

WAR RESTITUTION ACT

HEARING
BEFORE THE
SUBCOMMITTEE ON
INSULAR AND INTERNATIONAL AFFAIRS
OF THE
COMMITTEE ON
NATURAL RESOURCES
HOUSE OF REPRESENTATIVES
ONE HUNDRED THIRD CONGRESS
SECOND SESSION
ON
H.R. 4741

**TO AMEND THE ORGANIC ACT OF GUAM TO PROVIDE FOR RESTITU-
TION TO THE PEOPLE OF GUAM WHO SUFFERED ATROCITIES SUCH
AS PERSONAL INJURY, FORCED LABOR, FORCED MARCHES, INTERN-
MENT AND DEATH DURING THE OCCUPATION OF GUAM IN WORLD
WAR II, AND FOR OTHER PURPOSES**

HEARING HELD IN WASHINGTON, DC
SEPTEMBER 20, 1994

Serial No. 103-117

Printed for the use of the Committee on Natural Resources



U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1995

85-317

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-046585-0

COMMITTEE ON NATURAL RESOURCES

GEORGE MILLER, California, *Chairman*

PHILIP R. SHARP, Indiana
EDWARD J. MARKEY, Massachusetts
AUSTIN J. MURPHY, Pennsylvania
NICK JOE RAHALL II, West Virginia
BRUCE F. VENTO, Minnesota
PAT WILLIAMS, Montana
RON DE LUGO, Virgin Islands
SAM GEJDENSON, Connecticut
RICHARD H. LEHMAN, California
BILL RICHARDSON, New Mexico
PETER A. DEFazio, Oregon
ENI F.H. FALEOMAVAEGA, American Samoa
TIM JOHNSON, South Dakota
LARRY LAROCCO, Idaho
NEIL ABERCROMBIE, Hawaii
CALVIN M. DOOLEY, California
CARLOS ROMERO-BARCELÓ, Puerto Rico
KARAN ENGLISH, Arizona
KAREN SHEPHERD, Utah
NATHAN DEAL, Georgia
MAURICE D. HINCHEY, New York
ROBERT A. UNDERWOOD, Guam
SAM FARR, California
LANE EVANS, Illinois
PATSY T. MINK, Hawaii
THOMAS J. BARLOW III, Kentucky
THOMAS M. BARRETT, Wisconsin

DON YOUNG, Alaska,
Ranking Republican Member
JAMES V. HANSEN, Utah
BARBARA F. VUCANOVICH, Nevada
ELTON GALLEGLY, California
ROBERT F. (BOB) SMITH, Oregon
CRAIG THOMAS, Wyoming
JOHN J. DUNCAN, Jr., Tennessee
JOEL HEFLEY, Colorado
JOHN T. DOOLITTLE, California
WAYNE ALLARD, Colorado
RICHARD H. BAKER, Louisiana
KEN CALVERT, California
SCOTT MCINNIS, Colorado
RICHARD POMBO, California
JAY DICKEY, Arkansas

JOHN LAWRENCE, *Staff Director*
STANLEY SCOVILLE, *General Counsel*
DANIEL VAL KISH, *Republican Staff Director*

SUBCOMMITTEE ON INSULAR AND INTERNATIONAL AFFAIRS

RON DE LUGO, Virgin Islands, *Chairman*

ENI F.H. FALEOMAVAEGA, American Samoa
CARLOS ROMERO-BARCELÓ, Puerto Rico
ROBERT A. UNDERWOOD, Guam
AUSTIN J. MURPHY, Pennsylvania
GEORGE MILLER, California
(Vacancy)

ELTON GALLEGLY, California,
Ranking Republican Member
BARBARA F. VUCANOVICH, Nevada
DON YOUNG, Alaska
(*Ex officio*)

JEFFREY L. FARROW, *Staff Director*
BRIAN MODESTE, *Legislative Staff*
CYNTHIA RIVERA, *Legislative Staff*
DAVID STILLWELL, *Administrative Staff*
DAISY M. MINTER, *Clerk*
MANASE MANSUR, *Republican Consultant on Insular and International Affairs*
CHERI GIRARD, *Republican Administrative Staff*

CONTENTS

Hearing held: September 20, 1994	Page 1
Text of the bill: H.R. 4741	2
Member statements:	
Hon. Ron de Lugo	1
Hon. Robert A. Underwood	20
Witness statements:	
Allen Stayman, Acting Assistant Secretary, Territorial and International Affairs, Department of the Interior	28
Panel consisting of:	
Hon. Joe T. San Agustin, Speaker, Twenty-Second Guam Legislature	30
Prepared statement of Mr. San Agustin	34
Hon. Francis E. Santos, Senator, Twenty-Second Guam Legislature ...	42
Prepared statement of Mr. Santos	46
Hon. Marilyn D.A. Manibusan, Senator, Twenty-Second Guam Legis- lature	52
Prepared statement of Ms. Manibusan	55
Hon. George Bamba, Senator, Twenty-Second Guam Legislature	59
Lourdes T. Pangelinan, Chief of Staff, Office of Governor Joseph F. Ada, Guam	72
Panel consisting of:	
Beatrice Emsley, Citizen of Guam	75
Flora Baza Quan, Citizen of Guam	80
Prepared statement of Ms. Quan	84

APPENDIX

Additional material submitted for the hearing record:	
"The Guam War Restitution Act" from Congressional Record of August 9, 1994	22
Prepared statement of Hon. Eni F.H. Faleomavaega, Delegate to Con- gress from American Samoa	91
Resolutions from Twenty-Second Guam Legislature: No. 289(LS), 298(COR), 321(LS), 350(LS), and 351(LS)	96

THE GUAM WAR RESTITUTION ACT

TUESDAY, SEPTEMBER 20, 1994

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
SUBCOMMITTEE ON INSULAR AND INTERNATIONAL AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to call, at 10:25 a.m. in room 210, Cannon House Office Building, Hon. Ron de Lugo (chairman of the subcommittee) presiding.

STATEMENT OF HON. RON DE LUGO

Mr. DE LUGO. Good morning, everyone. The Subcommittee on Insular and International Affairs will come to order to hear testimony on H.R. 474.

[Text of the bill follows:]

103D CONGRESS
2D SESSION

H. R. 4741

To amend the Organic Act of Guam to provide for restitution to the people of Guam who suffered atrocities such as personal injury, forced labor, forced marches, internment and death during the occupation of Guam in World War II, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 13, 1994

Mr. UNDERWOOD introduced the following bill; which was referred jointly to the Committees on Natural Resources and the Judiciary

A BILL

To amend the Organic Act of Guam to provide for restitution to the people of Guam who suffered atrocities such as personal injury, forced labor, forced marches, internment and death during the occupation of Guam in World War II, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Guam War Restitution
5 Act".

1 **SEC. 2. AMENDMENT TO THE ORGANIC ACT OF GUAM.**

2 The Organic Act of Guam (48 U.S.C. 1421 et seq.)
3 is amended by adding at the end the following new section:

4 **“SEC. 36. RECOGNITION OF DEMONSTRATED LOYALTY OF**
5 **THE PEOPLE OF GUAM TO THE UNITED**
6 **STATES, AND THE SUFFERING AND DEPRIVA-**
7 **TION ARISING THEREFROM, DURING WORLD**
8 **WAR II.**

9 “(a) APPLICATION OF SECTION.—This section shall
10 apply to Guamanians who did not meet the one-year time
11 limitation for filing of death or personal injury claims
12 specified in the first section of the Act of November 15,
13 1945 (Chapter 483; 59 Stat. 582), or who suffered other
14 compensable injuries if such Guamanians, their heirs or
15 next of kin, meet the eligibility, time limitation for filing,
16 and other criteria set forth in this section.

17 “(b) DEFINITIONS.—For the purposes of this section:

18 “(1) AWARD.—The term ‘award’ means the
19 amount of compensation payable under subsection
20 (c).

21 “(2) BENEFIT.—The term ‘benefit’ means the
22 amount of compensation payable under subsection
23 (d).

24 “(3) BOARD.—The term ‘Board’ means the
25 Guam Restitution Trust Fund Board of Directors
26 established by subsection (h).

1 “(4) CLAIMS FUND.—The term ‘Claims Fund’
2 means the Guam Restitution Claims Fund estab-
3 lished by subsection (f)(1).

4 “(5) COMPENSABLE INJURY.—The term ‘com-
5 pensable injury’ means one of the following three
6 categories of injury incurred during, or as a result
7 of, World War II:

8 “(A) Death.

9 “(B) Personal injury.

10 “(C) Forced labor, forced march, or in-
11 ternment.

12 “(6) GUAMANIAN.—The term ‘Guamanian’
13 means any pers~~on~~^{•HR 4741 IH} resided in the territory of
14 Guam during the period beginning December 8,
15 1941, and ending September 2, 1945, and who was
16 a United States citizen or national during the pe-
17 riod.

18 “(7) SECRETARY.—The term ‘Secretary’ means
19 the Secretary of the Interior.

20 “(8) TRUST FUND.—The term ‘Trust Fund’
21 means the Guam Restitution Trust Fund established
22 by subsection (g)(1).

23 “(c) GENERAL AUTHORITY OF SECRETARY AND
24 BOARD; REQUIREMENTS.—

1 “(1) IN GENERAL.—The Secretary may receive,
2 examine, and render final decisions concerning
3 claims for awards under subsection (d) and benefits
4 under subsection (e) filed in accordance with this
5 section. The Secretary may certify and disburse pay-
6 ments from the Claims Fund, and the Board may
7 certify and disburse payments from the Trust Fund,
8 in accordance with this section.

9 “(2) REQUIRED INFORMATION FOR INCLUSION
10 IN CLAIMS FOR AWARDS AND BENEFITS.—A claim
11 for an award or benefit under this section shall be
12 made under oath and shall include—

13 “(A) the claimant’s name and age;

14 “(B) the village in which the claimant re-
15 sided at the time the compensable injury oc-
16 curred;

17 “(C) the approximate date or dates when
18 the compensable injury incurred;

19 “(D) a brief description of the compen-
20 sable injury being claimed;

21 “(E) the circumstances leading up to that
22 compensable injury; and

23 “(F) in the case of an award based on
24 death as the compensable injury and in the case

1 of a claim for a benefit, proof of the relation-
2 ship of the claimant to the deceased.

3 “(3) TIME LIMITATION APPLICABLE TO SEC-
4 RETARY.—The Secretary shall act expeditiously in
5 the examination, determination, and certification of
6 submitted claims, but in no event later than one
7 year after the expiration of the time to be issued by
8 the Secretary.

9 “(d) ELIGIBILITY.—

10 “(1) ELIGIBILITY FOR AWARDS.—To be eligible
11 for an award under this section, the following cri-
12 teria must be met:

13 “(A) The claimant is a living Guamanian
14 who personally received the compensable injury,
15 except that in a claim for death, a claimant
16 may be the heir or next of kin of the decedent
17 Guamanian.

18 “(B) The claimant files a claim with the
19 Secretary for a compensable injury containing
20 all the information required by subsection
21 (c)(2).

22 “(C) The claimant is able to furnish either
23 proof of the compensable injury or is able to
24 produce affidavits by two witnesses to the com-
25 pensable injury.

1 “(D) The claimant files a claim within one
2 year after the date of enactment of this section.

3 “(2) ELIGIBILITY FOR BENEFITS.—To be eligi-
4 ble for benefits under this section, the following cri-
5 teria must be met:

6 “(A) The claimant is a living Guamanian
7 who is an heir or next of kin of the decedent
8 Guamanian who personally received the com-
9 pensable injury and who died after September
10 2, 1945.

11 “(B) The claimant files a claim with the
12 Secretary or the Board for a compensable in-
13 jury containing all the information required by
14 subsection (c)(2).

15 “(C) The claimant is able to furnish either
16 proof of the compensable injury or is able to
17 produce affidavits by two witnesses to the com-
18 pensable injury.

19 “(D) The claimant files a claim within one
20 year after the date of enactment of this section;
21 except that persons who can prove consanguin-
22 ity with claimants who have met the criteria
23 specified in subparagraphs (A) through (C) may
24 become eligible for pro rata share of benefits
25 accruing to such claim by filing a claim with

1 the Board at any time, by such procedures as
2 the Board may prescribe.

3 “(3) LIMITATION ON ELIGIBILITY FOR AWARDS
4 AND BENEFITS.—(A) A claimant may only be eligi-
5 ble for an award arising out of one category of com-
6 pensable injury.

7 “(B) A claimant may only be eligible for bene-
8 fits arising out of one category of compensable in-
9 jury.

10 “(e) PAYMENTS.—

11 “(1) CERTIFICATION.—The Secretary shall cer-
12 tify all awards for payment, and the Board shall cer-
13 tify all benefits for payment, under this section.

14 “(2) AWARDS.—The Secretary shall pay the fol-
15 lowing amounts as an award to each eligible claim-
16 ant under subsection (d)(1) from the Claims Fund:

17 “(A) \$20,000 for the category of death.

18 “(B) \$7,000 for the category of personal
19 injury.

20 “(C) \$5,000 for the category of forced
21 labor, forced march, or internment.

22 “(3) BENEFITS.—The Secretary shall pay the
23 following amounts as a benefit to each eligible claim-
24 ant under subsection (d)(2) from the Trust Fund:

1 “(A) \$7,000 for the category of personal
2 injury.

3 “(B) \$5,000 for the category of forced
4 labor, forced march, or internment.

5 “(4) REFUSAL TO ACCEPT PAYMENT.—If a
6 claimant refuses to accept a payment under para-
7 graph (2) or (3), an amount equal to such payment
8 shall remain in the Claims Fund or Trust Fund, as
9 appropriate, and no payment may be made under
10 this section to such claimant at any future date.

11 “(5) PRORATED PAYMENTS RELATED TO
12 CLAIMS FOR THE SAME DEATH.—Payment of the
13 award or benefit relating to death shall be prorated
14 among the heirs or next of kin claiming for the same
15 death, as provided in the Guam probate laws.

16 “(6) ORDER OF PAYMENTS.—The Secretary
17 shall endeavor to make payments under this section
18 to eligible individuals in the order of date of birth
19 (with the oldest individual on the date of the enact-
20 ment of this Act or, if applicable, that individual’s
21 survivors under paragraph (6), receiving full pay-
22 ment first), until all eligible individuals have received
23 payment in full.

24 “(f) GUAM RESTITUTION CLAIMS FUND.—

1 “(1) ESTABLISHMENT.—There is established in
2 the Treasury of the United States the Guam Res-
3 titution Claims Fund, to be administered by the Sec-
4 retary of the Treasury, as directed by the Secretary
5 of the Interior. Amounts in the Claims Fund shall
6 only be available for disbursement by the Secretary
7 of the Interior in the amounts specified in subsection
8 (e). In the event that all eligible claims have been
9 paid and a balance exists in the Claims Fund, any
10 unobligated funds shall be transferred to the Trust
11 Fund 60 days after the final report required in sub-
12 section (j)(3) is submitted to Congress.

13 “(2) LIMITATION ON USE OF AMOUNTS FROM
14 CLAIMS FUND.—No cost incurred by the Secretary
15 in carrying out this section shall be paid from the
16 Claims Fund or set off against, or otherwise de-
17 ducted from, any payment under this section to any
18 eligible claimant.

19 “(g) GUAM RESTITUTION TRUST FUND.—

20 “(1) ESTABLISHMENT.—There is established in
21 the Treasury of the United States the Guam Res-
22 titution Trust Fund, which shall be administered by
23 the Secretary of the Treasury.

1 “(2) INVESTMENTS.—Amounts in the Trust
2 Fund shall be invested in accordance with section
3 9702 of title 31, United States Code.

4 “(3) USES.—Amounts in the Trust Fund shall
5 be available only for disbursement by the Board in
6 accordance with subsection (h).

7 “(h) GUAM RESTITUTION TRUST FUND BOARD OF
8 DIRECTORS.—

9 “(1) ESTABLISHMENT.—There is established
10 the Guam Restitution Trust Fund Board of Direc-
11 tors, which shall be responsible for making disburse-
12 ments from the Trust Fund in the manner provided
13 in this subsection.

14 “(2) USES.—The Board may make disburse-
15 ments from the Trust Fund only—

16 “(A) to sponsor research and public edu-
17 cational activities so that the events surround-
18 ing the wartime experiences and losses of the
19 Guamanian people will be remembered, and so
20 that the causes and circumstances of this and
21 similar events may be illuminated and under-
22 stood;

23 “(B) to disburse available funds as benefits
24 to eligible claimants through a revolving fund
25 for such purposes as post-secondary scholar-

1 ships, first-time home ownership loans, and
2 other suitable purposes as may be determined
3 by the Board; and

4 “(C) for reasonable administrative ex-
5 penses of the Board, including expenses in-
6 curred under paragraphs (3)(C), (4), and (5).

7 “(3) MEMBERSHIP.—(A) The Board shall be
8 composed of nine members appointed by the Sec-
9 retary from recommendations made by the Governor
10 of Guam, from individuals who are not officers or
11 employees of the United States Government.

12 “(B)(i) Except as provided in subparagraphs
13 (B) and (C), members shall be appointed for terms
14 of three years.

15 “(ii) Of the members first appointed—

16 “(I) five shall be appointed for terms of
17 three years, and

18 “(II) four shall be appointed for terms of
19 two years,

20 as designed by the Secretary at the time of appoint-
21 ment.

22 “(iii) Any member appointed to fill a vacancy
23 occurring before the expiration of the term for which
24 such member’s predecessor was appointed shall be
25 appointed only for the remainder of such term. A

1 member may serve after the expiration of such mem-
2 ber's term until such member's successor has taken
3 office. No individual may be appointed as a member
4 for more than two consecutive terms.

5 “(C) Members of the Board shall serve without
6 pay as such, except that members of the Board shall
7 be entitled to reimbursement for travel, subsistence,
8 and other necessary expenses incurred by them in
9 carrying out the functions of the Board, in the same
10 manner as persons employed intermittently in the
11 United States Government are allowed expenses
12 under section 5703 of title 5, United States Code.

13 “(D) Five members of the Board shall con-
14 stitute a quorum but a lesser number may hold
15 hearings.

16 “(E) The Chair of the Board shall be elected by
17 the members of the Board.

18 “(4)(A) The Board shall have a Director who
19 shall be appointed by the Board.

20 “(B) The Board may appoint and fix the pay
21 of such additional staff as it may require.

22 “(C) The Director and the additional staff of
23 the Board may be appointed without regard to sec-
24 tion 5311(b) of title 5, United States Code, and
25 without regard to the provisions of such title govern-

1 ing appointments in the competitive service, and
2 may be paid without regard to the provisions of
3 chapter 51 and subchapter III of chapter 53 of such
4 title relating to classification and General Schedule
5 pay rates, except that the compensation of any em-
6 ployee of the Board may not exceed a rate equiva-
7 lent to the minimum rate of basic pay payable for
8 GS-15 of the General Schedule under section
9 5332(a) of such title.

10 “(5) ADMINISTRATIVE SUPPORT SERVICES.—
11 The Administrator of General Services shall provide
12 to the Board on a reimbursable basis such adminis-
13 trative support services as the Board may request.

14 “(6) GIFTS AND DONATIONS.—The Board may
15 accept, use, and dispose of gifts or donations of serv-
16 ices or property for purposes authorized under para-
17 graph (2).

18 “(7) ANNUAL REPORT.—Not later than 12
19 months after the first meeting of the Board and
20 every 12 months thereafter, the Board shall trans-
21 mit to the President and to each House of the Con-
22 gress a report describing the activities of the Board.

23 “(i) NOTICE.—Not later than 90 days after the date
24 of enactment of this section, the Secretary shall give public
25 notice in the territory of Guam and such other places as

1 the Secretary deems appropriate of the time when, and
2 the time limitation within which, claims may be filed under
3 this section. The Secretary shall assure that the provisions
4 of this section are widely published in the territory of
5 Guam and such other places as the Secretary deems ap-
6 propriate, and the Secretary shall make every effort to ad-
7 vise promptly all persons who may be entitled to file claims
8 under the provisions of this section and to assist them in
9 the preparation and filing of their claims.

10 “(j) REPORTS.—

11 “(1) COMPENSATION NEEDED.—No later than
12 18 months after enactment of this section, the Sec-
13 retary shall submit a report to Congress and the
14 Governor of Guam with a recommendation of a spe-
15 cific amount of compensation necessary to fully
16 carry out this section. The report shall include—

17 “(A) a list of all claims, categorized by
18 compensable injury, which were approved under
19 this section; and

20 “(B) a list of all claims, categorized by
21 compensable injury, which were denied under
22 this section, and a brief explanation for the rea-
23 son therefore.

24 “(2) ANNUAL.—Beginning with the first full
25 fiscal year ending after submittal of the report pro-

1 vided in paragraph (1), and annually thereafter, the
2 Secretary shall submit an annual report to Congress
3 concerning the operations under this section, the
4 status of the Claims Fund and Trust Fund, and any
5 request for an appropriation in order to make dis-
6 bursement from the Claims Fund and Trust Fund.
7 Such report shall be submitted no later than Janu-
8 ary 15th of each year.

9 “(3) FINAL AWARD REPORT.—Once all awards
10 have been paid to eligible claimants, the Secretary
11 shall submit a report to Congress and to the Gov-
12 ernor of Guam certifying—

13 “(A) the total amount of compensation
14 paid as awards under this section, broken down
15 by category of compensable injury; and

16 “(B) the final status of the Claims Fund
17 and the amount of any existing balance thereof.

18 “(k) LIMITATION.—Any remuneration on account of
19 services rendered on behalf of any claimant, or any asso-
20 ciation of claimants, in connection with any claim or
21 claims under this section may not exceed 5 percent of the
22 amount paid on such claim or claims under this section.
23 Any agreement to the contrary shall be unlawful and void.
24 Whoever, in the United States or elsewhere, demands or
25 receives, on account of services so rendered, any remu-

1 neration in excess of the maximum permitted by this sec-
2 tion, shall be guilty of a misdemeanor and upon conviction
3 thereof, shall be fined in accordance with title 18, United
4 States Code, imprisoned not more than 12 months, or
5 both.

6 “(l) DISCLAIMER.—Nothing contained in this section
7 shall constitute a United States obligation to pay any
8 claim arising out of war. The compensation provided in
9 this section is ex gratia in nature intended solely as a
10 means of recognizing the demonstrated loyalty of the peo-
11 ple of Guam to the United States, and the suffering and
12 deprivation arising therefrom, during World War II.

13 “(m) AUTHORIZATION OF APPROPRIATIONS.—There
14 is authorized to be appropriated such sums as may be nec-
15 essary to carry out this section. Amounts appropriated
16 pursuant to this section are authorized to remain available
17 until expended.”.

○

Mr. DE LUGO. I want to welcome all of our friends here from Guam, and I want to thank all of you for coming this long distance to testify. It seemed like a long distance even if you were coming from downtown at the Interior Department this morning because of the traffic. I understand the horrendous traffic that we were dealing with was all over, anyone that made the mistake of coming in by auto, as I did, can attest to that fact. There was a bomb scare this morning and it tied up traffic all over. It was somewhere down by the Washington Monument.

Personally, I would rather take the bomb than the traffic, but anyway, life goes on. I want to especially welcome my good and long-time friend, the Honorable Joe T. San Agustin, Speaker of the Legislature of Guam. Joe T. and I go back a long way. He is a great leader of Guam.

The Speaker is accompanied by other friends of the Chair, long-time friends, Senators Marilyn Manibusan, Francis Santos, who carries on the Santos tradition and has a proud legacy to continue; George Bamba, who just scored a very impressive political win in politics in Guam, very impressive; and Ted Nelson. Is Ted here this morning? I see, he is not here at the moment.

We have worked with Senators Bamba and Manibusan in particular on this issue, specifically, the fight for fair compensation for the Chamorro people of Guam who suffered or lost family members during the occupation of World War II.

I see Mrs. Beatrice Perez Emsley is here. I will always remember the testimony that Mrs. Emsley gave before this subcommittee a few years ago about the experience that she had as a young girl, how the Japanese occupiers of Guam attempted to behead her, how they left her for dead in a ditch or a hole lying there among members of her family and friends who had been killed by the Japanese.

You know, anyone who hasn't taken the time to read the history of the Guam occupation—and that includes most of the people here on the mainland and most of the Members of Congress—have no idea of the suffering that the people of Guam went through; they also are not aware of the fact that Guam was our responsibility. Guam was a U.S. territory. The people of Guam were American nationals, and they were left there.

The defenders of Guam, I have got the number that were there, numbered less than 200 soldiers that had to defend Guam against the Japanese invasion. The occupation was a brutal one, and because of technicalities and the coldness of big governments, this issue has stood for almost half a century. For most Americans World War II is a distant memory, but not for the people of Guam who endured the tremendous suffering because of their loyalty to the United States. The people of Guam were incredibly loyal, protecting American flyers and other Americans who were there hiding in caves at risk to themselves—for the Guamanians, the memory is very much alive and still very real.

Adding to the pain for thousands is the fact they still have not been compensated for their suffering. Guam remains the only populated part of the American political family to be occupied by the enemy during World War II. For two-and-a-half years, Guamanians bravely endured the horrors of war that no other Americans had

to face. There were beheadings, there were rapes, there was detention, there was forced labor.

The island was finally liberated on July 21, 1941. Prior to the liberation, the island endured months of bombardment before our forces came ashore. This bombardment leveled the capital of Agana.

During the three weeks it took to secure the island, several hundred Guamanians were killed or wounded. These casualties included three siblings of Delegate Underwood, who is here on this committee and whose legislation prompted this hearing this morning. Almost everyone lost their homes.

Shortly after the war, Congress recognized some of the sacrifices of the people of Guam with the enactment of the Guam Meritorious Claims Act, an act that was more impressive in its name than its action. It was an act which was to provide for the rehabilitation of the Island of Guam.

It set up a War Claims Commission under the Navy to pay compensation to almost 4,400 claimants who applied during the one-year application period established under the act.

But the commission did not provide relief to many Guamanians. It failed to pay some people enough for property losses. It failed to pay much for physical suffering, and most important, it failed to pay many people anything at all.

The failures of that process were so abundant that they were recognized by some of the Naval officers involved as well as other Federal officials at the time.

Then, as if to add insult to injury, Guamanians were barred from making claims for compensation for their suffering and losses from Japan because the United States let Japan off the hook by absolving Japan of all responsibility for claims of U.S. citizens without even considering the people of Guam, who were American nationals at that time.

Guamanians sought fair treatment from the start, but they never got it. That is the record.

Then in 1978 the Guam Legislature decided that they should act for themselves and funded a review of their people's claims. In 1980 the legislature set up a War Reparations Commission. One of the leaders of that commission was Cecelia Bamba, the mother of Senator George Bamba. The commission compiled a credible list of thousands of war claims that were not paid.

The legislature's actions was later matched by repeated legislative proposals from Guam's representatives here in Congress. Our late colleague and the former Chairman of this subcommittee, the great Tony Won Pat, began the effort to have the Federal Government finally bring justice. In 1983 he introduced legislation to create a Federal commission on Guam's war claims. Similar bills were also introduced in 1986 and also in 1987 by General Blaz.

In 1989, Guam's delegate introduced another bill, and we held a hearing, as I mentioned earlier. There was resistance to the bill from the Bush administration, so the Ranking Republican, Bob Lagomarsino, and the Chair, myself, drafted a substitute in consultation with Senator Inouye, who was also very interested in this issue. The compromise amendment was not approved, however, be-

cause, unfortunately, it did not receive support at the local level at that time.

This has been remedied. It has been remedied by the legislature of Guam. It has been remedied by Congressman Underwood. All parties have come together now on Congressman Underwood's legislation. This year, Guam's Delegate Underwood responded to a resolution passed by the Guam Legislature in July and introduced the legislation before us today, H.R. 4741. It would provide restitution to eligible Guamanians who suffered atrocities during the war.

It is now over 50 years since the liberation of Guam. Yet, after all that time the people of the territory are still waiting for the Nation they remained so loyal to during that occupation, so loyal to, to fully recognize its debt to them. I hope that this hearing today will open the final chapter in the offer to right this wrong. At this time, let me recognize the author of this legislation, the very able representative from Guam, Congressman Robert Underwood.

STATEMENT OF HON. ROBERT A. UNDERWOOD

Mr. UNDERWOOD. Thank you, Mr. Chairman, and let me begin by expressing my sincerest gratitude to you and your staff for holding this hearing on H.R. 4741 on such short notice, the Guam War Restitution Act. I very much appreciate your accommodating our request for this hearing and for your efforts to address this issue during the remaining weeks of the 103rd Congress.

