

APPENDIX B

DECLASSIFIED

NAVY DEPARTMENT
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
Washington 25, D.C.

Op30-2C/L:an/dl

(SC)L11-15

Serial: 067430

19 Feb 1945

C O N F I D E N T I A L

From: CNO
To: CinCPOA
BuPers
BuDocks
BuSandA (5)
JAG

Subj: Land and Claims Unit for Island of
Guam, Organization of.

Refs: (a) CNO conf desp 301725 Jan to
CinCPOA.
(b) CinCPOA conf desp 020006 Feb to
CNO.

1. In order to provide means to effect the restoration of records of boundaries and ownership of all lands on the Island of Guam and to make preliminary investigation into claims resulting from military operations of the United States and Japan, it is considered necessary to form a Land and Claims Unit whose duty it will be to examine the facts and make recommendations through CinCPOA to the Navy Department for appropriate action. Such a unit was proposed to CinCPOA by ref (a) and concurred in by ref (b).

2. The unit shall consist of two Divisions, a Lands Division and a Claims Division, under the direction and coordination of a common senior member who shall be an officer of the rank of Commander or Captain of the Civil Engineer Corps nominated by the Bureau of Yards and Docks in conjunction with the Bureau of Naval Personnel. The unit will be under the administrative control of CNO and will report to and function under the Island Commander, Guam.

3. The unit shall be comprised of the following personnel:

- (a) LANDS DIVISION - All officers to be nominated by the Bureau of Yards and Docks.
- 2 officers with experience in examination and establishment of land titles.
 - 2 officers with experience in land appraisal and appraisal of real property and improvements attached to the land.
 - 1 liason officer to remain on duty in the Bureau of Yards and Docks.

C O N F I D E N T I A L

Appendix B(1)

DECLASSIFIED

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C O N F I D E N T I A L

Subj: Land and Claims Unit for Island of Guam,
Organization of.

(b) CLAIMS DIVISION

2 officers nominated by the Judge Advocate
General.

1 officer nominated by the Bureau of Supplies
and Accounts.

1 liaison officer to remain on duty in the
Office of the Judge Advocate General.

(c) Two yeoman qualified as court stenographers to
accompany the unit.

(d) Upon departure from the United States the mailing
address will be:

Full Name with Rank or Rate
Land and Claims Unit #1
Navy #926
Fleet Post Office
San Francisco, California

Upon assignment to another base or unit, the use of the
above address will be discontinued and personnel will assume
the address of the base to which assigned.

4. The Judge Advocate General is requested to prepare the
requisite precept for the official appointment by the Secretary
of the Navy of this fact-finding Land and Claims Unit.

5. BuPers is requested to order the entire complement of the
Unit, with the exception of the liaison officers who are on
duty in BuDocks and Judge Advocate General's office, as set
forth above to report not later than 20 Feb 1945 to the Navy
Department for temporary duty with CNO for organization as
a unit, and for proper indoctrination by CNO, BuDocks and the
Judge Advocate General.

6. BuDocks and the Judge Advocate General are requested to de-
termine what equipment is required by this unit including type-
writers, clerical equipment, means of transportation, etc., and
BuDocks, is requested to outfit accordingly and to submit
priority processing cars to CNO. All equipment should be
assembled at ABD Huonome and made ready for shipment from the
West Coast by 1 March 1945 properly marked for Land and Claims
Unit, DUVA.

C O N F I D E N T I A L

-2-

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ASSON
West Coast
Unit, DUVA.
~~DECLASSIFIED~~ ~~CONFIDENTIAL~~

Op30-2CA1:an/01
(SC)L11-15
Serial 067430

DECLASSIFIED

~~CONFIDENTIAL~~

Subj: Land and Claims Unit for Island of Guam,
Organization of.

Shipping Designator:

Land and Claims Unit #1
DUVA 98
Bureau
USN

7. CinCPOM is requested to issue the necessary instructions to the Island Commander, Guam to furnish necessary office space and additional clerical and other assistance as may be required.

8. The provision of survey parties to determine and re-establish property lines and to preserve existing monuments and other landmarks will be made the subject of a separate directive.

9. (a) It is requested that Priority Processing Cards be submitted to CNO.

(b) ComWesSeaFron will provide or arrange for sea transportation and ship in accordance with the Joint Priority List from Hueneme to DUVA.

Copies to:

CominCh

Op05

Op05G

Op12

Op20M (2)

Op13

Op39

/s/F. J. HORNE
Vice Chief of Naval Operation

AIR MAIL

ComWesSeaFron (2)

ABOP (2)

BSU SanFran (2)

DirPacDocks, San Fran

DirPacDocks, Pearl

IsCom, Guam

ABD Hueneme (2)

BSU Hueneme (2)

ComTwelve

CinCPOM Priorities Section

CinC 5th NC Brigade

~~CONFIDENTIAL~~

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Restoration of landmarks and records.
Establishment of land office.
Search for old records at site.
Search in Navy Department (Guam Weekly Bugle).
Officer of Commission in Navy Department.
Composition of party.
How - By survey - by recorded oral testimony.
Record only. Recommended basis for value of
land and structures.
Method of reporting - Through CinCPOA, but he
will take no action until authorized.
Any recommendations will be forwarded.

Claims

Damages by Japs on assault and during
occupation - real estate and personal
property. Personal injury (shy off).

U. S. Assault and occupation.
Military needs (immediate) and (probable permanent).

Relationship to War Damage Corp. (Any other Acts
of Congress).

(Civil Service Workers).

Personal injuries.

If claims of any character may be settled
now should board have cognizance.

DECLASSIFIED

Amic

ADDRESS REPLY TO

Secretary of the Navy

NAVY DEPARTMENT

WASHINGTON 25, D. C.



REFER TO INITIALS AND No.

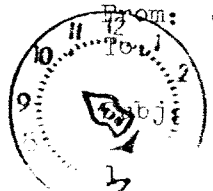
Serial 177313

CRS

MAR 3 45 PM

13 ✓ G. J. H.

3 MAR 1945



From: Secretary of the Navy
Chief of Naval Operations

Subject: Rehabilitation Program for the Island of Guam.

RECEIVED
Navy Department
Secy's Office - Records Div.

The Island of Guam, an island possession of the United States placed under the control of the Department of the Navy by the letter of President McKinley dated 23 December 1898, has suffered severe damage as a result of the war between the United States and Japan. The construction of new military and naval installations necessitates the relocation of many residents of the island. The problem of rehabilitation, resettlements and relief of the native inhabitants is the responsibility of the Navy. Its solution will require extensive investigation, a well-developed plan, and enactment of appropriate legislation.

2. The Chief of Naval Operations is authorized and directed to develop a plan for the rehabilitation and resettlement, and for the repair of war damage, and for the settlement of claims, of the residents of Guam. The objective of such plan shall be the restoration, as near as may be, of the residents of Guam to their pre-war status.

3. In the development of such plan, the Chief of Naval Operations is authorized and directed to create and establish a land and claims commission for Guam and to delegate to it such authority as may be necessary to investigate, report, and make recommendations on matters pertaining to titles to real property, boundaries of real property, restoration and preservation of boundary markers, land records, the need for resettlement, and claims of the residents of Guam arising from damages to real and personal property and for death and personal injury incident to the combat and noncombat operations of the armed forces of the United States and Japan or individual members thereof, subsequent to December 6, 1941, and to reestablish boundaries and boundary markers and conduct such surveys as may be required for this purpose.

cc: BuPers 3 3 130
JAG
BuSanda
BuDocks
CinCPM
IsComGuam
Coml2
Cominch

Paul A. Baird

Acting Secretary of the Navy

A14-2/EG54
Serial 177215
Op-13-1-E/sld

NAVY DEPARTMENT
Office of the Chief of Naval Operations
Washington 25, D. C.

Depurp
Copy
3 March 1945

PRECEPT

From: Chief of Naval Operations
To: Commander Leslie J. Watson, Civil Engineer Corps, USNR
Subj: Land and Claims Commission to investigate land titles, boundaries and claims for damage incident to the war in Guam.
Ref: (s) SecNav ltr to CNO, Serial 177313, dated 3 March 1945.

1. Creation of Commission. Pursuant to the authority contained in reference (s), a Land and Claims Commission for Guam, consisting of yourself as senior member and officer-in-charge, and of:

Lieutenant Commander Charles H. Smith, USNR
Lieutenant Commander George H. Tyne, USNR
Lieutenant Commander Brockett Muir, USNR
Lieutenant John N. Malone, USNR
Lieutenant Lon Worth Crowe, Jr., USNR
Lieutenant George Rawls, USNR, and
Lieutenant (jg) Jalmer O. Rolfson, Supply Corps, USNR

as additional members of the Commission, is hereby created, to investigate, record, report and make recommendations on matters pertaining to titles to real property, boundaries of real property, restoration and preservation of boundary markers and land records, and claims of the inhabitants of Guam for damages to real and personal property and for death and personal injury incident to the combat and non-combat operations of the armed forces of the United States and Japan or the individual members of such forces subsequent to 7 December 1941, and to conduct surveys necessary to establish the boundary lines of property in Guam.

2. Duties and authority of the Commission. The Commission under the control and supervision of the Commander in Chief, Pacific Ocean Areas, and the Island Commander shall:

(a) Record and file reports of investigations and recommendations in individual cases and hold such reports subject to such dispositions as the Chief of Naval Operations may direct;

(b) From time to time as deemed necessary by the senior member or as required by the Chief of Naval Operations, submit to the Chief of Naval Operations findings of fact with respect to:

- (1) land titles, records and boundaries;
- (2) land temporarily used or acquired for permanent use by the United States; and
- (3) extent of damages caused to the persons and property of the inhabitants of Guam by the military operations of the United States and Japan.

(c) Make recommendations with respect to:

- (1) action to be taken to determine the ownership of land;
- (2) restoration of boundaries and a land record system;
- (3) compensation of owners in money or in kind for land used, acquired, or to be acquired by the United States; and
- (4) procedure for the settlement, when authorized, of claims of inhabitants of Guam for damages to real and personal property and for personal injury or death, incident to military operations.

(d) Conduct surveys as may be necessary to accomplish the above and to establish, preserve and replace boundary lines and markers.

(e) The Commission is authorized, as directed by the Island Commander, to perform duties of a nature similar to those hereinabove prescribed for the Commission now being performed by representatives of the Island Commander, and to take custody of such records as may be delivered to the Commission by the Island Commander or his representatives.

3. Organization of Commission. The senior member of the Commission is authorized to organize the Commission into a land and survey team and a claims team. Investigations may be conducted, testimony taken, and findings of fact and recommendations made, by one or more members of the Commission, as directed by the senior member. All such findings of fact and recommendations forwarded to the Chief of Naval Operations

shall be signed by the member or members making them and be approved and signed by the senior member.

4. Reports to the Chief of Naval Operations. Findings of fact and recommendations and all official communications shall be forwarded to the Chief of Naval Operations, via channels prescribed by the Commander in Chief, Pacific Ocean Areas.

5. Power to Administer Oaths. Pursuant to the authority of 5 U. S. Code 93, the senior member and any member of the Commission making an investigation is hereby authorized to administer an oath to any witness attending to testify or depose during the course of the investigation. Testimony under oath is not required by the grant of this authority, but oaths shall be administered to witnesses when in the opinion of the senior member or any member making an investigation, this action is desirable or necessary to preserve testimony.

6. Control of Commission. The senior member of the Commission with the other members thereof and the personnel attached thereto shall report to the Island Commander, Guam, and the senior member shall report by letter to the Commander in Chief, Pacific Ocean Areas, for duty in connection with this precept.

7. Facilities, Material and Personnel. The Island Commander, Guam, is requested to furnish facilities and materials and additional clerical and other assistance which may be required by the Commission.

8. Meetings of Commission. The Commission will convene at Guam on Thursday, 22 March 1945, or as soon thereafter as practicable and will thereafter meet at such times and places as the senior member shall direct.

F. J. HORNE

Vice Chief of Naval Operations

cc: Lt. Comdr. Chas. H. Smith, USNR
Lt. Comdr. George H. Tyne, USNR
Lt. Comdr. Brockett Muir, USNR
Lt. John N. Malone, USNR
Lt. George Rawls, USNR
Lt. Lon Worth Crowe, Jr., USNR
Lt.(jg) Jalmer C. Rolfsen, (SC) USNR
EuPers
JAG
EuSanda
EuDecks
CIRCPOA
IsComGuam
Com12
CominCh

MC(01)/LII-15/A17-10

CIM:ml

Serial 0045

1st Endorsement on
Land&Claims Unit 1
Report, Ser. 0339 of
31 May 1945.

HEADQUARTERS, ISLAND COMBAND, GUAM

In reply address:
The Island Commander,
Navy #926, C/O P.F.O.
San Francisco, Calif.

31 May 1945

From: The Deputy Chief Military Government Officer.
To: The Chief of Naval Operations.
Via: (1) The Island Commander.
(2) Commander Marianas.
(3) Commander in Chief, U. S. Pacific Fleet and Pacific Ocean Areas.

Subject: Report #1 of Land and Claims Commission for Guam.
(Land and Claims Unit #1).

1. Forwarded.

2. With reference to Part XIV, paragraph 2(a), Page 29, and Part IX, Section C, paragraph 3, page 33, of basic letter, it is recognized that payment "in kind," utilizing the Bank of Guam as trustee, may be desirable in some cases, however, the Deputy Chief Military Government Officer recommends that in all cases awardees be given the option of receiving their awards in cash, insofar as the awardees are legally competent, at the time determination of awards is made. This is considered of great importance for reasons undernoted:

- (a) To eliminate any appearance of excessive paternalism.
- (b) To boost civilian morale with immediate proof, if so desired, of the Government's benevolent intentions.
- (c) To enable awardees so desiring to invest, and draw immediate interest upon, cash awarded by war bond purchase or other desirable investments.

C. I. MURRAY

cc: Land&Claims(end-only)

HC(15)/A9-9
Serial: 0039

LAND AND CLAIMS COMMISSION
HEADQUARTERS, ISLAND COMMAND, GUAM.

31 May 1945.

From: Senior Member and Officer in Charge.
To: The Chief of Naval Operations.
Via: (1) The Deputy Chief Military Government Officer.
(2) The Island Commander.
(3) Commander Marianas.
(4) The Commander in Chief, U. S. Pacific Fleet and Pacific Ocean Areas.

Subject: Report #1 of Land and Claims Commission for Guam.
(Land and Claims Unit #1).

Reference: (a) CNO serial ltr 177213 to Comdr L. J. Watson dtd 3 March 1945.
(b) OinC L&C Coma conf serial 011 to CNO dtd 2 April 1945.
(c) OinC L&C Coma conf serial 034 to CNO dtd 5 May 1945.
(d) OinC L&C Coma serial ltr 36 to Members of Coma., dtd 15 May 1945.
(e) Memorandum by L&C Coma. "Land Tenure, 'Unsurveyed Lands,' Lease System, and laws with respect thereto" and "Recommendations with respect to treatment of Leases of Government Land."
(f) OinC L&C Coma. rest. ser 37 to OinC, MPSU, Navy 3142.
(g) Area Allocations Map (Secret) with certain ownership data superimposed. (Base Map: 5th M C Brigade Dwg. P-100, April Issue.)
(h) Area Allocations Map (Secret) with new roads in color. (Base Map: 5th M C Brigade Dwg. P-100, April Issue.)

Enclosure: (1) Copy of Reference (a).
(2) Copy of Reference (d).
(3) Copy of Reference (e).
(4) Copy of Reference (f).
(5) Copy of Reference (g).
(6) Copy of Reference (h).

I. INTRODUCTION

1. The Land and Claims Commission for Guam, having convened on Guam on 22 March 1945 as directed in the Precept given by Reference (a), and having conducted investigations since the said date with reference to

the various matters set forth in the said Precept, hereby submits this Report #1 and the Recommendations contained herein for the acquiescence, comment, or other action of The Chief of Naval Operations.

2. Many of the Recommendations submitted necessarily anticipate the enactment as law of the "Guam Claims Bill" as drafted in the Navy Department during conferences attended by all members of the Commission (excepting Lt. Comdr. G. H. Tyns) during the last week of February.

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III. ORGANIZATION AND ADMINISTRATIVE AND JUDICIAL PROCEDURE OF COMMISSION

A. General Organization and Procedure.

It is recommended that the organization plan and procedure set forth in Reference (d), (Enclosure (2) hereof), be approved in toto.

B. Correlation of Commission's Activities with Activities of Mobile Personnel Settlement Unit.

1. It has been found that in the consideration of Death, Personal Injury, and "Missing Persons" cases, duplication or possible duplication, could be avoided by having certain investigations and certifications of fact made by the Commission for Mobile Personnel Settlement

Unit #1, and that personal property procedure as authorized by P. L. 176 - 73th Congress might advantageously be merged into the Commission's activities. The said matters are fully discussed in Reference (2) of which a copy is enclosed as Enclosure (4).

2. It is recommended that Paragraphs 5(a), 5(b), 5(c), and 5(d) of Reference (2) be approved.

C. Rules of Evidence in Hearings, Appraisals, etc.

It is particularly desirable that (quoting from Paragraph 8(a) of SecNav letter of May 12, 1943, re Foreign Claims Commission procedure): "No formal record of the testimony need be made and only the substance of statements of witnesses should be recorded." Such a rule under the Guam Claims Bill, when it is enacted as law, would greatly facilitate the conduct of all hearings and the taking of testimony. The reports of the investigations to be conducted by the Commission members prior to the making of recommendations will be submitted in substance and not in question and answer form. Any other course would be most tedious and unduly extend the period of investigation because of the necessity in most cases of using Chamorroan interpreters. Experience to date has shown that it is often necessary to carry on a long conversation to bring out a single point, the substance of which would be far more valuable to any reviewer than would a complete transcript.

IV. PROGRESS TO DATE

1. Upon the arrival of the Commission, meetings were held with the Island Commander and the Deputy Chief Military Government Officer to discuss the general problem. Offices were established in Agaña where the Commission functions with the Military Government. A few vitally needed men were made available by the Military Government and by the 5th Naval Construction Brigade and thus it became possible to proceed with detailed study of all of the problems involved.

