable Felix P. Camacho, *I Maga'lahaen Guåhan*.

**DULY AND REGULARLY ADOPTED BY *I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN* ON THE 30<sup>TH</sup> DAY OF NOVEMBER 2005.**

  
**MARK FORBES**  
Speaker  
**EDWARD J.B. CALVO**  
Senator and  
Secretary of the Legislature