



*Mayors' Council of Guam*  
*Konsehelon Mahot Guahan*

April 2, 2009

The Honorable Judith T. Won Pat, Ed.D  
Speaker  
Mina' Bente Trenta Na Liheslaturan Guahan  
155 Hesler Street  
Hagåtña, Guam 96932

2009 APR - 6 AM 10: 25  
Wm

Dear Speaker,

*Buenas yan Hafa Adai.* Transmitted herewith for your information and file is a copy of Resolution No. 2009-05 adopted by the members of the Mayors' Council of Guam.

Resolution No. 2009-05 "RELATIVE TO THE MAYORS' COUNCIL OF GUAM EXPRESSING FULL ENDORSEMENT OF H.R. 44, INTRODUCED BY CONGRESSWOMAN MADELEINE Z. BORDALLO, RELATIVE TO IMPLEMENTING THE RECOMMENDATIONS OF THE GUAM WAR CLAIMS REVIEW COMMISSION."

Thank you for your attention regarding this matter. If you should have any questions or comments relative to the above resolution, please do not hesitate to call me.

Sincerely,

ANGEL R. SABLAN  
Executive Director

cc: File/Chrono

30-09-0395  
Office of the Speaker  
Judith T. Won Pat, Ed. D.

Date 4/3/09  
Time 3:48  
Received by [Signature]

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Ancient Latte Stones

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**MAYORS' COUNCIL OF GUAM**

**Resolution No. 09-05**

**Introduced By:**

- Mayor J.C. Gogue (D)
- Mayor C.S. Tayama (R)
- Mayor R.B. Blas (D)
- Vice Mayor R.C. Rivera (R)
- Mayor F.M. Taitague (R)
- Mayor F.C. Blas (R)
- Mayor J.T. Terlaje (D)
- Mayor D.E. Alvarez (D)
- Vice Mayor A.A. Benavente (D)
- Mayor N.C. Blas (R)
- Vice Mayor J.U. Blas (D)
- Vice Mayor J.B. Chaco (D)
- Mayor E.T. Chargualaf (R)
- Mayor J.A. Cruz (R)
- Vice Mayor R.J. Flores (D)
- Mayor V.D. Gumataotao (R)
- Vice Mayor R.R.D.C. Hofmann (D)
- Mayor R.S. Lizama (D)
- Mayor P.M. McDonald (R)
- Mayor J.B. Palican (D)
- Mayor V.L. San Nicolas (R)
- Mayor D.D. Sanchez (D)
- Mayor M.B. Savares (D)
- Mayor V.S. Taitague (D)
- Vice Mayor A.R.G. Ungacta (R)
- Mayor A.C. Villagomez (R)

**RELATIVE TO THE MAYORS' COUNCIL OF GUAM EXPRESSING FULL ENDORSEMENT OF H.R. 44, INTRODUCED BY CONGRESSWOMAN MADELEINE Z. BORDALLO, RELATIVE TO IMPLEMENTING THE RECOMMENDATIONS OF THE GUAM WAR CLAIMS REVIEW COMMISSION.**

1           **BE IT RESOLVED BY THE MAYORS' COUNCIL OF GUAM:**

2           **WHEREAS**, Guam is the only existing U.S. territory that was occupied by Japanese  
3 Imperial Forces during World War II, Except for a brief period during the Way of 1812, where  
4 no U.S. Territory had ever been occupied by enemy forces ; and

5           **WHEREAS**, during World Way II, the people of Guam were enslaved and tortured and  
6 over one thousand (1,000) *Chamorros* died or were executed by the Japanese Imperial Forces;  
7 and

8           **WHEREAS**, as a result of the occupation by Japanese Imperial Forces and the Liberation  
9 by the United States Forces in 1944, Guam's capital city of Hagåtña was completely destroyed,  
10 as were most of the homes and ranches throughout the island; and;

11           **WHEREAS**, recognizing the suffering, death and destruction of property wrought by  
12 the War, the United States Congress, in November 1945 enacted Bill No. S. 1139 as Public Law  
13 79-224, known as the "*Guam Meritorious Claims Act*"; and

14           **WHEREAS**, this committee known as the "*Hopkins Committee*" conducted extensive  
15 interviews and investigations and issued a highly critical report; and

16           **WHEREAS**, the "*Hopkins Report*" resulted in some positive changes and prompted  
17 further criticisms of Claims Act implementation; and

18           **WHEREAS**, though the U.S. Congress passed legislation to address some of the  
19 concerns posed by Guam residents and the "*Hopkins Report*", said amendments were never  
20 considered adequate; and

21           **WHEREAS**, Guam Delegates to Congress have introduced numerous bills to address the  
22 inadequacy of previous laws to address claims resulting from the Japanese occupation; and

