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TO AMEND THE MICRONESIAN CLAIMS ACT OF 1971

GOVERNMENT

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HEARING

BEFORE THE

SUBCOMMITTEE ON

TERRITORIES AND INSULAR AFFAIRS

OF THE

COMMITTEE ON

INTERIOR AND INSULAR AFFAIRS

UNITED STATES SENATE

NINETY-THIRD CONGRESS

FIRST SESSION

ON

H.R. 6628

AN ACT TO AMEND SECTION 101(b) OF THE MICRONESIAN CLAIMS ACT OF 1971 TO ENLARGE THE CLASS OF PERSONS ELIGIBLE TO RECEIVE BENEFITS UNDER THE CLAIMS PROGRAM ESTABLISHED BY THAT ACT

AUGUST 3, 1973



Printed for the use of the
Committee on Interior and Insular Affairs

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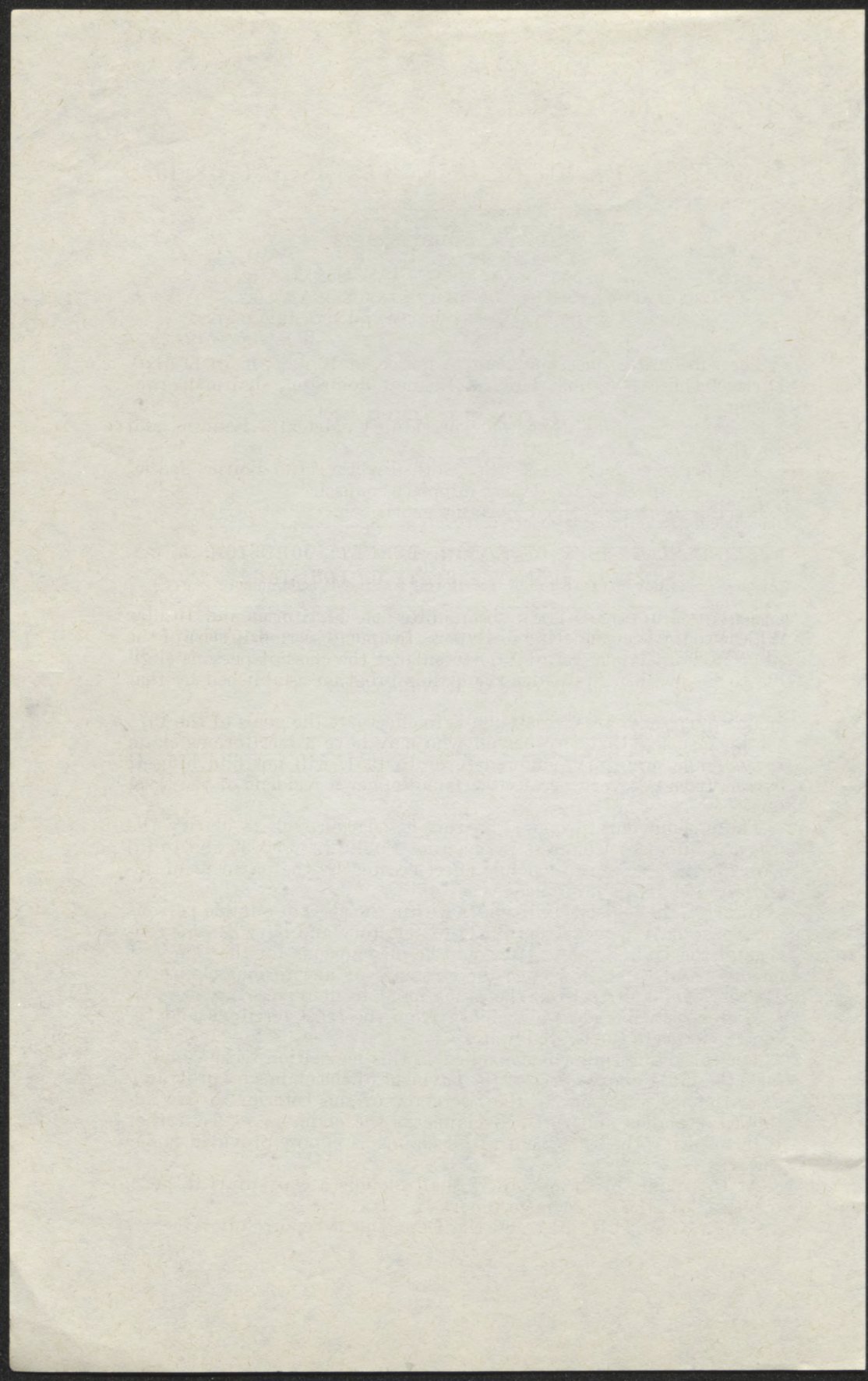
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TO AMEND THE MICRONESIAN CLAIMS ACT OF 1971

FRIDAY, AUGUST 3, 1973

U.S. SENATE,
SUBCOMMITTEE ON TERRITORIES AND INSULAR AFFAIRS,
OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 a.m., in room 3110, Dirksen Office Building, Hon. J. Bennett Johnston, chairman, presiding.

Present: Senators Johnston [presiding], Metcalf, Fannin, and Bartlett.

Also present: Jerry T. Verkler, staff director; Jim Beirne, special counsel; and Fred Craft, deputy minority counsel.

Senator JOHNSTON. Good morning, gentlemen.

OPENING STATEMENT OF HON. J. BENNETT JOHNSTON, A U.S. SENATOR FROM THE STATE OF LOUISIANA

Senator JOHNSTON. The Subcommittee on Territories and Insular Affairs today is considering H.R. 6628, to amend section 101(b) of the Micronesian Claims Act of 1971 to enlarge the class of persons eligible to receive benefits under the claims program established by that act.

The purpose of this legislation is to effectuate the goals of the 1971 act by insuring that any person who may have a meritorious claim for damage or injury, suffered prior to 1951, will not find himself barred from recovery because he is no longer a resident of the trust territory.

The amendments proposed in this legislation seek to clarify the original intent of Congress in enacting Public Law 92-39 and to insure that any adverse economic effect created by the payment of adjudicated claims is minimized.

In brief, the legislation includes within the class of eligible persons those who have moved from the trust territory and have become citizens of the United States. It would be incongruous for the Congress on one hand to acknowledge the existence of meritorious claims by Micronesians and then on the other hand to deny recovery because a Micronesian has elected to move from the trust territory and become a citizen of the United States.

The second amendment embodied in this legislation seeks to minimize the inflationary effect of the payment of the claims by providing discretionary authority to the Secretary of the Interior to pay adjudicated claims and certified claims as the claim is settled rather than awaiting the settlement of all claims as is now provided under the act.

At this point in the record, I shall include a copy of H.R. 6628, together with the Department report.

[The text of H.R. 6628 and the Department report follow:]

93^D CONGRESS
1ST SESSION

H. R. 6628

IN THE SENATE OF THE UNITED STATES

MAY 22, 1973

Read twice and referred to the Committee on Interior and Insular Affairs

AN ACT

To amend section 101 (b) of the Micronesian Claims Act of 1971 to enlarge the class of persons eligible to receive benefits under the claims program established by that Act.