While it is clearly understood by everyone who has paid close attention to this issue that it will not be possible to pass this bill in the remaining weeks, the hearing report by this subcommittee will be a significant step forward and will be of tremendous value next year when the Guam War Restitution Act is reintroduced in the 104th Congress, and while you will not be here, Mr. Chairman, next year to help us shepherd this bill through the Committee on Natural Resources, we are very much indebted to you, Mr. Chairman, for your leadership on this issue and for your unwavering commitment to justice for the people of Guam.

Mr. Chairman, you can still help us, however. You can help us in one last way, and you can influence next year's efforts by giving this bill your strong endorsement through this subcommittee's hearing record. I would also certainly like to recognize and welcome the witnesses from Guam who have traveled a great distance to present their testimony here today. Making a trip from Guam is the longest possible trip for any member of this institution, and I would like to make them all associate members of my ever-growing jet lag caucus, and they are Speaker Joe T. San Agustin, Senator George Bamba, Senator Marilyn Manibusan, Senator Francis Santos, Miss Lou Pangelinan, representing the Governor, Mrs. Beatrice Perez Emsley and Mrs. Flora Baza Quan.

To all of you, I extend a very warm and sincere Hafa Adai.

Mr. Chairman, this subcommittee compiled a very comprehensive record of Guam's case for war restitution in past hearings, due in large measure to the extensive research submitted by Senators Bamba and Manibusan. I have summarized the subcommittee's record in a statement I made on war restitution on the Floor of the House of Representatives on August 9 and I would request unani-

mous consent to have my remarks entered into the record as part of today's hearing.

Mr. DE LUGO. Without objection, so ordered.

[The information follows:]

August 9, 1994

CONGRESSIONAL RECORD—HOUSE

H 7293

February 11, 1994, and June 10, 1994, the gentleman from Guam [Mr. UNDERWOOD] is recognized for 30 minutes as the designee of the majority leader.

(Mr. UNDERWOOD asked and was given permission to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, tonight I will continue telling the Nation the story about the people of Guam and their unique experience in World War II, and I will continue telling the Nation of my efforts to bring closure to this story and justice to the people of Guam. This is not the first time I have spoken to this House and to the American people about the wartime atrocities that were endured during World War II by the people of Guam, and today is a most auspicious day to be telling this story—today is the anniversary of the dropping of the atomic bomb on Nagasaki.

But it is not to reopen old wounds that I raise this subject—rather it is to heal the wounds of a people, the people of Guam, who have a compelling case to make before their Federal Government, and of a government that seems unwilling to hear this story and unwilling to act to correct the injustices committed against the people of Guam in World War II.

I want to make it clear from the start that my chronicling of the atrocities committed on my people is not meant to justify the bombing of Hiroshima and Nagasaki—those events clearly stand apart from the experience of the people of Guam. But there is a parallel in that while some events in the tragic history of World War II—events etched in our collective memory from Pearl Harbor to Hiroshima—command attention, other equally important events suffer from the neglect of history. And if the neglect of history in and of itself is not a crime, the neglect of the Federal Government to right the wrongs committed on Guam by the enemy occupation of our island is as close to criminal neglect as a government can come.

The central point is that Guam was the only American territory occupied in World War II—not the Philippines, which although was an American territory at the time, was promised its independence before the outbreak of war, and in fact became independent in 1946; and not the Aleutian Islands, which were also occupied by the Japanese but whose inhabitants were evacuated by the U.S. Army prior to the start of hostilities.

So from the invasion day of December 10, 1941 to Liberation Day on July 21, 1944, Guam was the only American soil with American nationals occupied for 32 months by an enemy; something that has not happened on American soil since the War of 1812.

It is now 50 years since the Liberation of Guam in 1944, and if anything, time has not meant that all is forgotten and forgiven—not until there is national recognition of what happened to

our fellow Americans on Guam and how their Federal Government failed to make them whole and to right the wrongs of the occupation.

The 50th anniversary of D-day in Normandy in June, and today's anniversary of the bombing of Nagasaki, as well as the 50th anniversary of the events of World War II being commemorated across Europe and the Pacific, have afforded an opportunity to reflect on the war experience. For the people of Guam, it has also focused attention on our own experience, and on the unfinished business of that war.

The occupation of Guam which lasted from December 1941 to July 1944 was especially brutal for two reasons—one, the Japanese were occupying American territory with American nationals whose loyalty to the United States would not bend; and two the Chamorus, the indigenous people of Guam dared to defy the occupiers by assisting American sailors who had evaded initial capture by the enemy by providing food and shelter to the escapees.

In the final months of the occupation, the brutalities increased. Thousands of Chamorus were made to perform forced labor by building defenses and runways for the enemy. Others were put to labor in rice paddies. The war in the Pacific turned for the worst for the Japanese occupiers, and in the final weeks, as the preinvasion bombardment by American planes and ships signalled the beginning of the end for the occupation army, the atrocities likewise escalated.

Forty six Chamorus in the southern village of Maileso were herded into caves, and were summarily executed by the enemy throwing hand grenades into the caves and spraying the caves with rifle and machine gun fire. Miraculously, some survived by pulling the bodies of their fallen fellow villagers over themselves to protect against the rain of shrapnel and bullets. They survived as witnesses to the atrocities.

One elderly woman called on me during my campaign for Congress and asked me to never let this country forget what happened on Guam and to promise that I could do everything I could to bring justice and recognition to the people of Guam.

Mr. MANZULLO. Mr. Speaker, if the gentleman will yield, I wish to commend the gentleman from Guam, who is my next-door neighbor on the fifth floor of Cannon, for his tenacity, to bring home to the people of America what happened on that island. The gentleman is a historian, comes from the academic community in Guam, and has had many displays here in Congress, one of which are recently displayed in the rotunda of the Cannon Office Building.

I examined very closely what the gentleman had done, and I commend the gentleman for making history something that we should never forget, because we never want to repeat the errors and the punishment of it. I thus commend the gentleman for his devo-

THE GUAM WAR RESTITUTION ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of Feb-

H 7294

CONGRESSIONAL RECORD—HOUSE

August 9, 1994

tion to the history of the area that he represents.

□ 2310

Mr. UNDERWOOD. I appreciate those comments very much from my very distinguished neighbor on the fifth floor. It is neighbors like you that make sitting in this House worthwhile. Continuing with the story, she survived the massacre in Malessio, and bore the scars of that massacre in the shrapnel in her back and in her feet, so that every time she walked, with every step, she was reminded of that nightmarish occurrence on Guam. Sadly, she died last year.

In the capital city of Agaña, another group of Chamorus were rounded up, and one by one, executed by beheading and mutilation by swords. Again, miraculously, one survived, Mrs. Beatrice Flores Emsley, to bear witness to what happened on our island. Mrs. Emsley still bears the long scar down the side of her neck where a sword struck her. She fainted after being struck, and awoke 2 days later with maggots all over her neck, but thankful to be alive. Mrs. Emsley will, of course, never forget what happened on Guam.

Judge Joaquin Manibusan, a retired Judge on Guam, was a young man during the war. Again, in the last weeks before liberation, he was rounded up along with a large group of Chamorus to bear witness to another atrocity. Judge Manibusan was forced to help dig a shallow hole in front of a Chamoru man. Three men were then made to kneel in front of three freshly dug graves, and each man was in turn beheaded.

Judge Manibusan still lives to bear witness to this atrocity, [but if his bearing witness is not convincing enough, he was able to obtain a picture of that execution scene from the records of the war crimes trial on Guam. This picture depicts to the three Chamoru men kneeling in front of their shallow graves moments before they were struck down. I am thankful that he kept this picture for over 50 years, so] that even as all these brave Chamorus died from the passing of time, we, their sons and daughters, will be able to continue their fight and bear their witness until we achieve justice for the people of Guam.

Thousands of Chamorus, not hundreds, but thousands, were forced to march from their villages in northern and central Guam to internment camps in southern Guam in the weeks before liberation. Everyone marched, old men and women, newborn babies, children, and the sick. They were marched to internment camps at Maimai, Malojoj and Manengon, where they awaited their fate for the next few weeks—many did not live to see Liberation.

Many did not live, but their brothers and sisters survived, their children survived and the fellow Chamorus survived, again to bear witness to these atrocities.

In their final acts of retribution against the people of Guam, the Japanese occupiers inflicted a violence against our people that can not be easily forgotten. The Catholic High School for young men on Guam, Father Duenas Memorial School in Tai, bears witness to the courage of one young priest, who in the last days before Liberation, was also beheaded as revenge for the occupiers' frustration in not capturing the lone American sailor who had evaded their grasp with the aid of the Chamorus. The memory of this noble young priest lives on as the high school named in his honor stands witness to his courage.

Against this backdrop of terror, the Liberation of Guam began on July 21, 1944. On that fateful day, two groups of people came together—one was in uniform and the other was in rags; one used weapons of war and the other used tools for survival; one came in from the sea and the other came down from the hills; one left their families behind and the other tried to keep their families with them; one liberated the island from without and the other liberated the island from within.

In their meeting the great historical drama that Guam alone could play came to pass, as American soil was liberated from enemy hands, as American Marines and American soldiers were united with American civilians held captive in internment camps on American soil.

The battle hardened American servicemen came to Guam concerned about meeting a determined enemy; but these men soon came to understand the special nature of this battle among all of those in the Pacific War—indeed among all the battles of World War II. This was a reoccupation, this was retaking what was once lost, what was once American.

And as the young Marines and soldiers saw our people come down from the hills, they broke down and openly wept, as the saw Guam's children emerge from the hills carrying hand made American flags; as they saw Guam's old men and women emerge from the internment camps clutching rosaries and thanking the young liberators for their deliverance from certain death.

The story of the people of Guam cries out for attention and understanding. And the story has a dimension of unfinished business, of an injustice that must be corrected, and of a legacy of loyalty that has been tarnished by the neglect of the Federal Government.

In the aftermath of Liberation, a grave injustice occurred that to this day, 50 years later, has yet to be undone.

The Treaty of Peace with Japan, signed on September 8, 1951 by the United States and 47 Allied Powers, effectively precluded the just settlement of war reparations for the people of Guam against their former occupiers. In the Treaty, the United States waived all claims of reparations

against Japan by United States citizens.

Consider now how ironic it is that the people of Guam became American citizen just 1 year earlier, on August 1, 1950, by virtue of the Organic Act of Guam—a citizenship that was granted to the people of Guam largely because of their demonstrated loyalty to America during the occupation.

The historical events surrounding the signing of this Treaty of Peace creates a compelling argument that the Federal Government, including the United States Naval Government of Guam and the U.S. Congress, failed to address the circumstances of the Americans on Guam and allowed a situation to develop over the years where justice was delayed, and ultimately denied.

The bitter irony then is that the loyalty of the people of Guam to the United States has resulted in Guam being forsaken in war reparations.

Did the Federal Government simply forget what had happened on Guam? Unfortunately, the answer is not that Guam was forgotten at all, but that at critical historical moments, Guam's unique situation escaped the attention of lawmakers in Congress and government officials in the Naval Government of Guam.

In fact, the record shows a deliberate attempt by Congress and the Navy to address the reparations issue and to do right by the people of Guam for their wartime loyalty—that they fell short in their attempts is the cause for our efforts to seek redress 50 years later.

This is not a case of people belatedly asking for something that they are not entitled to by justice or by design—it is a case of the law falling short. In the goal of making Guam whole after the War, and of Congress neglecting to address the issues that were raised by its own War Claims Commission and the recommendations made by the committee appointed by the Secretary of the Navy to investigate the war claims issue on Guam after the war.

Recognizing the immense devastation and the dramatic and urgent need for rehabilitation after the war, on November 15, 1945, scarcely 3 months after the end of hostilities against Japan, Congress passed the Guam Meritorious Claims Act, Public Law 79-224, "granting immediate relief to the residents of Guam by the prompt settlement of meritorious claims". The following year, 1946, Congress also passed the Guam Land Transfer Act, Public Law 79-225, and the Guam Rehabilitation Act, Public Law 79-583. While the Guam Meritorious Claims Act (PL 79-224) became the primary means of settling war claims for the people of Guam, the Guam Land Transfer Act provided a means of exchanging land for resettlement purposes and the Guam Rehabilitation Act (PL 79-583), which appropriated \$6 million for construction, was the means for economic rehabilitation.

Unfortunately, conditions on Guam in 1945 and 1946 did not lend themselves

August 9, 1994

CONGRESSIONAL RECORD—HOUSE

H 729

to the best of Congressional intentions. During the battle to liberate Guam, over 80 per cent of the buildings were destroyed. The capital city, Agaña, and the second largest city, Sumay, were completely destroyed.

Once the island was secured, Guam became the forward operating base for the subsequent invasions of the Philippines, Iwo Jima and Okinawa. Over 45 per cent of the land mass was acquired for this wartime effort, and over 200,000 military personnel came to Guam to prosecute the war against Japan. The Chamorus, numbering about 20,000, were temporarily housed in refugee camps set up by the military—their former cities of Agaña and Sumay were razed to make room for the new bases and the mass mobilization of troops.

To their great credit, the Chamorus did not complain; in fact, they helped the military in every way they could to help defeat their former oppressors.

The post-war period brought more upheaval. The Naval Government of Guam, which governed the island during and after the war, used the authority of the Guam Land Transfer Act and the Guam Rehabilitation Act to first fulfill its priority of building permanent naval bases. The concerns of the civilian community were a distant second to the Navy, and in 1950, six years after Liberation, the Report of the War Claims Commission With Respect To War Claims Arising Out Of World War II stated that, "no organized program for reconstruction of damaged or destroyed civilian facilities had been undertaken." (House document Number 580, 81st Congress, 2nd Session, page 44)

If the cities were not being rebuilt, and I must point out that the city of Sumay was never rebuilt and became a footnote of history because it had the misfortune of being located next to the new Naval Station at Apra Harbor, where were the Chamorus living? In makeshift houses, built largely with war scraps, in twenty one villages scattered along the length of the island. It is in this atmosphere of liberation and displacement that the Navy attempted to administer a flawed war claims program.

In asking Congress in 1994 to revisit the Guam war reparations issue, I am not asking Congress to embark on anything new, or to create new precedents. I am simply asking Congress to correct the errors of the Federal Government's attempts in 1946 to resolve these issues.

I am also asking Congress to complete the task it set out to do in 1946; a task made all the more necessary because of the historical circumstances surrounding the Treaty of Peace with Japan. I am simply the latest elected leader from Guam, in an unbroken line from the first Speaker of the First Guam Legislature in 1951, to the first elected Governor of Guam in 1970, and the first elected Delegate to Congress in 1972, and all their successors, to ask Congress to address the injustice of the Guam war reparations on behalf of our people.

When Congress passed the Guam Meritorious Claims Act in 1945, the intent was to make Guam whole and to address the claims arising out of enemy occupation and damage caused in the battles to liberate Guam. Both the House and Senate reports on the Guam Meritorious Claims Act, Senate bill S. 1139, state that:

The Japanese invasion and occupation resulted in extensive damage to private property on the island. Further damage resulted from our reconquest. As a result of the two periods of combat and the actions of the Japanese occupying force during the interim, the people of Guam have suffered extensively, and it is believed that immediate steps should be taken to alleviate their suffering. The fairest, most equitable, and most immediate method of achieving this end would be through the early settlement of claims for damages arising in the period since December 8, 1941, and caused by the activities of the Japanese and American military forces." (Senate report 442, 79th Congress, 1st session, page 1; House report 1133, 79th Congress, 1st Session, page 3).

Congress, in 1945, was concerned about conditions on Guam and the need to address the war claims of the Chamorus. In a hearing on March 14, 1945, just eight months after the Liberation of Guam and before the war ended, Congressman Walter Ploeser testified on the Navy's appropriations bill for 1946, that:

At the time we were there (on Guam) no one of the civilian group or the inhabitants of the island had ever made a complaint to our Government, or to our naval forces occupying the island about their claims for the destruction of their property.

The story goes that these people stood on the hill and cheered every time we knocked a building down and did everything in their power to help us in our fight against the Japanese. That is quite unusual for an American national. Certainly it would be most unusual for an American citizen not to make a claim after the Government had destroyed his property, but these people have not done so. There has been no complaints whatsoever. They were waiting patiently, feeling confident that the Americans would do something about it.

I should mention that the record shows that Congressman Jamie Whitten of Mississippi, a Member of the current Appropriations Committee, was present at this particular hearing.

Hearings were held in October 1945 to address the Guam war claims issue, and on November 15, 1945, the Guam Meritorious Claims Act became law (Public Law 79-224). Public Law 79-224 provided for a one year period to file claims to a Commission composed of Naval and Marine officers, who could authorize property settlements up to \$5,000. Property settlements over \$5,000 as well as all death and injury claims, must be forwarded to the Secretary of the Navy in Washington for certification, and then submitted to Congress for appropriation. In a bizarre twist of bureaucratic logic, death and injury claims were to be considered only as a basis for property damage; in other words, a claim could not be paid solely for a man executed for loyalty to the United States, but could be paid for a

man who died if that claim was related to other property damage.

There are a number of significant flaws in the Guam Meritorious Claims Act, and the resolution of these issues that remain with us today is the reason I introduced on July 13 H.R. 4741, the Guam War Restitution Act, to complete the work that was never finished by Congress, and to bring closure to this issue.

The 1945 Guam Meritorious Claims Act allowed only one year for claimants to file with the Claims Commission. The deadline for all claims expired on December 1, 1946. Many Chamorus were not aware of the Claims Commission's work due to language barriers, displacement from their homes and misunderstanding of the procedures. However, due to the cumbersome procedures the Navy employed in processing the claims, the one year deadline did not speed up the processing of claims, and served no useful purpose except to deny valid claims filed after December 1, 1946.

The Guam Meritorious Claims Act required that claims be settled based on pre-war 1941 values. This meant that property claims were undervalued, and that residents of Guam were not able to replace structures destroyed during the war.

The Guam Meritorious Claims Act did not allow compensation for forced march, forced labor, and internment during the enemy occupation. This was a serious flaw in Public Law 79-224. Another law passed in this same time period for other war claims, the War Claims Act of 1948, Public Law 80-896, allowed for compensation for American citizens and American nationals for internment and forced labor. Only Guam was treated differently, yet Guam stood alone as the only American territory occupied in the War. In fact, while the War Claims Act of 1948 specifically excluded Guam, it allowed compensation for these atrocities for the Philippine citizens who were American nationals during the war, although the Philippines gained its independence from the United States in 1946.

The Guam Meritorious Claims Act allowed death and injury claims only as a basis for property claims. This was another provision unique to the Guam law, and an unexplainable stipulation. The Guam bill, Senate bill S. 1139, was actually modeled on a claims bill passed for other Americans in 1943, the Foreign Claims Act. The legislative history for the Foreign Claims Act emphasized the need to address these claims. In a floor statement on April 12, 1943 in support of passage of this bill, Senator Barkley noted that, "it is necessary to do this in order to avoid injustices in many cases, especially in cases of personal injury or death." (Senate Report 145, 78th Congress, 1st Session, pp. 2-3). The original language for S. 1139, following the Foreign Claims Act model language, allowed the Claims Commission to adjudicate claims for personal injury and death.

II 7296

CONGRESSIONAL RECORD—HOUSE

August 9, 1994

But the language was amended by the Senate Naval Affairs Committee to ensure that the United States Government, and specifically the Navy, would not be setting a precedent or legal obligation for the Navy. (Congressional Record, 79th Congress, 1st session, pp. 9493-9499). However, these types of concerns were not raised for the almost identical situation of the Philippines, or other American citizens or nationals when the War Claims Act of 1948 was passed by Congress.

The Guam Meritorious Claims Act encouraged Chamorus to settle claims for lesser amounts due to the time delay in having claims over \$5,000 sent to Washington for Congressional approval. Again, this was a procedure unique to the Guam law. No such requirement existed for those covered under the 1948 War Claims Act. The net effect on Guam was that Chamorus with property damage over \$5,000 would lower their claims just so that they could be compensated in some fashion and get on with their lives.

The flaws in the Guam claims program were brought to the attention of Congress in 1947 by a Committee formed by the Secretary of the Navy, James Forrestal, to assess the Naval administration of Guam. This Committee included Mr. Ernest M. Hopkins, retired President of Dartmouth College, Mr. Maurice J. Tobin, former Governor of Massachusetts and Mr. Knowles A. Ryerson, dean of the College of Agriculture at the University of California. The Hopkins Committee, in its report, addressed the serious flaws and shortcomings of the Guam Meritorious Claims Act, and reported:

The [Navy] regulations provide in rules 4a and 5b that the market value of damaged or destroyed real or personal property shall be determined as of December 8, 1941. . . . Replacement costs are far in excess of the 1941 value and so called relief is apt to be only a hollow gesture when the amount received is a small fraction of what will be needed to acquire a new home, or furniture, or tools or of what is required for present day family support.

In reviewing the death and injury claims, the Hopkins Committee minced no words about the injustice they found:

. . . under the [Navy] regulations, injury and death claims require an involved computation. . . . When the calculation is finally computed, the amount awarded is often a mere pittance. Some simpler procedure should be devised and more latitude should be given to the [Claims] Commission to arrive at just and equitable figures in view of all circumstances.

I want to emphasize this point again—the Hopkins Committee found in 1947 that payments to Chamorus for death and injury claims paid by the Navy to be a "mere pittance".

Further, with respect to the Guam Meritorious Claims Act requirement that death and injury claims be allowed only incident to property damage, the Hopkins Committee recommended that:

The regulations should be amended to eliminate values or standards as of December 1941, as the measure of damage and more liberality should be practiced in passing upon claims.

The Hopkins Committee report concluded that:

. . . payment of war damage claims . . . has been proceeding much too slowly . . . Immediate steps should be taken to hasten this process and to remove unsound and unfair distinctions in the allowance of claims—Officials of the Claims Commission have testified to the basic honesty and fairness of the Guamanians in presenting their claims. Review in Washington of claims between \$5,000 and \$10,000 serves no useful purposes.

And the Hopkins Committee documented in 1947 what was happening with claims settlement process:

When many claimants are advised that the local Claims Commission has power to settle and make immediate payment of claims not in excess of \$5,000, but that claims above that amount must go to Washington for further action with an indefinite time required for payment, they offer or agree to reduce their claims to below \$5,000 and accept the loss above that amount, so as to get some cash for much needed personal rehabilitation.

Incredibly, a member of the Hopkins Committee that visited Guam earlier in 1947, Mr. Tobin, testified on May 28, 1947 before the House Committee on Public Lands hearing on the Guam Organic Act legislation that:

At the present time, not one settlement has been made to the people for personal injuries or death. (Organic Act of Guam Hearings Report p. 169)

A year and a half after the Guam Meritorious Claims Act was passed, and 3 years after Liberation, the Federal Government had not yet settled a single claim for injury or death.

Days later, on June 3, 1947, Secretary of the Interior Harold Ickes, testifying before a House Committee on Public Lands hearing on the Organic Act of Guam legislation, strongly criticized the Naval Government's handling of the Guam war claims. Secretary Ickes stated:

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." (Organic Act of Guam Hearings report, pp. 243-249).

Secretary Ickes further chastised the claims process by testifying that:

. . . 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 \$65 (six hundred sixty five dollars), with .10 (ten cents) thrown in for good measure.

Such procedures, and such shameful results as above, have not been forced upon the

Navy by Congress or the President or the Budget or by anyone. They are exclusively the Navy's own and throw a strong light on the Navy's high regard for human life. (Organic Act report, pp. 247-249).

The Hopkins Committee transmittal letter of March 25, 1947, of its report to the Secretary of the Navy, likewise contained strong criticism of the Navy's handling of war claims on Guam. The transmittal letter states in part:

In the case of Guam, the war brought wide spread destruction . . . But over and beyond this it brought deaths to many, brutalities to more, and ruthless oppression to all over a long period. Now months after cessation of hostilities they find themselves, because of the strategic position of their native island, outnumbered in population by military forces . . . in considerable number they are dispossessed of home and lands which have been destroyed or taken from them and they are, without adequate understanding of the processes by which to secure replacement or compensation for these . . . There is no lack of knowledge on the part of Navy officials of what ought to be done or how to do it . . . Only so can justice be done to a valiant group of Americans who at great cost to themselves remained steadfastly loyal during the war but many of them still lack housing to replace that destroyed by our bombs and shells . . . It would seem to your committee that in so special a case as this our government could well be very generous in method of distributing its relief as well as generous in amount awarded. It has been neither. (Hopkins Committee Letter of Transmittal to Secretary Forrestal, dated March 25, 1947)

In spite of all these recommendations, in spite of the Hopkins Committee report, in spite of the testimony of Secretary of the Interior Harold Ickes, nothing happened.

In 1948 Congress passed the Philippine Restoration Act of 1948, Public Law 79-970, which resulted in the payment of over \$590 million to the Philippines. In contrast, Guam's total war claims amounted to \$8.1 million—\$3.75 million for property claims under \$5,000 and \$4.3 million for death, injury and property claims over \$5,000.

Congress then passed the War Claims Act of 1948, to address war claims of American prisoners of war, and other American citizens with claims for internment, forced labor, death and injury. It included religious organizations and defense contract employees, and allowed for compensation for any American citizen interned by the Japanese.

Thus while American citizens who were captured on Guam and interned in Japan as prisoners were eligible for reparations under this law, the American nationals on Guam who were interned in camps on American soil were not eligible; and in another irony, American nationals from Guam who were captured on Wake Island and interned in Japan were eligible, but their families who were interned on Guam were not.

So while my grandfather, who was an American citizen on Guam was eligible for reparations because he was interned in Japan, my grandmother, and all her

August 3, 1994

CONGRESSIONAL RECORD—HOUSE

H 7297

children, who were interned in camps on Guam were not eligible. The people of Guam tragically, were not included in this legislation in 1948.

The War Claims Act of 1948 also required a Commission to report on the progress of the settlement of claims. A preliminary report was issued in 1951, and a final report was issued in 1953. In the intervening years, the Treaty of Peace with Japan was signed in 1951 and implemented in 1952, waiving all claims of American citizens against Japan.

The Treaty of Peace with Japan also raised a number of questions concerning the issue of war reparations. In responding to a Senate request for clarification of this issue prior to ratification of the Treaty, John Foster Dulles, who negotiated the Treaty and later became the Secretary of State, in a Memorandum of January 31, 1952, titled, "Compensation For Claims Of United States Nationals For Losses Incurred Outside Japan As A Result Of Japanese Military Operations And Occupation," wrote:

Allied Powers in whose territory United States nationals sustained property losses may make such United States nationals eligible to receive such compensation as they are able to provide for war losses. It does not appear, however, that American nationals who sustained losses in the territories of any of the Allied Powers can expect to receive compensation commensurate with their losses. Accordingly, United States nationals whose claims are not covered by the treaty provisions or by the legislation of other Allied Powers, must look for relief to the Congress of the United States. (Report on the Hearings of the Senate Committee on Foreign Relations on the Japanese Peace Treaty, January 25, 1952, pp. 18-19.)

Since the War Claims Act of 1948 was an interim measure, Congress began considering remedial legislation to address the shortcomings in this law.

In 1962, Congress passed Public Law 87-846, amending the War Claims Act of 1948, to, as this bill's preamble reads: provide more than sixteen years after the close of World War II, for determination of the amount and validity, and for the payment of claims of American nationals who suffered injury or death under circumstances specified in the legislation, or who suffered property losses as a result of military operations during World War II in certain European countries and in areas attacked by Japan.

Public Law 87-846 also extended the one year deadline for filing claims of the Philippine Restoration Act of 1946, but specifically excluded the island of Guam in section 202. Guam again was neglected, and it may be that Congress mistakenly thought that Guam's war claims were resolved long ago. Of course, this was simply not the case.

Not only were the rights of the people of Guam waived by the United States government under the Treaty of Peace with Japan, but the United States also failed to seize Japanese property for payment of war claims, as was its right under Article 14(a)2 of the Treaty. The Philippine government exercised this right and acquired over \$9.0

million in Japanese assets, on top of war claims of over \$390 million provided to the Philippines by the United States Congress in 1946.

During the war, the United States government seized over \$84 million in Japanese assets in the United States and turned these seized assets over to the Office of the Alien Property Custodian for disposal to pay for war claims of United States citizens. The United States government could have seized additional assets from Japan, or entered into agreements with Japan, as some Allied Powers did, to use Japanese labor in public projects as a form of war reparations.

