



Department of Justice

STATEMENT OF
MAURICIO J. TAMARGO
CHAIRMAN, FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE
UNITED STATES
FORMER CHAIRMAN, GUAM WAR CLAIMS REVIEW COMMISSION

BEFORE THE
COMMITTEE ON ARMED SERVICES
UNITED STATES HOUSE OF REPRESENTATIVES

HEARING ON THE GUAM WAR CLAIMS REVIEW COMMISSION

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MAURICIO J. TAMARGO
CHAIRMAN, FOREIGN CLAIMS SETTLEMENT COMMISSION
Before the U.S. House Committee on Armed Services – December 2, 2009

Chairman Skelton and Members of the Committee, thank you for the opportunity to appear before you today to speak about the work of the Guam War Claims Review Commission, which the Commission completed on June 9, 2004.

I am Mauricio Tamargo, Chairman of the Foreign Claims Settlement Commission in the Department of Justice. I appear before you today as the former Chairman of the Guam War Claims Review Commission, an advisory body established by the Secretary of the Interior under the Guam War Claims Review Commission Act, Public Law 107-333, which was enacted in December 2002. I served in that capacity, on a part-time basis, from October 3, 2003, until the Review Commission went out of existence in June 2004. The Vice Chairman of the Review Commission was the late Mr. Antonio Unpingco, a former Speaker of the Guam Legislature, and the other members were the Honorable Robert J. Lagomarsino, former Member of Congress from Ventura, California, the Honorable Benjamin J. Cruz, a former Chief Justice of the Guam Supreme Court, and Mrs. Ruth Van Cleve, a former career senior executive in the Department of the Interior.

The Guam War Claims Review Commission was established to “determine whether there was parity of war claims paid to the residents of Guam under the Guam Meritorious Claims Act as compared with awards made to other similarly affected U.S. citizens or nationals in territory occupied by the Imperial Japanese military forces during World War II” and to “advise on any additional compensation that may be necessary to compensate the people of Guam for death, personal injury, forced labor, forced march, and internment” suffered from the Japanese occupation of the island during the war.

The island of Guam, a U.S. territory, was attacked by Japanese forces on December 8, 1941 -- the same day as the attack on Pearl Harbor, but on the other side of the International Date Line. Two days later, on December 10, 1941, the Japanese overran and occupied the island. What followed after that was a period of 32 months of cruel, brutal, and barbaric oppression of the people of Guam by the Japanese occupation forces. Great numbers of the islanders were beaten and whipped, many of the women were raped, there were numerous beheadings, and in the last months of the occupation nearly all of the islanders were subjected to forced labor and forced marches and were herded into concentration areas, causing them to suffer acutely from malnutrition, exposure, and disease.

After beginning the liberation of Guam on July 21, 1944, United States forces declared Guam secure on August 10, 1944, and immediately began organizing it as a base from which to launch air and sea attacks in the direction of the Japanese homeland. At the same time, the U.S. Navy devoted as much material and effort as could be spared to constructing shelter for the local citizens. Within weeks after the termination of hostilities, Congress then enacted the Guam Meritorious Claims Act of 1945, authorizing and directing the U.S. Navy to provide "immediate relief" to the people of Guam. This included the U.S. providing monetary payments to the people of Guam.

In undertaking its task, the Review Commission conducted research on the administration of the Guam Meritorious Claims Act by the Navy's Land and Claims Commission, and compared that statute and the claims program conducted pursuant to it with the following statutes, and the claims programs conducted pursuant thereto, after the war:

–The Philippines Rehabilitation Act of 1946

-The War Claims Act of 1948, including the 1952, 1954, 1956, and 1962 (Wake Island) amendments to the Act, and Title II of the Act, added in 1962

-The Micronesian Claims Act of 1971

-The Aleutian and Pribilof Islands Restitution Act (1988)

We also conducted hearings on Guam, at which we heard moving testimony from survivors of this terrible period in history. We then held a legal experts' conference in Washington, D.C., at which relevant legal issues were discussed. Finally, we submitted a report to the Secretary of the Interior and to specified congressional committees summarizing our work.

The Review Commission's findings and recommendations are set forth in Chapters VI and VII of the Review Commission's Report. I stand by those findings and recommendations and continue to believe strongly that they should be implemented. I would also like to say that those of us who came to the Review Commission from the Foreign Claims Settlement Commission were pleased to have had the opportunity to use our familiarity and expertise regarding war claims issues to assist in the accomplishment of this important work.

Mr. Chairman, this concludes my statement. I will be happy to respond to any questions that you or the other Members of the Committee may have.