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

3 That section 101 (b) of the Micronesian Claims Act of 1971
4 (50 App. U.S.C. 2019 (b)) is amended to read as follows:

5 “(b) A ‘Micronesian inhabitant of the Trust Territory
6 of the Pacific Islands’ is defined for the purposes of this Act
7 as a person who—

8 “(1) became a citizen of the Trust Territory of the
9 Pacific Islands on July 18, 1947, and who remains a
10 citizen of the Trust Territory of the Pacific Islands, or is

1 a citizen of the United States, as of the date of filing a
2 claim; or

3 “(2) if then living, would have been eligible to
4 become a citizen of the Trust Territory of the Pacific
5 Islands on July 18, 1974; or

6 “(3) is the successor, heir, or assignee of a person
7 eligible under paragraph (1) or (2) and who is a citizen
8 of the Trust Territory of the Pacific Islands, or of the
9 United States, as of the date of filing a claim.”.

10 SEC. 2. The fifth sentence of section 104 (a) of the
11 Micronesian Claims Act of 1971 (50 App. U.S.C. 2019c
12 (a)) is amended to read as follows: “As claims are adjudi-
13 cated, the Commission shall certify them to the Secretary
14 for payment in such manner as he may direct.”

Passed the House of Representatives May 21, 1973.

Attest:

W. PAT JENNINGS,

Clerk.



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

Dear Mr. Chairman:

AUG 2 1973

This responds to your request for the views of this Department on H.R. 6628, a bill "To amend section 101(b) of the Micronesian Claims Act of 1971 to enlarge the class of persons eligible to receive benefits under the claims program established by that Act," which is pending before your Committee.

We recommend enactment of this bill.

H.R. 6628 would amend the Micronesian Claims Act of 1971 (Public Law 92-39) so as to enable the citizens of the United States, as well as those of the Trust Territory of the Pacific Islands, to be eligible for benefits under the claims program of that Act. Section 2 of the bill would amend section 104(a) of that Act to read: "As claims are adjudicated, the Commission shall certify them to the Secretary for payment in such manner as he may direct."

The first amendment contained in this bill would include the following classes of persons in the number of those eligible for benefits: (1) those citizens of the Trust Territory on July 19, 1947, who are now U.S. citizens; and (2) U.S. citizens who are the successors, heirs or assignees of persons otherwise eligible. In general, the amendment would benefit Micronesians who have left Micronesia and taken up permanent residency in Guam, Hawaii, and elsewhere, and have become U.S. citizens. We do not have an accurate estimate of new claims which might be submitted as a result of the amendment, nor of the value of such claims. However, it is our belief that the number of claims is relatively small, probably not more than one hundred. There would be no additional cost to the United States by newly eligible claims under either title of the Act, since the funds available are limited to the \$10 million jointly provided by the U.S. and Japan for Title I and \$20 million currently authorized by Congress for Title II. If H.R. 6628 is passed, there may be a slight reduction of the percentage paid on each award, but nevertheless we believe that fairness dictates the inclusion of those persons who have become U.S. citizens in the ranks of those eligible for claims benefits.

The second amendment contained in H.R. 6628 would alter the system of paying Micronesian claims. Currently, section 104(a) of the Claims Act requires that all claims be adjudicated by the Micronesian Claims Commission before that body shall certify them to the Secretary of the Interior for payment. As a result, it is unlikely that any claims payments (with exception of the \$1000 initial payments on death claims permitted by the section) will actually be made for a period of from three to four years from now, although the Commission is already making adjudications. This potential delay is causing concern among many

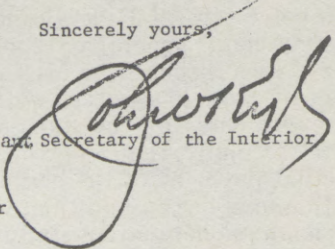
Micronesians, particularly elderly claimants, who would like to be compensated during their lifetimes. Additionally, we wish to avoid the inflationary effect within Micronesia which would probably result from the payment of all claims at once; Micronesia's economy cannot easily absorb an unstructured input of \$25-30 million in a short period.

This amendment would give the Secretary of the Interior the flexibility to make at least some payments prior to the adjudication of all claims and their certification by the Commission. It is our intention that as the claims are adjudicated and certified over the next three or four years, the Secretary will make at least partial payment on each. The exact percentage of such payments must, of course, take into consideration the total amount of awards made and claims yet to be adjudicated at any particular time. (For example, let us suppose that the total of awards made and claims yet to be adjudicated under Title I stands, at a certain point in time, at \$40 million. Since the fund is limited to \$10 million, no early payment would exceed 25 percent of the award.) Indeed, we would not expect any payments with the exception of the initial payments on death claims to be made until the completion of the claims filing period in October 1973, at which time will be known the total amount of claims sought under each title of the Act. Final payments will not be made, of course, until it is determined how the total of claims awarded relates to available funds under each title of the Claims Act.

We believe that the use of a formula that varies according to conditions of the funds and the pending claims will meet fully with a chief purpose of the original Act -- to insure that all claimants are treated equitably, if the amount of awards should exceed available funds. In addition, claimants will be compensated more quickly and the Micronesian economy will not be disrupted unnecessarily.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,


Assistant Secretary of the Interior

Honorable Henry M. Jackson
Chairman, Committee on Interior
and Insular Affairs
United States Senate
Washington, D.C. 20510

Senator JOHNSTON. We are pleased to have as our first witness, Mr. Stanley S. Carpenter, the very knowledgeable Director of Territorial Affairs in the Department of the Interior.

Mr. Carpenter, we would be pleased to hear from you at this time.

STATEMENT OF STANLEY S. CARPENTER, DIRECTOR OF TERRITORIAL AFFAIRS, DEPARTMENT OF THE INTERIOR

Mr. CARPENTER. Thank you very much, Mr. Chairman. It is always a pleasure for me to appear before you and members of your subcommittee on matters affecting our territories.

I do have a prepared statement, Mr. Chairman, which, with your permission, I would like to read at this time.

Senator JOHNSTON. Yes.

Mr. CARPENTER. Mr. Chairman, it is a pleasure for me to appear before this subcommittee today to testify on behalf of the Department of the Interior on H.R. 6628, which would amend the Micronesian Claims Act of 1971.

I wish at the outset to state that we support enactment of H.R. 6628, which would amend the 1971 Claims Act in two areas, relating to eligible claimants and to payment procedures, as I shall discuss later in this statement.

The Micronesian Claims Act was approved by President Nixon on July 1, 1971. A great deal of work has been done since then in the funding and organizing of the Micronesian Claims Commission created by the act: the establishment by that body of procedures for the taking, consideration and adjudication of claims under the act; the implementation of the 1969 agreement with the Government of Japan which is reflected in title I; and finally, procedures for the Secretary of the Interior to make actual payment to persons whose claims have been adjudicated by the Commission. These functions, as you know, involve several Federal agencies. The Foreign Claims Settlement Commission is generally responsible for the collection and adjudication of claims through the Micronesian Claims Commission. The Department of State has worked with the Japanese Government in making arrangements for the Japanese contribution under the agreement of 1969. Finally, the Department of the Interior is responsible for the actual payment of the claims as certified by the Micronesian Claims Commission; in addition, we at the departmental level and the High Commissioner and his staff in the trust territory provide support, assistance and liaison to the Foreign Claims Settlement Commission and the Micronesian Claims Commission.