23           **WHEREAS**, on September 21, 1983, the first Guam Delegate to Congress, the Honorable  
24 Antonio B. Won Pat, introduced the first bill to establish a "*commission to review the facts and*  
25 *circumstances surrounding Guamanian losses caused by the occupation of Guam by the Japanese*  
26 *Imperial forces in World War II*", with Guam's second Delegate to Congress, retired Marine Corps  
27 General Ben Blaz, introducing four (4) similar bills during his four (4) terms in Congress; and

1           **WHEREAS**, on April 18, 1989, at the request of the Twentieth Guam Legislature,  
2 Delegate Blaz introduced H.R. 2024 to provide compensation to any eligible resident who  
3 received an injury as a result of World War II; and

4           **WHEREAS**, after a hearing and extensive discussions between House and Senate  
5 leaders, a substitute bill was proposed by Senator Daniel Inouye, Delegate Ron De Lugo and  
6 Congressman Lagomarisino; and

7           **WHEREAS**, the Guam War Reparations Commission and *I Liheslaturan Guåhan* (the  
8 Guam Legislature) recommended substantial changes to the proposed substitute bill which  
9 materially changed the bills intent, thereby causing said bill to die in committee; and

10           **WHEREAS**, the Honorable Guam Delegate to Congress Robert Underwood introduced  
11 five (5) similar bills during his five (5) terms, the last being the "*Guam War Claims Review*  
12 *Commission Act*", enacted in law on December 16, 2002 as Public Law 107-333; and

13           **WHEREAS**, the statutory duties of the Review Commission are set out as follows:

- 14           1.       Review the facts and circumstances surrounding the implementation and  
15                   administration of the Guam Meritorious Claims Act and the effectiveness  
16                   of such Act in addressing War Claims of American National residing on  
17                   Guam between December 8, 1941 and July 21, 1944;
- 18           2.       Review all relevant Federal and Guam Territorial laws, records or oral  
19                   testimony previously taken, and documents in Guam and the archives of  
20                   the Federal Government regarding federal payments of War Claims in  
21                   Guam;
- 22           3.       Receive oral testimony of persons who personally experienced the taking  
23                   and occupation of Guam by Japanese Military Forces, noting especially  
24                   the effects of infliction of death, personal injury, forced labor, forced  
25                   march and internment;
- 26           4.       Determine whether there was parity of War Claims paid to the residents  
27                   of Guam under the Guam Meritorious Claims Act as compared with

1 awards made to other similar affected U.S. citizens or nationals in  
2 territories occupied by the Japanese Military Forces during World War II;

3 5. Advise on any additional compensation that may be necessary to  
4 compensate the people of Guam for death, personal injury, forced labor,  
5 forced march and internment;

6 6. No later than nine (9) months after the Commission is established, submit  
7 a report, including any comments or recommendations for action, to the  
8 Secretary of the Interior, the Committee on Resources and the Committee  
9 on the Judiciary of the House of Representatives, and the Committee on  
10 Energy and Natural Resources and the Committee on the Judiciary of the  
11 Senate; and

12 **WHEREAS**, on September 10, 2003, Secretary of the Interior Gale Norton appointed five  
13 (5) individuals to serve on the Commission; and

14 **WHEREAS**, the Commission held its first public hearing on Guam on December 8 and 9,  
15 2003, to receive testimony from survivors and descendants of *Guamanians* killed or injured  
16 during World War II; and

17 **WHEREAS**, the Commission also conducted hearings in Washington, D.C.; Long Beach,  
18 California; San Diego, California; Sacramento, California; Hayward, California; Las Vegas  
19 Nevada; and Seattle Washington; and

20 **WHEREAS**, pursuant to its statutory mandate, the Guam War Claims Review  
21 Commission published its "Report on the Implementation of the Guam Meritorious Claims Act  
22 of 1945"; and

23 **WHEREAS**, after extensive research, review, discussion, and analysis, the Review  
24 Commission made the general finding that our national government has a moral obligation to  
25 pay compensation for war damages in order to ensure, to the greatest extent possible, that no  
26 individual or group of individuals bears more than a just part of the overall burden of war; and

1           **WHEREAS**, the United States Congress recognized this obligation with respect to Guam  
2 as evidenced by its prompt enactment of the Guam Meritorious Claims Act of 1945 (the “Guam  
3 Act”), within weeks after the termination of World War II; and

4           **WHEREAS**, the Review Commission affirms that the United States Government is not  
5 obligated as a matter of law to pay such compensation; and

6           **WHEREAS**, the Review Commission finds that the compensation paid to claimants  
7 under the Guam Act, some Eight Million Dollars (\$8,000,000), was a substantial measure of  
8 compensation in redress of the losses sustained by the residents of Guam during and after  
9 World War II; and