2. On April 16th, the Commission started its interrogation program, proceeding in the manner described in Enclosure (A) of Reference (d) and utilizing the services of Guamanian interpreters whose backgrounds were carefully investigated. The interpreters conduct the interrogations under the direct supervision of a member of the Commission. On April 23rd, the Commission's surveyors arrived and were busy within two days in the plotting of titles, study of the triangulation system, and other preparatory work. Fortunately, it was possible to borrow a 20-second transit from the 64th Topographical Engineers, thus making it possible to put a triangulation party into the field. The two court stenographers, provided under CMO's directive of February 19th, reported for duty on May 2nd, thus making it

possible to start the Commission's program of formal hearings. All principal surveying and office equipment (excepting badly needed typewriters and computing machines) arrived on Sunday, May 13th, thus making it possible for all divisions to go into full operation excepting the title division. The authorized complement of this division (3 officers of title examining experience, 1 officer qualified to translate Spanish records, 1 chief yeoman and 10 yeomen) has not yet arrived, but the Commission member in charge of the title section is making excellent progress nevertheless. The only other personnel due to arrive is the requested storekeeper (disbursing) who will act as general assistant to the PuSanda member of the Commission. The personnel made available by the Deputy Chief Military Government Officer and the Officer-in-Charge, 5th Naval Construction Brigade, include certain Guamanians who held key positions in the pre-war Naval Government. Approximately 60 survey laborers will also be utilized.

3. Work Accomplished as of May 31st.

(a) Tract Acquisition Section

This section has completed title reports covering the four allocations with respect to which maps are available showing the title parcels making up the areas (N.A.B. Agaña; 5th Field Depot; 41st C.B. Area; 136th C.B. Area).

(b) Survey Section

Five parties are in the field and as rapidly as Guamanian help can be trained as chainmen and rodmen, additional parties will be added bringing the total to ten. The drafting office is making its principal initial objective the plotting at the earliest possible time of all land titles for which there are survey descriptions (approximately 5,000). Special studies were made of the boundaries of all tracts of 100 hectares or greater area and the approximate locations of such parcels were plotted on a map of which copies are included herewith (Enclosure 5). An aerial mosaic of the Island has been approximately 37% completed, using one set of the photographs which were taken by VD-4 in October 1944. This mosaic will be of great value as an aid in all operations of the Commission and particularly in the appraisal of tracts that have been altered in character since October. Field checking of triangulation stations of doubtful status is well along and office studies of triangulation data made available to the Commission and the correlation thereof with the Marine Corps grid have been completed.

(c) Title Section

The Title Section has conducted title investigations as required by the Tract Section and the Commission member in charge is prepared to put the additional authorized personnel to work

immediately upon their arrival. This group will work in close cooperation with the Island Courts to facilitate the processing of probate cases.

(d) Real Estate Appraisal Section

The Commission member in charge of the urban portion of this section, with the assistance of survey personnel, has completed the compilation of data covering 1,209 buildings. Building data available from the personal declarations have been consolidated and correlated with damage reports made by the Military Government and Construction Battalions.

The Commission member in charge of the suburban portion of the section has inspected and made reports on 118 ownerships within the tracts being studied by the Title Acquisition Section. The preparation of reports on the North Air Field (and Crote Peninsula) are in progress. Studies have been made and many interviews held with respect to local ideas of value of land, trees, and crops.

(e) General Interrogation and Personal Property Section

The Commission member in charge, with the assistance of Guamanian interrogators, has completed approximately 1,500 personal interviews, the results of which are recorded in the "personal declarations" in the form enclosed as Enclosure (A) of Reference (d). The basic interrogation program has been completed at four principal centers of population and hearings are to be held at about five additional localities after which there will undoubtedly be "stragglers". Judging from the results to date, it is believed that there will be approximately 2,700 personal declarations.

(f) Death and Personal Injury Section

Prior to the delayed arrival of the Commission's court reporters, the Commission member in charge of this section examined the available records and conferred informally with a considerable number of the best informed Guamanians. Following the arrival of the court reporters on May 2nd, formal hearings were started and will be continued from day to day for a considerable time. In these formal hearings, testimony is taken to develop the circumstances in general with respect to the actions of the Japanese during the period of the occupation and their treatment of the people. In view of the fact that many of the Guamanian

officials under the pre-war Naval Government were continued in office by the Japanese, an excellent record of basic circumstances with respect to death and personal injury of Guamanian people, and with respect to missing persons, is being recorded. Catholic Priests and other influential persons are also being included in the general hearings. Following the recording of all such testimony, the section will proceed with the program of hearings covering each separate case so that facts may be established with respect to all pertinent details including facts of dependency.

Arrangements have been made with the civilian hospital of the Military Government for the medical examinations and certificates that will be required incidental to the making of award recommendations.

(g) BuSanda Section

The BuSanda member of the Commission has been occupied as office manager of the Commission's activities and in such capacity has continuously taken care of all problems incidental to supply and financial matters, aside from general participation in the affairs of the Commission.

V. GENERAL CONDITION OF THE PEOPLE

1. The temporary housing being provided by the Military Government will be adequate for "the duration" if approximately 1,500 additional units are built. On this subject the Deputy Chief Military Government Officer stated as follows in his first endorsement to Reference (c): ". . . immediate adequate housing requirements for Guam civilians cannot be met for some time. From date of reoccupation until 30 April 1945, Military Government has constructed with native labor 1,132 semi-permanent dwellings of uniform design. It is estimated that another 1,500 dwellings of this type will be required to care for demand."

Attention is invited to the following apparently contradictory statement in ComFrdarsa (now ComMarianas) serial 2918 of 10 April (3rd endorsement on Reference (b)): "The civilian population on Guam, numbering about 22,000, are living under satisfactory temporary arrangements."

The investigations made by the Commission with reference to the adequacy of existing housing fully support the statement made by the Deputy Chief Military Government Officer with reference to the necessity for approximately 1,500 dwellings. The need for these dwellings is great.

2. The cash position of the people is excellent, judged by local pre-war standards. Although the cost of some necessities has gone up, the unavailability of most luxury items offsets the higher cost of goods available. All prices are under Military Government control. Thus far, movies are free, and no rent has been charged for the use of the houses built by the Military Government.

3. Employment is at such a peak, and the need for more civilian workers is so great, that practically every able-bodied person beyond school age is enrolled as a worker. Thus, with women and young people working for salaries to an extent many fold greater than before the war, but very few families are in real need of additional funds.

4. For general background the following statistical data will be of interest:

(a) Population and Employment

The census taken by the Military Government shows as follows:

Males under 21	-----	6,516
Males over 21	-----	3,314
Females under 21	-----	6,457
Females over 21	-----	4,916
Total	-----	21,733

The rate of population increase was approximately 550 per year for some years before the war.

Recent reports of the Military Government show employment as follows:

In school ----- 6,696

Workers (registered and assigned to jobs, including approximately 500 registered farmers most of whom work on their own farms.):

Males	-----	3,771
Females	-----	736
Total	-----	4,507

"Doubles" approximately 300 of the 4,507 workers are also in the "in school" figure above.

(b) Relief

For the period immediately following reoccupation of Guam, relief food and clothing was distributed as an emergency measure to the majority of the inhabitants because of widespread destruction of homes, stores, and personal property, or because of restrictions on civilians entering occupied areas.

Organized relief was established in October 1944, to care for persons incapable of self support because of physical handicap, and for children and the then unemployed. From 1,073 in October 1944, the number of persons on relief rolls was reduced to 336 by April 1945 as business was re-established and the hiring of civilians by Naval and Military organizations was extended. Of the 336 persons presently on relief, one-fourth are too old or sick to work and the remainder are widows and orphaned children. Although comparative mainland data are not available it is believed that such a small "percentage on relief" (only 1.3%) indicates convincingly that there has been remarkable recovery from conditions of the Japanese occupation period.

(c) Savings and War Bonds

The Bank of Guam records as of 26 April 1945 showed 1,968 native civilian savings accounts with deposits totaling over \$700,000, in the following groups:

<u>Amount</u>	<u>No. of Depositors</u>
\$1. to \$100.	1,015
\$101. to \$500.	676
\$501. to \$1500.	202
\$1501. to \$3000.	45
\$3001. to \$5000.	21
over \$5000.	9

On 5 December 1941 there were 1,878 savings accounts totaling \$367,035. of which \$44,000. had been deposited by the Island Government and an estimated 75% of the balance by native civilians. Of the \$700,000. in deposits made by native civilians during the period 15 March to 25 April 1945, less than 25% of the total was transferred over from the old accounts. As of 25 April 1945, there remained \$198,458. in old savings accounts, representing deposits of both military and civilians, which had not been called for or transferred over to new accounts.

From the above it will be seen that the Bank of Guam savings accounts of the Guamanians total more than twice the comparable pre-war total.

Civilian (native) Postal Savings Accounts with the Guam Post Office, as of 30 April 1945, total 24 depositors in the amount of \$9,221.

Military Government War Bond sales to natives total \$211,700. Civilian (native) War Bond sales by the Guam Post Office, as of 30 April 1945, total 278 purchases in the amount of \$23,413.75. Civilian sales by the Bank of Guam are estimated to be \$5,000.00, the exact figure being unknown because sales are not segregated as to type of purchaser. In view of the short time that War Bond sales activity has been active here the results to date are satisfactory. (Total to date: approximately \$240,000.)

VI. LAND TENURE

1. To shorten the principal part of this report the Commission has prepared Reference (e), of which a copy is enclosed as Enclosure (3), setting forth comprehensively all pertinent details with respect to Land Tenure, "Unsurveyed Lands", Lease System, and laws with respect thereto.

General overall figures of interest are as follows:

Total number of title parcels:

Suburban - - - - -	3,007	
Urban - - - - -	2,696	
	<u>5,703</u>	
Total listed area of above - - - - -	73,260	Acres
Apparent area of government land - - - - -	60,740	"
Area of Island - - - - -	<u>134,000</u>	"

Of the 5,703 parcels, 646 (or 11%) are unsurveyed parcels having a total area of approximately 40% of the privately owned land total of 73,260 acres.

2. The 33 parcels listed at 100 hectares or over in area have been plotted on Enclosure (5) in green striped ruling. Although a few of the said parcels are only shown approximately, the boundaries as delineated are fairly accurate, provided the owners of the 20 large parcels which are "unsurveyed" will be successful in having their titles (old Spanish claims, grants, or concessions) confirmed by proper court procedure. The claimed boundaries of the 20 unsurveyed tracts were plotted after considerable investigation on the ground with owners and other old time Guamanians, including informed Guamanian government employees. It is interesting to note that the total area of the 33 large tracts is approximately 32,000 acres or 44% of the total privately owned land.

3. It is readily apparent from Enclosure (5) that at the present time military allocations are occupying perhaps as much as 75% of the total privately owned area on the Island.

VII. RESTORATION OF RECORDS, BOUNDARIES, AND SURVEY MONUMENTS

A. Records of Department of Records and Accounts.

The Commission's precept and certain related documents and correspondence indicated that it was at first thought that the restoration of records, boundaries, and survey monuments destroyed or obliterated as a result of military action and Japanese occupation would be considerable. Fortunately, however, it has been found that all principal survey descriptions, deeds, etc., are intact. The large record books of the Department of Records and Accounts went through the entire period of occupation and the American invasion without damage, excepting the earliest of the three volumes with respect to the municipality of Marizo which was lost. Fortunately, this volume contained no survey descriptions and it is believed that any necessary reconstruction of the contents of the volume will be only a comparatively minor project. The remaining 52 "Record Books" of the period 1892 - 1941 and the 6 volumes of certificates of title (being the entire certificate of title record which was started in 1932) have been given a preliminary examination by members of the Commission. Certain of the books are in a rather dilapidated and moldy condition but the only desirable "restoration" would be the copying of at least certain of the volumes on good quality paper to be bound in the style standard in bureaus of record on the mainland.

Complete copies of the two most recent tax assessment rolls listing every parcel of land on the Island, together with the names of the apparent owners, areas and assessments for land, buildings and other improvements (trees and crops), were found intact. The effect of the tax assessment and collection system was to keep up unusually reliable land records. The last statement should be qualified by the comment that in numerous cases, the "apparent owners" in whose names individual parcels are carried are oftentimes merely members of groups of heirs owning the property,-- thus a very considerable probate program will be necessary.

B. Maps and Boundary Lines

All maps of the survey division of the Naval Government Public Works Department were lost, but fortunately it has been found that as surveys of individual parcels were completed, the individual land owners were given blueprints of the plats including their respective parcels. In accordance with the Commission's request, the people have brought in a considerable number of such blueprints and, with this nucleus, supplemented by the availability of the survey descriptions in the official Record Books, it is expected that no difficulty will be encountered in reproducing such maps as existed on December 7, 1941.

C. Boundary Monuments

The situation with respect to boundary monuments is merely what one would expect to have resulted in the course of the tremendous construction program which is still going on. By and large, it is true that, in the areas where monuments have been bulldozed out, re-monumenting will not be required because with the acquisition of the tracts of which the parcels are portions the boundary lines will become insignificant.

D. Triangulation Monuments and Data

At the present state of our information, it appears that the only triangulation monuments that have been destroyed are such as have been removed in the course of our construction program. All principal stations, however, appear to be intact. The Commission's Survey Section now has available not only the same triangulation data as was available before the war but also excellent additional data which was added by Navy survey ships, operating under Hydrographic Office professional control, since the retaking of the Island.

E. Availability of Naval Government Personnel. Normal Functioning of Departments.

With reference to the entire subject of "restoration", it is pertinent to note here that in the Military Government section of the Island Command the several Departments are organized along lines closely following the organization plan of the Naval Government of Guam prior to the Japanese invasion. A considerable number of the pre-war employees of the respective departments are functioning just as they did before the war. This fortunate situation has very greatly diminished many restoration problems.

F. Unsurveyed Lands

Eleven percent of the privately owned parcels are unsurveyed but the said unsurveyed 646 parcels total an estimated 40% of the privately owned land on the Island. In view of the availability of the same sources of information as were available before the war, the unsurveyed land problem is not a restoration problem but one suitable for normal post-war completion, excepting insofar as it will be necessary to determine the boundaries of unsurveyed lands in connection with property acquisition problems to be handled by the Commission.

G. Issuance of Duplicate Certificates Evidencing Ownership of Land

Many land owners have lost their Certificates of Title under the 1929 "Land Registration and Cadastral Survey Order" and their "Certificates of Guaranteed Claims" under the 1914 Cadastral Survey Order. A simple court

proceeding, however, is all that is necessary to obtain authority for the issuance of duplicates of such certificates because the necessary ownership data and survey descriptions are all intact. Many such duplicates are being applied for and issued each week in the regular course of procedure,-- thus it is not necessary that the Commission take part in this activity.

VIII. PROPOSED LAND ACQUISITION PROGRAM

A. Military Allocations System

1. It is understood that prior to the retaking of Guam, certain area allocation plans were decided upon. The entire subject of priorities for land allocations was subsequently assigned to the Island Commander who designated an advisory board, known as the Area Allocation Board, to which applications for area allocations, or modifications therein, are referred for study and recommendation as they are received from the various commands and activities. Area allocations as of 1 April are shown as Reference (h) of which a copy is enclosed as Enclosure (6). On the said map all principal new and improved roads (which have an allocations status, although not numbered) are shown. The several allocations numbered 142 were given allocation status on the recommendation of the Military Government Section, Island Command, to discourage units and activities from applying for the assignment of areas within the said "allocations".

2. The tremendous encroachments of the allocations on fee simple holdings of the Guamanian people are shown on Reference (g) of which a copy is enclosed as Enclosure (5). The approximate boundaries of all parcels of 100 hectares or over in area are shown as accurately as present information permits. Localities and general areas in which private titles of up to 100 hectares area take up practically all land (to the exclusion of government land) are indicated.

3. The following over-all area figures, which are the most accurate presently available, will be of interest:

	<u>Acres</u>
(a) Area of Island - 210 sq. miles - - - - -	134,000
(b) Private Titles, according to owner's claims as shown on tax rolls - - - - -	<u>73,260</u>
(c) Apparent area of government land - - - - -	60,740
(d) Approximate area of allocations colored in red on Enclosure (5) (being all allocations excepting those numbered 142) - - - - -	60,600

It will be noted from Enclosure (5) that the encroachment of Military Allocations on Private Property is perhaps as much as 75% of all fee simple property owned by the Guamanian people.

It will be several months before it is possible to give accurate figures to replace those given under (b), (c), and (d) above.

4. When one considers the nature of the "savanna" lands making up the greater portion of the government lands in the southerly end of the Island, and the forest lands making up the greater portion of the government lands in the northerly end of the Island, the task confronting the Navy in carrying through with the objective of making available to the people land in exchange for that to be included in permanent reservations, will be appreciated.

5. Allocations are usually applied for by reference to coordinate squares on the "Marine Target Map" and so approved, (although often curtailed in scope). When an allocation is made there is a marked and understandable tendency on the part of the cognizant activity to consider the allocation practically the equivalent of a grant or land patent. In most cases, the action of the Board has been generous if there have been no other units competing for the same land. Allocations have been, because of military necessity, acted upon almost entirely without consideration of land ownership or legal problems. On Guam we have been fortunate in having practically no aggressiveness on the part of the people, and so have been free of legal problems that are usually time-consuming perhaps even to a point endangering security. It is suggested that since the development of Guam (as indicated by recent directives from CINCPAC-CINCPON) has now passed the critically urgent stage, no new allocations of any nature should be made without considering alternate sites to the extent of giving considerable weight to the ownership, legal, survey, and appraisal problems involved.

6. At the meeting of the Area Allocations Board on May 1st, informal oral approval was given to the following suggestions offered by the Officer-in-Charge of the Commission:

That, as agent of the Board, the Commission investigate and consider the following matters and make proposals to the Board relative thereto:

- (a) To check actual occupancy on the ground with the intention of the Allocation Board's action.
- (b) To propose final boundaries believed to be justified and necessary, and, in so doing, to conform as nearly as practicable to topographical features and to title lines.
- (c) To propose any changes in allocation boundaries that would simplify future acquisition (by leases or deeds) without interfering disproportionately with the military activity in occupation.