With this background, I will now move to discussion of the impact of the bill presently under consideration. Generally, H.R. 6628 would amend the Micronesian Claims Act of 1971 (Public Law 92-39) in 2 years. First, it would enable the citizens of the United States, as well as those of the Trust Territory of the Pacific Islands, to be eligible for benefits under the claims program of that act. As presently structured, Public Law 92-39 provides that only Micronesian citizens are thus entitled. The amendment contained in this bill would newly include the following classes of persons in the number of those eligible for benefits: (1) those citizens of the trust territory on July 18, 1947, who are now U.S. citizens; and (2) U.S. citizens who are the successors, heirs or assignees of persons otherwise eligible.

In general, this amendment would benefit Micronesians who have left Micronesia and taken up permanent residency in Guam, Hawaii, and elsewhere, and have become U.S. citizens. We do not have an accurate estimate of new claims which might be submitted as a result of the amendment, nor of the value of such claims. However, it is our belief that the number of claims is relatively small, probably not more than 100. There would be no additional cost to the United States for newly eligible claims under either title of the act. The funds available for war claims under title I are limited to the \$10 million jointly provided by the United States and Japan. Title II covers postwar claims and has an authorization of \$20 million from the U.S. Congress. Thus, widening the eligibility of claimants might have the effect of reducing the amount available for payment to citizens of Micronesia. Nevertheless, we believe that fairness dictates the inclusion of those persons who have become U.S. citizens in the ranks of those eligible for claims benefits.

The second amendment included in H.R. 6628 is of particular concern to the Department of the Interior by reason of our responsibility for actual payment of claims under Public Law 92-39.

Section 104(a) of the existing law requires that all, I repeat, all claims be adjudicated by the Micronesian Claims Commission before that body shall certify them to the Secretary of the Interior for payment. As a result, it is unlikely that any claims payments—with exception of the \$1,000 initial payments on death claims permitted by the section—will actually be made for a period of from 3 to 4 years from now, although the Commission is already making adjudications. This potential delay is causing concern among many Micronesians, particularly elderly claimants, who would like to be compensated during their lifetimes. Additionally, we wish to avoid the inflationary effect within Micronesia which would probably result from the payment of all claims at once; Micronesia's economy cannot easily absorb an unstructured input of \$25 to \$30 million in a short period.

Senator JOHNSTON. Excuse me. I thought we were limited to \$10 million.

Mr. CARPENTER. A total of \$10 million under title I for war claims, and under title II a \$20 million authorization for postwar claims.

Senator JOHNSTON. What are postwar claims?

Mr. CARPENTER. Title II are postwar claims.

Senator JOHNSTON. What kind of claims are postwar claims?

Mr. CARPENTER. Claims with regard to personal property, death, damages to individuals, and so on. This would cover the period from the securing of the respective islands at the end of the war to July 1, 1951.

Senator JOHNSTON. What would be the basis of those claims, expropriation? Mr. Loesch just mentioned that after the war, the Navy bulldozed lands and huts and croplands to build airstrips, and other facilities. I have several questions for you on that, but why don't you finish your statement first.

Mr. CARPENTER. Accordingly, in an effort to overcome this difficulty, H.R. 6628 would make an amendment to the act at section 104(a). Specifically it would delete the sentence which reads:

When all claims have been adjudicated, the Commission shall certify them to the Secretary for payment.

and insert in lieu thereof the following:

As claims are adjudicated, the Commission shall certify them to the Secretary for payment in such manner as he may direct.

This amendment would give the Secretary of the Interior the flexibility to make at least some payments prior to the adjudication of all claims and their certification by the Commission. Pursuant to this amendment, as the claims are adjudicated and certified over the next 3 or 4 years, the Secretary would make at least partial payment on each. For proration purposes, the exact percentage of such payments must, of course, take into consideration the total amount of awards made, the funds available for payment, and claims yet to be adjudicated at any particular time. For example, let us suppose that the total of awards made and claims yet to be adjudicated under title I stands, at a certain point in time, at \$40 million. Since the fund is limited to \$10 million, no early payment would exceed 25 percent of the award. Indeed, we would not expect any payments with the exception of the initial payments on death claims to be made until the completion of the claims filing period in October 1973, at which time will be known the total amount of claims sought under each title of the act. Final payments will not be made, of course, until it is determined how the total of claims awarded relates to available funds under each title of the Claims Act.

We believe that the use of a formula that varies according to conditions of the funds and the pending claims will meet fully with a chief purpose of the original act—to insure that all claimants are treated equitably, if the amount of awards should exceed available funds. In addition, claimants will receive some partial compensation more quickly and the Micronesian economy will not be disrupted unnecessarily.

I shall be pleased, Mr. Chairman, to answer any questions which you may have. Thank you.

Senator JOHNSTON. Do I understand that there are about 5,000 claims, or something in excess of 5,000 claims, filed under this act?

Mr. CARPENTER. Yes, sir; a little over 5,000.

Senator JOHNSTON. How do these claims break down as between property damage, death, personal injury, et cetera?

Mr. CARPENTER. I would like to defer that question to Mr. McClellan, whose people are directly involved in this problem. I believe he has a complete breakdown on the types of claims and figures.

Senator JOHNSTON. Where did the pressure come from to include U.S. citizens?

Mr. CARPENTER. It has come from the Micronesian people, mainly out of Saipan where there is a great deal more interest in claims than other areas. Of course, those few individuals involved have been appealing to their legal representatives.

Senator JOHNSTON. I am quite surprised we would have only \$10 million wartime claims and \$20 million for postwar claims. Can you tell me more about the postwar claims?

Mr. CARPENTER. As I mentioned, they do cover the period from the securing of the items to July 1951. This was a period, of course, when the area was disrupted to some extent by military activities of one kind or another and certain damages were incurred by the Micronesian people as a result of these actions. Mr. McClellan can go into

more detail on specific types of claims, but they run from the loss of a few chickens, or animals to damages to buildings, disagreement on taking of land, and other sorts of claim.

Senator JOHNSTON. I talked to the Claims Commissioner out in one of the islands, it may have been Saipan. I was impressed with the immense difficulty in administration of this Claims Act due to the dispersion of the people, the time element in getting witnesses out to Outer Islands, the fact that there is no property system at all which makes it difficult to know how a particular claim matriculates down through any system.

Would it be more appropriate to ask Mr. McClellan, or would you like to answer that question on the operation of the claims adjudication?

Mr. CARPENTER. Let me generally respond. There certainly has been a very difficult responsibility for the Claims Commission to administer the act in view of the great distances involved in Micronesia. As you, well know Mr. Chairman, the farflung geographic location of islands, particularly the Outer Islands, makes contact with the people difficult.

The Claims Commission had to set up a training program for its staff members to assist them in this difficult job. Arrangements had to be made via local boat and other means of transportation to get necessary information and forms out to its people and to explain the claims program.

I think, by and large, the Commission and staff members working out there have done a magnificent job during this initial period of 1 year in which claims are to be filed. I am sure Mr. McClellan will have more specifics on the difficulties involved.

Senator JOHNSTON. Senator Bartlett.

Senator BARTLETT. Mr. Chairman. What are the various entitlements for claims. In other words, what does a person have to prove that they suffered on damage?

Mr. CARPENTER. One category of course, is the death claims brought by relatives.

Senator BARTLETT. Death on what basis? Natural death?

Mr. CARPENTER. No; death caused by hostilities under title I during the war, or by accident or some other means in the postwar period and covered under title II of the act.