10           **WHEREAS**, the Commission further finds that the Japanese occupation of Guam was  
11 particularly cruel, oppressive, and brutal, and that the loyalty and steadfastness shown by the  
12 people of Guam in the face of atrocities inflicted on them by their Japanese occupiers was all the  
13 more extraordinary under the circumstances in which they were forced to live; and

14           **WHEREAS**, the Review Commission further finds that the U.S. Congress was  
15 misinformed when it excluded Guam from coverage for World War II property damage and  
16 loss claims under Title II of the War Claims Act of 1948, amended in 1962, because it incorrectly  
17 assumed that all of the claims of residents of Guam had been adequately resolved under the  
18 Guam Act, leaving a number of claims that had not been timely filed under the Guam Act due  
19 to lack of notice or a short, truncated filing period; and

20           **WHEREAS**, in April 1990, after the hearing of former U.S. Congressional Delegate Ben  
21 Blaz’ bill (H.R. 2024) to pay additional compensation to *Guamanians*, the bi-partisan leadership  
22 of the Subcommittee on Insular and International Affairs, along with Senator Daniel Inouye,  
23 offered to introduce an amendment in the nature of a substitute to H.R. 2024, which is strong  
24 evidence that there was U.S. Congressional willingness to provide additional compensation;  
25 and

1           **WHEREAS**, the Review Commission considers it regrettable that *I Liheslaturan Guåhan*  
2 (the Guam Legislature) did not respond positively to the Inouye/Lagomarsino substitute  
3 proposal, which was made after consultation with the Administration, in 1990; and

4           **WHEREAS**, in the intervening nineteen (19) years, many claimants who would have  
5 been included under the legislation and compensated thereby have died; and

6           **WHEREAS**, it is now over sixty-four (64) years since the Japanese occupation and the  
7 people of Guam cry out for closure; and

8           **WHEREAS**, the Review Commission further finds that it would be appropriate to limit  
9 eligibility for any further compensation for suffering during the Japanese occupation of Guam  
10 to individuals who were alive as of 1990 and their descendents, because that year represents the  
11 last time that the Administration, the leadership of the U.S. Congress, and the leadership of *I*  
12 *Liheslaturan Guåhan* were close to agreement on claims legislation; and

13           **WHEREAS**, the Review Commission further finds that the U. S. Congress and the Navy  
14 should have adopted the 1947 Hopkins Report's recommendation, including raising the ceiling  
15 and calculating amounts of claims, abandoning the procedures used and calculating amounts  
16 due in death and personal injuries claims; and

17           **WHEREAS**, the Review Commission further finds that there was parity with respect to  
18 the types of claims covered by the Guam Act as compared with the types of claims covered by  
19 the Philippines Rehabilitation Act of 1946, in that the latter did not cover claims for personal  
20 injury, death, or loss of use of real property; and

21           **WHEREAS**, the Review Commission further finds that, although the Micronesian  
22 Claims Act and Claims Program, enacted twenty-six (26) years after the Guam Act, did not  
23 involve war claims of United States citizens or nations, there was parity that the Micronesian  
24 Claims Act did not provide greater amounts of compensation for wartime losses than did the  
25 Guam Act; and

26           **WHEREAS**, the Review Commission further finds that, there was a lack of parity  
27 between the Guam Act and the Aleutians Act, in that the Aleutians Act authorized higher

1 compensation than did the Guam Act, and also provided for compensation to be paid in a  
2 single, uniform lump to each claimant; and

3 **WHEREAS**, the Review Commission further finds that, there was a lack of parity with  
4 respect to the types of claims covered by the Guam Act as compared with the types of claims  
5 covered by the War Claims Act of 1948, in that the Guam Act did not cover claims for civilian  
6 internment by the enemy; and

7 **WHEREAS**, the Review Commission further finds that, there was a lack of parity with  
8 respect to the filing period provided for in the Guam Act as compared to all of the other claims  
9 statutes covered in this report, with the exception of the 1962 Wake Island Amendment to the  
10 War Claims Act of 1948, in that the Guam Act effectively provided for only a seven (7) month  
11 period for filing claims, due to the delay between the enactment of the Guam Act of November  
12 15, 1945 and the Secretary of the Navy's promulgation of the Implementing Regulations on May  
13 3, 1946; and

14 **WHEREAS**, the Review Commission further finds that, all other statutes, except for the  
15 Wake Island Amendment, provided for a filing period of at least one (1) year; and

16 **WHEREAS**, the Review Commission further finds that as a result of inaccurate  
17 dissemination of information regarding claims eligibility by some local village "commissioners"  
18 (Mayors) in informing the people of Guam claims program, a number of the residents of Guam  
19 were erroneously dissuaded from filing claims under the Guam Act during the filing period;  
20 and