- (d) To propose exclusions or boundary revisions that would make additional areas available for Guamanians without disproportionately discommoding the military activity involved.
- (e) To propose combinations or extensions of allotments that would make allotments contiguous where intervening lands would be of no value to owners, or in cases where the shape and accessibility of such intervening lands are such as to introduce severance factors of such extent as to justify leasing the property.

The Commission, in conducting its surveys, is proceeding as above indicated. From time to time, reports, usually in map form, will be submitted to the Area Allocation Board. The Board may then conduct its own investigations and make appropriate recommendations to the Island Commander with respect to the modifications suggested by the Commission's reports.

B. Basic Policy as Indicated by Higher Authority

1. In the Commission's letter of 2 April 1945 to The Chief of Naval Operations (serial 11) with reference to the proposed bill to transfer to the Naval Government of Guam certain Federal Lands to be conveyed in exchange for privately owned lands within military reservations, it was stated in Paragraph 10 that the Commission considers it most urgently necessary that the proposed Bill be enacted as Law and that it be followed by action by the Navy Department making it possible to handle at Guam all details of real estate transactions, including passing on the acceptability of titles for the private lands to be acquired.

2. In the third endorsement on the said letter The Commander Forward Area, Central Pacific (now ComMarianas) stated: "It is considered inadvisable to delegate the authority or prescribe a modus operandi, for the actual closing of title exchanges, as recommended by Paragraph 10 of basic letter, until the Land and Claims Commission, - - - has assembled, analyzed, and submitted to higher authority more substantive data and information than has been developed to date" - - - - "There is no urgent need to effect land exchanges now or in the near future. Withholding these transactions until all data is available, and additional requirements of the military are more certain, is considered the logical course to pursue".

3. In the fourth endorsement the Commander in Chief Pacific Fleet and Pacific Ocean Areas concurred in the views expressed in the third endorsement.

4. Before receiving copies of the endorsements above quoted, the Island Commander addressed a letter to The Commander Forward Area (serial 04603 dated 3 April), submitting recommendations with respect to which military allocations the Commission should be directed to consider on

a "purchase basis" and which on a "lease basis". The letter was forwarded by The Commander Forward Area, Central Pacific, to CINCPAC-CINCPAC with the following endorsement: "Forwarded to higher authority for decision as this command has not cognizance of post-war plans for the development of Guam. Until such plans are definitely formulated it is recommended that no action be taken for the acquisition or rental of land at Guam".

5. On 12 May the Island Commander, in forwarding the Commission's Interim Report of 5 May by endorsement (serial 05377) included in his comment: "The Island Commander does not recommend deferment of purchasing land until the post-war period, particularly that land which it can be determined now is desired for permanent base development. Indeed there appears to be many reasons why that land should be acquired now".

6. It is noted that in his (third) endorsement to Reference (a) The Commander Forward Area has indicated that post-war plans are now in progress, and that recommendations with respect to the probable permanence of the respective military land allocations will be included therein.

7. Pending the receipt of expected directives from higher authority as to which allocations should be purchased, and which leased, the Commission's survey, title investigation, and appraisal activity will be conducted in a manner not dependent upon such decision. Certain survey, title, and appraisal work will be essentially the same for either method of acquisition. With respect to all roads, however, the Commission is proceeding on a "fee simple" basis. (See also the Commission's Recommendations in Paragraphs 2, 3, 4, 7, and 8 of Section D hereof.)

C. Proposed "Agana Plan" and Rebuilding of Certain Other Towns

1. The city of Agana, in which the life of Guamanians was centered to an extraordinary degree, was almost 100% destroyed in the American bombing and shelling incidental to the retaking of the Island. Of 1,750 privately owned buildings, 1,700 were destroyed almost completely, and 50 were destroyed to an extent making rebuilding possible at a cost of approximately half of the value of the structures prior to the action. Public buildings and churches were practically 100% demolished excepting, providentially, the "Records and Accounts" vault. The towns of Asan, Piti, Sumay, and Agat were entirely destroyed.

2. Following is a summary of basic correspondence relative to plans for the reconstruction of Agana, and other towns:

- (a) 8/7/44 Deputy Chief Civil Affairs Officer to Commanding General: Recommended that steps be taken at the earliest possible date to reconstruct Agana, Asan, Piti, Sumay, and Agat along modern lines.

- (b) 10/7/44 Deputy Chief Civil Affairs Officer to IsCom: Recommend that an "Agana Planning Board" be constituted to make surveys, establish property lines, and adjust claims incidental to the destruction and rebuilding of Agana. Also recommended that "for purposes of military necessity, such as the need for wider streets for transportation, and for utility, sanitation and beauty" the remains of Agana be leveled off and rebuilt along modern lines with adequate streets, allocations for public use, zoning, etc.
- (c) 10/15/44 Deputy Chief Civil Affairs Officer to IsCom: Presented a proposal for one central commission to handle all claims and property problems for the entire Island.
- (d) 10/24/44 IsCom to ComdArea: Forwarded letter "(s)" and stated that the Island Commander "is setting up a commission in accordance with the provisions of the basic recommendations". The letter outlined the Island Commander's proposed "Agana Plan" under which title to all privately owned land in Agana would be taken over by the Agana Commission, which, after adding additional tracts to the area, and replanning the city on modern lines, would then reconvey the new lots to the former owners in a manner giving to all preferential rights to the lots nearest to their respective original holdings.
- (e) 10/27/44 IsCom to Col. S. A. Woods, Jr.: Created "Agana Property Commission" with authority to do any and all things necessary in effectuating the "Agana Plan", including the instituting of suits to quiet titles, determine boundaries and ownerships, and to acquire all property "certified by the Island Commander as required by reasons of military necessity for the purpose of effectuating the modernization and rehabilitation of the city.
- (f) 11/10/44 ComdArea to CINCPAC-CINCPAC: Forwards the letter of 10/15/44 together with the 1st endorsement "for information". Approves of the Agana Plan in principle but invites attention to the fact that "the property commission is not authorized to expend government funds or settle claims, as might be inferred from the basic correspondence".
- (g) 12/2/44 IsCom to CINCPAC-CINCPAC: Suggests that the Agana rebuilding program be forwarded to BuDocks for the purpose of arranging the financing of the project.

(h) 12/13/44 ComfwdArea to CINCPAC-CINCPMA: Stated that it was considered premature to present the Agana project to Washington "at this time".

(i) 12/15/44 CINCPAC-CINCPMA to IsCom: Approves of Agana reconstruction provided it be carried out in a manner secondary in priority to military construction. Authorizes the Island Commander "to proceed with the planning and to take the steps necessary for acquisition and transfer of title to the property involved in accordance with - - (the Island Commander's) - - stated intentions".

(j) 1/10/45 CINCPAC-CINCPMA to CNO: "The determination of the extent of war damage sustained by individuals, the evaluation of property expropriated for military use, the decision as to amounts and methods of compensation and the readjustment of property rights incident to the erection of villages and of public and private buildings on new sites are all inter-related. In the interest of avoiding duplication and conflicting claims it appears desirable that but one body be created and that it be vested with powers sufficiently broad to settle the various claims arising from the factors enumerated above. To the end that such a body have access to witnesses and landmarks while they are still available it is desirable that it be appointed and commence to function at an early date".

3. In accordance with the correspondence summarized in the foregoing, the "Agana Property Commission" was appointed by the Island Commander; the remains of old Agana are being leveled off; and in accordance with the letter of 10 January 1945 to CNO the Land and Claims Commission was created. Consistent with the comment made in the said letter relative to the desirability of having all claims and related matters handled by a single commission, the Land and Claims Commission has offered to the Island Commander all such legal services as the Agana Property Commission may desire in connection with its land and legal problems.

4. The recommendations of the Land and Claims Commission with respect to Agana and the towns of Asan, Piti, Suxay, and Agat, are presented in Paragraphs 5 to 8, inclusive, of Section D hereof.

D. Recommendations

1. Adoption of Island Command Area Allocation Maps as basis for Land Acquisition.
2. Proposed "Agana Reservation".
3. Roads.
4. Purchase in cases where land damaged to extent equaling or approximating 1941 value.

5. The "Agana Plan" -- Agana Property Commission.
6. Appraisal of Agana lots.
7. Acquisition of Asan and Agat.
8. Acquisition of Piti and Suxay.

1. It is recommended that official Allocations Maps or Allocation Descriptions of the Area Allocations Board, as approved by the Island Commander, and now in effect, be adopted by the Navy Department as the official maps to govern acquisition of lands (either by purchase or leasehold as the case may be) SUBJECT, HOWEVER, to investigations and possible modification of boundary lines, as described in Paragraph A6 of this Section.

2. It is recommended that all allocations contiguous to Apra Harbor be combined into an "Apra Reservation" having minimum boundaries as shown on Reference (h) of which a copy is enclosed as Enclosure (6). This proposed consolidation of allocations, (or a larger one), would very greatly simplify survey problems because the only surveying necessary would be that of the inland boundary, and the subdivision of whatever titles may be crossed by the said boundary. Legal work would also be greatly consolidated because the consolidated tract could be treated as a single case in the condemnation process and thus a great multiplicity of suits avoided. The proposed reservation (as shown) contains approximately 650 title parcels and contains 2,250 acres plus "new land" created by dredging and fill. The enormous saving in survey man-days and in court time could be realized at an additional land cost that would be relatively small, -- furthermore, there would probably be security advantages in such a consolidation. Attention is invited to the fact that "Marine Drive" (the new 100 foot right-of-way road) traverses the tract. Without consolidation, the survey and legal complications in acquiring the road strip would be great. If the consolidation is approved the road will be practically no problem at all. The "Apra Reservation" is urged as a tremendously worthwhile consolidation regardless of the probable future details of command over the various Army and Navy activities that will probably be permanently maintained within the area.

3. It is recommended that the Commission be authorized to proceed with its road survey and title and appraisal program (with respect to roads) on a "fee simple" basis (this is actually being done); and that the Commission be authorized to extend any individual title parcels within road rights-of-way to include remainders that would be valueless to owners; and also that whenever the compensable damage to remainders outside of the road strip is found to approximate the full value thereof, such remainders be included in the road acquisition.

4. It is recommended that, in all cases in which the Commission finds that individual parcels within allocations have been so changed in character as to result in appraised compensatory damages approximating the

full value of the fee simple title, the parcels be acquired in fee simple; ~~and furthermore~~ that whenever in the judgment of the Commission there are so many such parcels within an allocation as to so justify, fee simple titles be acquired to the entire allocation, or to such consolidated portion, or portions thereof, as to result in the acquisition of a parcel or parcels of probable use to the government. Decision to purchase in such cases should be paramount to the determination by higher authority based solely upon "base development" and present function of the various areas. It would obviously not be justifiable to pay damages equal to or approximating the full value of land and leave the fee title in the owner's name because any parcel at one time of military importance could have equal importance in the future, and, in any event, the land would have but very little value to the Guamanian owner. It is noted for general information that hundreds of acres of agricultural land have been cut or filled by bulldozing operations and covered with "cascajo" (coral limestones) or other paving to an extent rendering the land practically without value from any local conception.

5. It is recommended that, upon request, the Commission be authorized to assist the Agana Property Commission with legal advice in the acquisition of fee simple title to all privately owned lands in the municipality of Agana in a manner (remaining to be perfected) that will set up a system of credits to control the redistribution, by the Agana Property Commission, of the lots of the New Agana at some future time, giving precedence, insofar as practicable, to those whose old lots were respectively nearest the new lots. The system should also provide that any such person desiring available land elsewhere on the Island, rather than in Agana, have the right to buy such land from the government to an extent equal to the value of his Agana lot as appraised by the Land and Claims Commission. The latter should be encouraged because with the fine new road system and the opportunities that there will be for employment at such localities as North Field, and many other Army and Navy activities, there will be an opportunity to decentralize the former concentration in Agana which locality has but few advantages as a site for a modern residential city. It is believed that the greater part of the area will be required for more extensive governmental, educational, and commercial activities than were needed before the war. Areas available for expansion of Agana are most limited if condemnation of adjoining lands is to be avoided.

The acquisition of all private titles in Agana would be merely an incident in the Land and Claims Commission's activities because, in the distribution of awards for destroyed buildings, it will be necessary to accomplish practically the same amount of legal work as would be involved in acquiring all of the lots at the same time.

An additional factor for consideration is that, in any case, the Land and Claims Commission will have to handle the acquisition of all lands included within the "Marine Drive" (100 foot right-of-way), the new Sinajana and cross-Island roads, and the relocated Agana River.

6. It is recommended that it is highly essential that all appraisals of property involved in the "Agana Plan" of the Agana Property Commission be made by the Land and Claims Commission, and that such appraisals be used in all transactions. Any other plan could result in wide variations and misunderstanding because all transactions to be entered into on the entire Island should be based upon the same appraisal assumptions and bases.

7. It is recommended that the Land and Claims Commission be authorized to proceed with the acquisition of all fee simple titles in the towns of Asan and Agat; that the areas remaining available after taking out the "Marine Drive" right-of-way be held for post-war subdivision; and that the rebuilding of Asan and Agat be postponed until after the Navy Department and Congress have determined the general lines of the future planning of the Island. After the war there will be great quantities of materials available from surplus stocks and from the disestablishment of various activities;— there will also be many highly developed "camp" areas available for permanent town sites;— there is the possibility of large towns being required near military activities to house civilian workmen;— and until the post-war period, all phases of life on Guam will continue to be so abnormal as to make permanent rebuilding impracticable until a more settled time.

8. It is recommended that the Commission be authorized to proceed with the acquisition of the fee simple title to all privately owned land in the towns of Piti and Sumay concurrently with the consummation of settlements for buildings destroyed therein. The said two towns were totally destroyed and are within the proposed "Apra Reservation" described in Paragraph D2 hereof.

II. PROPOSED LEGAL PROCEDURE IN ACCOMPLISHMENT OF ACQUISITION PROGRAM

A. Acquisition of Fee Simple Title

1. It is understood by the Commission that the Navy Department may authorize the Commission to handle the acquisition in fee or by lease of all lands included within Military Allocations (including roads). Fee acquisition would be greatly simplified if title can be taken in the name of the present Military Government and transferred later to the Naval Government of Guam when the pre-war Government is reconstituted. This would permit the examination and approval of titles locally and the use of the existing Island eminent domain procedure, when necessary, for the acquisition of such lands. If authorized so to do, the Commission proposes in most cases to negotiate purchases of land upon values determined by the Commission's appraisers, and to take deeds therefor. The work of the Commission would be greatly facilitated if the Island condemnation procedure is followed, however, in the acquisition of: (a) highways, involving hundreds of ownerships; (b) town sites which are to be abandoned

or new locations because they are within permanent military establishments or have been destroyed, and the rebuilding in the old sites is determined by the proper Naval authorities to be impractical; and (c) defective titles which would otherwise have to be cleared by suits to establish and register titles, determination of heirship, and the administration of estates before the purchase prices could be paid and acceptable deeds executed and delivered to the Government grantees.

2. The benefits to be derived from the use of condemnation are many: (a) The recordation of a multiplicity of title documents will be avoided. One decree vesting title could be recorded covering the numerous tracts described in the particular condemnation petition. In some small town sites which are within permanent establishments, there are a great number of lots. (In the town of Suroy, for example, there are 177); (b) Consenting property owners whose titles are clear could be dealt with by stipulation. As to non-consenting and absent owners, the fixing of adequate compensation and determination of title questions could be made in the condemnation proceedings; (c) Doubtful or defective titles could be perfected in the condemnation proceedings thereby relieving the Island Courts of numerous title and probate cases; and (d) Where the qualifications of the apparent owner to receive Government payments are doubtful by reason of undetermined heirship, minority, or other disability, the amount of the judgment could be paid into the Bank of Guam in accordance with the Island procedure, and distribution thereof made when the personal representative of the estate is appointed and qualified or the disability is otherwise removed to the satisfaction of the Bank.

3. It is not anticipated that difficulty will be encountered in dealing with the native owners for the purchase of their lands. Condemnation will be a friendly legal action whose use will facilitate and serve the convenience of both the land owner and the Government.

Since the general impression is that condemnation proceedings are unfriendly and hostile actions to force unwilling land owners to sell lands to the Government, it is felt that any possible criticisms in Congress or newspapers for exercising the rights of eminent domain in acquiring lands on Guam might be circumvented if the actions not be referred to as "condemnation" but rather as "legal actions in aid of procurement of real estate".

4. If titles were taken in the name of the United States, compliance would have to be made with the provisions of Section 355 H.S. which require approval by the Attorney General before Federal funds could be expended for their purchase. It is doubtful that Department of Justice attorneys could condemn in the Island Courts but would require a Federal Court to be established. This would entail additional legislation, as the Island of Guam is not presently within a Federal District, and the importation of civilian personnel to serve as Government attorneys, Judges and Court attendants.

5. The lands in Guam which will be acquired are for the most part low-cost and divided in small tracts containing 5 to 25 acres. Congress has made exceptions in favor of the acquisition of such lands in the past by Government Departments and agencies, without submission of the titles to the Department of Justice, by temporary suspension of the restrictions of said Section 355.

6. It has been pointed out above that no hard and fast rule has been followed in the past with respect to the requirements of Section 355 in the purchase of lands in Guam with public money appropriated by Congress. The title to the Post Office site was taken in the name of the Naval Government. Titles of other lands purchased with funds made available by the Appropriation of Acts of 1917 and 1930 were taken indiscriminately in the names of the United States and the Naval Government of Guam.

7. The Commission has found no record showing that lands have been condemned in the name of the United States but there are several entries in the land records relating to condemnation suits conducted by the Naval Government. It is assumed, in the absence of information that Naval Government funds were used, that Federal funds were used to satisfy the judgments entered in the condemnation proceedings.