Senator BARTLETT. What kind of accidents? Would this be an accident that was caused by some action of the American occupation?

Mr. CARPENTER. Yes, it would be. Mr. McClellan, who is with the Claims Commission, can go into more detail on specific type of accidents and the manner in which the Claims Commission staff collect necessary affidavits to prove, insofar as they can, the validity of the claim.

Senator BARTLETT. What other than death?

Mr. CARPENTER. Personal injury. Damage to personal property of one kind or another, for instance damage to crops or domestic animals.

Senator BARTLETT. On those two or three reasons for making a claim, going back to the question of the chairman, are we to assume then that the amount of deaths caused by the occupation since the war, and the cattle and property damage, injured or killed, has doubled in the postwar period as compared to during the war, or is there any basis at all for the postwar amount being doubled that?

Mr. CARPENTER. I am told by Mr. McClellan that his latest information would indicate the majority of the death claims, the great majority, the great majority, were incurred under title I, that is during the war.

Senator BARTLETT. It would seem logical that that would be the case. It would seem logical that damage to property would likewise be higher in the war than in the postwar period. I just wonder if there is evidence—how long has the Commission been operating?

Mr. CARPENTER. The Commission was actually established last summer, and the initial filing period began October 17, of last year.

Senator BARTLETT. Does the work of the Commission provide information that would indicate the \$10 million and the \$20 million in the two titles is the proper amount?

Mr. CARPENTER. Because the 1 year provided for a filing period is not yet completed, it has been difficult to reach any specific conclusion on that question, at the moment. I have been informed that it looks as though the \$20 million for the postwar claims will be sufficient. We are not quite sure on the \$10 million for the war claims. This is the best judgment we have at the present time.

There are roughly 5,000 claims already filed. The initial estimate by the Claims Commission was a total of 9,000 to 10,000. It now looks as though that number might not be higher than a total of 7,500 claims.

Senator BARTLETT. Thank you, Mr. Chairman.

Senator JOHNSTON. Senator Metcalf.

Senator METCALF. Thank you very much, Mr. Chairman. No questions.

Senator JOHNSTON. Thank you very much, Mr. Carpenter. We appreciate your testimony.

We would like to hear now from Mr. McClellan. Wayland D. McClellan is General Counsel for the Foreign Claims Settlement Commission which includes more than just the Micronesian claims.

STATEMENT OF WAYLAND D. McCLELLAN, GENERAL COUNSEL, FOREIGN CLAIMS SETTLEMENT COMMISSION

Mr. McCLELLAN. Yes, it does. We have various other types of claims operations involving other countries. This is just one portion of our responsibility. The Micronesian Claims Commission operates under the direction and supervision of the Chairman of our parent agency here in Washington, D.C.

Mr. Chairman, I have a prepared statement. It generally follows the reasoning that Mr. Carpenter has advanced, and we support the amendments that are before you for consideration. Maybe the time would be better spent if I just submitted this for the record without reading it, if that is permissible with you.

Senator JOHNSTON. Yes. We will submit the statement verbatim into the record.

[The prepared statement of Mr. McClellan follows:]

PREPARED STATEMENT OF WAYLAND D. McCLELLAN, GENERAL COUNSEL, FOREIGN CLAIMS SETTLEMENT COMMISSION

Mr. Chairman and Members of the Subcommittee, I appreciate this opportunity to appear before you today as General Counsel of the Foreign Claims Settlement Commission to recommend your favorable consideration of the proposed H.R.

6628, a bill "To amend Section 101(b) of the Micronesian Claims Act of 1971 to enlarge the class of persons eligible to receive benefits under the claims program established by that Act."

Section 101(b) of the Act as presently constituted restricts these benefits to Micronesian inhabitants of the Trust Territory of the Pacific Islands. The section then defines a "Micronesian inhabitant of the Trust Territory of the Pacific Islands" as a person who (1) became a citizen of the Trust Territory of the Pacific Islands on July 18, 1947, and who remains a citizen as of the date of filing a claim; (2) if then living, would have been eligible for citizenship on July 18, 1947; or (3) is the successor, heir, or assignee of a person eligible under paragraph (1) or (2) and who is a citizen of the Trust Territory of the Pacific Islands as of the date of filing a claim.

The amendment proposed in H.R. 6628 would render eligible for the receipt of benefits (1) those persons who were citizens of the Trust Territory on July 18, 1947 but became United States citizens prior to the date of filing a claim with the Micronesian Claims Commission and (2) United States citizens who are the successors, heirs or assignees of persons who would otherwise have qualified for the receipt of benefits. In substance, the amendment is intended to extend these benefits provided for under the Act to those former Micronesians who have elected to become citizens of the United States since July 18, 1947.

The Commission has endeavored to ascertain the number of claims that would be affected by this amendment and the amounts thereof. However, the information is not readily available. We do have some indication that the number of claims would probably not exceed 100. We have no information regarding whether these claims are Title I or Title II losses.

The enactment of this amendment would not entail any additional cost to the United States with respect to Title I claims because the funds for the payment of such claims are limited to \$10 million under an agreement between the Governments of the United States and Japan. There is presently a \$20 million authorization for funds to pay claims under Title II of the Act. Any new category of claims under this title would increase the total of the amounts of awards granted by the Micronesian Claims Commission. At this point it is impossible to state whether the aggregate amounts of awards to be granted in claims under Title II will exceed the \$20 million authorization. If this is the case, there is no legal obligation on the part of the United States to increase the authorization and provide additional funds because the Congress has made it quite clear that these payments are "*ex gratia*".

Upon consideration of all facets of this claims program, the Commission believes that equity would be served by providing relief for those former Micronesian inhabitants who have become United States citizens subsequent to July 18, 1947.

H.R. 6628 would also amend the fifth sentence of section 104(a) of the Micronesian Claims Act of 1971 to read as follows: "As claims are adjudicated, the Commission shall certify them to the Secretary for payment in such manner as he may direct." On the basis of the Act as presently constituted the only awards that may now be certified to the Secretary are those based on death claims. Immediate payments up to \$1,000.00 may be made on such awards upon certification.

This proposed amendment is designed to authorize the Micronesian Claims Commission to certify all awards to the Secretary of the Interior upon adjudication rather than after all claims have been adjudicated. In this connection, the statute requires the Micronesian Claims Commission to complete its determinations on these claims no later than October 15, 1976. Additionally, of the total award upon adjudication rather than delay any payment until the the amendment would permit the Secretary of the Interior to pay some portion claims program is completed. The Commission is in accord with the Department of the Interior with respect to this amendment and urges its enactment.

Thank you.

Mr. McCLELLAN. Maybe I could answer any questions the committee has, and if I do not have the answers I will get them and give them to you.

Senator JOHNSTON. Thank you, Mr. McClellan. I think you could begin, if you would, by elucidating a little bit on Senator Bartlett's question about why it is that we have only \$10 million for wartime claims, yet twice that amount for between 1945 and 1951?

Mr. McCLELLAN. I think one of the reasons for that, Mr. Chairman, is that after the war ended the United States moved into many of these islands. They built military installations and other installations and took over the use of the property belonging to the Micronesian inhabitants. They bulldozed down coconut trees and copra plantations, and things like this, for the use of the military, the Army, the Navy and other organizations. I think this is one reason that the damages may be more, because we have retained the use of the property of Micronesians over a period of years. This covers all of those types of claims. Right now we do not think there will be very many death claims involved in title II. Most of these will probably be under title I, where death occurred as a result of military hostilities.