Significantly, while the United States government failed to do any of these things on behalf of the people of Guam, this same government in 1969 negotiated a \$10 million war reparations claim on behalf of the Trust Territory of the Pacific Islands, which the U.S. administered under authority of the United Nations. The reparations settlement agreement negotiated between Japan and the United States were for claims of the Micronesian islands that were under Japanese control during the war. In 1971, the United States Congress passed the Micronesian Claims Act implementing this negotiated agreement for the former Japanese subjects. And again, while the United States provided for the claims of former Japanese islands, the claims of the United States citizens of Guam against Japan were neglected.

And finally, it should be noted that while Guam's war reparations were neglected, the United States Congress appropriated over \$2.0 billion in post war assistance to Japan from 1946 to 1961.

But the people of Guam, who themselves bore witness to the atrocities committed against them, have never forgotten that a bill remains due, that a debt must be paid. The First Guam Legislature, in its first session as a civilian government after the war, on August 10, 1951, passed as one of its first official acts, a resolution asking the President and the United States Congress to address war reparations for atrocities committed on Guam. Again, in 1954, in a meeting between Members of Congress and the Guam Legislature, the case was made to address Guam's war claims. And again, nothing happened.

Guam's political status has always worked against its efforts to achieve justice. Guam did not gain representation in Congress until its first Delegate was elected in 1972. Guam did not have civilian self-government in the years after World War II leading up to the treaty with Japan. So it is easy to see how one small island's claims for justice can be forgotten or neglected in Washington—it is understandable, but it must nevertheless be corrected.

I introduced H.R. 4741, the Guam War Restitution Act, on July 13, 1994, to resolve this longstanding injustice, an injustice spanning 50 years. I stand as a witness to what happened on my is-

land, to what happened to my own father and mother, just as every Chamorro bears witness today to his family's ordeal during the occupation.

The sums of the restitution in H.R. 4741 are quite modest by today's standards, because for us, it is not a money issue, it is a justice issue. In the case of death, the compensation is \$20,000 to be divided among surviving heirs. Injury is compensated at \$7,000, based on the values allowed in the 1946 claims, and forced labor, forced march, and internment is compensated at \$5,000, again comparable to the 1946 settlements. The total cost to the Federal Government will be between \$20 million and \$30 million, due to the fact that it is difficult to estimate the numbers of surviving Chamorros who still have valid claims to this day.

For the thousands of Chamorros whose claims were neglected by actions of the Federal Government, the issue will not go away just because 50 years have passed—if anything, the issue assumes more intensity.

Let me read for you some claims that were denied by the Naval Claims Commission in 1947:

Francisco Flores Crisostomo filed a claim on behalf of his son, Jesus Duena Crisostomo. The young boy was killed in August 1944 when he risked his life to show American troops a hidden Japanese position. Although the boy's actions no doubt saved the lives of some American soldiers, the claim was denied because it was after the deadline.

Juan Santos Tenorio, was beaten so severely on the back and head by the Japanese that he was bedridden for over 1 month. Although he was interviewed by Navy officers, this did not count as a filed claim. He later filed a written claim only to be denied because the claim again was filed late.

The Guam War Reparations Commission has on file 3,365 cases of filed claims that were never settled. Each claim is a story of brutality and unfortunately, a story of injustice by our own Government.

There must be a closure to this saga, there must be an effort by Congress to address the unfinished legacy of World War II. In closing, let me quote from the report of the Commission formed to review the War Claims Act of 1948:

In the final analysis, compensation for war damages rests upon an oral obligation to see that the individual citizen does not bear more than a just part of the overall burden of war. * * * Had United States citizens suffered losses on American soil, no question would be raised as to their moral right to compensation. The good fortune which the United States as a whole enjoyed in having its own cities spared destruction by war should not, in the opinion of the commission, be converted into a misfortune to the citizen who has borne more than his burden of the cost of war. * * * No nation was ever injured by its justice nor impoverished by its benevolence.

Mr. Speaker, I urge my colleagues to cosponsor the bill, H.R. 4741, the Guam War Restitution Act.

Mr. UNDERWOOD. The basis of H.R. 4741 is basically to complete the task that Congress set out to do in 1945, to make Guam whole after the Japanese occupation in World War II. The Guam Meritorious Claims Act was intended to resolve the very issues that we are today facing. The shortcomings of this act, which was recognized and reported by the Hopkins Committee in 1947, and by then Secretary of the Interior, Harold Ickes, to Congress have never been rectified in the 50 years since the liberation of Guam.

If Guam were included in the War Claims Act of 1948, passed by the Congress with respect to people who were U.S. citizens and nationals who endured sufferings under enemy action, we would not be holding this hearing today, but for whatever reasons, Congress failed to fulfill its obligations to Guam.

Administrators in the Department of the Navy and the Department of Interior failed to address the problems that were identified since 1946. Now, this legacy of inaction is actually used by the Federal bureaucracy as a means of shrinking from any responsibility to the people of Guam. Guam war restitution is not a matter to be taken up with Japan, it is not a foreign affairs problem, it is a problem of Congress' repeated failure and the Navy's and Interior's repeated negligence to address this issue fully.

Our witnesses today will remind this committee of the experience of the people of Guam, an experience of a brutal occupation that cannot be erased from our collective memory. Time has not diminished the case for Guam's war restitution, and while time is not our ally, the passage of time becomes its own moral imperative to do something before every survivor of the occupation of Guam dies without justice ever having been achieved.

The solution embodied in H.R. 4741 is supported by a consensus of the leadership in the Government of Guam and by reparations advocates on Guam. The said damage awards and the trust fund approach are fair solutions to a very complex problem. The people of Guam can support this approach, more out of exasperation for the five decades of inaction than for any appreciable economic gain.

For the people of Guam, restitution is not a matter of money, it is not for us a matter of windfalls. There will be no financial windfall. It is a matter of recognition of the experience of our people and the price we paid for our loyalty to the United States.

I very much look forward to the comments from the witnesses today, and I am committed to incorporating positive suggestions which will come forward into the Guam War Restitution Act when it is redrafted for introduction in the 104th Congress. I have committed to the consensus which we have achieved, and it is my hope that we can use this hearing today to reinforce our common approach and commitment.

It is always important, and I have stated this over and over, that the people of Guam are in the best position to tell the story of Guam, and I am very happy to see the number of witnesses who have come from Guam today to again reestablish the record, to again reestablish the rationale, and to again cry out for justice to be done to the people of Guam. Thank you, Mr. Chairman.

Mr. DE LUGO. I thank you.

Before we welcome our first witness, let me correct the record. When I stated that the liberation of Guam, I misstated the date.

The correct date of the liberation of Guam was July 21, 1945. I misstated it again. 1944. So the record will show that it was July 21, 1944.

Our first witness is the administration witness, Mr. Allen Stayman, Acting Assistant Secretary of the Territorial and International Affairs for the Department of Interior. Al, it is a pleasure to welcome you before the committee as someone that has been dealing with these issues for many, many years on the other side of the Capitol, and now is in this important position with the Clinton administration. We look forward to receiving the administration's comments on this legislation, H.R. 4741.

STATEMENT OF ALLEN STAYMAN, ACTING ASSISTANT SECRETARY, TERRITORIAL AND INTERNATIONAL AFFAIRS, DEPARTMENT OF THE INTERIOR

Mr. STAYMAN. Thank you very much, Mr. Chairman. Members of the Subcommittee on Insular and International Affairs, we in the Office of Territorial and International Affairs appreciate your inviting us to express views on H.R. 4741, the Guam War Restitution Act. Having been informed of the hearing last Wednesday, notice was too short to provide a comprehensive administration position on this bill.

Nonetheless, myself and others from OTIA will be here today to listen in person to the witnesses from Guam. We look forward to their testimony and to working with you and the subcommittee on this proposal. Thank you.

Mr. DE LUGO. Well, I am a little disappointed by the administration's statement here. You say in your statement that the administration did not have enough time to comment on H.R. 4741. This is very disappointing to me, especially since this legislation is almost identical to the legislation which was considered back in 1989, and in 1990. The issue has not changed.

I certainly hope that—I just wish we would see more initiative taken by the—I am going to tell you how I feel about this. I wish that I could see more initiative taken by the Department on the issues that are important to these territories that the Department is responsible for in the administration, whether it is a Democratic administration or a Republican administration, and you can imagine how disappointed I am with this kind of a presentation today when I have waited so long.

I have been in this Congress for 20 years. I have dealt with all kinds of administrations, and I had great hopes that this administration would show more initiative on these issues. This administration telling me that something that we have been dealing with, this issue that we have held numerous hearings on, legislation has been before Congress in the past, it is an issue where a Secretary of the Interior said that it was—what is the quote? "Shameful".

The results of the 1945 Guam Meritorious Claims Act were labeled as having been "shameful results." By whom? By former Interior Secretary Harold Ickes. Shameful results back in Roosevelt's time, and the Department hasn't done anything to rectify this to this day?

The Department has no idea of what should be done? This administration hasn't just come in. They have been there for almost

two years. Let me ask you, Mr. Stayman, when can we expect the administration to be ready to give its support to this proposal, if it will give its support to this proposal?

Mr. STAYMAN. I am sure we can have an administration position developed within a couple of months.

Mr. DE LUGO. A couple of months? How could it take a couple of months to develop the administration's position on an issue like this that has been before the administration, the American people, and the Congress for decades? Why would it take the Department a couple of months to develop a position on something like this? Are you short-handed down there?

Mr. STAYMAN. No. I would just point out that this is a new administration.

Mr. DE LUGO. A new administration? You have been in office for almost two years.

Mr. STAYMAN. Yes, but this issue was not formally requested for a position from the administration until close of business last Wednesday. Our procedures normally take longer than three business days.

Mr. DE LUGO. Mr. Stayman, they may take more than three business days. Nobody expects three business days for you to whip up something, but they should not take months to respond in a meaningful manner on something as important as this. You know, historically this is an embarrassment for the United States.

Mr. STAYMAN. I appreciate it. We will try to do it as quickly as we possibly can, Mr. Chairman.

Mr. DE LUGO. All right. Let me yield to the sponsor of this legislation, Mr. Underwood.

Mr. UNDERWOOD. Thank you, Mr. Chairman. I would like to relay also my disappointment with the administration's statement on this. In many respects in reviewing the record of this and going all the way back to Secretary Ickes, when he charged that there was extreme dilatoriness in the disposal of war damage claims, going all the way back to the 1940s, we now have perhaps some extreme dilatoriness in terms of even coming to a position on this particular issue. I suppose we can thank some people for small favors.

This is not a direct opposition as was evidenced by the Department of Interior the last time a hearing was held on this, but I must convey my strong sentiments of disappointment on this issue. This is certainly not a new issue, and the manner in which—the approach that has been utilized here in 4741 is essentially the same approach that had been advertised in the past.

If anything else, it would certainly be a strong sign of this administration's responsibility to resolve some problems, to indicate conceptual support. We understand and we recognize that any piece of legislation has a number of complexities attached to it and may have some unintended consequences which can be resolved in the course of drafting and redrafting legislation, but certainly a statement of conceptual support should not be a problem in terms of support for this resolution of this gross injustice that has been perpetrated on the people of Guam. So I hope that you will be able to at least obtain some kind of support for the general direction,

the resolution of this issue in a shorter period of time than you have indicated.

Mr. STAYMAN. Yes, I will do that. I will withdraw my comment regarding several months. It was simply my thought since Congress will be out for several months that we should take as much time as we have available to make sure that the administration properly considers this legislation before taking a position. If you would like a position sooner, of course, I will do everything I can to provide it sooner.

Mr. UNDERWOOD. It would be of great assistance to the movement of the legislation inasmuch as I know that we have strong support over in the Senate side and much strong support here on the House side if we could get some statement of conceptual support to perhaps be included in the record of this subcommittee.

Mr. STAYMAN. Okay, I will do my very best, Mr. Congressman.

Mr. UNDERWOOD. Okay, thank you.

Mr. DE LUGO. Well, thank you very much. I think that is all we can do today with the administration. I appreciate your coming up here this morning, Secretary Stayman, and I hope that you will do everything to move the Department and the administration to get us that response on Congressman Underwood's legislation.

Mr. STAYMAN. Thank you. I will.

Mr. DE LUGO. Thank you very much.

Our next witness is the Honorable Joseph T. San Agustin, the Speaker of the House, accompanied by a delegation of leaders from Guam, the Honorable George Bamba, the Honorable Marilyn D.A. Manibusan, and the Honorable Francis E. Santos, Senators of the 22nd Guam Legislature.

Let me welcome you all here this morning. Again, I join with my colleague, Congressman Underwood, in commending you for coming this long distance, and I congratulate you and sympathize with you at the same time for joining Congressman Underwood's caucus, the jet lag caucus. Having made that trip and suffered from that jet lag a few times in my life, I can tell you, it is rough.

Again, let me welcome you all, and Mr. Speaker, please proceed with your statement to the committee.

**PANEL CONSISTING OF HON. JOE T. SAN AGUSTIN, SPEAKER;
AND HON. GEORGE BAMBA, HON. MARILYN D.A. MANIBUSAN,
HON. FRANCIS E. SANTOS, SENATORS, TWENTY-SECOND
GUAM LEGISLATURE**

STATEMENT OF JOE T. SAN AGUSTIN

Mr. SAN AGUSTIN. Thank you, Mr. Chairman. Chairman de Lugo, Congressman Underwood. On behalf of the Guam delegation, I would like to express my thanks to you all, especially you, Mr. Chairman, for this opportunity to testify on H.R. 4741, the Guam War Restitution Act. Present with me here today are colleagues from the Guam Legislature—Senator Francis Santos, Senator George Bamba, Senator Marilyn Manibusan—all of whom have devoted considerable effort to this issue over the years.

As you know, Mr. Chairman, this is not the first time that a delegation from Guam has appeared before your subcommittee seeking war restitution for the Chamorro people. Indeed, the issue of

war reparations has been a compelling issue for our people since the liberation over 50 years ago.

Every one of our elected Governors, every one of our delegates to Congress, and every concurrent legislature has sought a just settlement of this issue. Yet 50 years after Guam's liberation, a just settlement of our people's war claims still has not yet been secured.

The facts supporting Guam's case for war restitution are clear and well-documented. They have been presented many times in the past to both this subcommittee and in other Federal forums. I will not at this time go over these facts in detail since they are already part of the subcommittee record and will no doubt be covered more fully by Congressman Underwood and my fellow senators present today, the Governor's representative Lou Pangelinan, Mrs. Emsley and Mrs. Flora Baza Quan.

First of all, the suffering of our people during the Japanese occupation of our island is well-documented. It is a tragic history of forced labor, torture, massacres, executions, forced marches, internment in concentration camps and cruel oppression. I am sure that you, Mr. Chairman, can recall vividly, as you did the testimony of Mrs. Beatrice Emsley, who in 1989, some five years ago, appeared before your subcommittee and is with us today to once more convey to us her wartime experiences.

Mrs. Emsley's remembrances of being taken off with a group of Chamorros for execution in a ditch, feeling the impact of a Japanese blade on her neck, being left for dead, and then after the Japanese soldiers had left, struggling to survive. Her story, poignant as it is tragic, is just a small part of the larger story of the suffering of the Chamorro people during the occupation.

We appear before this august body asking for restitution as a way of obtaining justice for our people for this suffering.

Compounding the tragedy of the Chamorro people during World War II is the fact that this suffering was brought about by a conflict that was not of our making. As a colony of the United States, we became a pawn in the struggle between imperial Japan and America. Yet the historic record clearly shows that we were not considered important enough to defend properly and were largely left on our own when war did come to our shores.

Although we were a people denied self-government and American citizenship, we remained loyal to the American flag. The bravery of the Insular Guard, who resisted the invasion and of simple Chamorro families, who hid an American serviceman from the Japanese and aided the liberation forces are a testament to that loyalty. No doubt, the level of cruelty inflicted on our people by the Japanese was in part due to our loyalty to the American flag.

Obviously, we would prefer to seek restitution from the Japanese Nation itself for the suffering of our people at the hands of Japanese forces. But that avenue has been denied us by the actions of a President we did not elect and a Congress in which we have no vote. In 1951 our right to seek war reparations from Japan was given away forever by the United States Government as part of its peace treaty with Japan.

We are therefore compelled to seek such compensation from the Federal Government. Attempts by Federal officials to provide just compensation after the war were woefully inadequate. This was the

conclusion of not only Guam's leaders but also Federal authorities at the time such as the Hopkins Committee.

And so, Mr. Chairman, the Guam delegation is here before you today to once more press Guam's case for war restitution. In providing this testimony, I cannot help but remember all those who, throughout the years, have contributed to this long struggle for just restitution. I remember the late Senator Frank Santos, who right up to his dying day fought so hard for our people's rights regarding commonwealth, excess land, and yes, war reparations.

I remember also the late Senator Cecelia Bamba, who was taken from us before her time, and whose passing was even more of a loss to our people because of the leadership she provided on the war reparations issue.

Mr. Chairman, these two fine people did not live long enough to see the day when the Chamorro people would finally receive due justice for their sufferings during World War II. It is with a mixture of both inspiration and frustration that I find myself here today appearing with the sons of these great leaders, having to once again present Guam's case for war restitution.

Here with me is Senator Francis Santos, who has assumed the leadership positions of his late father, Senator Frank Santos. As Chairman of the Federal and Foreign Affairs Committee and Vice Chairman of the War Reparations Commission, Francis has taken up the struggle of his father to secure just restitution for his people.

Here with me also is Senator George Bamba who, from the day he was first elected, demonstrated that he shared the strong interest of his mother, Senator Cecelia Bamba, in the war reparations issue. George continues to bring honor to his mother's memory by his steadfast dedication to this important cause.

Also at this table is Senator Marilyn Manibusan, whose devotion to this issue is in part motivated by her concern for the people she represents as an elected official. But this issue is also a deeply personal one for Marilyn given the experiences of her own father, Judge Joaquin Manibusan, who lived through the occupation and was an eyewitness to many of the horrors perpetrated against our people during that time.

Mr. Chairman, there is an object lesson to be drawn from the presence and commitment of these three colleagues of mine. The issue of war reparations is more than just a question of compensating individuals who survived the occupation or the families of those who died at the hands of the Japanese. Our struggle for war reparations is a cry for justice by the Chamorro people for the wrongs inflicted on us during World War II. It is a cry that resonates throughout the generations and will continue to do so until justice is done.

It has been 50 years since the end of the Japanese occupation, Mr. Chairman. What we have here is a case of justice delayed and therefore justice denied. Time may heal wounds and ease animosity, but it will not erase the sense of justice denied that rests in the hearts of our people. It is this knowledge, that justice has been denied, which is being carried forth with each new generation, who will continue this struggle until justice is secured for the sufferings

of their parents and their grandparents and their great grandparents.

Mr. Chairman, the time for answering the call of our people is long overdue. The frustrations of our people continue to mount regarding this issue and many others dealing with Federal-territorial relations. Recently, the Guam Legislature adopted two resolutions which I would like to submit for the record which bring the issue of Guam's political status to the forum of the United Nations. It is a sign of the times that our community feels compelled to go to the United Nations to seek the justice for our people that has not been forthcoming from Washington. Ultimately, this is the concern that is at the heart of the war restitution issue. It is not a question of money. It is a question of justice.

I ask today that the Congress provide the justice that has been delayed for 50 years and has therefore been denied our people. I solemnly ask for your prompt approval of H.R. 4741. Thank you, and Si Yu'os Ma'ase.

[Prepared statement of Mr. Agustin follows:]



SENATOR JOE T. SAN AGUSTIN (D)
SPEAKER

Office of the Speaker

TWENTY-SECOND GUAM LEGISLATURE

155 Hesler St.

Agana, Guam U.S.A. 96910

Tel: (671) 477-8527/9120 • Fax: (671) 477-5570

Speaker Joe T. San Agustin

Testimony before the House Insular & International Affairs Subcommittee

H.R. 4741: "The Guam War Restitution Act."

Washington, D.C., Sept. 20, 1994

Chairman De Iugo, Congressman Underwood, Members of the Subcommittee, on behalf of the Guam delegation, I would like to express my thanks to you all, especially you Mr. Chairman, for this opportunity to testify on H.R. 4741 -- "the Guam War Restitution Act." Present with me today are colleagues from the Guam Legislature --- Senator Francis Santos, Senator George Bamba, and Senator Marilyn Manibusan --- all of whom have devoted considerable effort to this issue over the years.

As you know, Mr Chairman, this is not the first time, that a delegation from Guam has appeared before your Subcommittee seeking War Reparations for the Chamorro people. Indeed, the issue of War

Reparations has been a compelling issue for our people since the Liberation over 50 years ago. Every one of our elected Governors, every one of our Delegates to Congress, and every concurrent Legislature has sought a just settlement of this issue. Yet 50 years after Guam's Liberation, a just settlement of our people's war claims still has not yet been secured.

The facts supporting Guam's case for war restitution are clear and well documented. They have been presented many times in the past to both this Subcommittee and in other federal forums. I will not, at this time, go over these facts in detail since they are already part of the Subcommittee record and will no doubt be covered more fully by Congressman Underwood and my fellow Senators present today. I will though, briefly go over the major points regarding Guam's case for War Restitution.

First of all, the suffering of our people during the Japanese Occupation of our island, is well documented. It is a tragic history of forced labor, torture, massacres, executions, forced marches, internment

in concentration camps, and cruel oppression. I am sure that you Mr. Chairman, can recall vividly, the testimony of Mrs. Beatrice Emsley, who in 1989, appeared before your Subcommittee and is with us today to once more convey to us her wartime experiences. Mrs. Emsley's remembrances, of being taken off with a group of Chamorros for execution in a ditch, feeling the impact of a Japanese blade on her neck, being left for dead, and then, after the Japanese soldiers had left, struggling to survive. Her story --- poignant as it is tragic --- is just a small part of the larger story of the suffering of the Chamorro people during the occupation. We appear before this august body asking for restitution as way of obtaining justice for our people for this suffering.

Compounding the tragedy of the Chamorro's people during the WWII, is the fact that this suffering was brought about by a conflict that was not of our making. As a colony of the United States, we became a pawn in the struggle between Imperial Japan and America. Yet, the historic record clearly shows that, we were not considered important enough to defend properly and were largely left on our own when war

did come to our shores. Although we were a people denied self-government and American citizenship, we remained loyal to the American Flag. The bravery of the Insular Guard who resisted the invasion, and of simple Chamorro families who hid an American servicemen from the Japanese and aided the Liberation forces, are a testament to that loyalty. No doubt, the level of cruelty inflicted on our people by the Japanese was in part due to our loyalty to the American Flag.

Obviously, we would prefer to seek restitution from the Japanese nation itself for the suffering of our people at the hands of Japanese forces. But that avenue has been denied us by the actions of a President, we did not elect, and a Congress in which we have no vote. In 1951, our right to seek war reparations from Japan, was given away forever, by the U.S. Government as part of it's peace treaty with Japan.

We are therefore compelled to seek such compensation from the Federal Government. Attempts by federal officials to provide just compensation, after the war, were woefully inadequate. This was the

conclusion of not only Guam's leaders but also federal authorities at the time, such as the Hopkins Committee.

And so, Mr. Chairman, the Guam delegation is here before you today to once more press Guam's case for War Restitution. In providing this testimony, I can not help but remember all those who, throughout the years, have contributed to this long struggle for just restitution. I remember the late Senator Frank Santos, who right up to his dying day fought so hard for our people's rights regarding Commonwealth, excess land, and yes, War Reparations. I remember also the late Senator Cecilia Bamba, who was taken from us before her time, and whose passing was even more of a loss to our people because of the leadership she provided on the War Reparations issue.

Mr. Chairman, these two fine people, did not live long enough to see the day when the Chamorro People would finally receive due justice for their sufferings during World War II. It is with a mixture of both inspiration and frustration, that I find myself here today appearing with the sons of these great leaders, having to once again, present Guam's

case for War Restitution.

Here with me is Senator Francis Santos who has assumed the leadership positions of his late father, Sen. Frank Santos. As Chairman of the Federal & Foreign Affairs Committee and Vice-Chairman of the War Reparations Commission, Francis has taken up the struggle of his father to secure just restitution for his people. Here with me also is Senator George Bamba, who from the day he was first elected, demonstrated that he shared the strong interest of his mother, Sen. Cecilia Bamba, in the War Reparations issue. George continues to bring honor to his mother's memory, by his steadfast dedication to this important cause. Also at this table is Senator Marilyn Manibusan, whose devotion to this issue is, in part motivated by her concern for the people she represents as an elected official. But this issue is also a deeply personal one for Marilyn given the experiences of her own father, Judge Joaquin Manibusan, who lived through the Occupation and was an eyewitness to many of the horrors perpetrated against our people during that time.

Mr. Chairman, there is an object lesson to be drawn from the presence and commitment of these three colleagues of mine. The issue of War Reparations is more than just a question of compensating individuals who survived the occupation or the families of those who died at the hands of the Japanese. Our struggle for War Reparations is a cry for justice by the Chamorro People for the wrongs inflicted on us during World War II. It is a cry that resonates throughout the generations and will continue to do so until justice is done.

It has been 50 years since the end of the Japanese Occupation Mr. Chairman. What we have here is a case of justice delayed and therefore justice denied. Time may heal wounds and ease animosity, but it will not erase the sense of justice denied that rests in the hearts of our people. It is this knowledge, that justice has been denied, which is being carried forth with each new generation, who will continue this struggle until justice is secured for the sufferings of their parents and their grandparents and their great-grandparents.

Mr. Chairman, the time for answering the call of our people is long

overdue. The frustrations of our people continue to mount regarding this issue and many others dealing with federal-territorial relations. Recently, the Guam Legislature adopted two resolutions which bring the issue of Guam's political status to the forum of the United Nations. It is a sign of the times, that our community feels compelled to go to the United Nations to seek the justice for our people that has not been forthcoming from Washington. Ultimately, this is the concern that is at the heart of the War Restitution issue. It is not a question of money. It is a question of justice!

I ask today that the Congress provide the justice that has been delayed for 50 years and has therefore been denied our people. I ask for your prompt approval of H.R. 4741.

Thank You and Si Yuus Maase.

Mr. DE LUGO. Thank you very much, Mr. Speaker. You know, you made reference to the way that this country provided for the security of that colony of Guam at that time, the time of the Japanese invasion and I would like the record to show that at the time of the Japanese invasion of Guam there were only 125 American soldiers on Guam.

The Japanese sent in 5,000 of the imperial force, and the Japanese troops easily took Guam. This is a matter that cries out for justice. I agree with you, Mr. Speaker, having dealt with this issue—this is the third hearing that I am presiding over—this is not a matter of money. This is a matter of simple justice, something that our Nation should do for the American people of Guam who at that time were American nationals. With you I see—who will be next?

Mr. SAN AGUSTIN. I guess Senator Francis Santos.

Mr. DE LUGO. Senator Santos, welcome.

STATEMENT OF FRANCIS E. SANTOS

Mr. SANTOS. Mr. Chairman, honorable members of this committee, Senator Underwood, I am Senator Francis E. Santos, Chairman of the legislature's Committee on Federal and Foreign Affairs and Vice Chairman of Guam's War Reparations Commission.

On behalf of the people of Guam, especially those who experienced the horrors and atrocities of World War II, I extend a sincere Hafa Adai and a heartfelt Si Yu'os Ma'ase. Thank you very much for allowing me this opportunity to revisit an issue which has been unattended for far too long.

I wish to extend special feelings of gratitude to you, Mr. Chairman, for reviving the issue of reparations or restitution as it is now called in the legislation before you. As you know, my father, the late Senator Francis R. Santos, was one of the leading proponents and advocates for a settlement of this issue.

His interest in the matter was heartfelt because he experienced the horrors of World War II. As a young man, he was forced to work for the Japanese occupation forces. Towards the end of the war, he and his family were forced to march from their home in Asan to a concentration camp in Talofofo and eventually to Manengon.

Before his last appearance before this committee on the same issue, he conducted a series of public hearings on Guam and in California to receive the testimony of thousands who experienced the war.

To my father, the three most important subjects before him were first Guam's continued quest for commonwealth; second, the return of Federal excess land; and third, the issue of justice for those who suffered the horrors and atrocities of World War II. I think that when the people of Guam chose me to fill the seat he vacated, they did so with the expectation that I would continue his efforts in all of these areas.

Mr. Chairman, very little has to be said about the atrocities suffered by the people of Guam during the war. A few years ago. The Guam War Reparations Commission submitted a deluge of paper documenting the horrors and atrocities experienced during the Jap-

anese occupation. Appearing before this committee were individuals who actually experienced those horrors and those atrocities.