8. It appears from a quotation cited in a footnote in "Acquisition of Property for War Purposes", (a manual recently prepared in the Lands Division of the Department of Justice), that the legality of the condemnation procedure set up by the Naval Government of Guam has been approved in a written opinion of the Attorney General (25 Op. A.G. 59, 61 (1903)). The footnote recites "The Governor of Guam has declared abrogated all Spanish laws concerning condemnation of property and condemned property himself according to procedure set up by him", and quotes the following sentence from the opinion: "His power as a Military Governor was intended to be plenary. He had the authority to do what the exigencies of Military Government required, and held the supreme legislative, executive and judicial authority of the Island".

9. It is accordingly recommended:

- (a) That authorization be given to use the Island Sovereignty's right of eminent domain by instituting actions "In aid of procurement of real estate, or rights therein".
- (b) That the constituted governing authority on the Island be authorized by the Secretary of the Navy to determine which lands are to be acquired by the exercise of the power of eminent domain and to adopt existing laws, implement the same by amendments or supplements, and otherwise establish the court procedure governing such actions.

(c) That the responsibility for the institution and conduct of such actions as are determined to be necessary, be placed upon the Commission, until otherwise directed.

(d) That in cases where the amount of judgment is paid to the Bank, the Clerk of Court be authorized to satisfy the judgment and the Commission be thereafter relieved of any duty to see to the application of the amounts deposited in the Bank.

B. Acquisition of Leasehold Interest

1. The acquisition of the large areas of privately owned lands within Allocations made to the Navy, Army, Marine Corps, Coast Guard, the Department of Agriculture, and Military Government (for Civilian Reservations, agriculture projects, and town sites), which are determined to be of a temporary nature, may be handled by lease by the Government through a Naval officer to whom the authority to execute leases may be delegated by the Secretary of the Navy. This procedure has been generally followed as to all lands leased for Naval purposes outside the continental limits. Liaison and Intelligence officers in South America, Supply Corps officers in Africa and India, and Officers in Charge of Naval Construction Battalions in South Pacific areas, have executed leases under such delegation of authority.

2. It is recommended that Government short term (fiscal year) leases with 30 day cancellation clauses, be executed under such delegation of authority. Rents and other charges which would be incurred under the Government leases are payable from an existing Bureau of Supply and Accounts appropriation. Any adjustments of rent with the Army, Navy, and Marine Corps may be handled in Washington between the Departments and agencies concerned by Form 1080.

X. RECOMMENDATIONS WITH RESPECT TO TREATMENT OF LEASES OF GOVERNMENT LAND

1. Reference (s), of which a copy is enclosed as Enclosure (3), presents a comprehensive report on Land Tenure, Unsurveyed Lands, Lease System, and laws with respect thereto and also recommendations with respect to treatment of leases of government land. The leases of government land are, historically, substitutes for the "homesteading" privileges which carried back from 1903 to early Spanish times. In view of the action taken by the Naval Government in terminating homesteading in 1903, it is of the utmost importance that the adjustment of the lease system to present conditions be handled in a manner that will be as little disturbing as possible.

2. It is recommended that Paragraphs 8, 9, and 10 of Part B of Reference (s) be approved.

XI. APPRAISAL BASES

1. Studies made to date indicate that the appraisal of real property is confronted with the following problems:

- (a) There are but comparatively few conveyances of real estate and a very great portion of those recorded are not bona fide "sales",— investigation indicates that many of the documents were between relatives in the settlement of estates.
- (b) The Guamanians appear to have no background in the consideration of "value" as that word is used in the U.S.A. Many people still retain ownership of the lands which were acquired by their ancestors. Just as the original acquisition was based on prescription based upon the need of individual families, so the continued use of lands within the same families has gone on throughout the generations. The complete lack of real estate brokers gives strong support to this view.
- (c) The fact that all transfers of real estate are subject to the approval of the Naval Governor, combined with the law against the transfer of property to parties other than Guamanians, has had the effect of giving a stabilized land tenure. It might be said that everyone seemed to have as much land as needed by his family and that the "real estate business" simply had no reasons for existence on the Island. Whenever families would need additional land because of the marriage and "settling down" of their children, such additional land was always readily available under the liberal long-term Government lease system.
- (d) The isolation of the Island has naturally resulted throughout the years in an extraordinarily strong sentimental attachment of the people for their homes. They appear to have the feeling that one's home is not something to be bartered.
- (e) All building permits issued prior to the war, together with original building applications containing cost estimates, have been destroyed.
- (f) A very considerable portion of the principal urban buildings had been totally obliterated and the debris removed prior to the arrival of the Land and Claims Commission.

2. In spite of the difficulties outlined in the foregoing, the Commission is obtaining testimony from representative Guamanians and from other sources and will be able to adopt a plan that will be fair to all

concerned. In many respects the views expressed by representative Guamanians of the more intelligent group are difficult to understand because whatever ideas they do have regarding values are apt to go back to valuations placed on lands for tax purposes under the influence of Naval officers in charge of the taxation activities of the Naval Government. Coconut land, for example, was valued for tax purposes at \$43.00 per hectare, plus \$5.00 for each bearing tree, and assessed valuations were on the basis of one-quarter the land value plus one-fifth of the tree value. Since the average number of coconut trees per acre is approximately eighty, it is evident that this system was one basically of collecting taxes on trees rather than land. The extent to which this "coconut economy" affected valuation ideas is shown by the fact that, in the 1941 assessment, the valuation of farm improvements (other than buildings) aggregated 2 1/2 times the assessment of the land. This system may have had some logical basis as long as there was a market for copra and thus the opportunity of a fair income, but since certain Congressional action in or about 1934, putting into effect a tax on copra imported into the U.S., coconut trees have had but little value from a commercial standpoint. The meat is used for the feeding of pigs and chickens; trunks and leaves are used in native house construction; and the Military Government is now using a certain amount of copra in the manufacture of laundry soap. It is possible that the laundry soap enterprise may someday develop into a profitable business. As a matter of fact, during the year July 1, 1940 - June 30, 1941, local soap manufacturers supplied 250,000 pounds of salt water soap on one Navy contract. In the 1941 Governor's report, it is stated that the soap was of excellent quality.

3. It seems that aside from the utilitarian value to the growers of products of the coconut tree, any real commercial value in the trees is largely one of hope. In order for this hope to materialize, the American copra tax would have to be repealed, the soap industry greatly extended, and labor would have to be available. Present indications are that the great demand that will exist for civilian Guamanian employees at military establishments after the war will mark the end of any possibility of growing coconuts on a commercial scale. Dr. Ashley Brown, who was formerly in charge of the Foreign Economics Administration farming area here, stated that he would sum up the matter by saying that he believed that, wherever the soil is sufficient to support other crops, land from which coconut trees have been cleared has more potential value to the Guamanian people than such land with mature groves.

4. Rice land similarly is valued on a false premise excepting insofar as rice lands may be adapted to other crops. For years the Governors of Guam tried to encourage the growing of rice so that there would be a basic food supply to rely on after severe typhoons. During past years, when shipping connections were so poor, this effort was undoubtedly a very worthy one. According to testimony gathered by the Commission to date, it was never possible to grow rice on Guam and to sell it in competition with rice from Japan and California.

5. In the southerly portion of the Island, "savanna" land, covered with sword grass, predominates, although there is a considerable "savanna" area of fair pasture land.

6. The greater portion of the area of the northerly end of the Island is covered with a heavy forest growth, certain portions of which have no agricultural or pasture value. The value of commercially recoverable hardwood has been determined by surveys to be but very little.

7. The principal value in small farms for ranches is principally for the partial subsistence of government employees who, before the war, liked to have a farm with a "ranch house", a garden, fruit trees, and pigs and chickens. It is believed that after the end of the war there will probably be more such ranches than ever before because the new Island-wide highways have made areas that were formerly considered isolated readily accessible from the sites of present and future employment.

8. Although the Commission has not yet adopted a schedule of land valuations, appraisals will probably be within the ranges given below. The figures are representative of the best informed local opinion:

Bottom alluvial soil (the best agricultural land) - - - - -	\$30. to \$100. per hectare
Coconut tree land - - - - -	50. to 80. " "
Savanna land - - - - -	Up to 20. " "
Forest and jungle - - - - -	Up to 20. " "

(Note: 1 hectare is 2.47 acres.)

Urban lots range in value from \$10.00 to \$100.00 per acre (1076.4 sq. ft.) depending on the town in which the lot is located.

9. Suburban and urban buildings range from small thatched native huts valued as low as \$25.00 to modern reinforced concrete buildings valued as high as \$20,000. The majority of the suburban buildings will appraise for less than \$200.00 and the majority of the urban buildings for less than \$2,000.

10. The Commission's general procedure with respect to appraisal is outlined in Paragraph 6 of Reference (d), approval of which is recommended in Part III hereof. Attention is invited particularly to the Commission's objective of appraising, by the same basic figures, lands to be purchased from owners and government lands to be offered to the said owners in the post-war period by outright sale, — thus the effect of the two transactions would be that of an exchange deed. The unit values adopted will be consistent with high appraisal standards adapted to the local situation described above with the advice of the professional appraisal members of the Commission.

XII. STATUS OF PROPERTY TAXES

It is understood that the property tax system is to be resumed by the Military Government as of 1 July and that taxes for the fiscal year 1945 - 1946 will be billed and collected regardless of limitations on the individual's use of the property. Military Government believes that it will be highly desirable to thus resume the practice of having Guamanians contribute to a small extent towards the cost of the services rendered by the Military Government to civilians. No rental has been charged for the occupancy of Government-built houses and during the first few months clothing and food were distributed free. Although the actual percentage cannot be worked out for some time, it is believed that approximately 75% of the privately owned lands are not of any use to owners because said lands are either included in Military allocations, within towns in which rebuilding has been forbidden by order, or inaccessible because of restrictions on the movement of civilians in the vicinity of certain installations or because of the presence of Japanese.

XIII. TAX FORECLOSURES

The records show 234 properties were forfeited to the Naval Government of Guam during the period from 1924 to 1939 for non-payment of taxes. Three applications for resale had been submitted to the Naval Government and were awaiting approval and delivery of deeds at the time of the Japanese invasion. Authority should be given to consider the above applications and either execute deeds or approve the refund of the purchase money deposited with the applications.

XIV. ACTUAL AWARDS FOR PROPERTY LOSSES—NAMING OF AWARDEES AND METHOD OF PAYMENT and PAYMENT OF PURCHASE PRICE FOR LAND

1. General Comment

Many officers responsibly connected with the problem have consistently advocated that restitution be made "in kind" rather than by monetary payments. This view was presented by CINCPAC-CINCPOM to CNO in confidential serial C272 dated 10 January 1945 in the following paragraph:

"CINCPAC-CINCPOM concurs with the view that compensation for war losses in GUAM should be effected through the medium of the Navy. With respect to the form in which recompense is to be made, it is felt that in the majority of cases the best interest of the natives will be served by restitution in kind rather than by monetary payments. Any legislation drafted for the relief of GUAM should, therefore, provide for either method of compensation."

The Commission has considered various methods of payment but most proposals have failed to meet the principle of "payment in kind" for various reasons. Neither materials nor labor can be made available for individual building for an indefinite time, and in view of the ever-changing and ever-increasing requirements for land for military purposes there are but few locations where building could be permitted. Rebuilding prior to the post-war period also seems inadvisable because when the policy of the Army and Navy and Congress has been determined there will probably be permanent jobs for Guamanian civilian employees at various Army and Navy posts and fields at localities that were considered remote before the war. It is quite possible, therefore, that a demand for civilian housing may develop in the vicinity of such military activities. Now that there is such an excellent highway system the people may show some tendency to decentralize their places of residence if they are given some encouragement along this line. Additional factors in this consideration are the possible post-war availability of various well developed military sites that may be abandoned after the war. At many of these sites grading, roads, and utilities have been installed in a manner that may make the areas well adapted for civilian housing. When all but permanent military establishments have been demobilized, a great number of concrete floors of the ordinary "quonset hut" and the "45 by 100 size" may prove to be of some value in post-war construction. A very important additional factor is the probable availability after the war of surplus materials and of materials that will be salvaged in the demobilization of temporary warehouses, etc. It is probable that from such sources there would be available practically enough material (excepting certain specialties) to support the rebuilding program.

Through the agency of the Bank of Guam (which is owned by the Naval Government of Guam), it is believed that a satisfactory procedure can be worked out under which the awards may be made, and the money held in trust until it can be put to the use for which the award was intended. This plan is outlined in the following:

2. Recommendations

(a) It is recommended that in order to meet the "payment in kind" objective all awards for destroyed or lost property be made to the Bank of Guam as trustee for the respective awardees found by the Commission to be entitled thereto; that each award be distributed in accordance with procedures adopted by the Naval Government of Guam.

The method above recommended would afford an opportunity to put into effect price control on principal "consumer goods" and building materials and the general effect should prove to be to the best interests of the awardees.

(b) It is recommended that in cases where awards can not be distributed in due course by the Commission because of death or disability of the awardee, or lack of administration of estates, payment shall be made from available appropriations by the Disbursing Officer of the Naval Government of Guam as a normal peacetime function. Special arrangement is necessary with respect to such cases because there is no way in which the bank could accept the awards and give acknowledgment in full satisfaction and final settlement thereof.

(c) It is recommended that the Navy Department decide whether or not the Bank of Guam should be allowed certain fees for the handling of the awards. It is understood from the manager of the Bank, that as the bank is constituted, such handling charges should be allowed. The Land and Claims Commission has no recommendation to make in this matter other than to express the opinions of the individual members that no handling charges should be taken from the awards. If it is decided as a matter of policy to allow such handling charges to the Bank, it may be that they could be paid as special costs incidental to the carrying out of the Guam Claims Bill (when that Bill is enacted as law).

(d) It is recommended that any amounts of money paid in connection with the purchase of land be similarly handled through the Bank of Guam trusteeships, and that they remain under such trusteeships until conditions on the Island have become sufficiently settled to make it possible to offer to the former land owners the opportunity to purchase government land of extent and value equal to that purchased from them. In the case of amounts paid to individuals for their land in the city of Agaña and in the towns of Asan and Agat, the amounts would be similarly held until the former owners can be offered equivalent lots in the same locality or elsewhere. With respect to amounts so held by the Bank of Guam with respect to land purchases, the amounts should be released upon the signed waiver of the individual's of their right to purchase lands in exchange for those formerly held by them.

(e) It is recommended that the Bank of Guam trusteeships be continued until such time as the Government of Guam may order their termination. In view of the many possible complications there would be no purpose in attempting to suggest a final liquidating procedure at this time.

XV. STATUS OF NAVAL GOVERNMENT OF GUAM

1. As the next two pages of this letter there has been inserted for general convenience, a copy of Admiral Nimitz' "Proclamation No. 1" describing the nature of the Military Government established by him. The suspension of courts (Paragraph VII) was modified by Military Government General Order No. 6-44 signed by the Island Commander on 1 October 1944. By the said order the former Naval Government courts were resumed in practically their pre-war status excepting that the jurisdiction of the courts over offenses set forth in the penal code of Guam were excluded (and still remain suspended).

UNITED STATES NAVY
MILITARY GOVERNMENT OF GUAM
Proclamation No. 1.

To the people of

GUAM

WHEREAS, in the prosecution of the war against the Japanese Empire, forces under my command have landed on Guam and are driving the invaders from the Island, and

WHEREAS, during the reoccupation loyal residents of the island have rendered assistance which is appreciated by the people of the United States of America, and

WHEREAS, it is deeply regretted that the military operations against the the Japanese forces has resulted in loss of life and property to the people of Guam, and

WHEREAS, it is the policy of the armed forces under my command to protect the people of Guam in the peaceful exercise of their legitimate pursuits insofar as the exigencies of war permit, and

WHEREAS, in order to preserve law and order and to provide for the safety and welfare of my forces and of the people of Guam, it is necessary to establish Military Government over this island and adjacent waters.

NOW, therefore, I, CHESTER WILLIAM NIMITZ, Admiral, United States Navy, Commander in Chief, United States Pacific Fleet and Pacific Ocean Areas, and Military Governor of Guam, do hereby proclaim as follows:

I

All powers of government and jurisdiction in Guam and adjacent waters, and over the inhabitants thereof, and final administrative responsibility are vested in me as Admiral, United States Navy, Commanding the forces of occupation, and as Military Governor, and will be exercised through subordinate commanders by my direction.

II

All powers exercised, and laws and regulations promulgated by the Japanese Empire and its armed forces are hereby rescinded.

III

Your customs, religious beliefs and property rights will be respected, subject only to the necessary requirements of military security.

IV

You will be permitted and expected to pursue your normal occupations subject to no greater restrictions and interference than is made necessary by war conditions.

Proclamations, orders and regulations issued by me or under my authority are intended to promote the safety and welfare of the people of Guam as well as of forces under my command. All loyal residents of Guam will obey them promptly; will not commit any act hostile to my forces or helpful to the Japanese; and will not commit acts of violence or any act which may disturb public safety in any way.

VI

All administrative, police, and judicial officials and employees of enemy nationality or sympathy in Guam are hereby removed from office. All other public officials and employees except such as are removed by me, or under my direction, are required to continue in the performance of their duties subject to my direction or the direction of such of the officers of the armed forces of the United States of America as may be deputed for that purpose.

VII

Operation of local courts will be suspended temporarily, except that the Commissioners for the outlying districts will continue to exercise the minor judicial powers which they held immediately prior to the Japanese invasion.

VIII

The laws in force in Guam immediately prior to the occupation of Guam by the Japanese forces, are hereby made operative except insofar as it may be necessary for me in the exercise of my powers and duties to change them. In the event of any conflict between these codes and the proclamations, orders, and regulations of my Military Government, the latter will take precedence.

IX

No political activity will be permitted other than that authorized by me or under my authority.

X

Further proclamations, orders, and regulations will be issued by me or under my authority from time to time. They will state what is further required of you, and what you are forbidden to do, and will be displayed at police stations and in your villages.

XI

This proclamation will become operative in each municipality or part thereof within the occupied area, on the date of its first publication therein.

Given under my hand at GUAM this 21 day of July, 1944.

C. W. NIMITZ
Admiral, United States Navy,
Commander in Chief,
United States Pacific Fleet and
Pacific Ocean Areas,
MILITARY GOVERNOR OF GUAM

2. It is recommended that the Commission be advised whether or not the existing Military Government includes and encompasses all authority held by the pre-war Naval Government of Guam. The interest of the Commission on this point is because of the fact that the question is constantly recurring.

