



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

MAR 21 1997

The Honorable Antonio R. Unpingco
Speaker
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>[Signature]</u>
Time	<u>10:47am</u>
Date	<u>3/24/97</u>

Dear Speaker Unpingco:

Enclosed please find a copy of Substitute Bill No. 42 (COR), "AN ACT TO ADD A NEW CHAPTER 21 TO TITLE 1 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE CREATION OF THE GUAM WAR REPARATION COMMISSION.", which I have **signed** into law as **Public Law No. 24-13**.

This legislation addresses an important issue, that of war reparations. A previous Reparation Commission, established by the Fifteenth Guam Legislature and placed in Chapter 15 of Title 1, Guam Code Annotated, made a survey of the war reparation claims on Guam, and made a report of its findings. Negotiations were attempted between the United States government and Guam in an attempt to seek reparations from the United States instead of Japan, since the United States and Japan had signed off on agreements to end World War II, with no provision made for the sufferings of the Chamorro people. No reparations have been paid by the United States, because no dollar figure for reparations was ever agreed upon.

I applaud the Legislature's desire to once again address this issue, a subject which has been a burden on the psyche of the Chamorro people for far too long. While many previous attempts to obtain just war reparations for our people have met with little success, this Commission may finally achieve what we have always wanted, appropriate and proper atonement for the wartime grievances suffered by Chamorros at the hands of both enemies and friends. Although I believe this measure has several flaws, they can be corrected at a later date. I have therefore signed it into law so this approach

OFFICE OF THE LEGISLATIVE SECRETARY	
ANTONIO R. UNPINGCO	
Date:	<u>3/21/97</u>
Time:	<u>3:20pm</u>
Rec'd by:	<u>[Signature]</u>
Print Name:	<u>Monique</u>

to the war reparations process can begin immediately. I have enumerated below my concerns with this legislation.

Specifically, they are:

1. The Guam War Reparation Commission created under this legislation would be a permanent fixture, until "full and proper reparations have been made to the people of Guam by the governments of Japan and the United States of America." The membership is permanent, also. This would result in the youth member growing old and still retaining membership on the commission, although no longer being a youth.

2. This legislation mandates that the Guam War Reparation Commission work towards the return of land, in addition to working towards monetary compensation for war reparations. Return of lands is already being addressed under Executive Order No. 97-08, creating the Governor's Ancestral Lands Commission. Return of land to Guam from the United States is also being addressed in legislation already passed on December 5, 1995 as Public Law No. 23-51, and Executive Order No. 95-17 establishing the Guam Steering Committee charged with planning the reuse of Military Bases and Military Base Property available to Guam through the BRAC '95 process.

Just 2 years ago, the Legislature created the Guam Land Repatriation Commission pursuant to Public Law No. 23-23. The duty of that Commission is to "work for the return of federal properties in Guam that are deemed excess by the Commission." This commission includes currently elected officials, and also includes the Chairman of the Legislature's Committee on Rules, Government Reform, and Federal Affairs, who is the proposed chairman of the Guam War Reparation Commission created by this Act.

Additionally, the "Guam Ancestral Lands Act", transmitted to the Legislature by the Governor on January 7, 1997 provides the vehicle for claims to lands by individuals. I urge that this draft legislation, which has already had a public hearing, be passed by the Guam Legislature as soon as possible.

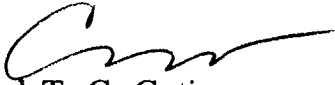
Although these are different tracks, the overall intent is the same: justice for the Chamorro people. To insure the various processes do not overlap, care should be taken that the work of each of these entities is properly coordinated and that we are speaking with one voice. The Legislature should provide that duplicative efforts are eliminated to avoid duplicative

expenditures, and that action taken by the new Guam War Reparation Commission does not undo work already in progress.

3. Finally, the enabling language does not require the Commission to make status reports of any kind. Since the Commission will receive tax dollars for its operations, it should be required to periodically report on the progress it has made.

I recommend the Legislature address these issues at its earliest possible convenience.