This is our present view of the way it is going to turn out. We will not know definitely until the filing period is completed on October 15 of this year.

Senator JOHNSTON. That has been open for some years, hasn't it, the claims period?

Mr. McCLELLAN. It started officially on October 16, 1972. The statute as presently constituted sets a 1-year filing period, which ends on October 15 of this year.

Senator JOHNSTON. Clause (b), (2) states:

"If then living, would have been eligible to become a citizen of the Trust Territory of the Pacific Islands from July 18, 1947," as one method of determining eligibility. The language is designed to cover those killed during the war and consequently never became citizens. The language, however, is broad enough and imprecise enough to cover technically anyone living or not who could have become a citizen of the trust territory. Although no problems have arisen for the period, the intent should be clarified. Now what is the intent of that phraseology?

Mr. McCLELLAN. This is a very difficult statute as we see it. I think it is primarily meant to include those persons who were killed before the date that they could have become citizens of the trust territory or those persons who were not yet born. It may refer to the successors of someone who was killed or who sustained a loss and were not yet born; but if they had been living at the time, they would have been eligible for citizenship. Those people who are deceased by that date, had they been living, would have been eligible for citizenship in Micronesia.

Senator JOHNSTON. Have you cataloged the amount of claims you have? Do you know what the dollar amount of claims is?

Mr. McCLELLAN. I think the last report indicated that it was something in excess of \$60 million. This is both title I and title II. Unfortunately, we do not have a breakdown on the title I and title II claims.

As you know from your trip out and your conversation with Mr. Greer, who is the Chairman of our Commission out there, you touched on it a little earlier, the logistics of getting these claim forms out and getting them in is a difficult job.

Senator JOHNSTON. We know you have a \$60 million total. Do you have any idea whether it is more for wartime or more for postwar?

Mr. McCLELLAN. Probably wartime, at this moment.

Senator JOHNSTON. More for wartime. Do you know how the claims breakdown between death, personal injury, property damage?

Mr. McCLELLAN. We had initially estimated that the maximum number of death claims would be around 1,500. The other claims——

Senator JOHNSTON. That is before you opened for claims?

Mr. McCLELLAN. That is correct. We do not have a breakdown at this moment. As I say, the primary object that we have been pointing to now is to try to get the claims in before the deadline to assure that everyone who has a claim will be able to have his claim considered. We have covered approximately 95 percent of the trust territory now. We feel that this is the most important thing that should be accomplished at this time.

Senator JOHNSTON. This does not include any expropriation of real property, does it?

Mr. McCLELLAN. It could; yes, it could include that where the United States has taken over areas, and we continue to hold onto it for military or other uses. This includes loss of use of property as a result of action by the United States.

Senator JOHNSTON. Very little of the property is individually owned out there.

Mr. McCLELLAN. I do not think that is quite correct, sir. Individuals do own property out there. There are clans that own property. The chief holds property for a clan and there is individual ownership. I think it primarily depends on the custom in the particular location where the property happens to be as to whether or not it is owned individually or is held by a clan or a chief. Nevertheless, we would still have to consider that claim whether it is by a clan or the individual concerned.

They do have some property records out there that the Japanese set up during their administration of the trust territory. We have been able to make use of these records to indicate some ownership. Of course, this may be rare. We are sometimes going to have to rely on the chief or other knowledgeable persons to indicate the meets and bounds of where Mr. X or John Doe may have owned property.

Senator JOHNSTON. How do you determine a death claim? Who is entitled to make a death claim, and what is the amount of it?

Mr. McCLELLAN. Right now, our first death claim decision sets a maximum of \$5,000. It is on a sliding scale, going from \$500 up to 12 years of age to \$5,000 for a person who is 20 years old; and a sliding scale that goes down to \$1,000 depending on the age of the individual at the time of death. Objections have been filed to that decision.

Senator JOHNSTON. Who is entitled to make the death claim? Only descendants or brothers or sisters?

Mr. McCLELLAN. The wife, children, parents, brothers, sisters, and it goes down to the lineal descendants.

Senator JOHNSTON. Do you have a hierarchy there that children, and in lieu of children then mother and father, and in lieu of mother and father, or all of these simultaneously to meet claims?

Mr. McCLELLAN. No. The widow and children have first priority of filing the claim. Then the parents, brothers and sisters, and so on down the line.

Senator JOHNSTON. When you are talking about the sliding scale of \$500 or to \$5,000, is that per claim and/or per death?

Mr. McCLELLAN. Per death.

Senator JOHNSTON. Does it take into consideration the loss of love and affection or property, or is it just an arbitrary sum?

Mr. McCLELLAN. It is not an arbitrary sum. The Commission out there tried several methods of computing this. We tried to follow the Federal Employees Compensation Act initially. We found that this did not work.

As you know, the Micronesian economy was a subsistence economy primarily, and every member of the family contributed toward this to the extent that he could. There were very few wage earners. The Commission tried to follow the Federal Employees Compensation Act method of computing the death awards. The awards would have been so low they would have been almost ridiculous. So, we decided on this method. We considered what had been done in Guam, under the Guam Relief Act, where the Navy administered a similar type claims program. We tried to use a similar approach because this is in the same general geographic area, and we wanted to be at least somewhat consistent in what had been done before. But no love and affection is not taken into consideration, because we do not feel you can really compensate for the loss of a life in terms of money. This is just a method of alleviating—

Senator JOHNSTON. You are really using an arbitrary sum, aren't you?

Mr. McCLELLAN. You might call it an arbitrary sum, but a great deal of thought went into this. I was not in on the initial planning of this decision, although I had something to do with looking at it.

Senator JOHNSTON. Don't all widows—let us say, a widow loses a husband and has no children—don't they all get essentially the same amount regardless of whether it was a good marriage or a bad marriage?

Mr. McCLELLAN. That is correct, sir.

Senator JOHNSTON. Or whether he made a lot of money or a little money?

Mr. McCLELLAN. That is correct.

Senator JOHNSTON. Just an arbitrary sum.

To include U.S. citizens among the claimants, is that in order to be just and equitable, or is it to help us in our relationship with Micronesia?

Mr. McCLELLAN. I think the answer to that is both. We did not propose this legislation. I think this was initiated by the people in Micronesia. After looking at this situation, we found it would penalize those people in Micronesia who chose to become U.S. citizens, and who maybe went to Guam, to Hawaii, or to this country.

Let us suppose a Micronesian inhabitant was killed during World War II as a result of hostility, and the only person who could receive compensation now is a person who opted for U.S. citizenship.

Senator JOHNSTON. I fail to see how it helps Micronesians to take money away from them and give it to U.S. citizens.

Mr. McCLELLAN. The chairman may be entirely correct on this point, but I do not think the impact on the fund will be that great.

Mr. CARPENTER. I certainly think it is primarily in the area of trying to be equitable to individuals who we feel, and some of their relatives and a few others in Micronesia feel, should have eligibility to file a claim.

Senator JOHNSTON. You are talking about equity, we are really creating a special situation for Micronesia with this Claims Act, going back

all these years and resurrecting some claims. We are doing it, I think, to establish a good relationship with Micronesia. I am inclined to think it is going to turn out to be a mistake in the end, because you have \$60 million worth of claims and you have only \$10 million—well, \$30 million, counting the postwar, to pay it with. It is not going to be enough money. Everybody is going to feel that they were short-changed, and I predict they will be back here to the Congress. I think it is probably a mistake from that standpoint.