XVI. DEFINITION OF "PERMANENT RESIDENTS OF GUAM"

It is recommended that the terms "residents of Guam" and "permanent residents of Guam", as they appear in the Guam Claims Bill, be defined under the regulations to be prescribed by the Secretary of the Navy to include churches, benevolent and charitable organizations, and that the definition clarify the intention of the Bill in including "public property both real and personal", indicating whether or not it is intended that losses of the Naval Government of Guam be covered. Naval Government losses for which restitution will probably not be made as part of the present military construction program will consist largely of claims of losses due to destruction of public buildings including schools. The definition should also include scope sufficient to indicate the status of Navy officers and Enlisted clubs which sustained losses. There were one officers' club and one enlisted men's club organized as "clubs" along civilian lines rather than the present Navy mess organization.

XVII. COLLABORATION AND DOING BUSINESS WITH JAPANESE

A. General Situation

1. The Guam Claims Bill provides that "no claim of any person who has voluntarily aided an enemy of the United States, or of any national of any country at war with the United States, or of any ally of such enemy country, except as the Commission or the local military commander shall determine that such national is friendly to the United States, shall be allowed by this Act".

2. The "Personal Declaration Form" included herewith as Enclosure (A) of Reference (d) ends with an oath covering the above matter. It is usually given in the Chamorroan language and seems to be regarded seriously. Although this is a desirable factor it is not sufficient in cases concerning which there is any question whatsoever.

B. "Yen Cases"

The Commission has certain evidence (and expects more) indicating that there were a number of cases in which merchandise held by stores was sold involuntarily in exchange for yen (said to have been approximately one yen per dollar). There are also cases in which Guamanians turned U. S. currency into the Japanese in accordance with a Japanese general order and accepted yen in exchange at the rate of one to one. Our Military Government (acting under Admiral Himitz' Proclamation No. 7) required that all yen held on the Island be turned in and gave receipts evidencing such custody. It is already evident that there will be certain claims on account of losses incurred in the "yen transactions".

C. Recommendations

1. It is recommended that in any cases in which the Commission questions the loyalty of a person to the United States, the cases be referred to the Island Command, or its successor, for investigation before a decision as to eligibility of claimant to receive an award, is made.

2. It is recommended that monetary losses in "yen cases" be considered by this Commission as a claim.

XVIII. INTER-RELATIONSHIP BETWEEN "GUAM CLAIMS BILL" AND "GUAM REHABILITATION BILL"

1. The Island Commander has made the contents of the recently introduced HR2913 known to the Commission. The said Bill proposes that the Secretary of the Navy be authorized "to construct such permanent facilities for the civil populace of the Island of Guam as he may deem necessary for their economic rehabilitation."

2. The only possibility of duplication in scope of the said Bill and the "Guam Claims Bill", which is understood to have been introduced in Congress, is probably with reference to housing and public utilities (sewers, etc.).

3. It is recommended that the Commission be informed as soon as possible of any effect that HR2913 may have on the making of awards for destroyed homes under the "Guam Claims Bill".

XIX. CAUSES OF DESTRUCTION

1. The principal causes of destruction and loss of property are:

(a) Destruction and loss during the Japanese invasion.

(b) Destruction and loss during Japanese occupation.

(c) Destruction and loss because of the U. S. bombing and shelling preliminary to retaking of Island.

(d) Destruction and loss incidental to the American construction program.

2. It is recommended that it will not be necessary for the Commission to determine the proportionate loss attributed to each of the above.

XX. DEATH, PERSONAL INJURY, AND "MISSING PERSONS"

A. Extent and Types of Cases

1. The extent to which the people of Guam suffered death or

personal injury or are missing is not known at this time, but excellent progress is being made in ascertaining the facts by means of the General Interrogation Program and by the hearings being conducted by the Commission. (It is generally stated that the number of deaths is probably not over 300.)

2. It appears that Japanese cruelty did not go into its worst phases until the general policies of the Japanese command were drastically changed in March of 1944. There were several cases, according to evidence already taken, of executions by beheading and of mass killings by herding groups of people into caves and then tossing in grenades. A number of young women and girls were influenced away from their homes, probably under compulsion by Japanese or (according to the Commission's evidence) by a Guamanian woman employed for the purpose. Considerable evidence shows that the girls and their families were told of mythical jobs that the girls were to perform under the labor conscription that was in effect. Many have never been seen since. In a considerable number of cases, people, when last seen, were being taken away to concentration camps.

3. It is believed that there may still be a few Guamanians with the remaining Japanese still at large in isolated parts of the Island, and there is some evidence indicating that a few prominent Guamanians may have been taken away to Japan when Americans of the Armed Forces and of the "Pacific Naval Air Bases" organization (Contract NOy 4173) were taken away.

4. There are cases in which permanent disability will be found on account of severe beatings.

5. Death and injury suffered by civilians incidental to the retaking of the Island by our forces in July 1944, was not as great as one would expect, although there were a number of cases. That the cases were relatively few was due to the fact that when the Japanese forces were greatly augmented in March of 1944, they took over most of the houses in what later became the area most intensively bombed and shelled by our forces preparatory to and during the July landings. A further factor is that prior to the invasion all Guamanians were confined to concentration areas outside of the area which was first invaded.

6. The kinds of cases and the circumstances of individual families vary widely. The outstanding features are the large families, early maturity and marriage, and undoubtedly, life-span probabilities that would differ widely from those upon which the "American Experience Table of Mortality" is based.

7. Following are samples of the cases and situations to be considered in the adoption of a general policy governing the making of award recommendations:

Father of 7 minors lost one leg. Wife is 34.
 Father of several minors was beheaded. Wife is 32.
 30 year old mother killed leaving husband and minor children.
 Women killed. Survived by husband but no children.
 77 year old mother of 54 year old man was killed by shrapnel
 in American bombardment.
 Woman disappeared during Japanese occupation leaving children
 and husband. No evidence to date.
 24 year old mother of two small children was killed as a spy.
 Husband is a white sailor, (U.S.N.) said to be a POW in
 Japan.
 17 year old son missing.
 Single man killed by Japs. Survived by 7 brothers and
 sisters, all of whom are of age.
 24 year old unmarried daughter of 60 year old father and
 54 year old mother was killed by Japanese.
 22 year old single man killed by Japanese, left a 49 year
 old father and a 37 year old stepmother.
 80 year old woman was killed by an American bomb.
 4 year old son was killed by machine gun strafing by U. S.
 plane.
 Baby born in concentration camp died because of exposure.
 Mother of 52 year old man was killed by machine-gunning
 from American plane.
 Japanese father collaborated with Japanese forces -- later
 killed by them, leaving Chamorroan wife and children.

8. The Commission has considered from various views the broad
 principles governing the payment of compensation for death and injury. The
 primary factor determining the making and the distribution of awards is the
 dependency of others or the continuance of an adequate basic income. In the
 case of death and injury of young people and minors, considerations of
 prospective support of others determine the wording of laws. Any payments
 made because of injury of aged persons or others whose lives do not have a
 prodigious or economic value would be in direct recompense of actual expense
 or loss to the one injured. Payments, however, in the case of death of
 aged persons, infants, and other so-called "sympathetic cases" are the most
 difficult to consider if it is desired that they be paid.

9. The Commission is mindful of the advice given to it in
 Washington, -- That it is desired that the Commission feel free to present
 recommendations but that it be guided in all actions by a sound, constructive,
 "non-Santa Claus" policy, being mindful of both the taxpayer and of the
 "trusteeship" relationship that the Navy has with respect to the Guamanian
 people.

10. The above advise and the various laws or bills pertinent to the matter make it necessary that the Commission's policy recommendations be of unusual scope. Within the knowledge of the members of the Commission there is no available precedent for the administration of the provisions of the proposed Guam Claims Bill with respect to damage due to non-combat or combat activities of the enemy and combat activities of the American forces.

B. Correlation of Commission's Activities with Activities of Mobile Personnel Settlement Unit

1. In Paragraph 5(a) of Reference (f) it is proposed that all activities of the Mobile Personnel Settlement Unit that are of such nature as to come within the general scope of the activities of the Commission be processed by the Commission. Accordingly, the investigation and hearing of all cases concerning death, injury, or "missing persons" with reference to the Civil Service Employees coming within the Settlement Unit's responsibilities would be handled by the Commission and "certification of facts" reported to the Field Branch, Bureau of Supplies and Accounts, Cleveland, Ohio, for action.

C. Recommendations

1. It is recommended that under the Guam Claims Bill, the Commission, in making awards with respect to "breadwinners" or their dependents, follow, in so far as practicable, the Federal Statutes with respect to "Compensation for Injuries to Employees of United States" as set forth in Chapter 15 of Title 5 of United States Code Annotated and any additions thereto or amendments thereof. By such procedure all Guamanian wage earners or their dependents would receive compensation on the same basis and schedules. This is considered well justified because whether a man worked for Federal Civil Service (Navy), the Naval Government of Guam, or the Pacific Naval Air Bases Contractors (under HCY4173, a cost plus fixed fee contract), or for others (including himself as a farmer), was a matter of chance far exceeding that in choice of employment in the States.

In the year before the war the Federal Civil Service payroll was increased from less than 1000 to approximately 1300 and the P.N.A.B. organization is said to have had at least 300 to 500 local people employed on December 7, 1941. These additions to forces engaged on local projects were largely farmers who were then living under discouraging conditions because of the typhoons of November 1940 and August 1941. The Naval Government force (having no Civil Service protection) consisted principally of teachers, nurses, police, insular patrolmen, and public works employees. The Commission's recommendation would give all wage earners or their dependents the same treatment as they would have had if the wage earners had all been on the Federal Civil Service payroll and injured or killed "in line of duty".

For general information it is noted that the Federal Statute referred to provides as follows (omitting many details, conditions, and circumstances):

In case of death the widow is paid monthly 35% of the employee's salary plus 10% for each child but the maximum payment is $66 \frac{2}{3}\%$ and payments cease in cases of remarriage or as children reach 18 or are married. For any one case the maximum monthly payment is \$66.67 and the minimum is \$33.33 or the amount of the employee's salary, if less than \$33.33.

Where there are dependent parents, brothers, sisters, or grandchildren, they are included in the distribution of the $66 \frac{2}{3}\%$ for not over 8 years.

In total disability cases, the injured employee is given $66 \frac{2}{3}\%$ of his salary but not over \$66.67 nor less than \$33.33 per month (or amount of salary, if less). Payment is made for period of disability. In partial disability the man is paid the difference between $66 \frac{2}{3}\%$ (as above) and his actual or estimated income.

2. It is recommended that all awards under the foregoing, other than those processed by the Cleveland Office, BuSandA, be made in lump sums computed in the manner set forth in Section 764 of the Federal Statute but that in computing such sums this Commission develop and use a Guam Table of Mortality, or, in the Commission's discretion, a Philippine Table of Mortality, if available, (which would represent similar conditions). In all respects, the Commission should have authority to adapt the Federal Statute as it thinks best;-- for example, the "death within six years" provision should be dropped out; the probability of remarriage should be considered; in the case of farmers it will be necessary to make a finding of "average monthly income"; and other adaptations will be necessary.

3. It is recommended that the lump sums so awarded, (as in Paragraphs C1 and C2) be paid to the Bank of Guam as Trustee for each individual case and that the trusteeship so set up under the laws of Guam authorize the release of payments to the individual awardees as the Naval Governor of Guam may from time to time authorize. It is believed that this system would be to the interests of the people concerned and to the future social welfare of the Island population as a whole.

The important detail of the Guam Claims Bill making acceptance "by the claimant in full satisfaction and in final settlement" a prerequisite to payment, remains to be worked out.

4. It is recommended that cases with respect to non-workers or their families (such cases being often referred to as "sympathetic cases" and the awards made as "sympathetic awards"), the Commission be limited in

making awards to a maximum of \$1,000.00 in any one case and that such awards be settled by payment in cash to the persons injured, or, in death cases, to such persons as the Commission may determine in its discretion. It is believed that such procedure is consistent with the provisions of the Guam Claims Bill and with the views of Congress as indicated by its action in enacting P.L. 112 - 78th Congress, under which the Secretary of War or officers designated by him, are authorized to settle and pay claims of not more than \$1,000.00 in cases of injury, death, or property destruction caused by non-combat action of Army forces. (Note: The Guam Claims Bill covers both non-combat and combat conditions.)

5. It is recommended that in the "border-line" field of cases between the "breadwinner type" and the "sympathetic type", the Commission be authorized to make such awards as in the discretion of the Commission seem generally consistent with Section 756 of the Federal Employees Compensation Statute, particularly with respect to the principle of "expectancy of productive capacity." It is proposed to apply this principle in such cases as those in which boys of apprentice age were killed or injured, regardless of actual facts of employment.

6. It is recommended that the Commission be authorized to include "missing persons" cases in those covered by paragraphs C1, C2, and C3; that in such cases, the Commission be authorized (after appropriate hearings), to determine death has occurred by reason of presumptions arising as a result of unexplained disappearance; that the awards be made and withdrawals controlled as recommended in said paragraphs C1, C2, and C3; all subject, however, to the cancellation of any portion of the award as may remain upon the return of a "missing person"; and subject also to the limitation of all such "missing person" awards to those who were actually dependent upon the missing person for support.

7. It is recommended that, because of well established Army procedure under various laws including particularly P.L. 112 - 78th Congress (referred to in paragraph 4 above), all "Army cases" which have occurred since American re-occupation and which can be settled within the \$1,000.00 limit be processed by the Army unless or until P.L. 112 may be superceded by the Guam Claims Bill. Any such action, however, should be presented to the Commission for consent before settlement so that there may be a reasonable degree of uniformity. (Cognizant Army officers have informally agreed with this proposal.) "Army cases", as used herein, should be restricted to the "general run" of traffic cases and such other claims not involving real property as may be presented to Army units. All real property cases should be handled by the Navy, through the Land Commission (since the entire plan presumes that the Army will conduct no "land business" on Guam.)

D. Summation and Alternate Recommendation

1. Summation

It is the belief of the Commission that the preceding recommendations are consistent with the regulations issued with reference to the Foreign Claims Law (P.L. 393 - 77th Congress) subject, however, to the unusual provisions included in the Guam Claims Bill in going beyond non-combat activities of our forces. For general information, paragraph 5(f) of the Secretary of the Navy's letter of May 12, 1943, issuing regulations for Foreign Claims Commissions is quoted in full:

Elements of damage in case of personal injury and death.—Actual and reasonable medical and hospital expenses, reasonable compensation for pain and suffering and loss of earning capacity may be paid in cases of personal injury. If death results, actual and reasonable burial expenses and reasonable compensation for loss of prospective support may also be allowed. Claims of dependents for loss of prospective support are also allowable if such claims are recognized by the law of the country where the injury occurred. In computing damages in cases of personal injury or death, local standards will be taken into consideration as a controlling factor."

Although there is no local law of the scope contemplated in the above quotation, such fact is believed immaterial in view of the status of Guam.

Attention is invited to the fact that the "corner-stone" of the procedure, relating to awards for dependents, recommended by the Commission is the Federal Employees' Compensation Law. There is believed to be no better general plan and the fact that it will, in any case, be applied in certain local cases, suggests Island-wide application of the same principles to all. A principal feature of the Federal laws is the fact that they are automatically adaptable to any schedule of prevailing wages and thus represent local conditions.

2. Alternate Recommendation

It is recommended that if the plan outlined in Section C hereof is not approved as written in said section, consideration be given to adoption of the plan with a "ceiling" lump sum payment of \$2,500.00 (or any other amount fixed by the Navy Department) as the maximum to be awarded for any one death or for the injuries suffered by any one person. (To facilitate consideration of this alternate, it is noted that the Island-wide common labor rate is now \$.16 per hour and will be increased to \$.20 per hour as of 1 July. The Joiner and Electrician rates are now from \$.28 to \$.39 and from 1 July will be from \$.39 to \$.43.)

XXI. MULTIPLE AWARDS

A. General Comment.

1. The proposed Guam Claims Bill limits to \$2,500.00 the amount of a claim that may be awarded and paid by the Commission without reference to higher authority:

"Provided further, That any such settlements made by such commissions shall be subject to such regulations as the Secretary of the Navy may prescribe and may, in cases where the amount exceeds \$2,500, but does not exceed \$5,000, be subject to the approval of such commanding or other officer of the Navy or Marine Corps forces, as the Secretary of the Navy may prescribe; and the Secretary of the Navy shall have authority, if he deems any claim in excess of \$5,000 to be meritorious, to certify such amount as may be found to be just and reasonable thereon to Congress as a legal claim for payment out of appropriations that may be made by Congress therefor, together with a brief statement of the character of such claim, the amount claimed, and the amount allowed."

2. The quoted wording is almost identical with that of the Foreign Claims Act which has, as its purpose, the providing of means of settlement of cases due to the non-combat activities of the American Armed Forces or of members thereof in foreign lands,-- therefore, the greater portion of the cases coming under the Foreign Claims Act and determined by the Foreign Claims Commissions appointed thereunder, are probably not of a multiple nature. It is believed that typical cases under the said act are individual traffic accidents, etcetera, and that the limiting amounts mentioned in the bill are adequate to take care of practically all cases. Under the Guam Claims Bill, however, there will be perhaps 300 death cases and about the same number of disability cases. In certain of these cases the awardees will undoubtedly be found to also be entitled to awards for destroyed buildings or personal property.

3. It is suggested that in view of the method in which the Commission will operate keeping the Deputy Chief Military Government Officer at all times informed of its general procedure, considerable administrative review could be avoided by a regulation permitting the Commission to completely process the two cases above mentioned. With respect to this and affiliated matters, the following recommendations are offered:

B. Recommendations

1. It is recommended that the Commission be given conclusive authority to settle, with respect to any one person or his heirs or dependents, a "death or personal injury" claim of up to \$2,500.00 and a property claim of up to \$2,500.00, without the said claims together being interpreted as a single claim within the range of \$2,500.00 to \$5,000.00.