Mr. Pedro Cruz testified on how he and two young friends hopelessly tried to defend the Plaza de Espana against the advancing Japanese Army. Mayor Ben Bernardo described his experiences as a slave laborer building entrenchments and transporting munitions. My father testified on life in the concentration camps as a young teenager. And no one who was present in that hearing could contain their emotions as Mrs. Beatrice Emsley pulled her hair back to show the scar the sword left on her neck as she described how the Japanese tried to behead her and she described what it was like to dig herself out of a mass grave.

Mr. Chairman, no one need say any more.

The people of Guam, even those who were born after the war or were too young to really remember those days, are painfully aware of the provisions of the Treaty of Paris which indemnified the Japanese Nation from all claims resulting from their aggression. Yet our people, the Chamorro people, harbor little ill feelings to the descendants of those who killed, tortured, and maimed our forefathers.

We are painfully aware that there are those in the Federal Government totally oblivious to the conditions on Guam immediately after the war who think that those who failed to file a claim in 1945 are simply out of luck. Yet our people greeted liberators who returned to celebrate the 50th anniversary of the liberation of Guam with the same fervent patriotism, loyalty and sense of gratitude as was present in 1944.

We are painfully aware that there are those in the Federal bureaucracy who think that only those who were on Guam between 1941 and 1944 and who are still alive should be considered for any form of claim and that if the Federal bureaucracy waits long enough, another 50 years, they will soon be dead, saving the government millions of dollars.

We are all painfully aware that there are many in the Federal bureaucracy who simply don't care one way or the other because they have never seen or experienced the pains of war. That is why the people of Guam are so dependent on the understanding and the compassion of Congress.

Over the many years and on the many issues which have confronted Guam, we have learned that the most effective avenue with which we can resolve hard and controversial issues is through Congress. It was Congress who finally resolved the impasse on Navy-Guam Power Authority Power Pool Agreement. It was Congress who finally resolved the impasse on EPA's unjustified enforcement of the Clean Air Act on Guam, and it was Congress' approval of the refinancing of the Federal financing bank GPA loan, which finally resolved the Department of Interior's heavy handedness on the Guam power authority. And it will be Congress who will finally resolve the unreasonable hurdles that the Federal bureaucracy has placed before Guam's continued quest for commonwealth.

It should come as no surprise to anyone that we now come before Congress again to resolve the issue of war reparations or war restitution.

Relative to Bill 4741 itself, the legislature's Committee on Federal and Foreign Affairs echoes the sentiments of Speaker Joe T. San Agustin and is supportive of the intent and the provisions of this legislation. H.R. 4741 will provide for outright awards to those who died, suffered personal injury and/or were interned in concentration camps during the war.

This measure also provides for a mechanism by which benefits can be provided for their heirs and survivors. The creation of a trust will be a gesture of Congress which will be well received by the people of Guam in light and in spite of the indifference shown by the Federal bureaucracy over the last five decades.

With regards to the language in H.R. 4741, I am recommending that this provision to determine residency for the purpose of filing claims be limited to the period starting December 8, 1941, the day the first bomb was dropped on Guam, to August 10, 1944, the day the island was declared free of organized hostilities. This recommendation is made in light of the fact that it was only after August 10th that people were permitted to come to Guam for any reason.

In addition to this, I am requesting that a mechanism be developed through which the decisions of the Secretary of Interior to deny or refuse acceptance of a claim can be appealed through the U.S. district court of Guam. As it is now written in H.R. 4741, it contains no provisions for appealing the decisions of the Secretary. Providing for an appeals process will further enhance the intent of Congress to provide for a full measure of justice.

On behalf of the people of Guam and the spirits and memories of those who suffered the horrors and atrocities of the war, especially those who are still alive, I humbly ask this committee to act expeditiously in preparing favorable hearing records on H.R. 4741.

On behalf of my late father, who not only suffered during the war, but who died knowing that one of his most precious dreams, that of securing war reparations for his people, is still and will remain unfulfilled, I hope for not another 50 years. I ask that the committee recommend, even unto the next session of Congress, expeditious passage and enactment so that the few remaining survivors will go to their rest knowing that this issue was resolved and that those who have gone before us will know, wherever they may be, that this matter will finally be put to rest.

We understand that it will be very difficult for this measure to receive the approval of both Houses of Congress during this session. However, we do request that this committee prepare a favorable report and insure that the record of these proceedings with the recommendation to do pass is made readily available for action as soon as Guam's Congressman Robert Underwood introduces the measure in January 1995.

In parting, let me also state that it is my personal hope that this issue can be resolved as soon as possible. Already, the majority of those who suffered the horrors and atrocities of World War II have either passed away or are well advanced in age. If it is the hope of some in the Federal bureaucracy that these survivors will pass away and that the new generations will simply forget the issue before us, I can assure you that this will not happen.

It is my hope that this issue can be resolved as expeditiously as possible. There are those who would combine this issue with the issue of commonwealth and self-determination to create an image of the United States as a Nation which doesn't care, a Nation which preaches human rights for other nations yet forgets its own children, and a Nation which finds no conscience in perpetuating injustices and inhumanities to its own citizens, the Chamorro people.

Those who were born after the war, those who will soon ascend to power know no loyalty or patriotism because of the liberation of Guam from the atrocities of an aggressor and because they know not the horrors of war. This new breed only knows what they perceive as injustices and inhumanities. Because the war reparations issue is one of such emotional impact, if it is not resolved, it magnifies and festers the wounds that are becoming greater and greater wedges and hindrances to any harmonious relationships and to the resolution of other equally important issues, such as commonwealth.

Again, with heartfelt sincerity, *gof dangkulo na Si Yu'os Ma'ase*, thank you for taking this matter into consideration and for permitting us to appear before you today. May God bless you.

[Prepared statement of Mr. Santos follows:]

Testimony
of
SENATOR FRANCIS E. SANTOS
Chairman
Committee on Federal and Foreign Affairs
Twenty Second Guam Legislature
Vice Chairman
Guam War Reparations Commission
in support of
Bill No. 4741

*An Act to amend the Organic Act of Guam to provide for
restitution to the people of Guam who suffered atrocities
during the occupation of Guam in World War II*

Mr. Chairman, Honorable Members of this Committee.

I am Senator Francis E. Santos, Chairman of the Legislature's Committee on Federal and Foreign Affairs and Vice Chairman of Guam's War Reparations Commission.

On behalf of the people of Guam, especially those who experienced the horrors and atrocities of World War II, I extend a sincere Hafa Adai and a heartfelt Si Yu'os Ma'ase . . . Thank You very much for allowing this opportunity to revisit an issue which has been unattended far too long.

I wish to extend special feelings of gratitude to you, Mr. Chairman, for reviving the issue of reparations, or restitution as it is now called in the legislation before you. As you know, my father, the late Senator Francisco R. Santos was one of the leading proponents and advocates for a settlement of this issue. His interest in the matter was heartfelt because he experienced the horrors of World War II. As a young man, he was forced to work for the Japanese occupation forces. Towards the end of the war, he and his family were forced to march from their home in Asan to a concentration camp in Talofofo and eventually to Manengon.

Before his last appearance before this Committee on this same issue, he conducted a series of public hearings on Guam and in California to receive the testimony of thousands who experienced the war. To my father the three most important subjects before him were Guam's quest for Commonwealth, the return of federal excess land, and the issue of justice for those who suffered the horrors and atrocities of World War II. I think that when the people of Guam chose me to fill the seat he vacated, they did so with the expectation that I would continue his efforts in all of these areas.

Mr. Chairman, very little has to be said about the atrocities suffered by the people of Guam during World War II. A few years ago, the Guam War Reparations

Commission submitted a deluge of paper documenting the horrors and atrocities experienced during the Japanese occupation. Appearing before this Committee were individuals who actually experienced those horrors, . . . those atrocities.

Mr. Pedro Cruz testified on how he and two young friends hopelessly tried to defend the Plaza de Espana against the advancing Japanese Army. Mayor Ben Bernardo described his experiences as a slave laborer building entrenchments and transporting munitions. My father testified on life in the concentration camps as a young teenager. And no one who was present in that hearing could contain their emotions as Mrs. Beatrice Emsley pulled her hair back to show the scar the sword left on her neck as she described how the Japanese tried to behead her and as she described what it was like to dig herself out of a mass grave.

Mr. Chairman, no one need say anymore.

The people of Guam, even those who were born after the war or were too young to really remember those days, are painfully aware of the provisions of the Treaty of Paris which indemnified the Japanese nation from all claims resulting from their aggression. Yet our people harbor little ill feelings to the descendants of those who killed, tortured and maimed our forefathers.

We are painfully aware that there are those in the federal government, totally oblivious to the conditions on Guam immediately after the war, who think that those who failed to file a claim in 1945 are simply out of luck. Yet our people greeted the liberators who returned to celebrate the 50th Anniversary of Liberation Day with the same fervent patriotism, loyalty and sense of gratitude as was present in 1944.

We are painfully aware that there are those in the federal bureaucracy who think that only those who were on Guam between 1941 and 1944, and who are still alive, should be considered for any form of claim and that if the federal bureaucracy waits long enough, they will soon all be dead, saving the government millions. We are all painfully aware that there are many in the federal bureaucracy who simply don't care

one way or the other because they have never seen or experienced the pains of war. That is why the people of Guam are so dependent on the understanding and compassion of the Congress.

Over the many years and on the many issues which have confronted Guam, we have learned that the most effective avenue with which we can resolve hard and controversial issues is through the Congress. It was Congress who finally resolved the impasse on Navy-Guam Power Authority Power Pool Agreement. It was Congress who finally resolved the impasse on EPA's unjustified enforcement of the Clean Air Act. And Congress' approval of the refinancing of the Federal Financing Bank-GPA loan finally resolved the Department of Interior's heavy handedness on the Guam Power Authority. And it will be Congress who will finally resolve the unreasonable hurdles the federal bureaucracy has placed before Guam's quest for Commonwealth. It should come as no surprise to anyone that we now come before Congress to resolve the issue of war reparations or war restitution.

Relative to Bill No. 4741 itself, the Legislature's Committee on Federal and Foreign Affairs echoes the sentiments of Speaker Joe T. San Agustin and is supportive of the intent and the provisions of this legislation. HR 4741 will provide for outright awards to those who died, suffered personal injury and/or were interned in concentration camps during World War II. The measure also provides for a mechanism by which benefits can be provided for their heirs and survivors. The creation of a trust will be a magnanimous gesture of Congress, which will be well received by the people of Guam, in light, and in spite, of the indifference shown by the federal bureaucracy over the last five decades.

With regards to the language in HR 4741, I am recommending that the provision to determine residency for the purpose of filing claims be limited to the period December 8, 1941, the day the first bomb was dropped on Guam, to August 10, 1944, the day the island was declared free of organized hostilities. This recommendation is

made in light of the fact that it was only after August 10, 1944 that people were permitted to come to Guam for any reason.

In addition to this, I am requesting that a mechanism be developed through which the decisions of the Secretary of Interior to deny or refuse acceptance of a claim can be appealed through the U.S. District Court for Guam. As it is now written HR 4741 contains no provisions for appealing the decisions of the Secretary. Providing for an appeals process will further enhance the intent of Congress to provide for a full measure of justice in this process.

On behalf of the people of Guam, and the spirits and memories of those who suffered the horrors and atrocities of World War II, especially those few who are still alive, I humbly ask this Committee to act expeditiously in preparing favorable hearing records on HR 4741. On behalf of my father, who not only suffered during World War II, but who died knowing that one of his most precious dreams, that of securing war reparations for his people, is still unfulfilled, I ask that the Committee recommend, even unto the next session of Congress, expeditious passage and enactment so that the few remaining survivors will go to their rest knowing that the issue is resolved and that those who have gone before us will know, wherever they may be, that this matter has finally been put to rest.

We understand that it will be very difficult for this measure to receive the approval of both Houses of Congress during this session. However, we do request that this Committee prepare a favorable report and insure that the record of these proceedings with the recommendation to do pass is made readily available for action as soon as Guam's Congressman Robert Underwood introduces the measure in January 1995.

In parting, let me also state that it is my personal hope that this issue can be resolved as soon as possible. Already, the majority of those who suffered the horrors and atrocities of World War II have either passed away or are well advanced in age. If

it is the hope of some in the federal bureaucracy that these survivors will pass away and the new generations will simply forget this issue, I can assure you that this will not happen.

It is my hopes that this issue can be resolved as expeditiously as possible. There are those who would combine this issue with the issue of Commonwealth and self-determination to create an image of the United States as a nation which doesn't care, a nation which preaches human rights for other nations yet forgets its own children, and a nation which finds no conscience in perpetuating injustices and inhumanities to its own citizens. Those who were born after the war, those who will soon ascend to power, know no loyalty or patriotism because of the liberation of Guam from the atrocities of an aggressor nation and because they know not the horrors of war. This new breed knows only what they perceive as injustices and inhumanities. Because the war reparations issue is one of such emotional impact, if it is not resolved, it magnifies and festers the wounds that are becoming greater and greater wedges and hindrances to harmonious relationships and to the resolution of other equally as important issues.

Again, with heartfelt sincerity, gof dangkulo na Si Yu'os Ma'ase, thank you, for taking this matter into consideration and for permitting us to appear before you today. May God Bless You.

Mr. DE LUGO. Thank you, Francis, thank you very much, Senator Santos.

Next will be Senator George Bamba or ladies first?

Mr. BAMBA. Ladies first.

Mr. DE LUGO. Senator Marilyn Manibusan will be next.

STATEMENT OF MARILYN D.A. MANIBUSAN

Ms. MANIBUSAN. Thank you, Mr. Chairman. Congressional Delegate Underwood, members of the subcommittee, ladies and gentlemen, Hafa Adai. I am Marilyn Manibusan, a member of the 22nd Guam Legislature and the Guam War Reparations Commission.

I appear here today not on my own behalf, but to speak to the silence of the United States Government in dealing with an injustice dealt the Chamorro people of Guam. I speak today, like I have often spoke before this committee, not from my own experience, but from the memories of those who endured the war, chief among them my parents, whose lives I treasure—they are both in their late 70s—and also the hundreds of people who have spoken on this issue over the decades.

I cannot pretend to convey to you, Mr. Chairman and members of this committee, the experience of the Second World War on the Chamorro people of Guam. In past public hearings in Guam and here in Washington during the consideration of earlier measures, those who lived to relay their experiences and the tragedy of those who passed during and since the war are a matter of public record. I doubt, however, that even the textual references to the experiences of the Chamorro people fully convey the trauma, pain, the hostility of that period in Guam's history. These events were so traumatic that for many people even today recalling those experiences is just too painful.

To be sure, there are many horrific memories. I want to depart from my text and I want to tell you that just recently in July an awakening happened in my personal life. I am the oldest of four children. My father had held on to a picture, and my father has never told the story. He is 73 years old. His name is Judge Joaquin Manibusan.

He decided to tell his story and made public a picture he had held on to. He told our family about the experience during the beheading of his friends at Tai in July of 1944. Imagine yourself living with your parents for 47 years and not knowing what your own dad had gone through because he kept it in silence. For him that experience would not qualify him for compensation under this act or any other act, but I raise this point, Mr. Chairman and members of this committee, to illustrate that the memories of the war are so deep and incomparable to other experiences that they are often repressed.

For the three young Chamorro men who were executed at Tai before my father's own eyes in July of 1944 and whose graves were dug by him, their memories would have been forever silent had it not been for my father's escaping with his own life.

I leave you with a book of which my father's story and other stories were told during our commemoration of our 50th anniversary of the liberation of Guam from enemy occupation. His story is on page 35. I would like to just relay on his behalf, he is not here with

me, he said 'Tun Enrique White has passed away, and I am the only one living to recall this agonizing and traumatic experience.

Although I force myself to mentally block this memory from my mind, the scars on my legs and on my back are constant reminders every waking moment of my day, and now as I remembered this terrible day, the pain grows stronger, and the memories move more vivid, and I find myself reliving that fear and torture, and I relate in tears.

As the Chamorros honor the members of their Insular Guard Force who died in battle and throughout the war and other Chamorros who were beheaded or tortured to death, I want to part with this picture. This picture I received from my father, who was chief judge of the island court of Guam, who was a member of the War Crime Commission, and he made me promise that this picture would never be made public. This picture accounts for my painful memories of Tai.

I wish to tell my story. I wish to tell my children so they can tell the same stories to their children and to their children's children and so on. It is time for me to talk about my experience during the war and continue to talk. Maybe by talking and sharing my experience I can finally let go of these painful memories and find peace after 50 years of not telling my story, and now I begin to heal.

I leave you with this book, Mr. Chairman, "The Silence," the silence of an absence of restitution, the silence of Chamorro people who for years kept the wounds of wartime atrocities internalized and for more years the silence of the Chamorro people who felt it either unpatriotic to question the forgiveness of restitution or who in their postwar state of dependency, which did not end until the last decade, did not feel they had grounds to petition for redress.

Now, and each passing day, we have the silence of those whose personal traumas are carried to the grave, a silence which could ring forever amongst those who experienced the war. And in the silence, justice has not been served.

From out of the silence has come the voices of those who have been angered by the fact that the United States forgiveness of restitution did not stop the U.S. Government from providing war reparations to the peoples of the Northern Mariana and other islands in Micronesia, right around Guam, close by, islands which were under the Japanese mandate when World War II began.

Out of the silence has come those of us who, although not directly experiencing the war and who do not stand to gain from restitution, no injustice and speak to it. Also, out of the silence have come those who no longer feel shackled by either their experiences during the war, feelings of blind patriotism or dependency on the United States. While it is true that many who personally experienced the war are daily moved to the peaceful silence of the hereafter, injustice has a loud voice that transcends generations and life itself.

Congressman Underwood's H.R. 4741 is about justice, justice which has long been denied by the United States Government. The denial has often been direct. Federal officials have often said that the United States has no obligation to address this issue. And the denial has been indirect. The people who are deserving of restitu-

tion have never received their due. Now, we hope, we pray that justice will be served.

While I support the process of justice which H.R. 4741 would finally unleash, I would like to note one procedural matter which I believe is worthy of further consideration. This has to do with the ability of descendants who were not born between 1941 and 1945 or who were living outside of Guam during that period, many of them in the United States Navy, to receive the restitution for deceased parents.

I appreciate that it is not a U.S. policy to award descendants, but given the period of time between the events of the war and the point of redress, and the accompanying feeling of injustice, I believe that the definition of possible recipients should be liberalized. I would be pleased to work with the committee on alternative approaches to the one proposed in this measure.

In closing, let me say that the question of the process of administering the justice of restitution is indeed an important one. Over the years, through local initiative and in response to the introduction of Federal legislation, numerous public hearings have been held in Guam. Sometimes too many. These have been painful exercises, painful not only because the wounds of the war on the Chamorro psyche have been openly examined, but also painful because the wounds once opened have not been properly treated.

The hope of reparations has been excited, only to find that no remedy is coming. It is for this reason, Mr. Chairman, and Members, that I encourage the Congress to recognize the tremendous amount of work which has already gone into identifying those to whom reparations is due—there are ample records, sworn statements, and personal accounts already recorded—and expedite the process through a simple mechanism.

I would like to take this opportunity to encourage the administration through the Secretary of Interior to examine records that are already before this Congress. As you said, Mr. Chairman, 1983 was the first time through Congressman Won Pat's initiative that Federal legislation was introduced. It is more than 10 years.

We are continuing to introduce this legislation. I am pleased to come before you and to be able to present this testimony, but I am also saddened, Mr. Chairman, and I would like to take this opportunity because through all the years that I have been coming to Washington, D.C. and testifying, I have found a friend in you, I have found a person who has felt for the Guam issues.

There is no doubt in my own mind, and there cannot be a doubt in the people of Guam's mind that you have in your relentless effort demonstrated to push justice for all the issues that have not been addressed for Guam. I don't know if I would have the opportunity to see you again, but I would like to take this opportunity, Mr. Chairman, to say on behalf of the people of Guam and myself, thank you, *Dangkulo na Si Yuus Ma'ase para todo i ayudumo para Guam*. God bless you in your future endeavors. Again, thank you and I would be pleased to answer any questions which you may have.

[Prepared statement of Ms. Manibusan follows:]

**Statement of Senator Marilyn Manibusan
Member, 22nd Guam Legislature
Member, Guam War Reparations Commission**

**Before the House Interior Subcommittee
on Territorial and International Affairs**

on H.R. 4741

**An Act to Amend the Organic Act to Provide for Restitution to the
People of Guam who Suffered Atrocities During the Occupation of
Guam in WWII.**

September 20, 1994.

Statement of Senator Marilyn Manibusan
 Member, 22nd Guam Legislature
 Member, Guam War Reparations Commission

Before the House Interior Subcommittee
 on Territorial and International Affairs
 on H.R. 4741

An Act to Amend the Organic Act to Provide for
 Restitution to the People of Guam who Suffered
 Atrocities During the Occupation of Guam in
 WWII.

September 20, 1994.

Mr. Chairman, Congressional Delegate Underwood, Members of the Subcommittee, ladies and gentlemen, Hafa Adai. I am Marilyn Manibusan, a Member of the 22nd Guam Legislature and the Guam War Reparations Commission.

I appear here today, not on my own behalf, but to speak to the silence of the U.S. government in dealing with an injustice dealt the Chamorro people of Guam. I speak today, not from my own experience, but from the memories of those who endured the war, chief among them my parents, and the hundreds of people who have spoken on this issue over the decades.

I can not pretend to convey to you the experience of the Second World War on the Chamorro people of Guam. In past public hearings in Guam and here in Washington during the consideration of earlier measures, those who lived to relay their experiences and the tragedy of those who passed during and since the War are a matter of public record. I doubt, however, that even the textual references to the experiences of the Chamorro people fully convey the trauma, pain and hostility of that period in Guam's history. These events were so traumatic that for many people, even today, recalling those experiences is too painful.

To be sure, there are many horrific memories. Just recently, my father, Judge Joaquin Manibusan, told our family about his experience during the beheading of his friends at Tai in July of 1944. For him, that experience would not qualify him for compensation under this act, but I raise this point to illustrate that the memories of the War are so deep and incomparable to other experiences that they are often repressed. For the three young Chamorro men who were executed at Tai before my father's eyes in July of 1944 -- and whose graves were dug by him -- their memories would have been forever silent had it not been for my father's escaping with his own life.

Again, I can not pretend to in any way relate the horrors that the Chamorro people experienced. But what I can speak comfortably to is the manner in which these injustices were ignored and forgiven by the United States government.

The injury of injustice forgiven by the United States must be set in the proper circumstance -- the position of the Chamorro people. First, Guam was a territory of the United States when Japan invaded in 1941. The people of Guam were not U.S. citizens, not even U.S. nationals, but simply known as wards of the United States. The U.S. government, in the face of Imperial Japan's expansionism into Asia, as early as the 1920's agreed that Guam would not be fortified. As the clouds of war approached closer, Guam was excluded from the defense perimeter of the United States. Guam was a place where the American flag flew which was not to be defended by the U.S. The wives and dependents of the handful of American servicemen in Guam were evacuated as early as six (6) months before the occupation, but the Chamorros were left to fend for themselves.

In 1944 the U.S. military returned as liberators, and to the people who experienced the war, the young men from across the United States who landed in Agat and Asan did liberate them from one of the darkest periods in Guam's history. Subsequent actions of the United States in seizing land and the continued measures of political control over Guam have done injustice to the young men of the U.S. Navy, Marines and Army who came to liberate Guam, many of whom sacrificed their own lives. In this regard, I should note that the number of young American men who died in Guam is almost equal to the number of Chamorros who perished during the war.

The loss of life, internment, forced marches and other (often barely speakable) brutalities suffered by the Chamorro people during WWII remained deeply buried inside the psyche of the survivors. Although Japanese war criminals were tried and executed in Guam, the issue of reparations or war restitution for the Chamorro people was never advanced by the United States. By 1952, the U.S. had forgiven the Japanese Government of responsibility for restitution to the Chamorro people for its violations against civilians during the War.

The silence....the silence of an absence of restitution....the silence of Chamorro people who for years kept the wounds of war-time atrocities internalized....and for more years the silence of the Chamorro people who felt it either unpatriotic to question the forgiveness of restitution, or who in their post-war state of dependency (which did not end until the last decade) did not feel they had grounds to petition for redress. Now...and each passing day...we have the silence of those whose personal traumas are carried to the grave...a silence which could ring forever amongst those who experienced the war. And in the silence...justice has not been served.

From out of the silence has come the voices of those who have been angered by the fact that the U.S. forgiveness of restitution did not stop the U.S. government from providing war reparations to the peoples of the Northern Marianas and other islands in Micronesia -- islands which were under the Japanese Mandate when WWII began. Out of the silence has come those of us who - although not directly experiencing the war and who do not stand to gain from restitution -- know injustice and speak to it. Also, out of the silence have come those who no longer feel shackled by either their experiences during the war, feelings of blind patriotism or dependency on the United States. While it is true that many who personally experienced the war are daily moved to the peaceful silence of the hereafter, injustice has a loud voice that transcends generations and life itself.

H.R. 4741 is about justice. Justice which has long been denied by the U.S. Government. The denial has often been direct -- federal officials have often said that the U.S. has no obligation to address this issue. And the denial has been indirect -- the people who are deserving of restitution have never received their due. Now, we hope, we pray, that justice will be served.

While I support the process of justice which H.R. 4741 would finally unleash, I would like to note one procedural matter which I believe is worthy of further consideration. This has to do with the ability of descendants -- who were not born between 1941 and 1945 or who were living outside of Guam during that period, many of them in the U.S. Navy -- to receive the restitution for deceased parents. I appreciate that it is not a U.S. policy to award descendants, but given the period of time between the events of the War and the point of redress, and the accompanying feeling of injustice, I believe that the definition of possible recipients should be liberalized. I would be pleased to work with the Committee on alternative approaches to the one proposed in this measure.

In closing, let me say that the question of the process of administering the justice of restitution is an important one. Over the years, through local initiative and in response to the introduction of federal legislation, numerous public hearings have been held in Guam. These have been painful exercises. Painful not only because the wounds of the War on the Chamorro psyche have been openly examined, but also painful because the wounds once opened have not been properly treated. The hope of reparations has been excited, only to find that no remedy is coming. It is for this reason, Mr. Chairman and members, that I encourage the Congress to recognize the tremendous amount of work which has already gone into identifying those to whom reparations is due (there are ample records, sworn statements and personal accounts already recorded) and expedite the process through a simple mechanism.

Again, I am pleased to be able to present this testimony and would be pleased to answer any questions which you may have.

Mr. DE LUGO. Thank you very much, Senator Manibusan, and thank you also very much for the book that was published during the 50th anniversary of the liberation of Guam. I will comment on it after we hear from Senator Bamba.

Now, our next witness, another Guamanian who has been working on this issue for many, many years, a leader, and who follows in the footsteps of his mother who gave so many years to this issue, the Honorable George Bamba. Senator.

STATEMENT OF GEORGE BAMBA

Mr. BAMBA. Thank you, Mr. Chairman, and thank you for the invitation to appear before your committee to testify in support of Congressman Underwood's bill, H.R. 4741, to amend the Organic Act to provide for restitution to the people of Guam. Before that I would just like to state for the record that I am honored to be a member of Congressman Underwood's bipartisan jet lag caucus. I think it is more the one pass mileage caucus.

Mr. Chairman, this is the third time I am appearing before a congressional committee on the issue of war reparations for Guam. As you know, I have a very special interest in this issue. My grandmother on December 8, 1941, the day Guam was invaded by the Japanese, her name the late Rosa Cruz, was severely beaten by the Japanese soldiers because they mistook her, she was light-complected, they mistook her for an American. She was pregnant at the time, and both she and her unborn child died as a result of that beating.

Her husband, my grandfather, the late Jose Leon Guerrero Cruz, who was beheaded by the Japanese in 1944, after rescuing an American pilot from his downed plane, and he was still alive, and the Chamorro civilians, of course, were not covered by the Geneva Convention or were not recognized to be covered by the provisions of the Geneva Convention, so he was accused of aiding the enemy, and was subsequently beheaded for that, beating and tortured and beheaded.

My mother, the late Cecelia Bamba, received \$33 for her father's life, and nothing for her mother's. Fifty years is a long time to try to get something done. The Chamorro people have waited so long for closure of this war wound, and every day is another day we are losing the remaining Chamorros who are entitled to receive this justice, and every day I am asked by those remaining Chamorros when is Congress going to act?