But why do we have to go back and compensate these American citizens for these long-past claims? I just really do not see why we need to do that, unless it is in the name of good relationship with the Micronesians.

Mr. McCLELLAN. I think that has a great deal to do with it, Mr. Chairman. We just do not feel that the impact on the fund is going to be so great that it will make a great deal of difference in the amounts that the Micronesians themselves will receive.

There may be other people in this family who would not be able to collect for the death of an individual. Let us suppose a wife opts for U.S. citizenship. Under our present formula, if there are no children and the wife could not collect, this would be a death that would not be compensated. Or if there are other Micronesians who stand in the line of succession, and there is a wife who still remains unmarried, or even if she is married, nobody can collect. I am sure the Micronesian relatives would be a little upset that nobody could collect for this particular death.

Senator JOHNSTON. I think Senator Bartlett has a question on this area.

Senator BARTLETT. Mr. Chairman, I think this question might be appropriate to your line of questioning. What percentage of the \$30 million would be in cost of administering the Commission, making determinations one claim against another, recognizing, as you pointed out already, the long distances and remote areas to be covered?

Mr. McCLELLAN. The administrative expenses do not come out of the funds that are authorized and appropriated for the payment of claims. We go separately for administrative expenses. The administrative expenses of the Micronesian Claims Commission are included in our regular appropriation request.

Senator BARTLETT. Nonetheless, there are going to be real costs and expenses, so I would assume they would reduce the amount of moneys and services therefore that would be available to Micronesians under these regular appropriations. It would seem to me, from the way you describe some of the problems of administering this program, that it would be a rather sizable percentage of the \$30 million. Even if it comes from elsewhere, it is going to come out of funds that would otherwise accrue to the benefit of the Micronesian people.

Mr. McCLELLAN. I do not think that is quite right, Senator. The \$30 million is earmarked to make payments on the awards granted by the Micronesian Commission. This is separate and distinct from these administrative expenses. We estimate that out of the appropriations that we get to run the Foreign Claims Settlement Commission, almost one-half is devoted to the operation of the Micronesian Claims Commission. This has nothing to do with the \$30 million. This is separate and distinct from the \$30 million that the Congress authorized for the payment of claims as opposed to administrative expenses.

Senator BARTLETT. How much in administrative expenses?

Mr. McCLELLAN. About—around \$400,000 it will cost this fiscal year to operate the Micronesian Claims Commission.

Senator BARTLETT. What would be the total for the entire anticipated period?

Mr. McCLELLAN. The law requires us to complete the work 3 years after the deadline for filing claims. The would make it October 15, 1976, as the absolute deadline for completion of the claims program. We hope—maybe this is wishful thinking, but Chairman Garlock has stated he would like to see the Commission complete its function a year ahead of the deadline, but I do not know if we will be able to do it. This is certainly something to work toward.

Senator JOHNSTON. Is it legal for a lawyer to represent a claimant and get a fee?

Mr. McCLELLAN. Oh, yes, but he is limited to 1 percent.

Senator JOHNSTON. And it is illegal to pay anymore than 1 percent?

Mr. McCLELLAN. The statute makes it a misdemeanor, subject to criminal prosecution, a fine and imprisonment.

Senator METCALF. I wonder if the Senator would yield to me for a moment?

Senator JOHNSTON. Yes.

Senator METCALF. As a member of the bar, Senator Johnston, of Micronesia, I am going to ask a couple of questions.

The last time I was in Micronesia I was admitted to the Micronesian Bar, and I have that certificate hanging up along with the certificate of admission to the U.S. Supreme Court.

If the United States had paid these claims on a timely basis—as we should in all equity—in my opinion, these men and women who have gone to Guam, Hawaii and come to the United States would have been there and would have participated in the distribution of these claims; isn't that true?

Mr. McCLELLAN. Yes, sir, I think that is true.

Senator METCALF. Or if they had been alive, they and their families would have enjoyed the benefits. Now, since we have delayed so long, it would seem to me that we should go back to the time when in all equity and justice we should have paid these claims. Isn't there an analogy here between the way in which we treat American Indians under the Indian Claims Act? We allow an Indian claim to be brought before the Commission for unfair taking of land during the times of the Indian treaties and back in the days of the Indian wars.

There is not a single living Indian who really was damaged. Only Indian ancestors that suffer the damages. Yet we pay the claims. And we pay the claims not only to Indians who live on reservations, but we pay the claims to those Indians who have gone to Chicago and have been relocated to Los Angeles, or have gone out into life in other areas. Senator Bartlett has not had that problem with the reservation. but we certainly have Indians all over America who have made a success. Yet we do not discriminate between the Indians who stayed on the reservation and the Indians who have tribal enrollment, who live in Seattle, or maybe a few miles off the reservation in some other place. Wouldn't you say that was an analogous sort of a situation?

Mr. McCLELLAN. I think the Senator has made a very good point. I think, also, the chairman has put his finger on this when he says

this is a matter of goodwill to the Micronesian people, and also there is no legal obligation on the part of the United States to pay any of these claims. The statute says this is an *ex gratia* payment.

But we have a moral obligation. Congress felt we had a moral obligation to make some provision for payment to alleviate the circumstances that these people found themselves in through no fault of their own. The Japanese were there. We fought and tore the place up and regained these islands. Then we go in and bulldoze the copra plantations. And Congress felt they had a moral obligation to do something for these people. It has taken a long time.

Senator JOHNSTON. Let me interrupt at that point to ask this, and this is a question for both witnesses, particularly for Mr. Carpenter. Do you feel that we will be helping our relationship with Micronesia by passage of the part of the bill that relates to claims for U.S. citizens who were formerly Micronesians?

Mr. CARPENTER. Yes, I believe we will.

Mr. McCLELLAN. Yes, sir, I do.

Senator JOHNSTON. I really think that is the answer, because, at least in theory, it is not costing anything extra.

Mr. CARPENTER. No, sir.

Mr. McCLELLAN. I think the early payment of claims that Mr. Carpenter mentioned, is really important. I know it is important to us for our people in Micronesia who are operating the Commission, because once the decisions have started to issue, the first thing the people want to know is when they are going to get paid.

Senator JOHNSTON. I know from experience when I was there, one of the biggest points of irritation was the slowness of the Claims Commission and the inability to get the claims paid. I appreciate the difficulties that the Claims Commission has in trying to gather this monumental amount of evidence spread all over the world, but I think this would be a very useful tool to use, to be able to pay them in advance. I think that is going to be a great thing and a real help in our relationship out there.

Mr. McCLELLAN. I just might point out, Mr. Chairman, that as of July 25 we had already issued 63 decisions on 67 claims. Some claims were consolidated in one decision. Despite the fact that our primary purpose is to get the claims in, Chairman Garlock has instructed our people in Micronesia to get these decisions out. Now, 26 of those decisions are death claim awards, 38 decisions are personal property losses primarily. These people are really going to be after us, and it makes our work much more difficult if we have to try to explain to them why you cannot get paid for 4 years.

Senator JOHNSTON. I think this is probably a good point to call an adjournment of the committee. We have a vote on and we all have to go over there.