2. It is recommended that multiple awards of the types above described be the only ones permitted to be processed as separate awards,— that is to say, in cases where the total award, because of damage to property, exceeds \$2,500.00, the Commission will not break the award down by considering separate claims for each of several different buildings in order to keep the claim within the sole jurisdiction of the Commission.

XIII. TRANSITION OF LAND AND CLAIMS COMMISSION ACTIVITY TO NAVAL GOVERNMENT OF GUAM

1. Proposed Plan of Transition

The Commission is proceeding in all of its activities under the general policy that the Commission is intended as a special professional and service group sent to Guam to carry out a specific mission in close collaboration with the Military Government, and that, when the duties of the Commission have been fulfilled, the completion of ultimate details may be transferred to the Military Government or the reestablished Naval Government of Guam. In line with this policy the Commission is very desirous of employing as many as possible of the former employees of the survey section of the Naval Government's Public Works Department. Said survey personnel would be of considerable assistance to the Commission and it is believed that it would be to the interests of the future of Guam for such Guamanians to become thoroughly familiar with the survey work of the Commission,— to the end that whenever the Commission may be terminated as such, the survey section may automatically become the cadastral survey division of the resumed Naval Government.

Elsewhere in this report, it is noted that the Commission's Title Section will work both for the Commission and for the Island Courts in facilitating the processing of probate cases. The eventual payment of claims through the Bank of Guam, as trustee, is also fully described elsewhere herein. At such time of termination, all tract acquisition data, deeds and leases and all future activity in connection therewith, would naturally be turned over to the Military Government or the resumed Naval Government in which there should be established a strong real estate division.

At the present time, it is believed that the transition above outlined should logically take place upon the completion of the duties of the Commission. From present indications, it is believed that such date of transition would probably be not later than the end of 1945.

2. Recommendation

It is recommended that the above outlined transition plan be given general approval.

XXIII. ESTIMATE OF PROBABLE TOTAL COST

It will be possible to prepare a fairly good prediction of the probable total cost of the settlement of all claims and all land acquisition whenever such estimate is required by the Navy Department. In view of the fact that the Commission's information is increasing rapidly, it is considered advisable to present no estimate at this time excepting to give probable maxima which are as follows:

Death and Personal Injury - - - - -	\$ 1,000,000.00
Buildings (Private) - - - - -	3,000,000.00
Public Utilities - - - - -	2,000,000.00
Public Buildings, including Churches - - - - -	3,000,000.00
Purchase and Rental of Land - - - - -	1,500,000.00
Personal Property - - - - -	1,500,000.00
	<u>\$12,000,000.00</u>

The above would, it is believed, be amply sufficient to make full payment of claims for death or injury and property destruction, purchase all lands required, and to rebuild public buildings, and town sewers and other utilities on a scale at least equal to that of before the war.

XXIV. CONCLUSION

To facilitate reference it is noted that the recommendations offered herein are presented in the following paragraphs: III-A; III-B-2; VIII-B; IX-A-9; IX-B-2; X-2; XIV-2; XV-2; XVI; XVII-C; XVIII-3; XIX-2; XX-C; XX-D-2; XXI-B; and XXII-2.

It is respectfully requested that the recommendations be acted upon at the earliest possible time. Until the receipt of acquiescence or of return directives to the contrary the Commission will proceed consistent with the recommendations made herein, insofar as the said recommendations may be carried out under existing law.

L. J. WATSON.

Fully concurred in by:

c.c. (all with encl.)

The Via addressees (4)

Cominch

BuDocks

JAG

BuSanda

DirPacDocks, Pearl Harbor

C. H. Smith

G. H. Tyne

Brockett Muir

J. N. Malone

L. W. Crow, Jr.

George Rawls

J. O. Rolfsen

LAND AND CLAIMS COMMISSION
MILITARY GOVERNMENT UNIT, GUAM.

Capt. Frank B. Gary, Jr., U.S.N.
Room 2069, Navy Building,
Washington, D. C.

27 August 1945.

Dear Captain Gary,

It is difficult to realize that it is six months since you gave us your "bon voyage". I shall always remember very pleasantly the conferences held in Washington in the last half of February. The expressions of confidence from Admiral Davidson, yourself, and Captain Needham started us out with lots of encouragement and the desire to carry out our precept in a highly creditable manner.

Well, to make the story short, I have had a great deflation in my enthusiasm, - and the same is true of our entire group - although our work is proceeding as efficiently as possible. We have done an excellent job - if I have to say so myself - and we have had fine cooperation from all of the echelons through which our correspondence must pass excepting "Com Marianas" (formerly "ComFwdArea") and they simply have us hog-tied. The best illustration I have of this is the enclosed correspondence which needs no elaboration.

You told me that I would run into difficult situations, well I have, and the several doses of cold water from Com Marianas, combined with the understandable restlessness of my outfit because of our "echelon difficulties" really have me down.

Because of Com Marianas endorsement on the attached correspondence I asked the Legal Officer at CinCPAC to release our May 31st report. Of the THREE MONTHS that it has taken to get our May 31st report through the four echelons I have personally been responsible for only the last week. The CinCPAC Legal Officer agreed with me that it would be a good idea for me to try to put over the idea of taking the report to Washington.

The status of our work is as follows:

- (A) Findings of Fact anticipating Passage of "Guam Claims Bill".
- (a) Death, Missing Persons and Disappearance Section. - All reports will have been completed within 30 days ~~and only some of them~~ - excepting for the final typing and conformance with action to be taken on our May 31st report - and with the regulations to be promulgated under the Claims Bill.
- (b) Personal Property Section. - Within 30 days our investigations will have reached the maximum stage of completion possible until action is taken on our May 31st report and the regulations under the Claims Bill are promulgated.

(c) Damage to Buildings. - All "findings of fact" necessary to perpetuate evidence, and for action by the Commission to be designated when the Claims Bill has passed, will be completed during November, or before. The form of our reports must be held open until action has been taken on our report.

(d) Damage to Land. - We are going to recommend that this subject be handled at the time of actual acquisition because much will depend upon whether land is to be leased or purchased, - furthermore this type of damage will continue for some time.

(B) Survey Section.

By December the major portion of the survey job will have been completed even though we are losing several of our best surveyors.

(C) Title, Appraisal and Acquisition Sections.

The work of these sections will require two or three years for completion if continued aggressively.

Personnel and Organization necessary for continuation of land and claims program:

Our work as a "fact finding Commission" is complete excepting in a few details - and, in my opinion, all work contemplated by our precept will be completed before November 30th. At that time the records of the "Claims" activities should be left in the custody of some newly designated officer and kept "bubbling" until the Claims Bill has been enacted as law and regulations promulgated.

As of December 1st we are of the opinion that a strong Real Estate Office similar to that of Com 14 should be established under some newly designated officers to take over our work and continue with the program. The office should be headed by an officer of wide experience in the acquisition of property for the Federal Government. His staff should include the following: (either officers or Federal Civil Service)

4 Draftsmen - computers.

6 Attorneys to assist the people and the Island Court in processing perhaps 600 or so probate cases and in many cases that must be processed to fix the boundaries of "unsurveyed land".

6 Appraisers - Negotiators.

1 Head Surveyor.

2 Surveyors equal in qualification to Registered Professional Land Surveyors.

6 Rodmen.

6 Yeomen who can really type.

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Personally, I believe that the entire group (excepting the officer in charge) should be Federal Civil Service. I very much doubt if the job could ever be completed with Regular Navy commissioned and enlisted personnel.

When the Claims Bill has passed there should be added to the above personnel about six officers (preferably, qualified civilians) and about ten yeomen, - thus bringing the whole group to:

Officer in Charge	1
Acquisition Team	31
Claims Team	<u>16</u>
	48

Civilian personnel equal to that that we now have would also be necessary.

Judging from our experiences to date, none of these details could be satisfactorily discussed with officers in the various echelons above us because none of them have any conception of the problems involved.

The status of our personnel is as follows:

(A) Members of Commission.

Comdr. Watson. Has put in for inactive duty effective 20 December (my 5 year mark). I might have considered transferring to regular Navy if sure of present rank but not eligible because could not get in required 25 years without credit for inactive duty.

Comdr. Smith. Has put in for inactive duty effective as soon as possible. (Has plenty of points).

Lt. Cdr. Tyne. Is due for "rotation".

Lt. Cdr. Muir. Has plenty of points and will request inactive duty soon. (Now in hospital with jaundice).

Lt. Crow) Will ask for inactive duty as soon as qualified
Lt. Malone) under point system. (Dec. or Jan.).

Lt. Rawls. Needs 7 months more service to be qualified for inactive duty but will probably apply soon because of serious condition of father and mother. The situation justifies his release.

Lt.(jg) Rolfsen. Has continuous skin difficulty here of such severity as to more than justify change of duty.

(B) Other Officers

Lt. LeBaron. (Head of Survey Section). Will ask for inactive duty in December when qualified in points.

Lt. Moukad. (Title Section) Is about due for rotation on account of long Pacific and other sea service.

Lt. Mulligan. (Title Section). Has plenty of points and wants to get out as soon as possible.

Lt.(jg) Carey. (Title Section). The only one of the 13 officers not "on the way out". (Has only about 40 points).

Lt. Espinosa. (Spanish Translator). Has completed his assignment, so we have requested orders.

I recommend, with all sincerity, that in order to make the most of the fine work that we have done to date, and to assure continuity, it is essential that the Department order me to Washington to plan with you and others the transition of the Land and Claims program to a peace-time basis. It is impossible for me, as a professional man, to be at all appreciative of Com Marianas "Do Nothing" policy. In my opinion the Guamanian people have been treated shamefully and my eagerness to try to do something about it is the only reason why I requested inactive duty effective 20 December instead of as soon as possible.

We simply must consider the continuity of the program so that the value of our work may be preserved.

We are now preparing our closing report. I'll try to mail it before September 15th.

I'll keep things bubbling, - but please help us out of our present dilemma. The best answer that I have is for me to confer with you and others in Washington preparing the answers to our May 31st report and to the report now in preparation. It would be a good idea for a couple of regular officers to return to Guam with me to take the work over for a full duty period. The officers taking over should be of strong legal background and with wide experience in Navy real estate acquisition. If you can give me orders to be in Washington about September 15th my recommendation is that I be allowed three or four days at Pearl Harbor to discuss field procedures with the Navy Real Estate Office there. Then about a month would be required in Washington and I could be back here with our reliefs about November 1st which would give over a month for thorough indoctrination prior to my leaving for home.

We shall all appreciate anything that you may be able to do.

With my best personal regards,

Yours sincerely,



LESLIE J. WATSON
Comdr. CEC, USNR.

cc:

Capt. Needham
Capt. Leister
Lt.Cdr. McCahill
Lt.Cdr. Powers

LAND AND CLAIMS COMMISSION
U.S. NAVAL MILITARY GOVERNMENT UNIT, GUAM

13 September 1945

From: Lt. Comdr. Brockett Muir, Member Land and Claims Commission, and Lieut. Raymond E. Mulligan, (of Land and Claims Commission Staff, acting by direction of Senior Member, for Lt. Comdr. Muir during his present hospitalization).

To: Comdr. Leslie J. Watson, CEO, USNR, Senior Member.

Subject: Report on Status of Activities of General Interrogation and Personal Property Section.

1. This Section has proceeded with its duties and responsibilities as directed in the "sub-precept" given by the Senior Member to the Members of the Commission by serial letter #36, dated 15 May 1945, copy of which was included as Enclosure 2, in Commission Report No. 1, to CNO (bearing serial 0039 dated 31 May 1945).
2. To date, 2592 Personal Declarations in the form presented with the Senior Member's directive of 15 May, have been completed and organized by filing, cross-indexing, and analysis, in a manner to facilitate future use. Although extensive effort has been made by advertising, by personal contact, and through the District Commissioners, to obtain Declarations from all who sustained or suffered losses, it is probable that approximately 300 additional Declarations will be obtained in the final effort which is now in progress or when awards are being made. Repeated publicized visits have been made to all centers of population. The fact that there are "stragglers" is attributed to illiteracy, transportation difficulties, and other failures of individuals to "get the word." The figure of 300 given herein is estimated from census figures by age groups - particularly from a consideration of the probable number of "haada of families" on Guam. It is probable that certain of the estimated number who have not filed Declarations have no losses to declare. Approximately ten principal merchants are deferring the filing of Declarations until they receive substantiating data from the United States.
3. The Declarations have two principal purposes, first to give the Commission reasonably complete data with respect to all details of the effect of the war on the Guamanian people and, secondly, to make available a Survey of Personal Property Losses as declared by the owners.
4. It is essential that the inherent difficulties in making a survey of personal property - principally the presently non-existent contents of destroyed buildings, be emphasized. It is well realized that there would be no justification in compensating the people for their personal property losses solely on the basis of their own unsubstantiated declarations. The declarant's ideas of the value of the items lost was requested

Enclosure (3)

- 1 -

and recorded as the most practicable means of obtaining the best information available that would more or less adequately describe the item lost. In most cases the individuals were interrogated without prior preparation on their part, or notification that they should be ready to give their own valuations.

5. The undersigned officers believe that the Personal Property Loss Declarations so obtained and checked by general evidence from dealers, form the most practicable basic data that could have been obtained in this very difficult matter, and that when properly screened and generally substantiated, the owners' declarations should, within policy fixed limits, be given the weight of "evidence" because of the impracticability of holding hearings comparable to Board of Investigation Procedure, with reference to each and every item constituting the contents of a residence or other building.

6. It is recommended that awards for the 17 items or classifications of household and personal effects listed on pages 6 and 7 of the "Personal Declaration" be made, as a general rule or policy, on the following "Sampled Standard Allowance" which were arrived at from an analysis of 500 sampled Declarations selected as representative of all cases. Affidavits from representative local furniture dealers were obtained and the information completely correlated:

BEDS, Double	\$ 40.00
BEDS, Single	10.00
BEDS, 3/4	20.00
BENCHES	5.00
CHAIRS, Dining Table	1.75
CHESTS	5.00
CHESTS, Carved	15.00
CLOTHING & BED LINEN (Entire Household)	80.00
DRESSERS	35.00
MACHINES, Sewing, Foot	35.00
MACHINES, Sewing, Electric	60.00
MIRRORS	5.00
RADIOS	35.00
REFRIGERATORS, General Electric	150.00
RUGS, MATS, DRAPES, PICTURES	25.00 Total
STOVES, 1 Burner	3.00
STOVES, 3 Burner	15.00
TABLEWARE & KITCHENWARE	25.00 Total
TABLES, Large	10.00
WARDROBES, Narra	25.00

Provided that no awards be made in greater amounts than shown in the Declarations (although many declarants obviously "returned" values for under the true value of their property) and provided, further that in cases where, in the judgment of the responsible officer, more than the above tabulated amounts should be allowed, awards may be made to an amount exceeding the "Sampled Standard Allowance" by 50% if such increased amount does not exceed

the amount shown in the Declaration.

7. As a general exception to the foregoing recommendation, it is recommended that any declarant should be given the opportunity to substantiate, by evidence to be passed on by the Commission to be designated under the Guam Claims Bill, any greater amounts than those above recommended, provided that in no case should awards exceed the amounts declared.

8. It is recommended that all motor vehicle claims be settled at the figures shown in the American "Official Used Car Guide" with revisions because of increased amounts of original cost at Guam because of high freight rates.

9. The Merchants, Manufacturers, and the Businessmen of Guam are now seeking substantiation of their declared losses in a manner consistent with requirements as stated in the Senior Member's circularized memorandum of which a copy is attached hereto. Although the said memorandum will result in the presentation of considerable substantiating evidence, conferences with several merchants indicate that with respect to many items it will be practically impossible to add to the owner's declarations anything more than very general evidence of their fellow businessmen and analysis of evidence with respect to annual gross and net income, and turnover of stocks. Each such case must rest on its merits and nothing more definite can be reported at this time. Dealings in "yen" will complicate many cases as also will the loss of certain cargoes on the high seas. All "yen matters" must be thoroughly investigated to avoid duplication in compensation. It is quite probable that merchants received yen (even though involuntarily) for goods included in declared losses. Full data on the "distress cargoes" of the "Admiral Halstead" (from San Francisco) and the "Gold Star" (from the Orient) are available in the United States Department of Commerce. The said cargoes were requisitioned and paid for by the Australian Government.

10. Averages obtained from sampling various declarations when correlated with affidavits from representative local agricultural experts show the following recommended maximum prices for livestock and farming implements:

- (a) Bullock carts. If made with solid wheels \$50.00; if with spoke wheels \$25.00.
- (b) Carabao. If raised for meat, the best age is from 2-1/2 to 3 years, during which time the animal should bring \$0.12 a pound on the hoof. If raised for work, a trained animal is worth about \$125.00. Untrained animals are figured at the meat price.
- (c) Cattle. If raised for meat, the best age is from 3 to 4 years, during which time the animal should bring \$0.15 a pound on the hoof. If raised for work, an animal is worth about \$80.00; if the animal is of pure Holstein, Jersey, or Ayrshire breed and is trained, or is used for breeding, then about \$100.00.

- (d) Chickens. Native hens, \$1.00; roosters, \$1.50. Grade White Leghorns or other improved breeds; hens, \$2.00; roosters, \$4.00.
- (e) Cultivators, \$10.00.
- (f) Fish nets. In 150 foot sections, 6 to 8 feet wide, these were sold for \$35.00 to \$45.00 and lasted 8 to 10 years, with proper care.
- (g) Fosinos, \$3.00.
- (h) Horses. Native breeds, trained as draft animals, \$50.00. Grade Morgan animals from 5 to 15 years of age, \$80.00.
- (i) Machetes, \$5.00.
- (j) Pigs. Weanlings, averaging 30 pounds, should bring \$0.10 a pound. Grown pigs, \$0.06 a pound.
- (k) Plows, \$8.00 to \$12.50, depending on type.

The attention of future reviewing officers is invited to the fact that during the period in which the Declarations were taken, there have been certain recoveries of livestock as a result of Military Government drives. All declared livestock losses must be most thoroughly reexamined at the time awards are made.