Each time I have testified before Congress I have provided objective arguments based on documented facts about the atrocities the Chamorro people suffered simply because of their loyalty to the United States. We have prepared a position paper, as you noted, Mr. Chairman, and I would like to request that I be permitted to submit that for the record within the next week as we are making it relevant to Congressman Underwood's bill, that was research that was conducted back in 1988, which was towards the formation of the commission, but we are—I would like to state that I am definitely in support of Congressman Underwood's bill, which would be the most expeditious manner in which to handle this issue.

However, I would like to briefly summarize some of the key points from the paper this morning. First of all, the 1945 Guam

Meritorious Claims Act paid a few thousand people between 1947 and 1957, but by no means resolved the issue of reparations. There were a number of flaws contained in the act, in the original act from the position that property damage, as opposed to death or injury claims was emphasized, to the fact that an insufficient time constraint mandated Chamorros to file claims within one year of the war, of the 1944, despite massive destruction to the island and the Navy providing confusing burdensome reparation forms printed in English to a people of which English was a second language.

This claims act paid a Chamorro more money for losing a farm animal through the war than for losing a spouse, a parent or a child. Compensation for atrocities the Chamorros endured simply because of their loyalty to the U.S. was secondary to overall reconstruction and the building of permanent military bases.

Secondly, in 1951, the United States consciously, knowingly waived the people of Guam's right to reparations against Japan based on the Federal Government's—on the treaty of peace signed by the United States and Japan. However, prior to the ratification of that treaty the Secretary of State at that time, John Foster Dulles, in a memorandum to the Senate stated "the United States nationals whose claims are not covered by the treaty provisions or by legislation of other allied powers must look for relief to the Congress of the United States."

Mr. Chairman, 50 years, we still look to the Congress for that relief. In enacting the 1945 Claims Act and in signing the 1951 peace treaty with that proviso, the Federal Government provides itself perhaps the best arguments for passing Congressman Underwood's bill. Clearly, the United States Government recognizes its legal and moral obligation to the people of Guam.

Mr. Chairman, no dollar amount will ever equal the cost of a human life or the emotional trauma suffered by Chamorros. I am before you asking only for what is due our people. I ask that Chamorros of previous generations be recognized for their valor, their courage, and their loyalty to their country, courage and valor and honor which Chamorros of my generation will never equal or more importantly experience the atrocities they suffered.

In the past 50 years there have been many times the Federal Government could have resolved this issue. For instance, although an island in Micronesia, Guam was not included in the Micronesian War Claims Act nor was the issue of Guam addressed with the passage of the Civil Liberties Act of 1988 or even when the Aleuts were compensated for the atrocities they suffered during the Japanese occupation.

Mr. Chairman, I do support Congressman Underwood's bill, but I would like to recommend a few technical amendments to strengthen the provisions or also to the benefit of the Federal Government. In the 50 years that this issue has been left hanging, the government of Guam has undertaken through its own action the justification for seeking reparations for restitution relief from the Federal Government, and there are many documents signed, affidavits that were provided to the government of Guam by many Chamorros who have since in the ensuing years passed away, and we ask that the provisions allowing for the Secretary of the Interior to consider evidence or documents provided, that part of those

would be the documents would be those received by the government of Guam from the claimants who have since passed away rather than if that is not done, then there is no basis for the Secretary of Interior to be able to adjudicate or adjudge the merits of the claim, and these documents are in the possession of the government of Guam, which were compiled within the last—since 1980.

The second, as you know, there are many thousands of Guamanians that have left Guam since the ending of the war and who have lived, who now live primarily in the continental United States. I hope that the committee would consider that a provision be included to allow the Secretary of Interior to mandate the publication of notices or dissemination of the program and the requirements for the program, particularly here in the United States so that we do not have the same problem that we had in 1946 with people not meeting the one-year deadline because they didn't know about the program. I think in all fairness that the government should disseminate this information as widely as possible.

In closing, Mr. Chairman, I just want to thank you, particularly you. I know that both you and I will express a sigh of relief once this issue is finally put to rest. I had hoped that it would have been done in your watch, but I know that you will still be supportive of it even after this term ends, and for the last 20 years I want to personally thank you for the support that you have given to this issue and to the other issues that Guam faced in the last 20 years. And to Congressman Underwood, I want to thank him for especially pursuing this issue since coming to Congress and prior to coming to Congress.

We talked at great length about it, and I know that as a Chamorro of my generation that he understands and feels what the Chamorros of previous generations endured and that finally, hopefully through his measure the people of Guam will be duly recognized for their courage, their honor, and their valor. Thank you, Mr. Chairman.

Mr. DE LUGO. Thank you very much, Senator Bamba, Senator Manibusan, Senator Santos, and Speaker San Agustin. Thank you all for your testimony here before the committee. It has been very helpful.

Without objection, the committee will receive the documents that you made reference to, the research documents that have been developed by the Guam Government on this issue, and it will be very helpful to the committee and should be helpful to the administration once this legislation is passed.

I also wish that we had this behind us. I wish that this matter were resolved. The difference between the Chair and others on this matter is that I have taken the time to learn about what really happened in Guam during this period. Being from an island myself, the people of Guam, and Guam, it is not some exotic place that is unreal, something that has been dreamt up by Hollywood or something like that, but rather real people that one can associate with their feelings, their history, and I am a great admirer of the people of Guam.

I think I have mentioned this to Representative Underwood, particularly in my recent trips to Guam. I have been very impressed by what has been achieved on Guam during the past decade, and

the future of Guam as a community and as a people. I really envy you in many ways. I believe I said that to you.

When we look at a book like the one Senator Manibusan presented to the committee and you see a picture here of the three Chamorro Guamanians kneeling before the graves you realize these are real people, relatives of many of the people who have come here to our Nation's Capital to testify on this issue. You look at them here, and you see the Japanese soldiers standing in the back, hand on hips, so cruel, as occupiers many times are, and you see the three Guamanians moments away from death.

You look at this and knew they will be dead just minutes after this picture is taken. You see Juan (Dondo) Perez on the right here with his hands clasped together as though he is praying. If you have any heart, any feeling at all, you put yourself in his position and think what would I be feeling and thinking at that time. Then you think and you realize as a Member of Congress that these three individuals are American nationals. You take the time to find out how the people of Guam conducted themselves throughout this entire occupation, you find that they were incredibly loyal to the United States and that much, as was stated here by the Speaker, much of the cruelty they suffered during that occupation was intensified because of their loyalty.

If you take the time, if the administration, whether it is Republican or Democrat, would take the time and read the history of what the people of Guam did to protect American flyers at that time, they put their life on the line, perhaps we could get some of these bureaucrats to bestir themselves and show a little initiative on this issue.

I hope they will because I am particularly embarrassed because this is my administration, a Democratic administration at the present time, which I had hoped for much better. Let me say something about the past, this legislation that is before us today that Congressman Underwood has presented is almost identical to the legislation that we had before us in the past.

In 1989 and 1990 we worked with Senator Inouye on this legislation, and had a compromise worked out. Unfortunately, there were those in Guam that did not support that, and that is why Congress was not able to deliver on it. Otherwise, I would have been able to deliver at that time.

I want to commend you and I want to commend Congressman Underwood because you are all together now on this issue. I understand that all of you stated you support this legislation as it is. Senator Francis Santos, you support it. Mr. Speaker, do you support this also? Senator Manibusan, you support this legislation? Let the record show that each of the witnesses nodded for the record that they do support this legislation.

Mr. SAN AGUSTIN. Mr. Chairman, let me state for the record that the Guam Legislature fully supports this thing. There is no division. We are 100 percent, we even committed ourselves to passing a resolution 321 was passed by the legislature supporting the bill.

Mr. DE LUGO. Thank you very much, Mr. Speaker. Let me say for the record that you cannot compensate with coin for the suffering and the courage and the dignity of a human being. In many ways it is almost offensive, as Senator Bamba was having difficulty

relating the experience of his mother where they were compensated for thirty some dollars.

It is important to look at the disclaimer that appears in—let's see, that is section 2(L) of this bill, and I would like to read it into the record. It says, "Nothing contained in this section shall constitute a United States obligation to pay any claim arising out of war. The compensation provided in this section is *ex gratia* in nature, intended solely as a means of recognizing the demonstrated loyalty of the people of Guam to the United States and the suffering and deprivation arising therefrom during World War II."

We have to keep that in mind at all times. There is no way we can amend this legislation at this stage. If we begin amending it to take care of monetary compensation, to perfect this instance or that instance, we could endanger the passage of it. We are together on this. We have to keep it that way. Those amendments that are suggested, if in the judgment of the author of this legislation, Congressman Underwood, are wise to accept those amendments, I certainly and I am sure that his other colleagues on the committee, we will support Congressman Underwood, but we don't want to do anything to endanger the passage of this legislation.

I would urge the administration to bestir itself and do everything possible to take a position on this. I hope that it will not be a position that would in any way endanger the passage of this legislation. I would hope that the administration could take a position in support of this legislation, and I hope that it will be done quickly.

I am quite frankly of the feeling, I would like to report it out of the subcommittee as soon as possible and send it to the full committee before the end of this Congress, and I see no reason why we can't get a recommendation from the administration before the 15th, when we are supposed to be leaving here. So with those remarks, let me recognize the gentleman from—before I recognize the gentleman from Guam, let me note the presence of the gentleman from American Samoa, who just arrived back, I understand, and would qualify for membership in Mr. Underwood's jet lag caucus. Not only that, he would qualify for senior status in that caucus, perhaps even chairmanship of it. Let me recognize the gentleman from American Samoa, Mr. Faleomavaega.

Mr. FALEOMAVEGA. Thank you, Mr. Chairman. I certainly want to commend you for your leadership and initiative in providing this forum as a hearing for the issue that is before us, and as Senator Manibusan said earlier, with much regret, you are going to be sorely missed, especially in the years and the efforts that you have taken to bring to the attention of your colleagues and the members of this institution problems affecting the lives of those who live in the insular areas, and I certainly want to commend you for providing such an outstanding record of service and leadership for the needs not only for the people of Guam, but certainly for my own district in American Samoa and for all the insular areas. I just want to note that for the record.

I commend my colleague from Guam for introducing this legislation. I had just arrived this morning at 5:00, and because I am at the mercies of the commercial airlines, between Honolulu and Samoa the flights are only on Thursdays and Sundays, so having left Sunday night at about 11:00, I just got in at 5:00 this morning.

It was the only—that was the only way I could get here, but I am glad that I was able to be here to listen to the testimonies and also especially providing my all out-effort and support for Congressman Underwood's legislation.

I first would like to also especially offer my Hafa Adai and personal welcome to Speaker San Agustin and Senator Manibusan, Senator Santos and Senator Bamba for their profound testimonies that have been provided for the needs of the committee this morning.

Mr. Chairman, I would like to summarize some of the major parts of the issue, which I think Congressman Underwood has spoken very eloquently on the issues and the merits of the bill. I think it is important for all Americans to understand that during World War II no other group of American civilians experienced the type of massive genocide suffered by the people of Guam by the occupation forces of Japan. Not since 1812 had U.S. soil been occupied until the Japanese forces landed in Guam in 1941.

There is ample evidence that the Japanese invaders not only enslaved and murdered thousands of U.S. nationals in Guam, but there was a concerted effort to completely wipe out the very existence of Guam. In our century the treatment of the Guamanians per capita is on a scale equal only to the extermination of six million Jews by Nazi Germans.

The occupation of Guam was especially brutal for two reasons. One, the Japanese were occupying American territory with American nationals whose loyalty to the United States was unwavering and never questioned. Number two, the Chamorros, the indigenous people of Guam dared to defy the occupiers by assisting American sailors and soldiers who had evaded initial capture by the enemy by providing food and shelter to the escapees.

Thousands of Chamorros were made to perform forced labor by building defenses and runways for the enemy. Others were put to labor in rice paddies. In the southern village of Merizo, Chamorros were herded into caves and summarily executed by the enemy throwing hand grenades into the caves and spraying the caves with rifle and machine gun fire.

Thousands of Chamorros were forced to march from the villages in northern and central Guam to internment camps in southern Guam in the weeks before liberation. Everyone marched—old men and women, newborn babies, children and the sick. They were marched to internment camps where they were eventually liberated by American soldiers who openly wept as they saw Guam's children emerge carrying hand-made American flags, and as they saw Guam's elderly men and women emerging clutching rosaries and thanking the young liberators for their deliverance from certain death.

In the aftermath of liberation, a grave injustice occurred to this day, Mr. Chairman, and is yet to be undone. Mr. Chairman, the postwar period brought much upheaval and confusion for the people of Guam. The U.S. Naval authority which governed Guam after the war first fulfilled its priority by taking Guamanian land to build a permanent Naval base, the concerns of the civilians' community were a distant second to Naval policies.

A year after the Guam Meritorious Claims Act was passed, and three years after liberation, the Federal Government had yet not settled one single claim for injury or death. In June 1947 the Hopkins Committee wrote to Secretary Forrestal. In the case of Guam, the war brought widespread destruction, when over and beyond this has brought deaths to many, brutalities to more, and ruthless oppression to all over a long period. Now, months after cessation of hostilities they find themselves, because of the strategic position of their native island, outnumbered in population by military forces, a considerable number of them were dispossessed of home and lands and they have been destroyed or taken from them and they were without adequate understanding of the processes by which to secure replacement or compensation for these.

One thing that is interesting, Mr. Chairman, I note the United States seized over \$84 million of Japanese assets and the U.S. in turn turned over these seized assets over to the Office of Aid and Property Custodian for disposal to pay for war claims of U.S. citizens. Guam received none of these funds while others were compensated quite handsomely.

For example, in 1946 Congress passed the Philippines Restoration Act of 1946 which resulted in payment of \$390 million to the Philippines. In 1969 the U.S. paid \$10 million in war reparations to the trust territories, and between 1946 and 1951, the United States Congress appropriated over \$2 billion to Japan for postwar assistance.

Mr. Chairman, the list goes on, and I am just going to close by simply saying, and this is something that escapes my own understanding in any way or form on U.S. policies prior to the occupation of Guam by Japanese forces was the fact that here was a U.S. territory, here were U.S. nationals, and before the invasion of the Japanese, only American civilians were evacuated and some 20,000 U.S. nationals were left like lambs to the slaughter without any form of understanding from U.S. policy as to why U.S. nationals were not evacuated along with U.S. civilians prior to the invasion of the Japanese.

And that question really hit me, Mr. Chairman, when I was at the recent ceremonies of the liberation with Congressman Underwood, as well as with the officials of the state Guam Legislature and Governor Ada, and that bothers me a lot, to wonder why we never were able to provide the same services to American civilians and why 20,000 U.S. nationals were left there to themselves and not given the same courtesy and assistance as they were with American citizens.

I sincerely hope that we will pursue this issue and to find out what was the problem. Mr. Chairman, it is also my sincere hope, my sincere hope that Mr. Aranza and our good friend, Steve Sanders, will take the message clearly to Secretary Babbitt and that the administration will be forthcoming with a response to this piece of legislation, and it is my sincere hope that it will be a positive response and that working closely with the administration that we better get this thing corrected. And I sincerely hope that in the coming weeks and months that the administration will be forthcoming and provide the kind of assistance that is needed to see that this legislation is passed.

Again, Mr. Chairman, I commend you and thank you sincerely on behalf of the Pacific and insular areas for your contributions and especially for your efforts in bringing this legislation. Hopefully, in the very near future we will pass it at least out of the House. Thank you, Mr. Chairman.

Mr. DE LUGO. Thank you very much, Congressman Faleomavaega, for your very kind remarks to me personally and for your very excellent statement on behalf of this issue. Let me also say before I recognize the author of this legislation for any questions or statements that he may have with this panel, I am going to have to excuse myself in a few minutes. I will be back, but I would ask Congressman Faleomavaega, would you assume the Chair. I will ask you in a few minutes, will you do that?

Mr. FALEOMAVAEGA. I would be delighted. I would be honored.

Mr. DE LUGO. All right. I want to apologize to the Governor's representative, a long time friend, Lou Pangelinan, who will present the statement of Governor Ada in a few minutes. I will read it carefully, I assure you, Lou, and I wish you will give my personal best regards to my good friend, Joe Ada. Will you do that? Thank you.

I also want to apologize to Mrs. Beatrice Perez Emsley and Mrs. Flora Baza Quan if I am not in the Chair at the time that you present your stories. As you know, I have received your recollections in a previous hearing. It is one of the most moving experiences of my life, and I assure you that I wish you both well, and I support Congressman Underwood's legislation to the fullest.

I am sorry that I will not be here. If I don't get back in time, I am sorry that I will not be here to hear your story again, but I will do my best to get back. Now, let me recognize the gentleman from Guam, author of this legislation, Congressman Robert Underwood.

Mr. UNDERWOOD. Thank you, Mr. Chairman. I would also like to take the opportunity to publicly thank Congressman Faleomavaega for attending the 50th anniversary celebration on Guam. I want to convey my thanks and appreciation for your attendance. Of course, nothing can ever match, as I indicated in my opening remarks, nothing can ever really match the eloquence of the testimonies of real live people from Guam and certainly the Guam senators have done an admirable job of presenting the force and the emotion and the very essence of this cry for justice that is based on historical, a very clear historical record, and just as equally clear historical record of neglect on the part of the Federal Government in resolving this issue.

I just wanted to pass along a personal note in terms of certainly Senator Bamba, whose own efforts in this have been tireless and has become in many respects a familial obligation, and his story, his personal story is quite compelling.

As a child, I grew up in Sinajana on Papa Street, and Papa Street was named after your grandfather, and it is kind of a testimony to where we are at today that Papa Street, as I remember, and I would always ask who was Papa and I would be told that it was a Chamorro man who helped an American aviator, and it was never clear to me who this man was until I became an adult. But I always carried that story with me that this man had helped

the aviator and had been beheaded for it, and only after I became an adult and I became familiar with the work of your parents and your mother, in particular, did I put two and two together and recognize that, and it is sad that today in Sinajana that Papa Street no longer exists in favor of probably some other less compelling street name. In fact, my street no longer exists either.

Mr. BAMBA. That was the result of also another Federal program, the Urban Renewal Program.

Mr. UNDERWOOD. Urban renewal killed my street and your grandfather's street. I wanted to just ask the Speaker for a brief comment. I draw attention to one part of your testimony, Mr. Speaker, in which you indicated that it was hard to deal with this issue since we had no representation.

Well, basically we did not participate in a Congress in which we have no vote, and, of course, there were a number of efforts attempted by various Guam delegates, but it is very interesting that most of the activities to resolve all of the issues pertaining to World War II as a result of the activities of Japan occurred in the Congress at a time when we didn't even have a delegate, and so the 1948 War Claims Act, the earlier Guam Meritorious and then in 1962 there was an attempt to revise the War Claims Act, and, of course, we were relying at that time basically on the support and understanding of the Department of Interior to, in a sense, carry our cause in that. And so I was wondering if you had any reaction to the nature of the Department of Interior's presentation today.

Mr. SAN AGUSTIN. I would like to associate myself with the Chairman. I was a little bit stunned with the fact that they were not even prepared to present a testimony. This issue has been 50 years. I think this is the third public hearing on this same issue, and for them to come unprepared, it shows the lack, in my feeling, the lack of sensitivity on their part to consider the suffering the people of Guam have endured, and I think there is surely not a lack of documentation. There is certainly not a lack of information. They are full of it.

Just for them to come in nonchalantly not having feeling that they can't offer any substantial testimony is rather, I would say, perhaps rather insulting to the people of Guam, which is an indication of how they treat the people of Guam, but particularly that office of OTIA. We are just part of perhaps property, as Congressman Bamba said, damage, under the war claims. Damage of coconut trees probably paid more than the suffering of an individual, and perhaps that is what we are treated as. And I think that is probably why the frustration we have actually endured from generation to generation in Guam, which is why we prompt the issue of the resolution that we need to go back perhaps back to the United Nations.

We are a part of that listed as a colony area by the United Nations. Perhaps that is the avenue. We certainly don't want to pursue that avenue, but the lack of sensitivity on the part of the administration and the lack of attention to our cause has actually forced us to provide another avenue to cry for justice for our people. That is what we are doing, and I am sure we are all continuing to fight as well as the same as you, Congressman Underwood. We will continue to fight for justice for our people.

If we have to go to the United Nations, maybe we should go there. That is the avenue, and we have no choice. The attitude of the administration in this cause have actually portrayed us, forced us in a sense to go and seek redress, and if that is the avenue, I mean, there is nothing that—we can do that, I am sure.

I would hope that the administration would be much more sensitive to our cause, and, of course, over the years, the historical record of that office is not much to be desired. Let's put it that way, in seeking the costs of that war.

Mr. UNDERWOOD. This is directed primarily, and it is an issue that I know Senator Bamba touched on and Senator Manibusan touched on, but perhaps Senator Bamba more directly. I just want to get confirmation that this is, in fact, the direction we are going in.

Senator Bamba, you have indicated that there were a number of documents that are available through Government of Guam sources and previous activities of the War Reparations Commissions and previous activities on Guam in gathering and collecting data and also we are aware that there are a number of documents here that are being obtained, that are being held by the Federal Government, which will provide perhaps documentation for some of these claims.

Is it your intent that you wish to see the legislation list amongst the possibilities of evidence to provide for claims in these documents?

Mr. BAMBA. Yes, Congressman, because of the time that has lapsed in addressing this issue, the original, the people that are directly affected by it have passed away, but certainly by no means that should bar the Secretary from being able to ascertain based on—because the legislation requires now that the claimant provide affidavits of two witnesses, and if the two witnesses have passed away, you know, there is no witness, live witness, but then this would be to the Federal Government's advantage in assessing the validity of the merits of the claim by accepting the documents which are official government of Guam documents.

Mr. UNDERWOOD. Very good. Is that along the same lines, Senator Manibusan?

Ms. MANIBUSAN. Yes, Mr. Congressman. I really think that there are ample records. As a matter of fact, some of the statistics that I—and I wanted to point out were actually congressional records. They were records like, for example, the concern that I also wanted to advance to you that I really didn't mention earlier were that there was 78 denials on that Guam Meritorious Claims Act, and particularly I don't know if each denial was based on that one-year deadline. Those are in the hands of Navy documents. I mean the documents are in the hands of the Federal Government. And what I would like to do is find out if those 78 people who were denied, if they are no longer alive, their descendants can't be given an opportunity to claim again, and so there are ample records. These are records that are right here in the confines of the United States Government.

Mr. UNDERWOOD. Okay, very good. Along the lines of making these claims and, in fact, not speaking particularly to the 78 claims that have been denied, but to the claims that were granted, and

we will go back to Senator Bamba. You indicated in your testimony that your mother received \$33 in compensation for her father's death or her father's beheading.

In view of that and in view of the way the nature of this legislation is written, actually it is an issue that I know we have discussed before, but was not raised specifically in the context of this hearing, so the way the legislation is currently written, there would be no allowable claim because you had been, your family had previously been given \$33. Whereas under the legislation, if this is passed, the family would be entitled to \$20,000 compensation, so I know that we have discussed the possibility of looking back into that record, and then allowing a further claim if the amount is less than \$20,000 and kind of offsetting it.

Mr. BAMBA. Yes, in discussing that, in our discussions, the offset would, it would not bar, if my mother were alive for her filing, but certainly any money, the legislation should not bar the filing of or qualifying, since the claim initially was adjudged meritorious to begin with. But I think the offset, you know, should be, the \$32 should be offset.

Mr. SAN AGUSTIN. Mr. Congressman, I just want to state in my young days I did work on the war claims, land claims commission, and I know for a fact that those figures they come out with in judgment are freely arbitrary and it depends on the spur of the moment. There was no basis for a lot of those things they came out with, and I was witness to that in my young days.

People would say, well, what do you think it is worth? I think it is worth, sometime what do you think is the estimate? Coconuts on this side is better than on that side or this individual got slapped instead of got killed, got shot at, and it was purely arbitrary.

Some of them were just arbitrarily denied right off the bat without any investigation or somebody said that is not true. Somebody would come in and say, no, that is not true, he was not beaten by the Japanese. He just slipped by the river or something of that, he injured himself not because of the Japanese, and those things were done arbitrarily and just awarded. Somebody comes around, and that is it, that is a fact. It was never investigated thoroughly so a lot of those claims were made by a three-man committee, commission of officers of the United States Navy, and they sat there and said I think this is it. Let's play checkers.

This is how they do it. It is very unfortunate, but that is how it was done. I am sure the record will show that there was no consistency in the awarding of these claims.

Mr. UNDERWOOD. Clearly, that is almost self-evident by the very nature of the claims awarded.

Ms. MANIBUSAN. Congressman Underwood, I just also wanted to—last night as I was going through—and in my reading and I want to ask you to clarify. It could have been my misreading or my misinterpretation, on page 5 on three where it says time limitation applicable to the secretary, "the Secretary shall act expeditiously in the examination, determination and certification of submitted claims, but in no event later than one year after the expiration of the time to be issued by the Secretary." I think that the time limi-

tation is great. I think that is something that is necessary to put that time certain.

The concern I have, and it could be my misreading, is that in the 1945 Guam meritorious claims, even when there was a deadline of that one year, the first claim was made two-and-a-half years after, and the last claim was made 1957, more than 10 years later. And so what I wanted to do was, does that mean, examination, determination, certification and compensation so then there is a time limitation for the compensation other than just certification?

Just based, like I said, looking back in the awards and the compensation, there are ample records already. No one can dispute the validity of these claims.

I mean, that is one concern I have. The other concern also was just if there was a denial, I would like to appeal to you to just maybe come up with a process and the reenacting of this legislation next year, the process of how do you question the denial? What appeal process could be given, and like I said, I think the bill is a great bill. It is just these two things that I kind of wanted to advance to you today in this hearing.

Mr. UNDERWOOD. I think the intent of the legislation was that you must remember that if you put in the legislation compensation within the year, the intent is not to delay the process, the intent is actually to get the money paid out quickly, but if the concern is that the direction I think we are going in is to make sure that all applications are made within the year of the time that the program is announced, I think given the nature of the kinds of communications systems we have today and the wide attention that has been given to this issue and the fact that we are really talking about a finite number of people, most of whom we know about, I think a year's time is entirely reasonable.

The issue of an appeals process, which is an item that Senator Santos brought up, this is an attempt, this is legislative attempt to bring finality to the issue. The idea of jumping over to court is something that has been raised as a possibility and we will certainly look at that, but what I would prefer to do at this particular time is to look at the 1948 War Claims Act and see how appeals processes were placed into that legislation rather than to offer a very, what I would consider, a very vein hope, which is to then take it up in court, and, realistically, if we moved it over into the court proceedings and people are going to be, in essence, suing for \$5,000, \$7000 or \$20,000, just on that basis alone, it is hard to imagine that you would get an attorney interested in it, let alone whether it would be entertained by the court, whether it is cost-effective. But I understand the nature of the point, that is clear.

Mr. SANTOS. I don't think you can give the Secretary unilateral power as written because their inaction demonstrated today clearly shows that the administration is not being sensitive to the issue, so you have got to give some relief to the claimant some way or some appeals process other than just the Secretary saying, hey, this is it.

Mr. UNDERWOOD. Well, I think we will have to trust their execution of the law, if they are instructed by the law to do so. At this point in time Interior seems to be not taking a position on the legislation, but, you know, they are here as an instrumentality of the

entire administration, but be that as it may, I think that if we get to that point we ought to be examining what other appeal processes were in place in other war claims procedures.

Otherwise, we hold out the potential of constantly debating and never resolving the issue. The issue is we are trying to seek justice and contentment. It is a very tortuous issue. There is lots of people I know who personally will not seek any war claims money at all, just the passage of the legislation is enough.

There are some people who argue, there are many people who argue that they might want the money and there is an interesting, other interesting dimension to it. We are trying to deal with the issue, and I know that, I am not sure whether Senator Manibusan, in your legislation here where you talked about the living Guamanians, whether you are talking about that problem that we had that we can eliminate that or whether we are talking about the trust fund concept. There is no precedent, no historical or legal precedent for compensating people who were not directly—who did not directly experience atrocities unless they died in the process, and so the unique thing here is that we have offered a trust fund concept which memorializes the experiences of those people and provides benefit for their descendants.

Indeed, there may be people who are eligible for direct compensation, but do not wish to receive it, and instead may want to put it in the trust fund. Indeed, the trust fund concept opens up the possibility that if the Japanese are willing to compensate the people of Guam, but the Japanese are not of a mind certainly to compensate individuals, then the trust fund concept becomes the conduit or the recipient for that. So I think the trust fund concept in that provides that kind of justice and fairness.