Gentlemen, we appreciate your testimony. You have been very helpful.

Senator BARTLETT. I have a couple of more questions. I think maybe they could be answered real quickly.

As I understand, this bill would enable payments to be made in advance of their all being made on one date. Does this result in not having sufficient moneys out of the \$30 million to pay all the claims?

Mr. McCLELLAN. I do not think so.

Senator BARTLETT. Is there any chance it could require more than \$30 million?

Mr. McCLELLAN. There is always a possibility that the awards will go beyond the amounts that have been allocated by the Congress to make payments. But we firmly believe the \$20 million authorized for title II will be sufficient. We could be wrong, but I think the payment conditions could be so structured by Mr. Carpenter and his staff to insure that everybody will be treated equally in proportion to the amounts of the awards that they receive.

Mr. CARPENTER. We will have to take into account the total amount of the claims before they are actually adjudicated, then we can determine a certain percentage basis and work from that point.

Senator BARTLETT. So your objective will be to allocate the total amount among the claims?

Mr. CARPENTER. Yes.

Senator BARTLETT. One other question. On the title I part of it, the Japanese paid half of it, presumably because they did assure that they did some of the damage during World War II. But at the same token, our involvement after that was to a greater extent on behalf of the Japanese since they were not enabled by war agreements, peace agreements, to maintain any military protection in the Pacific. Would it not be logical that they pay half of the \$20 million?

Mr. CARPENTER. The agreement with Japan, Senator, was worked out and completed in 1969. It came as the result of careful and intricate negotiations. I really cannot say more on that.

Senator BARTLETT. Aren't they as much involved with the postwar damage done by Americans as we are from the point of view of the purposes for which it was done.

Mr. McCLELLAN. I do not think so. I will have to preface this by saying this is my personal opinion, because I have not done any study on this and this is really off the top of my head.

Senator JOHNSTON. Let me interrupt at this point. Without objection, the resolutions of the Saipan Legislature will be made a part of the record.

[The resolutions referred to above follow:]

TTPE

COPY

July 3, 1973

The Honorable Vicente T. Camacho
Speaker
Twenty-Fourth Saipan Legislature
P. O. Box 107
Saipan, Mariana Islands 96950

Dear Mr. Speaker:

This will acknowledge receipt of your letter of June 13 transmitting copies of Resolutions No. 24-8-1973, 24-12-1973, 24-13-1973, and 24-14-1973, adopted by the Saipan Legislature during its Second Regular Session, 1973.

I appreciate your courtesy in forwarding me these expressions on behalf of the Legislature.

Sincerely yours,

Henry M. Jackson
Chairman

HMJ:gs

TWENTY-FOURTH SAIPAN LEGISLATURE

P. O. Box 107

Saipan, Mariana Islands 96950



June 13, 1973

SPEAKER

Vicente T. Camacho

VICE-SPEAKER

Joaquin I. Pangelinan

LEGISLATIVE SECRETARY

Esteban I. Pangelinan

FLOOR LEADER

Jose D. Cruz

STANDING

COMMITTEES' CHAIRMAN

HOLD-OVER

Vicente T. Camacho

APPROPRIATION

Jose Q. Guerrero

WAYS AND MEANS

Joaquin S. Torres

LEGISLATIVE AND JUDICIARY

Joaquin I. Pangelinan

RESOURCES AND DEVELOPMENT

Francisco L.G. Camacho

MUNICIPAL ADMINISTRATION

Jose D. Cruz

MEMBERSHIP

Albert S. Camacho

Francisco L.G. Camacho

Vicente T. Camacho

Jose D. Cruz

Juan M. Diaz

Antonio S. Guerrero

Pedro R. Guerrero

Jose Q. Lizama

Pedro T. Nakatsukasa

Esteban I. Pangelinan

Francisco S. Pangelinan

Joaquin I. Pangelinan

Jose S. Sablan

Joaquin S. Torres

STAFFS

Daniel T. Muna

Mrs. Margarita Q. Boyer

The Honorable Henry M. Jackson
Chairman
Committee on Interior and
Insular Affairs
United States Senate
Washington, D. C. 20510

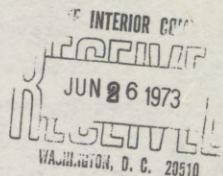
Dear Senator Jackson:

I am transmitting herewith certified copy each of
Resolution No. 24-8-1973, 24-12-1973, 24-13-1973 and
24-14-1973, duly and regularly adopted by the Twenty-Fourth
Saipan Legislature during its Second Regular Session, 1973.

Sincerely yours,

Vicente T. Camacho
Vicente T. Camacho
Speaker

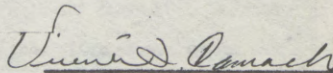
Enclosures



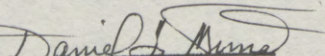
A RESOLUTION

Endorsing H.R. 2008 of the United States Congress, relating to amendment of the Micronesian Claims Act.

1. WHEREAS, H.R. 2008 is presently under consideration by the United
2. States Congress; and
3. WHEREAS, H.R. 2008 contains provisions making a needed amendment to the
4. Micronesian Claims Act of 1971, including a provision allowing former citizens
5. of the Trust Territory who subsequently were naturalized as citizens of the
6. United States to make claims for damages within the scope of the Act; and
7. WHEREAS, the people of the Municipality of Saipan, through their
8. lawfully elected representatives in the Saipan Legislature, desire to express
9. their support for this measure; now, therefore,
10. BE IT RESOLVED by the Twenty-Fourth Saipan Legislature, Second Regular
11. Session, 1973, that the Legislature, on behalf of the people of the Munici-
12. pality of Saipan, hereby endorses H.R. 2008 of the United States Congress,
13. and strongly urges and recommends its passages; and
14. BE IT FURTHER RESOLVED, that certified copies of this Resolution be
15. transmitted to the President of the Senate and to the Speaker of the House
16. of Representatives of the United States Congress; to the Chairman of the
17. Senate and House of Representatives Committees on Interior and Insular
18. Affairs; to the Honorable Donald M. Fraser and the Honorable Lloyd Meeds,
19. members of the House of Representatives; to the Chairman of the Micronesian
20. Claims Commission; to the Honorable Antonio B. WonPat, Guam Representatives
21. to the United States Congress; and to the Secretary of the Interior.
- 22.
23. PASSED AND ADOPTED this 27th day of March, 1973.


Vicente T. Camacho
Speaker

ATTESTED:


Daniel T. Muna
Legislative Clerk

A RESOLUTION

Respectfully requesting the High Commissioner and the District Administrator to seek the approval of the Saipan Legislature on important matters affecting the welfare of the people of the Municipality of Saipan.