11. Figures have been obtained from sampling crop and tree declarations as follows:

For an estimated 3,000 declarations -

Crops	\$137,262.	Trees	\$2,545,093.
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The excessively high figure for trees is due primarily to the local practice of evaluating coconut trees at \$5.00 each. Inasmuch as ornamental trees, shrubbery, citrus and other fruit trees and crops, all have values in relation to the ranch or other real estate on which they are located, it is recommended that the values thereof be obtained in each instance by appraisers qualified to develop land and emblemant values. It is recommended that valuations fixed by the appraisal section be adopted in ascertaining the amount to be set for crops and trees, including coconut trees.

12. From the sampling of crops, household effects, livestock and farming implements and trees (giving coconut trees a constant value of \$2.00 each) an average figure of \$1139.37 was obtained for each declaration showing such items. Extending the average figure to the estimated total of 3000 cases, would give a total of \$2,873,540.00 claimed by declarants. This total includes damage to trees and crops on land which will be acquired in fee. Such damages will be absorbed in the purchase price, which will be inclusive of bare land value, the improvements and emblemants on land as of 7 December 1941.

13. In addition there are twenty-four "commercial cases" filed totaling \$535,795.36. It is estimated that an additional thirty of such cases will be filed, bringing the total of that class to an estimated \$980,000.

"Commercial cases" include all business concerns and also certain other property owners including the Catholic Church.

14. The time remaining available before the expected orders of the undersigned to inactive duty will be devoted to perfecting the files in certain individual cases and to the holding of hearings for the purpose of obtaining testimony relative to the details of commercial activity during the Japanese occupation. The hearings will result in the recording of basic evidence for future consideration in the preparation of reports relative to commercial and general business losses.

/s/ Brockett Muir

/s/ Raymond E. Mulligan

LAND AND CLAIMS COMMISSION
U. S. NAVAL MILITARY GOVERNMENT UNIT
GUAM.

4 9 67

18 December 1945.

From: Land and Claims Commission, Guam.
To: The Chief of Naval Operations, (Op22, Island Affairs).
Via: (1) The Island Commander, Guam.
(2) The Judge Advocate General, Navy Department,
Washington, D.C.

Subject: Scope of Program and Request for Personnel - Report on.

Reference: (a) CNO ltr. to Col. Thornton WILSON, USMC(Ret.) dtd.
2 Nov. 1945, Op22d-MTW, Serial 85P22 A14-2.

Enclosures: (A) Duties of Commission as designated by Reference (a).
(B) Detailed organization chart of duties as set out in
Enclosure (A).
(C) Summary of status of work program presented in joint
meeting between the Prior Commission and the New Com-
mission.
(D) Summary giving status of presently available personnel.
(E) Chart showing minimum required complement for accomplish-
ment of duties as set out in Enclosure (B).

1. By Reference (a) a Land and Claims Commission was created for the relief and rehabilitation of inhabitants of Guam, said Commission being authorized and directed to perform certain duties with regard to loss and damage to personal and real property, loss by reason of personal injury and death, and acquisition of property on Guam for military uses either in fee or by lease.

2. Prior to the creation of the Commission as designated by Reference (a) a former Land and Claims Commission had been created. In this report the former Commission will be designated as the prior Commission as distinguished from the new Commission created by Reference (a).

3. On December 1, 1945, the members of the new Commission reported on Guam to relieve the prior Commission. From informal reports made during joint meetings of the prior and new Commissions, which reports are being reduced to writing by the prior Commission, it is now known that the following minimum work load will be required of the new Commission.

- (a) Acquisition of 2000 suburban tracts with improvements.
- (b) Acquisition of 1000 homes built on suburban tracts, owned by individuals other than the legal owners of the tracts involved.
- (c) Acquisition of 3000 urban tracts with homes located

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thereon.

- (d) Acquisition of 1000 homes built on urban tracts, owned by individuals other than the legal owners of the tracts involved.
- (e) Adjudication and payment of 2800 claims for loss of personal and real property.
- (f) Adjudication of 700 claims for loss by reason of personal injury and death.
- (g) Adjudication through court proceedings of 700 to 1000 probate cases for appointment of administrator or for determination of heirs of deceased persons.
- (h) Adjudication through court proceedings of 2000 to 2500 land registration cases on presently unrecorded and unsurveyed lands.

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4. From paragraph three above it can be seen that there are some 7000 cases to be processed through acquisition proceedings, some 3500 cases for adjudication of claims, and from 2700 to 3500 for adjudication in court proceedings. In addition there is a large work load thrown on the Commission in aiding the Island Commander in acquisition and resettlement of entire native villages, with work being presently performed by the Survey Section of this Commission in connection with the villages of Agana and Agat.

5. The member of the new Commission designated by the Real Estate Division of the Bureau of Yards and Docks had occasion in the past to become familiar with the average speed with which acquisitions can be completed, said average based on the number of tracts in the acquisition with relation to the personnel working upon the program. If the personnel as set forth in Enclosure (E) are assigned as the complement of this Commission it is estimated that eight tract acquisitions per day can be processed to completion. This means processing said eight tracts through a title section, thence through a survey section, thence through an appraisal section and finally through a negotiating section for settlement. There will be an added step in the Guam program due to the fact that in many instances cases will be processed through a land transfer section for selection of lands to be transferred in kind, if possible, to claimants requesting a land transfer instead of money. When Federal and Naval Government land no longer needed for military use is made available for such transfers in kind, additional work in the survey and appraisal of such land must be undertaken.

6. In view of the fact that there will be approximately 7000 acquisition cases and 2800 cases for loss of real and personal property, there is an overall work load of 9800 cases to be processed through the steps of land acquisition. Under present 40 hour week there are 260 working days in the year. Thus under a minimum personnel set-up as shown in Enclosure (E) it can be expected that the maximum speed of acquisition

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after organization and procedure has been established upon Guam, will be 2080 tracts completed per year. From the above it is estimated that the present work load, given the complement as shown in Enclosure (E), will require a minimum of three (3) years for completion.

7. With the present available working personnel, as shown in Enclosure (D), the Commission is limited in the work that can presently be done. Administrative matters and review of Declarations filed with the prior Commission will be the limit of work that can be handled by the members of the Commission. Acquisition matters can be partially started in the Title Section but the survey work, appraisal work and negotiations for settlement will be stymied for lack of personnel.

8. There is a dire need that action be taken immediately toward the rehabilitation of the inhabitants of Guam by furnishing payment for land taken for military uses, in order that natives may have money with which to build homes, and it is further necessary that immediate action be taken to allocate lands on which the homes can be permanently placed. It is, therefore, requested that the complement as set out in Enclosure (E) be furnished immediately and that said personnel be granted priority number two (2) for air travel to Guam.

9. This report is not intended to be one that is critical of the work performed by the prior Commission, but is for the purpose of stating exactly the situation with regard to the work completed and the work remaining to be done and the reason why the new Commission finds it necessary to ask for an allocation of personnel which might otherwise seem an excessive complement to one not knowing the complex nature of the job yet to be performed.

LAND AND CLAIMS COMMISSION

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Thornton Wilson
Senior Member

Albert L. O'Bannon
Member

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cc: CinCPOA
PuDocks

ENCLOSURE A

DUTIES OF COMMISSION AS DESIGNATED BY REFERENCE (a).

1. To investigate, record, report and make recommendations on matters pertaining to claims of the inhabitants of Guam for damages by reason of death and personal injury incident to the combat and non-combat operations of the armed forces of the United States and Japan or the individual members of such forces subsequent to 6 December 1941.

2. To investigate, record, report and make recommendations on matters pertaining to claims of the inhabitants of Guam for damages by reason of loss of personal property incident to the combat and non-combat operations of the armed forces of the United States and Japan or the individual members of such forces subsequent to 6 December 1941.

3. To investigate, record, report and make recommendations on matters pertaining to claims of the inhabitants of Guam for damages by reason of loss of real property incident to the combat and non-combat operations of the armed forces of the United States and Japan or individual members of such forces subsequent to 6 December 1941.

4. To establish a land acquisition section to investigate, record, report and make recommendations on matters pertaining to the purchase or leasing of land from the Guamanians, said land to be used for military units located upon Guam.

5. Upon request, to assist the Island Commander, Guam, in matters of land title and survey work and legal proceedings incident to the rehabilitation of Guam and resettlement of the inhabitants thereof.

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Encl A (a)

ENCLOSURE (B)

DETAILED ORGANIZATION CHART OF DUTIES AS SET OUT IN ENCLOSURE (A)

In order to comply with the program of work required by the precept, it will be necessary for the Land and Claims Commission to create the following sections:

1. A Land Title Section, which will have the duties of investigating, and recording the present status of land titles involved in the claims presented for consideration as well as the present status of land titles to lands involved in the proposed acquisition of land by purchase and lease. This section will have the specific duties of preparing abstracts of title, rendering legal opinions upon such abstracts, initiating and carrying through to a conclusion actions in probate to determine heirs of deceased persons, and initiating and carrying through to a conclusion quiet title actions or some similar action to fix and determine individual ownerships in persons found to be heirs of deceased persons, as well as legal actions in the land courts to register and determine title to numerous unsurveyed tracts of land claimed by Guamanians.

a. There are approximately 5000 individual tracts of land that will be abstracted and title action taken in the 4 towns and suburban areas to be acquired by purchase or lease. The suburban area includes numerous tracts taken by reason of the building of all weather roads to various points of the Island.

b. In connection with the 5000 tracts to be acquired, it is estimated that there will be from 700 to 1000 probate proceedings to be carried through the Island Courts, and 2000 to 2500 quiet title and land registration proceedings to be carried through the Island Courts.

c. There are approximately 2800 individual tracts of land on which the owners have made claim for loss of real property in some form. Some of these will overlap insofar as ownership is concerned with the acquisition program but it is estimated there will be no more than a 50 per-cent overlap. The same action as to preparation of abstracts of title and determination of land ownership will prevail in these cases as outlined in the land acquisition program.

2. A Survey Section which will have the duties of restoring and preserving such boundaries of real property as may now be in existence; make original surveys of unsurveyed lands proposed to be acquired by purchase or lease for military use; make original surveys of lands divided between the heirs or successors in title to estates of deceased persons; act as official survey parties for establishing boundaries of land being processed through the land registration courts.

a. The work of the survey group will be to determine boundaries and triangulation stations throughout the Island for the purpose of tying in the boundaries of individual tract ownerships. The tying in of the individual tract ownerships will be in a direct proportion to the number of individual titles as reported by the land title section. To start with there are now

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Encl. B 9

known to be some 7800 individual ownerships which must be dealt with in the claims and acquisition program. The additional number of tracts to be surveyed and determination of boundary made will be dependent upon any subdivision made of the original 7800 tracts by reason of distribution to heirs of deceased persons and registration of individual ownerships in the unsurveyed lands.

3. An Appraisal and Land Transfer Section which shall have the duties of establishing a uniform value scale for both the real and personal property located upon the Island with said value determined as of December 1941. Using the uniform scale for the purpose of giving equal consideration to all inhabitants of Guam, the several thousand tracts of land in the areas to be acquired by purchase and lease shall be appraised as to individual tracts setting forth the fair market value of each of said tracts. A break down of tracts shall be made to cover tracts where damage only is to be paid for loss of real property, another breakdown for tracts to be leased only, and a third breakdown covering the tracts to be acquired in fee.

4. A Negotiating and Settlement Section which shall have the duties of interviewing the individuals concerned for the purpose of making an amicable settlement of the individual claims for loss of real property by reason of acquisition of such property for military use. This section will have the duties of correlating the information furnished by the title section, survey section and appraisal section in order to negotiate settlements with the inhabitants of Guam. This section will process work requests to the other sections for the purpose of completing any individual case to a point where it is ready for settlement, and will have the further burden of furnishing clerical assistance to the Guamanians in filling out and completing forms of release of all claims against the United States of America. This section shall have the additional duties of selection of individual tracts to be certified from areas that may be designated under the Land Transfer Act for transfer; said transfer and certification to be equalized as to value, location, and size as near as practicable to the value, size, and location of the tract acquired from any individual owner for military use.

5. A Claim Section (Personal Injury and Death) which shall have the duties of investigating recording and making recommendations for payment for loss by reason of death and personal injury incident to the combat and non-combat operations of the Armed forces of the United States and Japan or the individual members of such forces subsequent to 6 December 1941.

a. There are approximately 400 cases of loss by reason of death and approximately 350 cases of loss by reason of personal injury. Hearings will be necessary to preserve the testimony given as evidence of such death and personal injury. Percent of disability in cases less than death must be ascertained. Certificates of death to be prepared and sworn to by reputable inhabitants of Guam having knowledge of such fact will be obtained.

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Encl. B (2)

6. A Claims Section (Personal and Real Property) which shall have the duties of investigating, recording and making recommendations for loss by reason of damages to personal or real property incident to the combat and non-combat operations of the armed forces of the United States and Japan or the individual members of such forces subsequent to 6 December 1941.

a. There are approximately 2800 cases wherein claims are made for damage to or loss of personal and real property. The taking of testimony and the review of evidence necessary to verify the claims made will require an intensive investigation of every claim presented.

b. Hearings will be necessary and trips to various parts of the Island will be required of the members of this section. The testimony taken will be 95% through interpreters, thus retarding the speed in which the investigations can be finally completed.

7. An Administrative Section which shall have the combined duties required of a personnel officer, supply officer, and administrative officer. This section will be required to make and keep records on the civilian personnel, such as time sheets and pay roll reports; keep records on the enlisted personnel; handle requisitions for supplies and mobile equipment; have the supervision of all administrative detail work.

The processing of a claim for damage to real and personal property, as well as a claim for the purchase price or lease price of land acquired for government use ordinarily requires as a minimum the following steps:

- a. Interview the individual claimant or his representative with respect to the claim being made.
- b. Procure an abstract of title or similar title evidence to verify claimant's ownership of the land.
- c. Cause a survey to be made to determine actual boundaries as shown by the abstract of title.
- d. Cause the property to be appraised with respect to damage done or in case of purchase or lease to show actual value of land and buildings.
- e. Make visual inspection on the premises of property and verify claims insofar as possible that are made by the claimant.
- f. Evaluate the evidence as presented by claimant as against facts found by outside investigation and appraisal reports in order that amicable settlements can be made where possible.
- g. Prepare instruments necessary for the closing of the claim where an amicable settlement has been reached.

The above enumerated steps will be primarily the duties of the negotiating section which has the work of correlation of all other sections.

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Encl. B(3)

Enclosure (B), (Con't)

The processing of a claim for loss by reason of death or personal injury ordinarily requires the above steps numbered 1, 6, and 7, and in addition thereto requires an examination in injury cases by the medical department, and in death cases requires a hearing to establish actual death and the issuance of a certificate of death and possibly many probate proceedings to establish heirs lists.

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Encl B (7)

ENCLOSURE C

SUMMARY OF STATUS OF WORK PROGRAM AS PRESENTED IN JOINT MEETING BETWEEN
THE PRIOR COMMISSION AND THE NEW COMMISSION

It is estimated that the prior Commission has interviewed ninety (90) percent of the individual declarants having claims for death or personal injury. In the majority of the cases submitted the officer having this section in the prior Commission has recorded his written opinion and recommendation for the amount of the award in each individual case. Due to the lack of examining physicians many of the cases must be reopened by the new Commission for further certification of injury. The Commission is directed to make an adjudication of personal injury and death cases subject to the final approval of the higher authority of the Congress of the United States and it will be necessary that each individual claimant be again called before the Commission and steps taken toward an amicable settlement of the 700 individual declarants for loss by reason of death and personal injury. The prior Commission has started a basic plan from which to begin work, but the detail work involved in processing the cases to a conclusion for a recommended award that will be acceptable to the claimant has not commenced.

It is estimated that the prior Commission has interviewed seventy-five (75) percent of the individual declarants having claims for loss by reason of damage to real and personal property. In these cases the officer having this section in the prior Commission has rendered his written opinion and recommendation insofar as buildings and furnishings are concerned but did not complete his reports and correlate losses of livestock, trees, motor vehicles, farm equipment, and other types of personal property. Until a review can be made of these reports it is impossible to say that any one individual case is ready to be turned over to a negotiating section for settlement. The detail work has not been started insofar as final settlement action can be taken. As stated in the basic letter there are about 2800 of these cases to be processed.

The proposed program for land acquisition by purchase and lease, and land disposal by transfer of lands now owned by the Federal Government and the Naval Government of Guam has barely been started by the prior Commission. This program is going to be an exceedingly complex one as it involves the taking of property rights from the inhabitants of Guam under approved legal proceedings. As stated in the basic letter, this program will involve processing some 5000 separate tracts of land and improvements through acquisition proceedings, with the additional burden of processing for payment some 2000 homes placed on said tracts by parties other than the legal owners of the land. These said 2000 homes belong to brothers and sisters and other relatives of the owners of the land and are now, or were before destruction, legally on such lands by permission of the legal owner of the land involved. There is also the work of re-distribution of lands by transfer to some 3000 individuals who have the right to request exchange of lands for lands being taken from them for military use, which request, if possible, the Commission will wish to grant.

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Encl. C (1)

Enclosure (C), (Con't)

The prior Commission created a land title section and has now completed some 3000 chains of title upon tracts having a registered title in the land records of Guam. It will be necessary for title examiners to use these for ready reference to the records of Guam for the purpose of certifying title in an individual claimant, however the greater portion of the registered titles are registered in the name of a deceased person and additional work will be necessary to bring these chains of title down to date in the name of actual owners of property. It is estimated that a chain of title has been completed on fifty (50) percent of the registered titles, but inasmuch as there are many tracts of unsurveyed lands which have not been admitted to being registered as well as many tracts of registered land that will have to be re-registered in the names of the successors in title to deceased persons it is estimated that the title work is only 20 to 25 percent completed insofar as action can be taken toward final settlement of claims.

As stated in the basic letter there are 700 to 1000 probate proceedings, and 2000 to 2500 land registration proceedings to be initiated and carried through the courts of the Island. Sixteen probate cases were started and only one completed by the prior Commission. In addition to the above the local inhabitants of Guam have initiated about 400 probate proceedings of their own accord, in which proceedings the prior Commission assisted in a few instances. These 400 probate proceedings are now in various stages of completion. There have been no land registration cases started either by the Commission or native Guamanians.