I would like to close by saying, that I have certainly, Congressman Faleomavaega, and the Chairman have indicated that they are quite willing to report this bill out of subcommittee in as expeditious a fashion as possible, including doing it today, but I have asked that they hold off until we work out some of these items in there, and, hopefully, we will be able to report it out as early as the next subcommittee hearing, which will be next week on a different matter, but we can take it up at that time procedurally, and we will be able to move on it, so in that regard I thank you for all your very direct and clear input into the mechanics of the legislation.

Mr. FALEOMAVAEGA [presiding]. Thank you, Congressman Underwood. I just want to throw a monkey wrench at the panel here this morning with the thought, it may be farfetched, but I am sure all of you have been quite aware of the worldwide press coverage and media of the problems during the Japanese occupation of what they did to the women, forcing them into prostitution. And there seems to be some movement now within the Japanese Government that they are recognizing that this, in fact, was an atrocity, in my humble opinion, and on that basis that maybe there is something along the lines that this same problem affecting the atrocities that were committed against the Chamorro people in my mind could be taken in the same light as far as the Japanese Government having some sense of admission that these wrongs were given, especially particularly that you are the only ones, as far as

I am aware, that have never been given proper compensation, thanks to Uncle Sam, and those who negotiated the treaty, taking this responsibility out of the hands of the Japanese Government because of this treaty, and which kind of automatically limited the options, at least of the proper recourse of remedy that should have been given to your people.

This has definitely implications, as far as I am concerned. It certainly has international implications, and that perhaps this is an issue that perhaps it can be pursued, but for all intents and purposes in terms of what Congressman Underwood is trying to fulfill in the provisions of this bill, let's pursue it with all diligence, but I am still looking at also that other possibility that perhaps this could be done on a joint basis, not just from the U.S. Government, but certainly from the Japanese Government as well.

Mr. BAMBA. Mr. Chairman, I have met with the Japanese Consul and also communicated with the Japanese Government regarding the issue, and even with the resurgence or the evidence resurfacing about the atrocities and the Japanese Government itself admitting to them, they still maintain that the avenue that they would follow would be to provide compensation through a third party, I guess providing compensation in that manner, and which is why I think the trust fund provision in Congressman Underwood's bill is extremely important. And to ensure that the trust would also be allowed to accept contributions or donations from foreign government, and that is one way, but they still hold firm to the treaty, that it absolves them of any direct compensation to U.S. citizens or to the people of Guam, but they had expressed to me they were perfectly willing to build a memorial or whatever, but not for direct compensation because that sets a precedent for them.

Mr. FALEOMAVAEGA. I am absolutely convinced if we are ever to pile up the records of the past 10 years of what we have been doing in this issue, I am certain that if members of the committee are ever to be apprised of the records and the documents and the hearings and everything that we have done, as Chairman de Lugo had alluded to earlier, that I don't think our friends on the other side of the aisle could possibly object for the rightness of the cause and certainly to make sure we correct this injustice, as I am very, very confident that Mr. Mansur will convey that concern and message to our friends on the Republican side of the aisle. And I am sure that we will be able to work this on a very bipartisan basis to be sure that we carry this.

But, again, thank you for appearing this morning. I wish you all a very good and Godspeed trip back to Guam, nice and short, just a skip and a hop and you are back home again, but thank you so much for coming to testify.

For our next panel we have Lou Pangelinan who is the Chief of Staff for the Governor. She will, the statement will be read and included and made a part of the record. I would like to offer my personal welcome to Lou. Welcome. Please proceed.

**STATEMENT OF LOURDES T. PANGELINAN, CHIEF OF STAFF,
OFFICE OF GOVERNOR JOSEPH F. ADA, GUAM**

Ms. PANGELINAN. Thank you very much. On behalf of Governor Joseph F. Ada, I would like to thank this committee and Chairman

de Lugo, in particular, for extending the invitation to present testimony in this very important matter.

Governor Ada sends his regrets that he is unable to be here to personally present the testimony, but on his behalf I am very pleased to talk on H.R. 4741.

Mr. Chairman, Congressman Underwood deserves the sincere appreciation of the people of Guam for his introduction of this measure before the House. It is timely, indeed, that this measure be considered on the 50th anniversary of what was supposedly the end of the Second World War for our people, the Chamorro people of Guam. Fifty years ago, a period of occupation by Japanese forces that lasted almost three years came to a violent end, a particularly violent end.

In an effort to prevent the kind of determined and bloody resistance that has made the capture of Saipan possible only with the terrible loss of life, in an effort to deny the Japanese the continued use of Guam's airstrips, our island was heavily bombed. Still the Japanese resisted and great loss of life was attendant to Guam's capture; the loss of many American lives, the loss of many Japanese lives and the loss of many Chamorro lives.

Only a few months ago, and with your personal presence, Mr. Chairman, the people of Guam welcomed back more than 1,200 Marines, soldiers, sailors, airmen and guardsmen who participated directly in those events, the liberation in July of 1944. The gratitude of our people towards these brave men was indeed profound. Many of them met old friends among our people, friends who directly experienced the same ordeal they had experienced, albeit from a different perspective.

Our people experienced the war from a vastly different perspective than most Americans who experienced World War II. Chamorros experienced that war not as combatants, but as victims; not as contestants in a struggle, but as a prize that was contested. It was not to gain territory that we found ourselves embroiled in mortal conflict, rather it was our territory that others coveted.

Fortunately, we have with us today two very brave women, Mrs. Beatrice Emsley and Mrs. Flora Baza Quan, who are here to share with us this unique perspective. They will share their intimate knowledge of the war, the struggle and the sacrifice our people have made. We plead with you to listen to them, to appreciate their accounts of the war from firsthand knowledge, as well as from the eyes of a loved one who survived the struggle of the war, but who is no longer with us today to share her story. Fifty years have gone by, and we have lost many of our people who suffered during the Japanese occupation of our island. Those people never saw justice and many others who survived are still waiting.

War is a terrible experience for all who are forced to partake of it, but we submit it is an especially terrible experience for the non-combatant whose native land is invaded. The soldier, far away from home, can at the very least take comfort in the fact that loved ones are secure at home, far from the tumult raging at the front.

For the invaded and the occupied, home is the front, and there is no security for loved ones from the ravages of war and brutality. This perspective is unique among those who today claim U.S. citizenship. There are those who can say it is an experience they have

shared. Only the few thousands of our Chamorro cousins in the Northern Marianas, a few thousand Aleuts from Attu and Kiska, and the Japanese Americans who were wrongly imprisoned by their own countrymen in America have similar tales to tell.

But the Chamorros of the Northern Marianas have received restitution, from Japan and from the United States. The Aleuts have received restitution from the United States, as have the Japanese-American intern's. Only the Chamorros of Guam have been ignored. Only the Chamorros of Guam. We alone, among those who today claim American citizenship, have been left without restitution.

We are hopeful that Congressman Underwood's bill, along with the technical amendments that have been identified by the Guam Task Force working on this very legislation, we are hopeful that this bill will finally address that need. And for the record, Mr. Chairman, the administration of Governor Joseph F. Ada does indeed support this measure, and we trust that the administration of President Bill Clinton will follow suit.

We are hopeful that finally Congress will take positive action on this matter. We are especially pleased to note that in Congressman Underwood's bill it address the concerns of those who are descendants of those who lost their lives or suffered grievously in World War II from Guam.

Nothing could ever heal the wounds of war. Nothing can comfort our people from the pain we have endured. Nothing can ever erase the war from our history, the suffering from our hearts, but it is nice to know that measures can be taken to, at the very least, preserve the integrity of justice. This bill is an excellent step in the direction of justice for the Chamorro people of Guam.

We only hope that action will occur soon because just as there are only a handful of Marines and soldiers and sailors and airmen and guardsmen left who hit the beaches of Guam in 1944, so are there fewer and fewer of our Chamorro people left who were there when the shooting finally came to an end. Again, for their sake, let their need for justice not go unattended.

In some ways coming before this subcommittee to speak on the war reparations issue is becoming an annual event. As much as we enjoy seeing all of you and talking to all of you, it will be good if finally there is no longer any need for us to discuss this issue anymore.

It has been 50 years since the war ended. Much in the world and much in Guam has changed. In many ways we have put that war behind us and carried on with our lives. We have met new struggles and challenges and we have overcome those as well. But there are still unresolved questions. Let us resolve them soon and let us bring this chapter of Guam's history to a close. Thank you. Si Yu'os Ma'ase, Mr. Chairman.

Mr. FALEOMAVEGA. Thank you, Lou, for a very eloquent statement.

Mr. Underwood.

Mr. UNDERWOOD. Thank you very much, Lou, for a very eloquent statement and very moving, as well. I want to thank you personally and please extend to the Governor my sincerest appreciation for his support of this effort.

One of the most enduring things in preparing this legislation is having several discussions with the Governor on the topic as well as with various members of the legislature and the task force that my office put together, and I appreciate very much the consensus that we have behind this approach, and I look forward to continue on with that consensus and from my office and from myself, please relay my thanks to the Governor.

Mr. FALEOMAVAEGA. Again, for the record, let it be noted that through miss Pangelinan, the office of the Governor of Guam does support this legislation, as well as with the Guam Legislature. Well, Lou, you have certainly done a fantastic job as chief of staff for the last eight years. So what are your future plans? Secretary of State?

Ms. PANGELINAN. The struggle continues, Mr. Chairman, and we will continue to work closely together in achieving the successes for the people of Guam.

Mr. FALEOMAVAEGA. Maybe academic vice president of the University of Guam. Thank you again, Lou.

Ms. PANGELINAN. Thank you.

PANEL CONSISTING OF BEATRICE EMSLEY AND FLORA BAZA QUAN, GUAM

Mr. FALEOMAVAEGA. For our next panel now we have Mrs. Beatrice Emsley and Mrs. Flora Quan as our witnesses. As Chairman de Lugo has stated earlier, he hopes to be here soon from his engagement, but your statement will certainly be made a part of the record and would like to again welcome both of you this morning and would like to proceed with your statements now. Mrs. Emsley.

STATEMENT OF BEATRICE PEREZ EMSLEY

Mrs. EMSLEY. Thank you, Mr. Chairman. Thank you, Congressman Underwood. I am back here again, still seeking for justice. I am Beatrice Emsley. I was 13 years old when we were living up on the ranch out by Father Duenas School. I was the oldest one among all my six brothers and sisters. My uncle was working for the United States Navy as a house cleaner, so he happened to be missing when the Japanese came through to start sentencing the people to take up to Manengon. So they decided that I will be the one to be going down to Agana to bring back my uncle.

So these Japanese give me a piece of paper written all in Japanese to be authorized in Agana because in them days close to the bombardment of the American, they want no Chamorro to come down to Agana unless they got any kind of special permission. So in that piece of paper I have the permission when I went down towards Mongmong, that is now near Town House and that Nissan, going down there, I bow and I bow because that is where the biggest Japanese military, so I keep bowing until finally they just tell me to get out of here.

So I started down by the old ship because I live close to Agana Bay and I look for my uncle in a fox hole. He wasn't there, so I went towards San Nicolas to look through another fox hole, and as I was going in by the swamp, I hear somebody breathing, so then when I came closer and closer it happened to be a human being breathing, and so when I laid down on the ground and I pushed

my way to the fox hole, there was my uncle laying there with gangrene and he is so skinny, filthy, and I don't think he has been eating, so I just push myself in and at the same time the Padre Palomo school, all the Japanese are running by the beach into San Nicolas towards Washington high school to this highway.

So I told my uncle that I am taking him back to the ranch because it means to family and the house to be killed if I don't come back with him. So my uncle said how could you take me back. I said if I have to drag you. So all of a sudden when we were talking somebody came running into our fox hole and there was this boy, he is about 14 years old, he was running into our fox hole. He said he was running away because Arthur Anderson, he was going after a mid-wife for his wife and he looks like an American and they thought he was George Tweet. So they got him, so he escaped from them, Arthur Anderson when the Japanese got him, and he run over to the fox hole to hide.

As soon as he join us, here comes a bunch of Japanese and he told us to get out of the hole. So I pulled my uncle because he cannot get up. I pull him outside the hole and all the Japanese came and they started dragging my uncle and take us into the San Ramon hill. When we got up to the San Ramon hill it was already dark, so there was this flare that is coming down on the hill that lighting down the grounds, so the Japanese pushed us down to lay flat on the ground.

As the light went off, they took us down on the side of that hill. Now, it is better known as going up to the Governor's house. He put us on that, there was three tunnels there underneath the Bishop's house, so he put me and my uncle and Juan Cabrera into this tunnel, then later on there is this, I don't know whether it is from Saipan, but he knows Japanese to Chamorro to translate it, so he is asking us whether we are still waiting for the American, whether we loved the Japanese and we all told them that we loved them, but every time we say that, he say we are a liar, so they start smacking and kicking my uncle.

So then all of a sudden Arthur Anderson and two girls, Diana, Matis Geril, and the sister are all coming in. They just keep putting it into this tunnel that we are in, so finally there was about four of us, three women besides me and my uncle and Arton Anderson and some other men, but Arthur seems like American because he is part of a breed of a German and a Guamanian. So about almost daylight, 4 or 5 o'clock the moon is still out, the bunch of Japanese came all dressed up with uniform, bayonet and a rifle and they are all outside.

They call us out and they told us to start lining up, so I was the youngest one because Josephine and her sister Antonia, they are older than me and they are taller than me. I am only 13 years old, just a young girl trying to get my uncle, but my uncle is no longer, he is like he is going to die because they keep pushing him and hitting him to hurry and hurry, so finally they start walking us down on this small trail. Then they took us into just a side in a thick jungle, so the four of us girls, we stand there, so the men are in front of us.

They took them off to one side of the jungle and all we hear is like somebody is chopping. They are chopping down the tree and

hollering out for help for God, and they are hollering, and then all of a sudden they came past us and they were all—I am sorry, but I am still sick even after 50 years. Then they come by us, they were all bloody, they were all silent on the other side, so all of them come to us with their blood all over, then up above us there was this, it must be an officer because he got this long knife on his rifle—standing up on the hill, and there was—we were looking up and Josephine's sister and some other lady, they called Josephine up, and I didn't have no feeling.

I was so numb, it was just like I am walking in air. As they would say move up, I move, so I look up and they took Josephine and all they did is they took the front, the big saber that he had, he cut her in front of her dress, rip her down and start slicing out, cutting, slicing down her breasts, and she is just start wiggling so the sister in front of me got loose and took off to try to help her, and by the time she got up she had—there is so many Japanese after us, and we are only innocent woman, we didn't do nothing, we didn't know Tweet, and we are so hopeless, and all they do is they try to stick just anyplace they want with their rifle, so I just stand there and just watch, just watch like nothing is happening. So they do the two sisters, they kick them down in this hole, then they move us closer to this man.

When he comes to her they pull her out, then finally I was just all by myself left, I was the last one. They took her and they just split down her stomach. I don't know what they did after they throw her down in that hole. Then, when it comes to me, there was two guards that is guiding me up to this big officer, and as soon as they let go of me I fell and I sat right down to the ground. And one of the Japanese soldiers was going out with a half-cast Japanese here on the island and he asked me while I was sitting down on the ground getting close to be killed, he asked me whether I know where his girlfriend's whereabouts. I said, no, I don't know, so all of a sudden somebody pushed my head. When they pushed my head down I just feel something just flash, and I was gone, I don't have any thinking anymore.

The next thing I know I was struggling for air because I cannot breathe, so I just keep moving around because I am so heavy and I am losing my breath. I find out that this arm, that I was inside that hole that they cover me and buried, but I was covered up and I could not breathe, so I started digging and digging out until I show up this face and I start breathing then. I see something so glare up in the hole calling down to run away from it, but I can't, and then he said hide, hide because here a bunch of Japanese again.

All I did was I closed my eyes and when they came, they started out with their gun and they are facing the ocean. I don't know, they are saying banzai, then they run away. After I open my eyes I don't see nothing. It is quiet, that glare thing that I see up there is no longer there, so I start digging myself up and I sit up.

When I see, I sat up in that hole, I see one person is still alive. It was Antonia, that is the girl that is next to me, the third one beside me. She was calling for water to drink because she was thirsty, so I sat up and we went to this puddle that we had inside that hole, and we just started drinking whatever is inside that

hole. Then all of a sudden I was out, until the flies were coming in and I was hot and everything was dried up in my clothes.

I wake up and I start shaking her, she is no longer, she is dead, so I got up and I started crawling up from the hole up on top of the hill to get away from there. I fell right back again. Then I waited because I am so tired and I waited for a while, then I started up. The only thing I start approaching is to approach the area where I hear all this screaming and hollering on all them men and my uncle to look for my uncle.

When I went over there, the only thing I found was one of his legs, and I will never forget that leg even up to now, even when I am going to sleep at night, I always see that dirty—past that he had and one of these legs that is laying right there on the ground, that is the only thing I found. The rest of him I didn't find, so I just looked at that and nothing, I don't know where I am going, I don't know who I am looking, I just keep going and going and I feel something in my neck where it starts to crawl. It was something crawling already, so I went out by the dump and I was so tired so I laid down in the dump and fall asleep until daylight so that I know where I am going.

So when I wake up I started getting so hungry and thirsty and I am so hurting, I am so hot, I got chills, and I am so hot and then I am hungry, and I am just praying to God that I meet somebody to show me what am I because I don't know. I lost just everything. I don't even know my mother, I don't know who am I, I don't know where I am going. All I know is I am going and I am going.

So I come to this one trail, so I followed that trail and it is heading up to Mr. Gregorio Perez's ranch. So I hear a bunch of noise up on that ranch, a bunch of Japanese, so this white cat came jumping out of the bushes, and there was an oven outside, so this white cat came out in the bushes and he jumped into the oven and I went inside the oven with this white cat. Then all of a sudden there is a bunch of Japanese that were stealing everything on this ranch, carrying it down on that small trail, so they went right by the oven, the oven here, they went right by and passed by.

After they disappeared the cat came out, I came out, then the cat went around, I followed the cat and I went around the back of the oven, and as soon as the cat heard some noise, he disappeared and down on the bottom of the hill there was that same person that was on top of my grave calling who is alive to come with him. I didn't know it until I said hey, man, hey, man, give me something to drink, give me something to eat, and he called me to come. I didn't walk, I slide down on that hill, down to the bottom, and he had this small coconut and we chewed the small coconut and I start choking, then I start thirsty so we went over to that dirty swamp and we started sucking that muddy water in the swamp.

Then he said, wait, let me think, I will climb up on that coconut because Agana is smoking because they are bombing everything. Agana is all destroyed all over. He said you sit down here and just wait for me, and I will climb up on the tree and see where is Agana because my mom hide this pickled young fish and some rice under the house so we are going to go over there and cook, so I waited down on the bottom there and he climbed the coconut and he saw over there.

We went over to his house and he got this Japanese pot and he washed the rice and he cook it. You wash the rice and I am going to go over to the store and see if I can steal some medicine to put on it because I got some big worms on my neck. Every time I put my hand back here and I take it out of it and throw it down because they were big and they were crawling all over the inside of my neck, so even him when he move his elbow every time that bone came out it pushes a lot out, but there are still more, so he said he is going to go get medicine, so I was watching the rice to eat with that pickled fish, instead he came running because the Japanese caught him again.

He got a dog that was going to have puppies under the house because he put me under the house. We didn't wait for that rice to be cooked, he grabbed ahold of my arm and he dragged me down on the road to Saint Anthony chapel, and he hide me under a slab of concrete. Then the dog keep barking and barking. We went in the back of Saint Anthony chapel and then from there we went up to this ranch.

Oh, my God, we were so rich because when we come up to this ranch we find all kinds of star apple and banana falling out of the tree, six drums of rain water that I can wash because I had this one dress for the last seven days. It is all sticking with that thick blood and the dirt, and I stink, I smell all over, so I just take and I pour myself. Boy, we were, I thought, John, I said, John boy, we are rich. We got some banana and star apple. She said that is all you are thinking, wait, we are going to think about finding our parents up in Father Duenas.

So we think that after we eat so much we got a stomachache and we got sick because we are so empty and then we start filling it up like we never see food so we start eating it until we got enough to carry us up to the ranch. When we come up to the ranch, there was nobody there because the Japanese intend to move all of the Chamorro to this camp so that even before they are going to get rid of us down in Agana spring, he said don't feel bad because everybody is going because after they finish with us, they are going to go up and they are going to kill my mother and my sister and brother, but anyway when I came out, when I followed him and we came out to the ranch nobody was there,.

We went to the back of Yona, I met the third Marine division, and they hide me. We thought it was the Japanese. They hide me under the lemon tree and then this Marine pulled this pack of Camels, and I wasn't hurting so bad when I see this tall American, a tall American and he is all blue eyes, I told my Juan, leku, Juan, that American because he leave us the pack of Camels that they get into Manengon and show the people that they are near, but that is the reason why that this is my third time to come here because my people on Guam, with what I went through for 50 years, I was a young girl. Then I am busy going back and forth to the hospital getting all kinds of tranquilizers. I marry stateside, and I married for 37 years. I get 10 children out of that to function with the mind that I got and with the health that I got because I always take for my anxiety a tranquilizer to try to live normal human being. And I am very thankful because I think this last time that Congressman Underwood told me that I have to come to Washing-

ton again, I talked to God. I say, God, make me because I am already getting old, I am limping, my legs are hurting, I say let me reach that one more time because I think you are waiting to take me after I see justice done and my people on Guam are taken care, then you can take me because right now He cannot take me because we are still, we are in limbo. That is why I came here.

My husband is from Detroit, Michigan, but for 37 years he decided to stay on Guam because he don't want to spoil me in the United States, because on Guam we can always live on taro and banana and rice, but he don't want me to be spoiled with the American food because when we first got married he bought me a mirror and a cookbook, and I thought the mirror is for me to be beautiful. He said huh? This cook is for you to learn how to cook, and I say what is that mirror, to buy makeup and be pretty? He said, no. That is to watch yourself starve to death if you don't cook. Thank you. Thank you, Mr. Chairman, and thank you, Congressman Underwood.

Mr. FALEOMAVAEGA. Thank you, Mrs. Emsley. We surely share with you your experiences and how ugly war can be. I can appreciate the experiences that you have just shared with the members of the committee and certainly with the rest of us who are here listening to your personal testimony.

As a Vietnam veteran, I share very much the sense of anxiety and just a feeling of real deep depression as far as anything that is associated with war and its ugliness. I certainly want to say that you have found a good husband, and I think he is so darn afraid of you, that is why you had to live in Guam, and certainly blessed with children that you have stated earlier. We really appreciate your testimony this morning.

Mrs. EMSLEY. Thank you, Mr. Chairman.

Mr. FALEOMAVAEGA. Mrs. Quan.

STATEMENT OF FLORA BAZA QUAN

Mrs. QUAN. Mr. Chairman and members of the subcommittee, thank you for this opportunity to express my thoughts and feelings on the significance of restitution for the people of Guam, as proposed in H.R. 4741. Certainly thankful to our Congressman from Guam, who has taken the initiative with the establishment of the task force to pursue this issue once again.

Three years ago my aunt, Luisa Santos, Mrs. Beatrice Emsley, who is seated right next to me, and I met with Robert Underwood to call his attention to the issue of restitution for the atrocities and pain suffered during World War II by the people of Guam. I had just interviewed both women and others for an archival collection of oral history for Guam. It was only then that I learned that my aunt was a survivor of the Tinta massacre, and that she suffered all her life from the shrapnel left in her body.

The Tinta site, as a matter of fact, belongs to my family, the Baza family. We had always heard her mention, but she never told us her story. I had always known my aunt to be a very loving, fun-loving kind of person. She was our favorite. We remembered her as a priceless jewel and she had quite a few exciting incidents in her life that she didn't hesitate to share with us. She was animated and had a—she was just a very joyful person. She was the kind of

person who would take anything off her back to put a smile on your face.

She reared her family as a single mother and was one that didn't shy away from hard labor to support them. Although she was poor, she was always generous. There were times when she would go fishing herself and when she had to sell the fish to family, she would always give it to them at a discount.

This same aunt, because of the fact that she didn't have a father, her father basically left them at a very young age, had few assets, and so our family handed down, inherited land to her. As she grew older, she required off-island travel for medical treatment for her injuries.

I noticed over the years, although we enjoyed her company, that her presence became fewer and fewer. Only then, later did I realize that it was because she was entangled in family arguments about the sale of property. What she basically did was she took the property that was given to her, a valuable heirloom from our side of the family, and sold the property so that she could afford to pay her bills.

When the time came when she passed away, which was very recently, it became a very, very burden, a very strong burden for the family. It was a strong hardship, but that is not really the real tragedy. The tragedy of my aunt's life was not that she was poor or that she suffered since the age of 12 and that she died from shrapnel in her body. As a matter of fact, there was a piece of shrapnel in her lungs that eventually caused her to have cancer. The tragedy was not so much that she sold property to pay for these bills. The tragedy of her life was that by the time she died she lost hope in the country that she represented.

I never knew how much she had suffered until I conducted that interview with her. I did not know that she was purposely chosen to be killed at the Tinta site because she and a few others, she was fathered by an American soldier, but all the others that were chosen for that Tinta massacre had something to do with the American heritage or the American linkage.

In that cave, as she recounted, she watched her mother die and had to use her sister's body and hair to protect her from the flying pieces of metal and from the thrusts of the bayonet.

Once the interview was over, we immediately saw Robert Underwood to remind him to bring this cause to fruition. As she so aptly stated, "I have fought hard and suffered, and no one has ever been able to help me or my children, but justice must be done." On her death bed, I wear a ring that she gave me. It is her mother's ring, and on her death bed she gave this ring to me. I wear this ring every day to remind me that I made a commitment to her.

She looked at me intently and said, "even though you have to go to the President of the United States, tell him that the Japanese did not invade Guam because they hated the Chamorro people. The Japanese invaded Guam because we were a part of the United States and we were proud of it."

Mr. Chairman, my aunt passed away a few months after that interview, but the impact she left with me is the reason that I be-

came involved as a member of the task force, to assist in the drafting of H.R. 4741, and I am here to testify for its passage into law.

My aunt had hoped that someone would articulate the need for healing and justice, and she had greater hope that she could depend on this administration to work with each other as a team so both the people of the United States and the people of Guam would benefit.

Our calls for reparations and restitution are your proof that earlier claims and acts and procedures did not reach the people of Guam. They are still waiting for true recognition of their sacrifices as an American community that was occupied and victimized for being American.

The 1940's claims processes hardly recognized this, focusing on the mechanical filing and issuance of forms and checks. Did the Japanese apologize in a way that the wartime Guam residents could say restored their dignity? When the United States made peace with Japan and prevented us from filing claims, it assumed the responsibility to heal these wounds.

Like my aunt, I have seen the people of Guam's frustration with your previous attempts to face this issue, only to watch you haggle over it and then drop it.

Over the past year, I attended meetings, reviewed documents that prove that earnest attempts were made by sincere men and women. One was my own mentor, Senator Cecelia Bamba. I examined the objections that were allowed to outweigh the crying need for justice.

I tried to understand what had happened and what could be done now on behalf of my aunt and others like her and for their children. I am one of those children who have heard the stories and helped them document their wartime ordeal. Their pain and frustration with this open chapter has been passed on to us as a story of waiting. They waited for the American forces to return, and 50 years later they are still waiting for the American government to recognize their sacrifices. For those of us who have gone ahead, we wait in their place. It is our responsibility, but I am doing more than just waiting, Mr. Chairman. I am here to tell you that this must be addressed now.

There is a saying, a team is as strong as its weakest link. I don't mean team Guam versus the U.S. Congress. We want to work with you as an American team so H.R. 4741 produces a win for all of us as Americans. Because we are geographically remote, we are perceived as weak, a weak cousin on the American frontier. Instead, we see ourselves as operating from a position of strength because the Nation is stronger through its presence on the island of Guam and by maintaining its familial relationship with the people of Guam.

We want to focus on the positive, on healing the wounds of the past, on restoring faith in each other, in respecting each other's differences in spite of our differences, by celebrating our uniqueness and by encouraging the best in each other.

The issue of war restitution is not one of funds and programs and money and all the bureaucratic attachments. The issue is responsibility, shared responsibility so that the approaches in this bill truly addresses the fundamental needs of the people of Guam

to nurture their faith in the American system, to restore their dignity and sense of self-worth.

The trust fund in H.R. 4741, which I want to say I was very, very keen on, would allow our people to pursue educational, cultural, and other relevant opportunities in the name of those who did suffer and have since passed on. The Nation's recognition of their sacrifices will pass in a symbolic but tangible manner to their families and to the communities where they lived.