1. WHEREAS, the Municipality of Saipan is the largest and most developed
2. Municipality of the Trust Territory, and is the provisional capital thereof;
3. and

4. WHEREAS, many important decisions vital to the welfare of the people
5. of Saipan are made at the headquarters and district level; and

6. WHEREAS, many of these decisions are made without any consultation with
7. or approval by the people of Saipan, through their duly elected representatives
8. in the Saipan Legislature; and

9. WHEREAS, the Municipality of Saipan has elected representatives and has
10. practiced a democratic government, a government which has great concern
11. over matters affecting the Municipality of Saipan; and

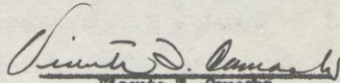
12. WHEREAS, the elected representatives of the Municipality of Saipan
13. have the responsibility of the welfare of the people of Saipan; and

14. WHEREAS, in many other cases, such decisions are made without any
15. provision of the expression of the will of the people, by the consultation
16. with or approval of a board, commission, or other entity established by
17. territorial, district, or municipal law; and

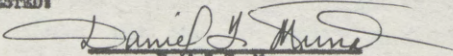
18. WHEREAS, it is the sense of the Saipan Legislature that important
19. decisions affecting the people of Saipan ought not be made without such
20. opinion and approval by the people thereof, through their elected represent-
21. atives; now, therefore,

22. BE IT RESOLVED by the Twenty-Fourth Saipan Legislature, Second Regular
23. Session, 1973, that the High Commissioner and the District Administrator
24. are hereby respectfully requested to seek the advice and approval of the
25. Saipan Legislature prior to making any decision which would have an important

1. effect on the people of the Municipality of Saipan; and
2. BE IT FURTHER RESOLVED that certified copies of this Resolution be
3. transmitted to the High Commissioner; to the District Administrator, Mariana
4. Islands District; to the President of the United Nations Trusteeship Council;
5. to the Chairman of the House and Senate Interior and Insular Affairs, United
6. States Congress; and to the Secretary of the Interior.
- 7.
8. PASSED AND ADOPTED this 29th day of March 1973.


Vicente T. Ocasio
 Speaker

ATTESTED:


Daniel F. Muna
 Legislative Clerk

A RESOLUTION

Respectfully urging and requesting the Congress of Micronesia to define and delimit the relative power and authority of the territorial, district and municipal governments.

1. WHEREAS, Section 2 of Title 1 of the Trust Territory Code defines the
2. powers of the Territorial Government; Section 2 of Title 3 of the Trust
3. Territory Code defines the powers of the district governments; and Section
4. 51 of Title 4 of the Trust Territory Code defines the powers of the Municipal
5. Governments, each level of authority being subject to pre-emption and
6. superceding by the higher levels; and

7. WHEREAS, the Municipality of Saipan has had considerable difficulty in
8. the past because of the doctrine of pre-emption by higher legislatures of
9. a field of legislation; and

10. WHEREAS, the Municipality of Saipan, like all other municipalities of
11. the Trust Territory is unique and a political unit unto and of itself; and

12. WHEREAS, it is the sense of the Saipan Legislature that a clear
13. definition of legislative power among the territorial, district and municipi-
14. pal governments ought to be made in order to avoid these difficulties; and

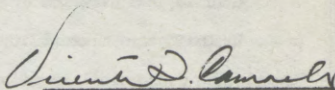
15. WHEREAS, it is the sense of the Legislature that it is in keeping with
16. the best interest of decentralization and local control of popular affairs,
17. as well as with the best traditions of the American-style democracy under
18. which we operate, to have residual powers of legislation repose in the
19. municipalities, or in the alternative the districts, rather than the
20. territorial government; now, therefore,

21. BE IT RESOLVED by the Twenty-Fourth Saipan Legislature, Second Regular
22. Session, 1973, that the Congress of Micronesia is hereby respectfully urged
23. and requested to enact legislation to delineate the relative responsibilities
24. of the territorial, district and municipal governments of the Trust Territory
25. in such a manner that no legislation of a lesser political unit may be

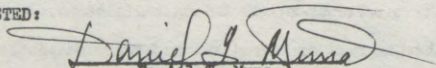
1. superceded or pre-empted by that of a higher political unit and to reserve
2. all powers not specifically delegated to the territorial government to the
3. district governments or to the municipal governments; and

4. BE IT FURTHER RESOLVED, that certified copies of this Resolution be
5. transmitted to the President of the Senate and to the Speaker of the House
6. of Representatives, Congress of Micronesia, to each member of the Mariana
7. Islands District Delegation to the Congress of Micronesia, to the High
8. Commissioner, to the District Administrator of the Mariana Islands District,
9. to the Mayor of the Municipality of Saipan, to the President of the United
10. Nations Trusteeship Council, to the Chairman of the House and Senate, Interior
11. and Insular Affairs Committees, United States Congress, and to the Secretary
12. of the Interior.

13.
14. PASSED AND ADOPTED this 27th day of March, 1973.


Vicente T. Camacho
Speaker

ATTESTED:

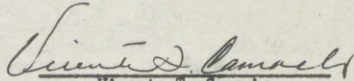

Daniel T. Muna
Legislative Clerk

A RESOLUTION

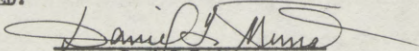
Respectfully requesting the Congress of Micronesia to enact legislation permitting municipalities to legislate on areas on which the Trust Territory Code and District Law are silent.

1. WHEREAS, under the present interpretation of the law by the Attorney
2. General and his representatives, the enactment of legislation in a particular
3. field by one legislative body pre-empt's the field, so that no lesser legis-
4. lative body may legislate to any extent whatsoever in such field; and
5. WHEREAS, there are many areas of law which could and should best be left
6. up to the several municipalities of the Trust Territory, each of which is
7. unique, and each of which is most capable of dealing directly with problems
8. in the manner in which they directly affect the said municipality; and
9. WHEREAS, the doctrine of pre-emption has proved in the past and will
10. prove in the future a great hindrance to the development and exercise of
11. legislative responsibility and self-sufficiency on the part of the Munici-
12. palities of the Trust Territory; now, therefore,
13. BE IT RESOLVED by the Twenty-Fourth Saipan Legislature, Second Regular
14. Session, 1973, that the Congress of Micronesia is hereby respectfully urged
15. and requested to enact legislation permitting municipalities to legislate on
16. any subject except where such legislation would be in direct conflict with
17. higher law; and
18. BE IT FURTHER RESOLVED, that certified copies of this Resolution be
19. transmitted to the President of the Senate and to the Speaker of the House of
20. Representatives, Congress of Micronesia, to the High Commissioner, to the
21. Attorney General, to the District Administrator of the Mariana Islands
22. District, to the President of the United Nations Trusteeship Council, to the
23. Chairman of the House and Senate, Interior and Insular Affairs Committee,
24. United States Congress, to the Secretary of the United States Department of
25. Interior, and to each member of the Mariana Islands District Delegation to

1. the Congress of Micronesia.
- 2.
3. PASSED AND ADOPTED this 29th day of March, 1973.


Vicente T. Camacho
Speaker

ATTESTED:


Daniel T. Muna
Legislative Clerk

Mr. McCLELLAN. I think that our presence in this area after the war is primarily for our own benefit rather than the benefit of Japan. This is a very strategic area for the security of the United States, at least I believe this is what military people think.

Senator BARTLETT. Did we make an effort to obtain part of that amount of money from the Japanese?

Mr. CARPENTER. For the postwar damages?

Senator BARTLETT. Yes.

Mr. CARPENTER. I do not recall, I will have to check the record on that.

Senator JOHNSTON. I agree with you on that point. I think you and I will have to go out as a committee of two and negotiate with the Japanese.

Senator BARTLETT. Do you think that would be worth pursuing?

Mr. CARPENTER. I will look into it and see what the background in the agreement was.

Senator BARTLETT. Thank you.

Senator JOHNSTON. Thank you very much, gentlemen.

[Whereupon, at 10:55 a.m., the hearing was adjourned.]