Very truly yours,



Carl T. C. Gutierrez
Governor of Guam

Attachment

00114

TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session

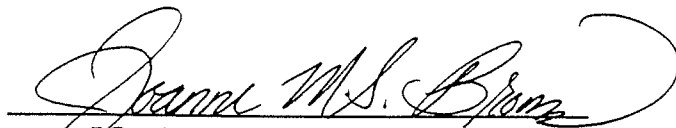
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 42 (COR), "AN ACT TO ADD A NEW CHAPTER 21 TO TITLE 1 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE CREATION OF THE GUAM WAR REPARATION COMMISSION," was on the 8th day of March, 1997, duly and regularly passed.



ANTONIO R. UNPINGCO
Speaker

Attested:



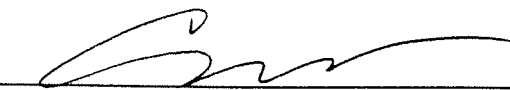
JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by the Governor this 12th day of March,
1997, at 8:40 o'clock 9 .M.



Assistant Staff Officer
Governor's Office

APPROVED:



CARL T. C. GUTIERREZ
Governor of Guam

Date: 3-21-97

Public Law No. 24-13

TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session

Bill No. 42 (COR)

As substituted by the Committee
on Rules, Government Reform
and Federal Affairs, and as
amended on the floor.

Introduced by:

A. L.G. Santos
M. C. Charfauros
Felix P. Camacho
Mark Forbes
A. C. Lamorena V
L. F. Kasperbauer
J. M.S. Brown
A. C. Blaz
T. C. Ada
F. B. Aguon, Jr.
E. Barrett-Anderson
Francisco P. Camacho
E. J. Cruz
W. B.S.M. Flores
C. M. Leon Guerrero
L. Leon Guerrero
V. C. Pangelinan
J. C. Salas
F. E. Santos
A. R. Unpingco
J. WonPat-Borja

AN ACT TO ADD A NEW CHAPTER 21 TO TITLE 1
OF THE GUAM CODE ANNOTATED, RELATIVE TO
THE CREATION OF THE GUAM WAR REPARATION
COMMISSION.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

2 Section 1. Legislative Statement. The people of Guam have suffered
3 extensively since December 8, 1941, and continuously from that date, because of the

1 effects of enemy invasion, the trials and tribulations of liberation and the eventual
2 usurpation of land rightfully belonging to the Chamorro people. As in any war,
3 there was widespread destruction of personal property; obliteration of homes,
4 businesses and farms; loss of family members and loved ones; great personal injury,
5 pain and deprivation; as well as the humiliation of occupation by an unfriendly
6 foreign military power, and the resultant slavery to carry out their whims and wishes
7 with total disregard for the oppressed peoples' basic human rights.

8 Despite all the suffering, the government of the United States of America
9 totally exonerated the government of Japan from making any war reparations to the
10 people of the Territory of Guam. Reparations, however, were made by Japan to the
11 other island states and governments, including the Commonwealth of the Northern
12 Mariana Islands and the Republic of the Philippines. American internees in
13 Japanese POW camps are now engaged in litigation in Japanese courts for
14 reparation. The United States has also recently made significant reparations to
15 certain American citizens and permanent resident aliens of Japanese descent, who
16 were illegally incarcerated during World War II. More than fifty (50) years have
17 elapsed since the infamous foreign occupation of the peaceful island of Guam and
18 not one word of apology or reparation has been made to our innocent people.