21 **WHEREAS**, the Review Commission further finds that the U.S. Navy made vigorous  
22 good-faith efforts to address the war damage and loss claims of the residents of Guam  
23 beginning as early as January 1945, but that it was hampered by the lack of modern  
24 communications media on island; by the ongoing build-up of forces on the island in preparation  
25 for the allied assault on Japan; by frequent turnover of Navy personnel, as evidenced by the fact  
26 that before 1950, a total of seven (7) Land and Claims Commissions were successively  
27 appointed; and by the fact that while the Navy was handling claims, it was also conducting a



1 large-scale land acquisition program, under which the U.S. Government eventually came to  
2 occupy nearly three-fourths (3/4) of the island; and

3 **WHEREAS**, the Review Commission further finds that there was a lack of parity with  
4 respect to the composition of the Land and Claims Commission established by the Guam Act as  
5 compared to the Commissions established by the Philippines Act and the Micronesian Claims  
6 Act, in that the latter statutes provided for inclusion of a Filipino Commissioner and of two (2)  
7 Micronesian Commissioners, respectively, while the Guam Act required that the Land and  
8 Claims Commission be composed exclusively of uniformed officers of the U.S. Navy or Marine  
9 Corps; and

10 **WHEREAS**, the Review Commission recognizes that, at the time claims were  
11 considered, Navy Department was charged with administration of Guam and that hostilities  
12 continued during the early period of implementation of the program by the Navy; and

13 **WHEREAS**, the Review Commission further finds that there was a lack of parity with  
14 respect to the prosecution of the claims filed under the Guam Act as compared to the Claims  
15 under the other statutes covered by its report, in that claimants under the Guam Act could not  
16 obtain private counsel to represent them before the Navy's Land and Claims Commission due  
17 to lack of private attorneys in practice on Guam in the 1940's; and

18 **WHEREAS**, the Review Commission further finds that there was a lack of parity with  
19 respect to the payment of interest on claims, in that residents of Guam did not receive interest  
20 payments on claims for property loss and damage that arose after the securing of Guam by the  
21 U.S. Military on August 10, 1944, while claimants under Title II of the Micronesian Claims Act  
22 with claims for property losses arising after the secure dates of the various Micronesian Islands  
23 did receive such interest payments; and

24 **WHEREAS**, the Review Commission further finds that there was parity with respect to  
25 the finality of claims and availability of appeal under the Guam Act as compared to the other  
26 statutes covered by its report, in that both the Guam Act and the other statutes provided that  
27 the determinations on claims were final, conclusive, and not subject to any outside review; and

1           **WHEREAS**, the Review Commission knew of no comparable situation to that on Guam,  
2 where virtually the entire population was either interned, in hiding, or subjected to force march  
3 while under Japanese occupation during World War II; and

4           **WHEREAS**, the Review Commission further finds that there was lack of parity for the  
5 residents of Guam under the Guam Act as compared to the War Claims Act of 1948, because the  
6 latter covered only claims of persons who were U.S. citizens during World War II and did not  
7 cover loyal *Guamanians*, who had the status of U.S. nationals at that time, nor was the War  
8 Claims Act made retroactive; and now therefore be it

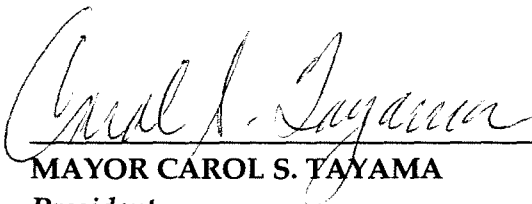
9           **RESOLVED**, that the Mayors' Council of Guam does hereby express full support of H.R.  
10 44; and be it further


11           **RESOLVED**, that the President certify to and the Council Secretary attests the adoption  
12 hereof, and that copies of the same be thereafter transmitted to the Honorable Daniel K. Akaka,  
13 U.S. Senator; to the Honorable Joseph Biden, U.S. Vice President and U.S. Senate President; the  
14 Honorable Madeleine Z. Bordallo, Guam's Delegate to Congress; to the Honorable Judith T.  
15 Won Pat, Ed.D., Speaker, *I mina Trenta Na Liheslaturan Guåhan*; and to the Honorable Felix P.  
16 Camacho, *I Maga'låhen Guåhan*, the Governor of Guam.

**DULY ADOPTED ON THE 1<sup>ST</sup> DAY OF APRIL 2009.**

**CERTIFIED BY:**

**ATTESTED BY:**

  
\_\_\_\_\_  
**MAYOR CAROL S. TAYAMA**  
*President*

  
\_\_\_\_\_  
**VICE MAYOR LOUISE C. RIVERA**  
*Secretary*