It doesn't matter who gets the credit for the passing of this legislation. What matters is that you would have given the people of Guam a part of the American team and dream the opportunity to close this chapter of Guam's history and to look ahead. And those of us who are still with us today who still tell us of the suffering and deprivation of the war years can tell their children to graciously accept the benefits of this national policy and to forgive the insult of being forced to wait for so many years for this recognition.

Mr. Chairman, this is the International Year of the Family. We are called on to reflect on the importance of the nuclear family and the extended family. We enjoy these active relationships in our daily life in Guam. Sometimes we are even criticized for being too familia in our public systems as well.

Let's just say that we love each other, and it doesn't matter how much we do. It is how much love we put into doing. We also look for similar kinship with our brothers and sisters from the States. Are we part of the American family or not? My half-caste aunt certainly thought so. The Japanese who threw the grenades certainly thought so. Don't you also share this perspective?

In this, the International Year of the Family, your support for this bill will provide us a very clear answer.

General Patton said, success can be measured by how well you bounce from the bottom. We suffered the war, we endured the dignity of an impersonal claims administration. We have held our shame in check as we were ignored and our loyalties taken for granted for over 50 years.

We have hit the bottom and have recovered to stand tall with strength and resilience, to state our case once again. We must put this issue to rest once and for all. The issue here is not money or programs. It is carrying the feelings of our family members to you to be resolved once and for all. It is for you to respond to our call to bring out the goodness in each other and to focus on what is good for all of us. We can only succeed together with your support for the Guam War Restitution Act.

Perhaps, Mr. Chairman, we should concentrate on the visionary impact of what we do and with whom we collaborate as a team so that when our children stand up and say the Pledge of Allegiance, they can truly mean what they say when they say, one Nation, under God, indivisible, with liberty and justice for all.

Thank you, Mr. Chairman.

Mr. FALEOMAVEGA. Thank you, Mrs. Quan.

[Prepared statement of Flora Baza Quan follows:]

*Testimony of Flora Baza Quan
P.O. Box 3931
Agana, Guam 96910*

*to the
Subcommittee on Insular and
International Affairs
on
H.R. 4741
September 20, 1994*

Mr. Chairman and Members of the Subcommittee:

Thank you for this opportunity to express my thoughts and feelings on the significance of restitution for the people of Guam, as proposed in H.R. 4741.

Three years ago my aunt Luisa Santos, Mrs. Beatrice Emsley and I met with Robert Underwood to call his attention to the issue of restitution for the atrocities and pain suffered during World War Two by the people of Guam. I had just interviewed both women and others for an archival collection of oral history for Guam. It was only then that I learned that my aunt was a survivor of the Tinta Massacre, and that she suffered all her life from the shrapnel left in her body.

I had always known my aunt as a loving and generous woman. She was one of the most attractive and gentle members of our extended family, and we still fondly remember her as a "dynamic and priceless" jewel. She was animated and had an infectious laughter that made you want to laugh. She was the kind of aunt who would give you whatever she had to put a smile on your face. For forty years, she brought a special joy to our family that we cherish today.

She reared her family as a single mother and was one that did not shy away from hard labor to support them. Poor though she was, she was always generous. One instance I recall is how she'd barter the fish she caught, but if she were selling the price was always discounted for relatives.

This same aunt had few assets except inherited land. As she grew older, she required off-island medical treatment for her injuries. She attended fewer and fewer family gatherings. It was

interviews to the results from its previous census procedures. This matching is to be done by the enumerator during the interview itself in order to expedite that procedure and improve the accuracy of the matching.

From this matching, the Bureau plans to determine what it deems to be the "true population" based on the sampled households on Census Day. The Bureau is to develop a ratio between the original population count and the "true population" count and apply that ratio by demographic groups, such as race, to the total population. To expedite and improve this matching activity, the Bureau plans to test the use of notebook computers and sophisticated software to gather the sample interview data and then compare the sample data to the data gathered by the regular census procedures.

As part of the ICM method, the Bureau will use procedures similar to the ones used in the 1990 Post Enumeration Survey to help it evaluate the results obtained by the new method. This will add about 2 months to the time needed for completion of the ICM. The Bureau's present schedule also shows that it will complete population estimates for each test site by December 1995, and it will complete block-level estimates by April 1996.

The Bureau faces many operational challenges that need close examination in the 1995 Test. For example, obtaining information about the occupants of a household if they have moved between Census Day and the day of the sample interview may be difficult for the Bureau. Bureau statisticians estimate that about 7 percent of the households in the test areas will move during that time. Also, the Bureau may encounter a lack of cooperation from households chosen for the sample interview procedure because they may have already been personally interviewed during regular census procedures or because they may resent the more lengthy list of questions the Bureau plans to ask during the sample interview. Using the required computer technology may be difficult for Bureau enumerators. Also, the interview process may introduce bias into the results of the process by having enumerators attempt to match the results of their own interview with the data gathered in earlier census procedures.

The Bureau is developing its evaluation methodology for the integrated coverage measurement. It expects to complete this methodology by December 1994. Bureau statistical specialists told us that the most important planned evaluations should be completed by December 1995. Without being able to review the Bureau's evaluation methodology, we are unable to render an opinion as to its appropriateness and the feasibility of the evaluations being completed by that date.

OPPORTUNITIES EXIST TO EXPAND THE EVALUATION OF SAMPLING OF
NONRESPONDENTS

In past censuses, the Bureau mailed questionnaires to virtually all households in the country and requested that they mail back completed questionnaires. For those who did not mail back completed questionnaires, the Bureau sent enumerators to attempt to retrieve missing questionnaires. Enumerators were required to make up to six contacts--three of which were personal contacts--with the households before resorting to other methods to obtain the data. For the 1990 Census, the Bureau's workload for following up on nonrespondents depended on the census mail return rate. In that census, the Bureau's mail return rate was considerably lower than it was in the 1980 Census--63 percent, 12 percentage points lower than in 1980. As a result, the Bureau had to follow up on 34.3 million housing units.

Before the 1990 Census, we recommended that the Bureau consider using statistical methods to develop census information on nonrespondents.⁸ In our 1992 report, we again encouraged the Bureau to evaluate the use of the statistical methods of sampling for some or all of the nonrespondent workload to reduce the time and labor-intensive fieldwork and speed the census process.⁹

To reduce the nonrespondent workload, the Bureau plans to follow up on a 33-percent sample of nonrespondents in the 1995 Test. The Bureau plans to use two different methods to draw these samples. One sampling method--the block sample--is to preselect a sample of 33 percent of the blocks in portions of the test sites and follow up on all households in those blocks that do not return a questionnaire. In other portions of the test site, the Bureau plans to use another sampling method--the housing unit sample, which is to draw a sample of 33 percent of the housing units that do not return a questionnaire, regardless of the blocks in which they are located.

Sampling nonrespondents can reduce cost and could improve the overall accuracy of census counts in both positive and negative ways. Sampling nonrespondents could improve the accuracy of the data on nonrespondents. As we have previously reported, the number of errors found in the census data--including the accuracy of the basic count--increases in proportion to the time it takes to complete the census.¹⁰ By concentrating its attention on a

⁸A \$4 Billion Census in 1990? Timely Decisions on Alternatives to the 1980 Procedures Can Save Millions (GAO/GGD-82-13, Feb. 22, 1982).

⁹See GAO/GGD-92-94.

¹⁰See GAO/GGD-92-94.

smaller sample of nonrespondents, the Bureau may be able to obtain more accurate data on the number and characteristics of nonrespondents.

On the other hand, the nature of sampling itself increases the statistical uncertainty of the data on nonrespondents--particularly at lower geographic levels, such as blocks and aggregations of blocks. The magnitude of this uncertainty can be statistically calculated on the basis of such variables as the size of the sample, the method used to draw the sample, and the size of the universe being sampled.

The effects of sampling nonrespondents on the accuracy of the data must be weighed against the potential cost savings. The Bureau's 1995 Test Census should provide data on the trade-off between accuracy and cost. Thus, in making its major design decisions in December 1995, the Bureau will need data from sampling nonrespondents showing the statistical uncertainty of the data at various geographic levels. Although the Bureau is concentrating on maximizing savings, policymakers will need data that compare the accuracy and costs of the Bureau's two methods for sampling nonrespondents with the accuracy of the data and costs obtained by the past method of attempting to contact all such households. Policymakers will also need data on the costs and what the level of uncertainty and accuracy might be if the sampling of nonrespondents is done after an initial attempt to contact all nonrespondents.

Currently, the Bureau's evaluation focuses solely on comparing the accuracy of the counts produced by the two different methods of sampling nonrespondents--the block sample and the housing unit sample. It plans to compare the census counts obtained by each of those methods by such factors as the average population per household, which might indicate which is the more accurate method. However, the Bureau does not plan to evaluate these new methods in comparison to the past method of attempting to contact all nonrespondents or to evaluate the benefits and costs of an initial attempt to contact all nonrespondents.

THE BUREAU'S PLAN FOR THE 1995 TEST IS INTENDED TO MORE ACCURATELY INCLUDE THOSE PERSONS WITH NO USUAL RESIDENCE IN THE CENSUS

The 1990 Decennial Census marked the first time that the Bureau included a nationwide effort to gather information on the number and characteristics of selected components of the homeless population. Referred to as the Street and Shelter Night, or "S-Night," the effort counted persons at homeless shelters and selected street and other locations during nighttime hours.

In 1989 the Bureau had tested a daytime count at facilities that serve homeless persons and found that a daytime count may produce a more accurate count, but the Bureau determined that it was too late to change its plans for S-Night. S-Night was hampered by methodological and other problems. When the Bureau decided to do a nighttime count at sites where homeless people were known to congregate, it acknowledged that it would miss a portion of the homeless population at sites considered too dangerous for census enumerators to enter. Also, the Bureau had no procedures for ensuring that persons counted during S-Night would not also be counted during other census operations, resulting in possible double-counting. Further, the Bureau depended on the local governments to identify the locations where homeless people might be found. Although most of the large cities responded to the Bureau's request to identify such street locations, overall, only 36 percent of all local governments responded.

Our 1991 evaluation of S-Night showed that the nighttime method of counting homeless people at selected street locations resulted in an unknown number of the hidden homeless being missed and no assurance that those counted were homeless and would not also be counted during other census procedures.¹¹

For its 1995 Test, the Bureau plans to change its approach for counting the street portion of the program to a daytime one. It plans to test the feasibility of a daytime approach at facilities where persons with no usual residence receive services, such as food kitchens and social service centers. The Bureau plans to collect information such as the name, date of birth, age, where the respondents usually live, or if they have a usual place of residence.

During the 1995 Test, the Bureau plans to evaluate (1) the effectiveness of the process used to develop a list of facilities, (2) the number of people counted at the various facilities, (3) the extent to which people were double-counted, (4) the reliability of the responses to questions about usual residence and where a respondent stayed the previous night, (5) strengths and weaknesses of the service-based enumeration procedures, (6) the feasibility of follow-up enumerations, and (7) the costs of the operation.

The procedures the Bureau plans to test to more accurately count those persons with no usual residence seem properly designed. The Bureau's evaluation plan appears to identify the data it needs for proper evaluation.

¹¹See 1990 Census: Limitations in Methods and Procedures to Include the Homeless (GAO/GGD-92-1, Dec. 30, 1991).

THE 1995 TEST CENSUS HAS COST IMPLICATIONS FOR THE 2000 DECENNIAL CENSUS

In 1990, the Bureau estimated that if the census-taking approach did not change, the 2000 Decennial Census could cost about \$4.8 billion. Decennial census costs have increased dramatically over the past few decades. The 1970 Decennial Census cost \$221 million, and the 1980 Decennial Census cost \$1.1 billion. Even when inflation and increased workload are taken into account, the costs of the 1980 Census doubled from the prior one. Despite the Bureau's early goal of containing cost in the planning of the 1990 Census, the 1990 Decennial Census continued this upward spiral, costing about \$2.6 billion. Adjusting for inflation and workload growth, the cost of the 1990 Census was still 25 percent higher than that of the 1980 Census.

Responding to congressional concerns about the escalating costs, the Bureau committed to exploring more cost-efficient ways to take the 2000 Census by again making cost containment one of its goals for the 2000 Census. In its plans for the 1995 Test, the Bureau incorporated a number of new methods we discuss in this testimony that could achieve cost efficiencies.

In address list development, the results of the revised procedures used in the 1995 Test may show ways the Bureau could reduce a costly element of the process--field canvassing to develop and check the list and maps. To develop its address list and maps for the 1990 Census, the Bureau employed a series of procedures, including field canvassing of almost every block in the country, to create or check the list. The procedures cost about \$182 million. An automated geographic system that supported the list by generating maps and helping to geographically locate addresses cost an additional \$328 million to develop during the 1980s and was first used in the 1990 Decennial Census. In the 1995 Test, the Bureau will be able to evaluate the extent to which its address list and maps, updated by the Postal Service's automated file and revised local review procedures, may reduce field canvassing and cost in future censuses.

Another example of an opportunity to reduce costs that we discuss is the early identification of housing units that are vacant or nonexistent. The Bureau's plan to have the Postal Service identify vacant and nonexistent housing units early in the enumeration process has the potential for significantly reducing the \$317 million the Bureau spent in 1990 for such identification. The Bureau could maximize those savings by ascertaining the earliest point at which housing units are accurately classified as vacant or nonexistent. The Bureau estimated that it could have saved from \$121 million to \$165 million by using letter carriers to identify vacant and nonexistent units in the 1990 Census. The range is based on the

extent of the Bureau's field canvassing to verify the Postal Service's classifications.

Sampling of nonrespondents also offers the opportunity for substantial savings. The Bureau estimated that under various response rate and sampling configurations it could have saved between \$429 and \$457 million of the \$560 million it spent on follow-up by sampling 30 percent of nonrespondents.

On the other hand, the ICM method could partially offset some of the potential savings that could be achieved by using other new methods discussed earlier. The amount of follow-up interviewing and clerical matching required by the Bureau's proposed methodology is unknown, but these procedures will have a major bearing on the cost of ICM and ultimately the cost of the 2000 Decennial Census. Because the Bureau currently plans to develop ICM estimates for each state, it anticipates that the sample size for its independent survey of census respondents will be several times the size of the sample used for the 1990 Post Enumeration Survey, which was 12,000 blocks. A statistical expert at the Bureau estimated that the sample size for ICM will have to be about 22,000 to 68,000 blocks, depending on the desired level of precision for the population estimate. Cost implications for this increase in sample size will depend on the degree of precision desired and the procedures used.

Decisions the Bureau makes on the basis of the results of the 1995 Test Census should significantly affect the overall cost of the 2000 Decennial Census. The Bureau plans to design an automated cost and progress system for the 1995 Test Census to capture measures of the actual cost of different census field and processing operations. According to Bureau officials, the system will collect cost information on the effects the new methods, as well as other aspects of the 1995 Test Census, such as printing and equipment.

In the past, the Bureau has had difficulties obtaining reliable cost information from its census operations. The Bureau's past cost accounting deficiencies could present similar difficulties for the 1995 Test. In our evaluation of prior Bureau planning activities, we said that the Bureau needed to place more emphasis on getting complete and accurate cost and productivity data for evaluation of its tests.¹² In our review of the 1990 Census, we found that even generally reliable information on the costs and benefits of important activities was extremely difficult to obtain. In many cases, because the Bureau's accounting structure allowed for commingling costs of dissimilar activities and because it lacked quality controls over the recording of those

¹²See GAO/GGD-92-94.

costs, the Bureau could not determine the cost of various activities.

CONCLUSION

In our testimony before this Subcommittee last October we said that the Bureau's changes in the methods it planned to test in the 1995 Test Census contained promising proposals. We are generally encouraged by the progress the Bureau has made in developing the specific methods to test for the areas we examined for this testimony. It is important that the Bureau identifies the data needed from the test, collects complete and accurate cost information, and completes its evaluation so that the 1995 Test can provide policymakers the information that they need to make major decisions on the fundamental design of the 2000 Decennial Census.

- - - -

This concludes my prepared statement. My colleagues and I would be pleased to answer any questions.

Related GAO Products

Bureau of the Census: Legislative Proposal to Share Address List Data Has Benefits and Risks (GAO/T-GGD-94-184, July 21, 1994).

Decennial Census: Promising Proposals, Some Progress, But Challenges Remain (GAO/GGD/T-94-80, Jan. 26, 1994).

Decennial Census: Test Design Proposals Are Promising, But Fundamental Reform Is Still at Risk (GAO/T-GGD-94-12, Oct. 7, 1993).

Decennial Census: Focused Action Needed Soon to Achieve Fundamental Breakthroughs (GAO/T-GGD-93-32, May 27, 1993).

Decennial Census: Fundamental Reform Jeopardized by Lack of Progress (GAO/T-GGD-93-6, Mar. 2, 1993).

Decennial Census: Opportunities for Fundamental Reform (GAO/T-GGD-92-51, June 10, 1992).

Decennial Census: 1990 Results Show Need for Fundamental Reform (GAO/GGD-92-94, June 9, 1992).

1990 Census: Limitations in Methods and Procedures to Include the Homeless (GAO/GGD-92-1, Dec. 30, 1991).

Expanding the Role of Local Governments: An Important Element of Census Reform (GAO/T-GGD-91-46, June 15, 1991).

Programs of the 1990 Decennial Census: Some Causes for Concern (GAO/T-GGD-90-44, May 21, 1990).

Critical Issues for Census Adjustment: Completing Post Enumeration Survey on Time While Protecting Data Quality (GAO/T-GGD-90-15, Jan. 30, 1990).

1990 Census: Comparison of Coverage Improvement Programs for 1980-1990 (GAO/GGD-90-8, Nov. 28, 1989).

Status of Census Bureau Plans and Preparations for the 1990 Census (GAO/T-GGD-87-6, Mar. 12, 1987).

The Census Bureau's 1984 Address List Compilation Test (Mar. 13, 1986).

A \$4 Billion Census in 1990? Timely Decisions on Alternatives to the 1980 Procedures Can Save Millions (GAO/GGD-82-13, Feb. 22, 1982).

(243057)

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. THOMAS C. SAWYER TO
WILLIAM M. HUNT

Question. GAO reported in 1992 that the Bureau's system for monitoring the cost and effectiveness of the many phases of the 1990 census was faulty. Can you comment on the system that will be used in 1995 to develop evaluations results and cost estimates?

Answer. The Bureau is currently developing its plans to evaluate the benefits and costs of various 1995 Test Census operations. Although the design of these evaluation systems is important, the actual implementation is crucial for producing data needed for making 2000 Decennial Census decisions. Appropriate internal controls are required to ensure that the costs and operational benefits are properly recorded. To accomplish these activities, the Bureau is relying almost exclusively on temporary employees to record these data for the 1995 test. Also, some operations may overlap resulting in the possible commingling of operational costs and miscoding of operational results.

Historically, the Bureau has been caught up in its desire to complete census operations and has lost sight that evaluation of operations and their cost implications is the main purpose of the test. Thus, it is essential that Bureau management concentrates on the data needed for evaluations, including cost of the data; and that it design systems to assure the quality of the data.

Question. How is the Census Bureau's reorganization going so far? Has the Bureau's financial management system improved?

Answer. The Bureau's reorganization plan to improve strategic planning and financial management went into effect in June 1994. An encouraging part of the Bureau's plan included elevating the level of responsibility for financial management. In its reorganization, the Bureau recognized the need for strong financial management leadership by designating four key positions: Principal Associate Director and Chief Financial Officer; the Comptroller; the Assistant Comptroller for Finance; and the Assistant Comptroller for Budget. As of late October 1994, only the position of Assistant Comptroller for Finance had been filled. Two positions, the Chief Financial Officer and the Comptroller, have only recently been advertised. Also, the person who was acting as Assistant Comptroller for budget recently announced his decision to transfer to another position, so this position will have to be filled as well.

The Bureau's financial management system must accommodate the large volume and diversity of transactions generated in a decennial census. The Commerce Department has recognized the need to improve its overall financial management system and is designing a new one. The Bureau will be included in the first phase of testing a new accounting system, but the Commerce Department does not expect to implement it until 1997. At this time, we cannot determine if the system will meet the Bureau's needs.

The Census Bureau needs a sound financial management system and strong leadership to direct it. The Director for the Bureau of the Census took office on November 7, 1994. We believe that it is important that she address the financial management aspects of the Bureau's reorganization early in her administration.

Mr. SAWYER. Let me ask you both, do you largely agree with the Academy's recommendation?

Mr. SCARR. Mr. Chairman, we have reviewed and are in the process of reviewing recommendations but, by and large, we are very pleased with the outcome of that effort and virtually agree with all of the recommendations. There are some differences, but I think that the report reflects the fact that we have worked closely with the Academy and the relationship has been very productive and helpful to us.

Mr. HUNT. From our point of view, I think we also generally agree with most of the recommendations made by the Academy. In fact, I think many of them reflect positions, long-standing positions, and things that GAO has had for some time. I am particularly appreciative of their big picture perspective though they really went at this and said what the game plan is, and obviously came up with something specific for 2000. But if we only do that, we are not doing the full job and their emphasis about looking broader than the census reform effort is a multi-decade initiative.

I really applaud them for that and their encouragement that comes through that. I also applaud them on the big picture perspective that, as we go about the process of trying to reform the census, we also need as the context for a broader look at the entire Federal statistical system itself and how it is managed, et cetera.

We have a huge investment, 70-some-plus agencies involved in various levels of activity in the statistical area, and I think at some point it would be good for the country, if nothing else, that we would take a much broader look and I think they recognize that, too.

I would say in terms of their views on the integrated coverage measurement, as I recall Dr. Bradburn's statement, that they see this as certainly part of the census taking for the 2000 Census. We think it is an important effort in 1995. However, we would not be able to go that far until we see the actual test results, et cetera. So we would have a little difference there. And we do have some concerns about the multi-form question, naive and Jack Kaufman has been focusing on that and, with your permission, I would like him to say a few words on that.

Mr. KAUFMAN. Similar to the comments that Dr. Bradburn raised this morning or this afternoon, we also have some concerns about the usefulness of the matrix sampling it received basically a cool reception from the data users. They are concerned that they will lose some data and that the cross tabulations which Dr. Bradburn referred to could be impaired somewhat so modeling will have to take place.

In this regard, we have to mention our concern that using the test, to use the multi-form questionnaire may not be the best use of the Bureau's resources because it may in fact unnecessarily complicate some other activities. For example, we are concerned with the implementation strategy for the questionnaire and, in particular, the use of the replacement questionnaire which we have endorsed for several decades.

Using the multi-form questionnaire would present the Bureau with logistical concerns and problems, like having the right forms to replace the forms that didn't come back. So we see that as one problem. It also could create problems on different data capturing for different types of data and also some editing that may be required in terms of the different forms.

Mr. SCARR. Mr. Chairman, could I respond to that just to clarify?

The test that is going on in the 1995 Test is not, strictly speaking, the kind of matrix sampling test that Norm was describing. It is basically a nested sample of questions that will enable us to at least determine with more precision the relationship between length of questionnaire and response rate.

We recognize that it is not a true matrix sample test because the resources were not available to plan for a true test in order to carry one out. I think that some of the comments that Jack made about the user concerns are warranted but I think that, in the long run, the jury is still out on that particular technology. In any event, we won't be informed until after the 1995 Test.

Mr. SAWYER. In subsequent measures of content, I guess I have been laboring under the assumption that at some point we would look at the subsequent application of the data, the kind of thing

that Dr. Bradburn—I think it was Dr. Bradburn—raised in his question about the appropriateness of continuous versus decennial measurement. And that really becomes a policy question as much as anything else.

Mr. SCARR. Yes.

Mr. SAWYER. Another question of policy really is more technical in terms of execution, but the traditional post-census local review that local governments have enjoyed becomes more difficult at least at the traditional point if in fact you are going to have an integrated, one number census.

What sort of means do you have in mind to supplement or supplant loss of that opportunity? First of all, is it a loss?

Mr. SCARR. Well, Mr. Chairman, we are hopeful that the legislation that is going to be marked up by this committee will enable us to deal with the local governments in such a way that that—that the importance if not the necessity for post-census local review will basically be reduced because we will be in a position to assess more directly the adequacy of address lists that we actually use to conduct the census and so that we will have a better grounding to talk about differences that may ensue between our list and theirs. Did we have a list appropriate for conducting the census or not.

Your other point is well taken, but I think that is really what we are relying on at this point, is trying to develop a relationship with State and local governments that enables us to be assured that we are in effect using the best address list we can as the frame for the census.

Mr. HUNT. Mr. Chairman, could I add one point? In our work back in the 1990 Census, we found that local governments, very few local governments as a percentage of all local governments really participated in either the pre- or post-census local review. Most of all of the big cities of course did, et cetera, but most of the local governments didn't have the resources, the information the capacity, really, to offer much.

I think as I remember—and this is stretching here—about 19 percent of eligible local governments participated in pre-census local review and something in the vicinity of 25 percent participated in post. And from our work, we found that a lot of folks out there were saying it is really hard to do without the addresses, so I think the Bureau's efforts here may actually help not only to get more participation, but more quality input from the local governments in terms of improving the address list. The issue that I mentioned in my testimony is the confidentiality question. They need to be aware of that and how that is balanced.

Mr. SAWYER. Mr. Hunt mentioned the importance of measuring statistical uncertainty results from nonresponse follow-up sampling. And clearly it has been viewed as a cost-saver. But one of the things that seemed to be clear from 1990 was that the greater the lag from the time of conduct of the original enumeration to the completion of nonresponse follow-up, the lower the quality of the data.

Is this being measured in those terms as well or just largely in terms of cost and uncertainty?

Mr. SCARR. In terms of the 1995 Test, Mr. Chairman, we are basically measuring whether we can do it and what the results look

like. We do have a program and we are examining some simulations with the 1990 Census to basically answer the question: Had we done nonresponse follow up with various percentages, what would the data have looked like based on the sampling procedure as compared to the quote, unquote, total enumeration.

So that is the context in which we will be able to deal more directly with your question about the accuracy and the quality of the results of the follow-up. In terms of the 1995 Test, no, we are doing the follow-up in all the sites to see how well we can do it.

Mr. HUNT. It is also important, I think, to make sure that measure is well known because of this debate. There is big debate on this for a policy level as well as a technical level. I think it is very important from the technical side of things that we get the record straight as to what is and what is not the case.

Mr. SAWYER. Just as much a concern is the broader question of Integrated Coverage Measurement and the actual technical conduct of that. Do you expect to publish those procedures prior to the conduct of the test?

Mr. SCARR. Are you asking with respect to the test, Mr. Chairman, or with respect to the decennial census?

Mr. SAWYER. With respect to the test.

Mr. SCARR. With respect to the test. I believe we are. I am sure if we make a decision to use it in the 2000 Census, it will be published.

Mr. SAWYER. The only reason I say that is the time of evaluation will be so relatively short.

Mr. SCARR. We will specifically articulate the basic ground rules and procedures we will use to evaluate that.

Mr. SAWYER. Are you going to be able to complete all the evaluations by the end of 1995?

Mr. SCARR. Yes.

Mr. SAWYER. Great answer. You say that without regard to appropriations decision, I assume? Maybe not—

Mr. SCARR. I am an optimist.

Mr. PETRI. All right. I appreciate your testimony and you being here.

I do have a couple underlying concerns I guess to go back to Dr. Bradburn's comment about in the course of all this, wondering how this will be taken at the end of the day so far as the perception of fairness is concerned in addition to technical considerations.

My impression is that the Census Bureau exists in good part because of the political controversy in England having to do with the rotten boroughs that was finally solved by the reform act and the people in this country figured, if we are going to set up a new country, we might as well do it right and make these regular readjustments basically for electoral purposes.

And I am afraid that my perception is that many of the things that you are doing will drive us to a new kind of rotten borough, where you will have legal citizens surrounded by a sea of illegals who are counted and, therefore, those will have two or three times the vote and representation, that is to say, than the citizens who happen to be so fortunate as to live in areas that don't maintain the law as people living in an area being 100 percent legal.

Now, Jefferson faced the same problem in a sense in his time and he did not bother counting or trying to estimate the Indian tribes and others unless they were participating in the community and paying taxes or otherwise members of the colonial communities. So I just ask you if you are making some efforts to try to adjust for that factor because the one major purpose of the census is for representational purposes and we may be skewing things or causing a lot of tensions.

If it would be helpful to have a census for human need, fine, then count everyone. But for purposes of electoral representation, it seems to me Americans and those who are legally here probably ought to be considered, and those who aren't here legally ought not to be given representation in the electoral system.