19 **Section 2.** A new Chapter 21 is added to Title 1 of the Guam Code
20 Annotated to read as follows:

21 **“Chapter 21.**

22 **Guam War Reparation Commission.**

23 **§2101. Creation and Membership.** There is hereby created the
24 Guam War Reparation Commission, hereinafter referred to as the Commission,
25 which shall continue in effect until full and proper reparations have been made to
26 the people of Guam by the governments of Japan and the United States of
27 America. The Commission shall be comprised of nine (9) members, three (3)
28 appointed by the Governor; two (2) appointed by the Speaker of the Guam
29 Legislature; the Chairperson of the Committee on Rules, Government Reform

1 and Federal Affairs, who shall serve as Chairperson of the Commission; the
2 President of the Mayors' Council of Guam, or his or her designee, the Presiding
3 Judge of the Superior Court of Guam, or his designee; and one (1) youth member
4 under the age of twenty-five (25) years, who shall be appointed by the Guam
5 Youth Congress. The Commission's Vice-Chairperson shall be elected from
6 among its members. Once appointed, the term of office of all members of the
7 Commission shall continue without any interruption until all matters of reparation
8 are resolved. Members shall serve without compensation.

9 **§2102. Function.** The Commission shall be responsible for pursuing
10 every possible avenue to achieve full and just reparation for the evils of war and
11 the injustices of its aftermath for the people of Guam who were directly affected
12 and their survivors. This shall include, among other things, monetary
13 compensation for individuals who suffered mental anguish, physical abuse and
14 injury, and death; land return for those people whose lands were unjustly taken
15 with little or no compensation; and compensation for all who suffered deprivation
16 of shelter, food and medical attention, or who endured forced labor or forced
17 marches during and immediately after the Japanese occupation. The Commission
18 is authorized to seek in addition to, but not in substitution of, the foregoing
19 generalized compensation for the people and island of Guam.

20 **§2103. General powers.** The Commission shall have, and may
21 exercise, the following general powers in carrying on the activities specified in
22 this Chapter:

23 (a) To acquire, in any lawful manner, any property, real, personal, mixed
24 tangible or intangible, except for real estate -- to hold, maintain, use and
25 operate the same; and to sell, lease or otherwise dispose of the same,
26 whenever any of the foregoing transactions are deemed necessary or
27 appropriate to the conduct of the activities authorized by this Chapter, and on
28 such terms as may be prescribed by the Commission.

29 (b) To enter into and perform such contracts, leases, cooperative
30 agreements or other transactions with any person, firm, association,

1 corporation or any agency or instrumentality of the government of Guam or of
2 the United States or of any state, territory or nation, or political subdivision
3 thereof, as may be deemed necessary or appropriate to the conduct of the
4 activities authorized by this Chapter, and on such terms as may be prescribed
5 by the Commission.

6 (c) To execute all instruments necessary or appropriate in the exercise of
7 any of its functions.

8 (d) To appoint, without regard to the provisions of the Personnel and
9 Compensation Laws, such officers, agents, attorneys, consultants and
10 employees as may be necessary for the conduct of the business of the
11 Commission; delegate them such powers and to prescribe for them such duties
12 as may be deemed appropriate by the Commission; to fix and pay such
13 compensation to them for their services as the Commission may determine,
14 without regard to the provisions of the Personnel and Compensation Laws. In
15 the appointment of officials and the selection of employees, agents and
16 consultants for the Commission, no political test or qualification shall be
17 permitted or given consideration, but all such appointments shall be given and
18 made on the basis of merit and knowledge. The Commission shall give due
19 consideration to residents of Guam in the selection of its officials, attorneys,
20 agents, consultants and employees.

21 (e) To accept gifts or donations of services, or of property - real,
22 personal, or mixed, tangible or intangible - in the aid of any of the activities
23 authorized by this Chapter.

24 (f) To adopt rules and regulations governing operations of the
25 Commission, and to take such other action as may be necessary or appropriate
26 to carry out the powers and duties herein specified or hereafter granted to or
27 imposed upon it.

28 **§2104. Budget.** The Commission shall submit a budget to the
29 Guam Legislature for the purpose of carrying out its functions. The Committee
30 on Rules, Government Reform and Federal Affairs is authorized to transfer to the

1 Commission such funds from within the budget of the Guam Legislature such
2 funds as the Committee may deem appropriate to assist in the start-up costs
3 associated with the function of the Commission.”

4 **Section 3.** Chapter 15 of Title 1 of the Guam Code Annotated is hereby
5 repealed in its entirety.