And secondly, we have millions of Americans now, and the numbers are growing very fast, living around the world paying taxes and voting who are aren't counted. Is any effort being made to do a better job of trying to estimate or count or gather data as we do for military personnel for nonmilitary personnel around the world who are American citizens and who are voting and entitled to be represented but whose presence may be overlooked?

Mr. SCARR. Mr. Petri, the Census Bureau basically relies on using residence rules that have been developed, basically, since I think the first census and the Bureau does not distinguish between—the Bureau only counts residents, it doesn't distinguish between class of residents in the course of the conduct of the census.

There are efforts made after the census to analyze and to basically characterize the population in terms of the immigrant population and to make some estimates, I think, of illegal or undocumented immigrants that you are referring to, but we have not looked in detail at the possibility of doing something in the context of the census with respect to that.

With respect to counting citizens overseas, you are correct, we can count fairly well the military and basically the Federal employees overseas. We have looked into that, but the difficulty of assigning them back to their State of residence and the difficulty of preventing duplication has been unable to make us form one single procedure for that. However, that will be looked at in the context of planning for the 2000 Census. We have not, however, in all candor, concentrated on that in terms of our 1995 Census Test which is largely a test of procedural matters to deal with the broader part of the population.

Mr. PETRI. I would suggest, in addition to working with the Post Office, you might consider working with the State Department and Visa, and if they are American citizens or legal residents, they have it down with greater precision probably. And you may have some duplication, but they worry about that themselves, they are not supposed to be issuing the same category of passports in duplication. It should be readily available.

Mr. SCARR. We will take your guidance and look into that.

Mr. PETRI. I have some questions I could submit for the record and also one or two more to ask. During the last census, the State I represent invested a half million dollars or more in census promotion. I know other States did around the country on a voluntary basis to try to get as good a count as possible and a lot of local ju-

risdictions worked enthusiastically to promote compliance with the census. I did myself and so did other officials, both elected and non-elected.

If the Bureau estimates the number of people it misses in the actual enumerations, do you think that States like mine will have the same incentive to promote the census, and can you tell me if any States or localities have expressed any concern about this to the Bureau?

Mr. SCARR. We hope that all States will have the same incentive if we incorporate sampling procedures because we are concerned that as a national problem, we have to use both coverage and sampling in order to come up with the kind of census that we all want.

We recognize that there is a great deal to do in terms of basically informing people and to basically overcome the perception that this will necessarily result in a less accurate census. We are hopeful that our efforts in this area will lead people to be motivated to participate in the census as they have been in the past.

Mr. PETRI. All right. Thank you very much.

Mr. SAWYER. Let me just do a couple of follow-ups.

Mr. Hunt, in particular. Mr. Petri had mentioned earlier the concerns that we have heard about, the effect of sampling error on small area data. Do you have any thoughts on how the Bureau might address those concerns?

Mr. HUNT. Well, we for a long time have been urging the Bureau to really do that to get at and be able to determine what the effects are of sampling error because no matter what estimation technique may eventually be employed, you are going to have that problem to deal with.

And as Dr. Scar just said, that they are looking at that treasure trove of data, the 1990 Census data and running some simulations which I think is a very good step, it may be helping to nail down somewhat better and more precisely what the exact error is. I think that is what we really all need to work toward.

This is a very controversial issue. There are policy positions across the full spectrum. What we really need to do is make sure that we identify the technical issues that are necessary to or tools that are necessary to be employed in any kind of an estimation effort so everyone can see what the effects are because I think ultimately what we are all shooting for is getting it right, getting it reasonably right, and certainly one of the major goals has to be to avoid or get rid of the differential undercount.

Mr. SAWYER. Are you comfortable with the amount of outside expertise that the Bureau has made use of?

Mr. HUNT. Well, I think that this is a controversial issue and I think, as we go along, it will continue to get perhaps a bit more controversial. It certainly is playing its way through the courts as we all know now.

Mr. SAWYER. I am certain we are going to have lots of voluntary outside expertise.

Mr. HUNT. Right. I think it would be of some value actually to have an outside panel of experts to kind of come in and sort of be seen as the neutral competence in this area. So I would support that in terms of who that might be. There are probably any number, but I would suggest possibly not promoting anyone necessarily

but the American Statistical Association should may be a player to be considered in that process, so I think that would be good.

Mr. SAWYER. Well, thank you all very much. We appreciate your presence here today. I really appreciate the effort to focus and summarize the testimony. I know it was difficult.

There was a lot of material here and I appreciate both the effort in compiling it and summarizing it here today. Thank you.

Our final panel this afternoon is made up of Scottie B. Hicks, the President of the National Rural Letter Carriers Association; and Francis J. Conners, Executive Vice President, National Association of Letter Carriers.

Welcome gentlemen. Let me again reemphasize that you are free to summarize your testimony in any way that serves your purpose and, without objection, I would like to include in today's record a statement from the National Association of Postmasters and one from the National League of Postmasters of the United States.

[The prepared statements of Mr. Games and Mr. Brennan follow:]

PREPARED STATEMENT OF DAVID GAMES, PRESIDENT, NATIONAL ASSOCIATION OF POSTMASTERS

Thank you for providing us with this opportunity to express our views on the Postal Service's role in planning the 2000 census. You have asked for information on the degree to which postal employees might offer assistance with census procedures.

The National Association of Postmasters of the United States (NAPUS) represents more than 42,000 active and retired postmasters throughout the country. As civic-minded citizens, our members are pleased to cooperate with the Census Bureau. However, we must temper our civic interest with our concerns for prompt mail delivery and respect for the privacy of our postal customers and their families. Therefore, we support the findings of the Postal Service and the Census Bureau as presented in their November 5, 1993 report: *USPS-Census Cooperation in Planning for the 2000 Decennial Census of Population and Housing*.

As the report indicates, we do not believe it would be feasible for letter carriers to take on this data collection activity. While the city and rural letter carriers will certainly want to address this issue thoroughly in their testimony, we can offer you our thoughts as postal managers. First, we believe that the data collection activity will interfere with our primary mission, which is the prompt delivery of the mail, and will unreasonably extend the time necessary for route completion.

Second, we believe a large number of postal customers would perceive the conduct of the carriers as a violation of their privacy rights. Postal carriers deliver bills, bank statements, legal papers and other important and private documents to customers on a regular basis and the postal service guarantees the public that these materials are kept private. If a carrier were then to ask questions about such potentially delicate issues as financial or marital status, it might bring this guarantee of privacy into question. We believe strongly that the customer's privacy rights should be inviolable.

A third and extremely important issue is that of carrier safety. If carriers were required to carry out data collection activities, particularly as part of their regular routes, it could mean that these people would be out much later at night than normal. In some neighborhoods, this might not be safe. We could not condone any activity that would place the carrier's safety in jeopardy.

It was also suggested that carriers might be able to provide basic census information without contacting postal customers. This is extremely impractical. Mail delivery has changed considerably in the last two decades. Because more women work, fewer residents are home during delivery hours. More people live in apartments, condominiums and other multiple housing units. Also, people are far more transient. For these and other reasons, carriers do not have the same level of personal knowledge about their customers that was traditional within the Postal Service. Census information collected by carriers without resort to personal interviews would be basically guesswork and would be statistically unreliable.

Of course, we do agree that there are some areas in which we could work together with the Census Bureau. For example, postmasters and postal employees would be

pleased to assist the census in identifying vacant housing and in insuring completion and accuracy of addresses. However, it may not always be possible for postmasters to match physical addresses to post office box numbers since they may not always have that information. We would also be pleased to provide space in the post offices for additional questionnaires or other promotional material where space is available.

Thank you for providing us with an opportunity to comment on these issues. Please let us know if we can provide you with any further information.

PREPARED STATEMENT OF WILLIAM P. BRENNAN, PRESIDENT, NATIONAL LEAGUE OF POSTMASTERS

Chairman Sawyer and members of the Subcommittee on Census, Statistics and Postal Personnel, thank you for this opportunity to testify on the use of Postal Personnel to assist with the 2000 Census operations.

I am Bill Brennan, President of the National League of Postmasters. In this capacity, I am privileged to represent all of this nation's Postmasters, both active and retired.

It makes sense that the Census Bureau would view postal employees as a potential resource in collecting the Census efficiently and that the bureau would seek to expand the role of the Postal Service in their endeavors. However, we must review the feasibility of the different aspects of increased involvement.

Two characteristics of Postmasters would make them a valuable census resource.

First, they are located in every corner of this country. Their even distribution across this land gives the Postal Service access to and knowledge of the entire population of the United States.

As leaders in their communities, Postmasters are civic minded and proud to be representatives of their country. Their position and involvement bring them respect and trust from their fellow citizens.

Because of this distribution and patriotic attitude, they may be uniquely qualified to assist with the decennial collection of census data.

However, their involvement should be limited to certain areas.

Unfortunately, as you know, many people view the census as an "invasion of privacy." Because a Postmaster carries a trust that should never be jeopardized, I could not recommend the use of active postal employees as enumerators. However, postal retirees might be excellent candidates for such a job.

The privacy issue and legal considerations, as well, are drawbacks to using the Postal Service to name occupants of buildings.

The use of the Post Office building as an information center or assistance center is a feasible idea. Issues to be addressed would be costs involved and space available. The building would need sufficient space to avoid inconveniencing the regular postal customer.

Manpower for information or assistance centers could come from part-time postal employees and retirees.

Postmasters have a wealth of knowledge in areas where no direct public contact is required. They could help locate houses, identify housing which is vacant and assist with address problems. This would increase the efficiency of the census and reduce costs by decreasing dry-runs by enumerators.

However, the postal employee would require compensation at a rate equivalent to their postal salary and that compensation should not come from the Postal Service.

The National League of Postmasters cannot support any activity which creates a cost for the Postal Service, causes a disruption of mail service or compromises the trust given a Postmaster. Otherwise, the League feels postal employees and retirees are in a unique position to help with the Census.

We look forward to working with you, the Postal Service and the Census Bureau in using our unique position to obtain accurate Census data.

Thank you.

Mr. SAWYER. Welcome. Mr. Hicks.

STATEMENTS OF SCOTTIE B. HICKS, PRESIDENT, NATIONAL RURAL LETTER CARRIERS ASSOCIATION; AND FRANCIS J. CONNERS, EXECUTIVE VICE PRESIDENT, NATIONAL ASSOCIATION OF LETTER CARRIERS

Mr. HICKS. Thank you, sir.

Mr. Chairman and Members of the Subcommittee on Census, Statistics and Postal Personnel, we are pleased to have this opportunity to give our views on the role that rural letter carriers may have in assisting the Census Bureau as it plans for the 2000 Census.

Rural letter carriers are privileged and proud to be public servants that have regular contact with their customers on a daily basis. Perhaps we also have more daily contact with the public than any other member of the Federal work force and probably the State, county, and municipal work forces. Rural carriers welcome an opportunity to cooperate with another branch of the Federal Government, as that Bureau tries to execute their mandate.

Letter carriers' prime duty is providing service to our customers principally through the delivery of mail, but in the case of rural letter carriers, we provide any service that can be obtained through a Post Office. We sell stamps and money orders, accept parcels, Express Mail, and perform customer service as a Post Office on wheels.

We are proud to say today there are 52,000 rural routes that provide full services daily to our customers. We serve 24 million customers a day and drive 2.7 million miles. As in the past, we are glad that the Postal Service and the Census Bureau have a cooperative agreement in doing the planning, and the NRLCA is pleased to assist the committee in their exploration of how we as a part of the Postal Service can assist them in their next enumeration.

We believe we can be most helpful in address list completion. We know almost all of the individual delivery territory. Rural letter carriers also are familiar with addressing and delivery methods and, therefore, we believe we can be helpful in determining for the Census Bureau the vacant housing units.

Postal management and rural carriers can be helpful in dealing with rural address problems which are unique to rural America. Thirdly, we believe that we can be helpful in determining occupancy status. And four, all of those can be done without any direct contact with the individual household.

But there is a larger question. Is there a more direct role for rural carriers in conducting the 2000 Census? It has been suggested by some that rural letter carriers could be helpful with households that don't return data. However, there are some natural roadblocks which we should point out to obtaining data without direct contact with those households.

Cluster box units prevent rural carrier from having a direct knowledge of many of the households. In some rural communities, there are long distances between the customer's house and their mailbox. Current economic pressures require many households to become two income families. Therefore, the majority of people work during the day when there would be no one at home for the carrier to contact. In fact, the family sometimes chooses to receive mail in a Post Office box and thereby eliminating any contact with the carrier.

For the reason stated above, the rural carrier would have no direct contact and very limited knowledge of the customer. Obtaining basic census information would, therefore, be a hit or miss proposition.

We believe also that the cost of using the full-time rural carrier to do specific enumeration is a confiscatory proposition in that the average rural carrier is paid significantly more than the average 1990 Census enumerator who was about \$7.50 an hour.

Secondly, there is a question of trust and privacy of postal customers. The public now presumes that carriers handle their financial documents including bills, payments, and legal notices with absolute confidentiality. In all of the customer satisfaction indexes, rural letter carriers rank very, very high with postal customers because today we protect their privacy and provide good service. We are somewhat fearful that if you used us as enumerators, that trust might be diminished at a time that we believe it is particularly crucial for the Postal Service to maintain a high degree of trust with its mailing public.

If in spite of these reservations the Census Bureau thought it was still advantageous to consider rural letter carriers to be used as enumerators, we have an alternative suggestion. The National Rural Letter Carriers Association represents about 45,000 backup employees. These are noncareer employees who cover routes when the assigned carrier is absent. These backup employees are paid approximately \$12 an hour, much closer to the \$7.50 an hour that was paid in the 1990 Census for enumerators and much less than the full-time carriers.

These individuals could possibly be used over a period of time when they were not serving their routes as a replacement to the assigned carrier. A customer might feel more comfortable if the interviewer is not the person delivering their mail on a daily basis, just the one that they see on Saturday or when they are serving as a leave replacement on the route.

But we do believe that the best use of rural carriers for the 2000 Census is not serving as enumerators but rather by using their knowledge for the development of a complete and accurate mailing list, their specialized knowledge of occupancy and vacancy information. If the Census Bureau desires to consider our leave replacements, we would be glad to explore that feasibility with the Postal Service and with the Census Bureau.

Mr. Chairman, Mr. Petri, that concludes my remarks, but I would be pleased to answer any questions you may have on this subject. But I would be remiss if I did not thank you personally, Chairman Sawyer, and Mr. Petri, for your relentless determination to pass H.R. 4190, the Leave Replacement Bill, into law. We are confident that the President will sign it and are very, very grateful to you for all your efforts in that regard.

Thank you.

Mr. SAWYER. Thank you for your testimony.

[The prepared statement of Mr. Hicks follows:]

PREPARED STATEMENT OF SCOTTIE B. HICKS, PRESIDENT, NATIONAL RURAL LETTER CARRIERS ASSOCIATION

Mr. Chairman and members of the Subcommittee on Census, Statistics and Postal Personnel, we are pleased to have this opportunity to give our views on the role rural letter carriers may have in assisting the Census Bureau as it plans for the 2000 Census.

Rural letter carriers are privileged and proud to be public servants that have regular contact with their customers on a daily basis. Perhaps, we also have more daily contact with the public than any other member of the federal work force and probably the state, county and municipal work forces. Rural carriers welcome an opportunity to cooperate with another branch of the federal government, as that Bureau tries to execute their mandate.

Letter carriers' prime duty is providing service to our customers principally through the delivery of mail, but in the case of rural letter carriers, we provide any services that can be obtained through a Post Office. We sell stamps and money orders, accept parcels, express mail and perform customer service as a Post Office on wheels.

We are proud to say, today there are 52,000 rural routes that provide a full coverage of services daily. We serve 24 million customers a day and drive 2.7 million miles. As in the past, we are glad that the Postal Service and the Census Bureau have a cooperative agreement in doing the planning, and the NRLCA is pleased to be able to assist the Committee in their exploration of how we as a part of the Postal Service can assist them in their next enumeration.

Rural letter carriers believe they could be most helpful in address list completion. Rural letter carriers know almost all of their individual delivery areas. Rural letter carriers also must be familiar with addressing and delivery methods. Therefore, we believe we can be helpful in determining for the Census Bureau, vacant housing units. Postal management and rural carriers can be helpful in dealing with rural address problems which are unique to rural America. Thirdly, we believe that we can be helpful in determining occupancy status. And all of those can be done without any direct contact with individual households.

There is a larger question. Is there a more direct role for rural carriers in conducting the 2000 Census? It has been suggested by some that rural letter carriers could be helpful with households that don't return data. However, there are some natural road blocks which we should point out, to obtaining data without direct contact with those households: 1. Cluster boxes prevent rural letter carriers from having a direct knowledge of many households 2. In some rural communities there are long distances between the customer's house and their mail box 3. Current economic pressures require many households to become two income families. Because the majority of the people work during the day, there would be no one at home for the carrier to contact. In fact, the families sometimes choose to receive mail in a Post Office box

and thereby eliminate any contact with the rural carrier.

For the reasons stated above, the rural carrier would have no direct contact and limited knowledge of the customer. Obtaining the basic census information would therefore be a hit or miss proposition.

We also believe that the cost of using the full time rural carrier to do specific enumeration is a confiscatory proposition in that the average rural carrier is paid significantly more than the average 1990 Census enumerator who was paid about \$7.50 an hour.

Secondly, there is the question of trust and privacy of Postal customers. The public now presumes that carriers handle their financial documents including bills, payments and legal notices with absolute confidentiality. In all of the customer satisfaction indexes, rural letter carriers rank very, very high with their Postal customers because today we protect their privacy and provide good service. We are somewhat fearful that if you used us as enumerators, that trust might be diminished at a time that we believe it's particularly crucial for the Postal Service to maintain a high degree of trust with its mailing public.

If, in spite of these reservations, the Census Bureau thought it was still advantageous to consider rural letter carriers to be used as enumerators, we have an alternative suggestion. The National Rural Letter Carriers Association represents about 45,000 backup employees. These are non-career employees who cover routes when the assigned carrier is absent. These backup employees are paid approximately \$12 an hour, much closer to the \$7.50 an hour that was paid in the 1990 Census for enumerators and much less than the full time carriers. These individuals could possibly be used over a period of time when they were not serving their routes as a replacement to the assigned carrier. A customer might feel more comfortable in that the interviewer is not the person delivering their mail daily, just the one that they see on Saturday or when they are serving as a leave replacement.

We believe that the best use of rural carriers for the 2000 Census is, not serving as enumerators, but rather by using their knowledge for the development of a complete and accurate address list and using their specialized knowledge of occupancy/vacancy information. If the Census Bureau desires to consider our leave replacements, we would be glad to explore that feasibility with the Postal Service and with the Census Bureau.

Mr. Chairman, that concludes my remarks, I would be pleased to answer any questions you or the committee might have.

Now I would be remiss if I did not thank you particularly, Chairman Sawyer, Mrs. Norton, Mr. Myers, Mr. Petri for your relentless determination to pass H.R. 4190, the leave replacement bill, into law. We are confident the President will sign it and are very, very grateful to you for all your efforts in our regards.

Mr. SAWYER. Mr. Conners.

Mr. CONNERS. Chairman Sawyer and Mr. Petri, I am Francis J. Conners, Executive Vice President of the National Association of Letter Carriers, AFL-CIO. The NALC represents city letter carriers actively employed by and retired from the United States Postal Service. On behalf of the 310,000 Members of the NALC, I am pleased to share with you my thoughts about the role that letter carriers can play in the next decennial census.

City and rural letter carriers deliver mail to every residential address in the Nation. As a result, letter carriers already play a crucial role in the next decennial census. Furthermore, the expanding cooperative efforts between the Census Bureau and the Postal Service utilizing the unique talents and knowledge of letter carriers will help to identify vacant housing units, recently reoccupied residences and hard-to-locate homes. This joint venture will also help to reduce the costs associated with unnecessary enumerator visits and improve the accuracy of the census.

In addition to increased efficiency, the NALC believes that the cooperation between the Postal Service and the Census Bureau is an effective way to ensure the credibility of census data. However, we do not support a major change in a letter carrier's job description to include census enumeration. The primary task of the letter carriers must continue to be the efficient and expeditious delivery of the mail.

Requiring letter carriers to perform the additional assignment of enumeration on top of their primary duties will compromise the timely delivery of mail. Furthermore, the extra responsibility would obligate overtime pay for carriers who are forced to remain on their route in excess of the normal work day. This additional financial obligation would seriously undermine the financial standing of the Postal Service and could impact rates. It goes without saying that the Postal Service must be fairly compensated for any functions provided to the Census Bureau.

However, substantive assistance may be provided to the Bureau within the context of its existing cooperative efforts with the Postal Service. Additionally, the NALC is supportive of the increased opportunities for active letter carriers to participate in the enumeration process, that is paid for by the Census Bureau and voluntarily on their own time.

I believe that letter carriers are more than qualified as enumerators. After all, no one knows the community better than letter carriers and the same skills necessary to be a letter carrier are important to be an enumerator. As you know, a large percentage of households do not return their forms. Letter carriers would not be deterred from visiting housing units from which a questionnaire has not been returned.

Approximately five years ago, the NALC strongly supported legislation introduced by you, Mr. Chairman, and Mr. Ridge which removed a significant financial obstacle for retired letter carriers who wished to serve as enumerators across the country.

The measure removed the Federal pension offset penalty, a major financial disincentive for retired letter carriers from serving as enumerators. Consequently, we believe that retired letter carriers would be a valuable asset in conducting the census.

Mr. Chairman, the NALC appreciates your interest in this issue and we look forward to working with both the Census Bureau and the Postal Service in ways to appropriately use the talents of active and retired letter carriers.

Thank you.

[The prepared statement of Mr. Conners follows:]

PREPARED STATEMENT OF FRANCIS J. CONNERS, EXECUTIVE VICE PRESIDENT,
NATIONAL ASSOCIATION OF LETTER CARRIERS

Chairman Sawyer and members of the Subcommittee, I am Francis J. Connors, Executive Vice President of the National Association of Letter Carriers, AFL-CIO. The NALC represents city letter carriers actively employed by and retired from the United States Postal Service. On behalf of the 310,000 members of the NALC, I am pleased to share with you my thoughts about the role that letter carriers can play in the next decennial census.

City and rural letter carriers deliver mail to every residential address in the nation. As a result, letter carriers already play a crucial role in the decennial census, delivering these census forms to every household in the United States. Furthermore, the expanding cooperative efforts between the Census Bureau and the Postal Service, utilizing the unique talents and knowledge of letter carriers, will help to identify vacant housing units, recently reoccupied residences, and hard-to-locate homes. This joint venture will also help to reduce the costs associated with unnecessary enumerator visits and improve the accuracy of the census.

In addition to increased efficiency, the NALC believes that the cooperation between the Postal Service and the Census Bureau is an effective way to ensure the credibility of census data. However, we do not support a major change in a letter carrier's job description to include census enumeration. The primary task of the letter carriers must continue to be the efficient and expeditious delivery of the mail. Requiring letter carriers to perform the additional assignment of enumeration on top of their primary duties will compromise the timely delivery of mail. Furthermore, the extra responsibility would obligate overtime pay for carriers who are forced to remain on their route in excess of the normal work day. This additional financial obligation would seriously undermine the financial standing of the Postal Service and could impact rates. It goes without saying that the Postal Service must be fairly compensated for any functions provided to the Census Bureau.

However, substantive assistance may be provided to the Bureau within the context of its existing cooperative efforts with the Postal Service. Additionally, the NALC is supportive of increased opportunities for active letter carriers to participate in the enumeration process -- that is, paid for by the Census Bureau and voluntarily on their own time. I believe that letter carriers are more than qualified as enumerators. After all, no one knows the community better than letter carriers and the same skills necessary to be a letter carrier are important to be an enumerator. As you know, a large percentage of households do not return their forms. Letter carriers would not be deterred from visiting housing units from which a questionnaire has not been returned.

Approximately 5 years ago, the NALC strongly supported legislation introduced by you, Mr. Chairman and Mr. Ridge which removed a significant financial obstacle for retired letter carriers who wished to serve as enumerators across the country.

The measure removed the federal pension offset penalty, a major financial disincentive for retired letter carriers from serving as enumerators. Consequently, we believe that retired letter carriers would be a valuable asset in conducting the census.

Mr. Chairman, the NALC appreciates your interest in this issue, and we look forward to working with both the Census Bureau and the Postal Service in ways to appropriately use the talents of active and retired letter carriers. Thank you.

Mr. SAWYER. Thank you both very much. Just let me say that I suspect the trust question works two directions, that the distinct purposes in the sense of the privacy and confidentiality that both the Census Bureau and the Postal Service are engaged in makes it difficult to blend them in the actual execution of the census.

But that notwithstanding, we have talked a good deal about the ability of the Postal Service to share with the Census Bureau address information which includes delivery points but not necessarily all housing units. You both touched on that.

Would letter carriers be of assistance in finding irregular or hard-to-find housing units that are not regular delivery points?

Mr. CONNERS. I don't think they would have any trouble with that at all, sir.

Mr. HICKS. I concur with that, sir.

Mr. SAWYER. You think it would be a useful application?

Mr. CONNERS. Yes.

Mr. HICKS. Yes.

Mr. SAWYER. There is a lot of variation, particularly in rural areas between the proportion of box customers and home delivery. How much variation from one place to another?

Mr. HICKS. It varies depending on the part of the country you are talking about. But anymore, we deliver 2.7 million miles a day in rural and urban areas. We encompass quite a bit of the area that there is out there available to serve. Over time, I personally have participated in the 1960 and 1970 and 1980 Census as a rural carrier on the route, and there was fallacies in the system as it developed through the Postal Service and the Census Bureau but it was not directly related to the inability to find those hard-to-locate addresses or the people.

It may be the time of year it was conducted or the information that was requested by the Census Bureau through the Postal Service that the individual carrier gave information back on. So, from my perspective, there is an excellent opportunity to capitalize on the individual knowledge of the individual carrier about the delivery terrain territory, vacants, temporary vacants, et cetera.

Mr. SAWYER. Let me ask you, there are a lot of different kinds of information that has been suggested that letter carriers might be able to bring to the conduct of the census. Could you just evaluate for me questions like the ability, each by each, of the letter carriers to bring information about the occupancy status of a housing unit; the number of individuals living there; the kinds of relationships among people who live in a household; husband, wife, child, parent, boarder; or basic demographic characteristics, the kinds of things we have been talking a lot about around here in terms of race or age or the other questions that measure a population.

Mr. CONNERS. In many cases, I believe we can determine who lives in a house, how many people, how many families may live in a house, but in some circumstances, it would be difficult because we may not be sure ourselves exactly how many live in a house or how many families there are, but we could provide a lot more information than you receive at the present time.

Mr. HICKS. I think predominantly, the more rural area you get into, the more accurate that information would be because you tend to know those customers on a much more personal basis than you

do the more urbanized and the more apartment-type, city-type, two-income earners. So I do think in the more rural remote areas, they have an excellent knowledge of that.

Mr. SAWYER. All right.

Mr. PETRI.

Mr. PETRI. I want to thank both of you for coming here today and your organization for developing the suggestions that you have, and I happen to represent a mixed—we don't think it is all that rural, but I basically, if you are from Chicago or a big city, they think it is rural area and the—

Mr. SAWYER. Are there sidewalks between the houses?

Mr. PETRI. Fully every one of my corners has an electric stop-and-go light, so we have urbanized.

Anyway, the rural letter carriers are among the most accurate in all sorts of community organizations from serving on town boards and so on and so forth. This would be—I am glad you are bringing to the attention of this committee and to the Census Bureau in this way something that I suspect we know institutionally because of past censuses but need to be reminded of, and that is there is a tremendous resource there and it would be mutually beneficial for some full-reserve carriers and others to participate in this process at the time they are getting enumerators and so on.

I will be happy to work with you as this process goes forward. Thank you again for coming.

Mr. SAWYER. Thank you both very much. We may want to submit questions that deal more directly with the kinds of real world consequences on job descriptions and contract negotiations and all those tougher kinds of questions, but I think your positions with regard to that sort of thing you made very clear in your testimony. Thank you both very much.

We had hoped to complete as a part of this meeting a markup this afternoon. We are having difficulty with attendance at this point, and so we want to announce that we are going to postpone until 9:15 tomorrow morning the markup we planned for this afternoon.

If there is no further business coming before us, we stand adjourned.

[Whereupon, at 4:04 p.m., the subcommittee was adjourned.]

ISBN 0-16-046536-2