The prior Commission created a survey section and has completed a general triangulation system of stationing over the entire Island. The work of surveying the various individual ownerships of tracts of land has not been started and there is no indication that the prior Commission intended to make individual surveys of the small ownerships until abstracts of title could be completed that accurately gave descriptions to work from. Plat maps of the various towns and suburban areas have been obtained in many instances from recovered land records and these plat maps were made available to show the general plan of lots in towns and tracts in suburban areas. The survey work accomplished to date upon individual ownerships has been based upon recorded registered titles which date back one and two generations; however present evidence discloses that many of the present owners are now dead and that the land described in the registered title has now been divided among the heirs of the said deceased persons and no survey nor descriptions has been made of the sub-division.

Triangulation stations can be used for the purpose of tying in the town lots and suburban tracts. The tying in of such town lots and suburban tracts will be necessary for an accurate picture of damage to individual ownerships and to correctly estimate the value of areas to be purchased or leased. The present plats indicate ownerships as shown in the registered land records.

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Encl C (2)

Enclosure (C), (Con't)

Inasmuch as the land records, in many instances, show ownership in persons now deceased and the land shown in the plat of record has been subdivided into several ownerships according to the number of heirs of such deceased person, it will be necessary to make some sort of survey showing the new ownerships in conformity with the new ownerships as subdivided. This means that the survey work will be a continuous job of supplementation to the present work, said supplementation based on the legal findings of the probate courts in approved proceedings for the determination of heirs of deceased persons and in accordance with new ownership descriptions as determined in the division of land of deceased persons in accordance with a court judgment. The basic work of the survey section has been about 65 percent completed, but this is estimated to be only 15 percent of the total picture insofar as action can be taken toward the settlement of claims.

The prior Commission created an appraisal section and has completed a basic valuation chart on various types of lands and buildings for both town lots and suburban tracts based on sale data and other accumulated information using as a basic table the values in effect in December of 1941 with a slight enhancement to take in consideration some upward trend in overall cost of living. In addition to the basic tables about 2000 town lots have been appraised and 939 suburban tracts have been appraised. This means that approximately 50 percent of the presently registered titles have been appraised, however it will be necessary in the majority of individual claims to have new appraisals made of subdivided ownerships after descriptions have been obtained through determination of title in probate proceedings on the estates of deceased persons. It is estimated that about 15 percent of the total tracts have been appraised insofar as action can be taken toward the settlement of claims.

From the above statement with regard to the progress of survey work on individual boundaries it can be seen that all visual inspection on the premises, of real property, has been carried on by making a general estimate of the locality to be viewed and looking at such town lots and suburban tracts by making a guess as to the location of such lots or tracts. Help from local inhabitants was requested and received in trying to approximate the boundaries of real property owned by individual claimants. The appraisal section has thus had to depend entirely on a guess at the boundaries of properties instead of a fence line or marker showing actual boundaries. In some instances this method of appraisal will not hinder the settlement of a claim but in others it will be necessary to require re-appraisal after the survey section can tie in actual boundaries of properties under consideration.

The prior Commission took no action toward settlement of any claims and there has been no organization of a negotiating section for settlement of claims arising under the land acquisition program, nor has there been a correlation between the several sections of the Commission in compiling data accumulated on title investigation, survey work and appraisals for the purpose of land transfer, purchase or lease of lands now occupied by military units.

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Encl (2)

Enclosure (C), (Con't)

To date, there is no central filing system. Each member of the prior Commission kept files on his own assigned duties. Before the new Commission can give an accurate and exact answer to questions involving the status of a claim of any one individual it is imperative that a central file be established for the purpose of combining and unifying the work which has been completed by the members of the prior Commission. A negotiating section will be required to review all of the declarations submitted by individual claimants and it will be necessary in each and every case to recall the individual declarant before a recommended adjudication of declarants' claim can be made.

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Encl (C) (9)

ENCLOSURE (D)

SUMMARY GIVING STATUS OF PRESENTLY AVAILABLE PERSONNEL

The prior Commission had eleven officers, eight as members of the Commission and three attached to assist the Commission. There was a complement of 50 enlisted personnel made up of 18 Chief Petty Officers and 32 lower rated men and seamen. There was an approved complement of 36 civilian personnel recruited from the inhabitants of Guam. The combined complement made a total of 97 persons working for the Commission.

Due to demobilization of naval personnel there have been lost from the working personnel in the past several weeks all but one of the Chief Petty Officers, and all but seventeen of the enlisted rated men and seamen. Due to loss of officer personnel by transfer of members of the prior Commission, the duties being handled by eleven officers will now fall upon six officers until such time as additional officer personnel are attached to the Commission. The civilian personnel made up of native Guamanians will remain as it now stands to be supplemented by additional civilians if competent help can be found.

The presently assigned naval personnel are now divided into working groups attached to sections as follows: Two yeoman as stenographers for the members of the Commission; One yeoman assisting in the work of the Claims Section for Personal Injury and Death; One yeoman assisting in the work of the Claims Section for loss of Real and Personal Property; Three seamen now striking for yeoman rate and assisting in the Claims Sections; One Chief Petty Officer, one second class petty officer, five third class petty officers, and three seamen assisting in the work of the Survey Section.

There is no person attached to the Commission that can take and transcribe dictation of the speed required for court proceedings and hearings that will be necessary in the completion of the work program required under the precept to the Land and Claims Commission.

The ten enlisted men above designated as available and working for the survey section are not attached to the Commission, but have been loaned from the 144th Naval Construction Battalion. Arrangements will have to be made for the transfer of said men to be attached directly to the Commission.

The presently attached civilian personnel are divided into working groups assigned to sections as follows: Two messenger boys assigned to the Administrative Section; One man and three women clerks assigned to the Land Title Section; One woman interpreter assigned to the Claims Section for Personal Injury and Death; Two women interpreters assigned to the Claims Section for loss of Real and Personal Property; and twenty seven boys and men assigned to the Survey Section.

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Enc. D (1)

Enclosure (D), (Con't)

Chart Showing Personnel now Available for Duty with the New Commission

LAND AND CLAIMS COMMISSION

- 1 Officer - Senior Member of Commission
- 1 Officer - Member of Commission
- 1 Yeoman - Capable of taking slow dictation
- 1 Yeoman - Typist

ADMINISTRATIVE SECTION

- 2 Messengers - Native Boys of Guam

LAND TITLE SECTION

- 1 Officer
- 1 Abstractor - A native Guamanian who formerly was a clerk in the records office of the Naval Civil Government of Guam
- 3 Clerks (Women) - Native Guamanians who are being trained to assist the abstractor in checking such instruments as are now on file in the land records office of the present Military Government of Guam.

SURVEY SECTION

- 1 Officer - Civil Engineering Corps
- 1 Chief Petty Officer - Acting Head of Survey Party
- 1 Rodman and Notekeeper - Enlisted man
- 1 Computer - Enlisted man
- 5 Draftsmen - Only one with experience. Enlisted men
- 2 Instrument men - Enlisted - Very little experience
- 27 Guamanians - Chainmen, Rodmen and Brush Cutters, all working part time in the field party when ever called upon

APPRAISAL SECTION AND LAND TRANSFER SECTION

No personnel available

NEGOTIATING SECTION

No personnel available

CLAIMS SECTION - PERSONAL INJURY AND DEATH

- 1 Officer
- 1 Yeoman - Typist
- 1 Interpreter - (Woman) Native Guamanian

CLAIMS SECTION - REAL AND PERSONAL PROPERTY

- 1 Officer
- 1 Yeoman - Typist
- 2 Interpreters - (Women) Native Guamanians

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Sub (2)

Enclosure (D), (Con't)

TABULATION OF PERSONNEL

6 Officers
1 Chief Petty Officer
14 Enlisted rated men and seamen
36 Native inhabitants of Guam

Of the Officer personnel available, three (3) either have sufficient discharge points or will have within the next three months to warrant demobilization. These officers are the officers who have just reported to be attached to the new Commission. Two of said officers will remain with the Commission if they are promoted from Lieutenant to Lt. Comdr. under the provisions of the Alnav allowing promotions to officers agreeing to remain six (6) months after they are eligible for release.

Of the enlisted personnel available, six (6) will have sufficient points for demobilization within the next five (5) weeks. Included among said six men are three yeoman, the Chief Petty Officer now acting as head of the Commission's only survey party, and the computer now working in the Survey Section. The Commission will be left with one yeoman and three seamen striking for yeoman, none of said men able to take dictation, and a skeleton survey group that will be unable to carry on any extensive survey work.

Request made by the prior Commission for yeoman competent to handle the work was directed to Commander Service Force, Pacific Fleet, via the Commanding Officer, USN Military Government Unit, Guam, via Island Commander, Guam and via Commander Marianas. The Commission was directed to start a Yeoman Training School to fill the vacancies in presently existing yeoman billets. In view of the fact that there are no personnel available in this area it will be necessary for the Bureau of Naval Personnel, Navy Department, Washington, D. C., to take appropriate action to insure that personnel are available to the Commission.

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ENCLOSURE E

CHART SHOWING MINIMUM REQUIRED COMPLEMENT FOR ACCOMPLISHMENT OF
DUTIES AS SET OUT IN ENCLOSURE (B).

The following complement is necessary for minimum number of personnel to be attached to the Land and Claims Commission in order to accomplish the work load assigned to such Commission.

LAND AND CLAIMS COMMISSION

- 1 Officer - Senior Member (Representative of JAG Office)
- 1 Officer - Member (Representative of BuDocks)
- 2 Yeomen or Civil Service - Stenographers for members of Commission.

ADMINISTRATIVE SECTION

- 1 Officer or Civil Service - (Supply Corps)
- 2 Chief Petty Officers - For Supervision of enlisted personnel
- 1 yeoman - or Civil Service - Capable of taking dictation
- 2 yeomen or Civil Service - Typists.
- 2 Messengers - (Can use native boys on Guam).

LAND TITLE SECTION

- 2 Officers or Civil Service - Title Examiners.
- 1 Officer or Civil Service - Probate Attorney.
- 1 Officer or Civil Service - Land Registration Attorney
- 2 Abstractors - Compilation of Abstracts of Title.
- 2 Yeomen or Civil Service - Capable of taking court proceedings
- 2 Yeomen or Civil Service - Capable of taking dictation
- 10 Yeomen or Civil Service - Typists for assembly of abstracts and preparation of instruments for probate and land registration proceedings.

SURVEY SECTION

- 1 Officer or Civil Service - (Civil Engineer)
- 3 Officers or Civil Service - Heads of survey parties
- 3 Chief Petty Officers or Civil Service - Head rodman and notekeeper
- 3 Instrument men (Transit) - Naval personnel or Civil Service
- 12 Rodmen, Chainmen and Brush Cutters - (Can Use native Guamanians)
- 7 Draftsmen - Naval personnel or Civil Service
- 2 Computators - Naval personnel or Civil Service
- 1 Yeoman - Capable of taking dictation
- 1 Chief Petty Officer or Civil Service - Photo laboratory and
Ozlid Machine operator
- 1 File Clerk

APPRAISAL AND LAND TRANSFER SECTION

- 1 Officer or Civil Service - Urban properties appraiser
- 1 Officer or Civil Service - Suburban properties appraiser
- 2 Yeomen or Civil Service - Capable of taking dictation
- 2 Yeomen or Civil Service - Typists

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Enc E (1)

NEGOTIATING SECTION

- 1 Officer or Civil Service - Urban settlements
- 1 Officer or Civil Service - Suburban settlements
- 2 Yeomen or Civil Service - Capable of taking dictation
- 2 Yeomen or Civil Service - Typists
- 1 Clerk - for head file clerk (Naval personnel or Civil Service)
- 2 Clerks - Assistant File Clerks (Naval personnel or Civil Service)

CLAIMS SECTION - PERSONAL INJURY AND DEATH

- 1 Officer or Civil Service - Personal injury and death cases
- 2 Yeomen or Civil Service - Capable of taking dictation
- 2 Yeomen or Civil Service - Typists
- 2 Interpreters - (Can use native Guamanians)

CLAIMS SECTION - REAL AND PERSONAL PROPERTY

- 1 Officer or Civil Service - Real property cases
- 1 Officer or Civil Service - Personal property cases
- 2 Yeomen or Civil Service - Capable of taking dictation
- 2 Yeomen or Civil Service - Typists
- 2 Interpreters - (Can use native Guamanians)

TABULATION OF COMPLEMENT

- 18 Officers or Civil Service
- 6 Chief Petty Officers or Civil Service
- 54 Enlisted rated men or Civil Service
- 18 Guamanians

- 96 Total Complement

It is again stated that there are no personnel available in this area, and it is requested that the Bureau of Naval Personnel take appropriate action to insure the immediate availability of the above complement to the Land and Claims Commission, Guam.

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[CHAPTER 483]

AN ACT

November 15, 1945
(S. 1139)
[Public Law 224]

For the relief of the residents of Guam through the settlement of meritorious claims.

Guam.
Settlement of damage claims.

Appointment of commissions.

Claims incident to hostilities, etc.

Time limitation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of granting immediate relief to the residents of Guam by the prompt settlement of meritorious claims arising in Guam, the Secretary of the Navy, and such other officer or officers as the Secretary of the Navy may designate for such purposes and under such regulations as the Secretary of the Navy may prescribe, are hereby authorized to appoint a claims commission or commissions, each composed of one or more officers of the Navy or the Marine Corps, to consider, ascertain, adjust, determine, and make payments of amounts determined as just compensation, where accepted by the claimant in full satisfaction and in final settlement, including waiver of any claims against the War Damage Corporation, of claims for damage occurring in Guam, including claims of insured but excluding claims of subrogees, on account of damage to or loss or destruction of public property, both real and personal, or on account of damage to or loss or destruction of private property, both real and personal of residents of Guam, including claims for damage to or loss or destruction of personal property bailed to the Government and claims for damages incident to use and occupation of real property, whether under a lease, express or implied, or otherwise, when such damage, loss, or destruction is the result of or incident to hostilities or hostile occupation, or is caused by or incident to noncombat activities of the United States Army, Navy, or Marine Corps forces or individual members thereof, including military and civilian employees thereof, where the amount of such claim does not exceed \$5,000: *Provided,* That no claim shall be considered by such commissions unless presented within one year after the occurrence of the accident or the incident or engagement out of which such claim arises, except that claims arising out of accidents, incidents, or engagements, after December 6, 1941, but prior to the first day of the month following enactment of this Act, may be presented at any time prior to the

expiration of one year after the latter date: *Provided further*, That any such settlements made by such commissions shall be subject to such regulations as the Secretary of the Navy may prescribe and may, in cases where the amount exceeds \$2,500 but does not exceed \$5,000, be subject to the approval of such commanding or other officer of the Navy or Marine Corps forces, as the Secretary of the Navy may prescribe; and the Secretary of the Navy shall have authority, if he deems any claim in excess of \$5,000, or any claims for death or personal injury to residents of Guam arising under the conditions herein set forth as a basis for property damage claims, to be meritorious, to certify such amount as may be found to be just and reasonable thereon to Congress as a legal claim for payment out of appropriations that may be made by Congress therefor, together with a brief statement of the character of such claim, the amount claimed, and the amount allowed: *Provided further*, That no claim of any person who has voluntarily aided an enemy of the United States, or of any national of any country at war with the United States, or of any ally of such enemy country, except when the local military commander or his designee shall determine that such national was at the time of the damage or injury and still is friendly to the United States, shall be allowed under this Act: *Provided further*, That any such settlements made by such commissions under the authority of this Act shall be final and conclusive for all purposes, notwithstanding any other provision of law to the contrary.

SEC. 2. In the discretion of the Secretary of the Navy or his designees, settlements of claims under section 1 of this Act shall be made by reimbursement in kind from available Government property stores and services and/or out of the appropriation current at the time of settlement, for "Pay and subsistence of naval personnel".

SEC. 3. Insofar as the claims of residents of Guam arising in Guam are concerned, this Act is in lieu of all other provisions of law authorizing settlement of war-damage claims by the agencies of the United States Government, but shall otherwise be supplementary to, and not in lieu of, all other provisions of law authorizing consideration, ascertainment, adjustment, determination, or payment of claims by the Secretary of the Navy.

SEC. 4. Claims of the type described in section 1 hereof on account of damage to or loss or destruction of property, both real and personal, or personal injury or death of any person, caused by Coast Guard forces, or individual members, including military personnel and civilian employees thereof, or otherwise incident to activities of such forces, arising at any time while the Coast Guard shall be operating as a part of the Navy may be considered, ascertained, adjusted, determined, and paid in the manner in this Act provided for the settlement of Navy and Marine Corps claims: *Provided*, That no claims on account of damage to or loss or destruction of property, or personal injury or death, caused by Coast Guard forces or individual members thereof, or otherwise incident to the activities of such forces, shall be considered, ascertained, adjusted, determined, or paid under the provisions of this Act at any time when the Coast Guard shall be operating under the Treasury Department.

SEC. 5. This Act shall not apply to claims of persons not permanent residents of Guam or to claims not arising in Guam.

Approved November 15, 1945.

Regulations.

Specified settlements subject to approval.

Claims in excess of \$5,000.

Claims not allowed.

Finality of settlements.

Reimbursement in kind.

Substitution of provisions.

Coast Guard.

Nonapplicability.

7/17 (P.L. 224-224)
6 MAY 1946

REGULATIONS FOR THE ADMINISTRATION
OF PUBLIC LAW 224, 79th CONGRESS,
APPROVED 15 NOVEMBER 1945

FINISHED - WHELEY - FILE

Appendix B(8)

1. Establishment of the Guam Land and Claims Commission.

The Chief of Naval Operations is hereby designated and authorized to appoint a Guam Land and Claims Commission, hereinafter referred to as "the Commission", composed of not more than three (3) commissioned officers of the Navy or Marine Corps, to perform the functions provided for in Public Law 224, 79th Congress, approved November 15, 1945 and these Regulations,

2. Jurisdiction of the Commission.

(a) The Commission established pursuant to section 1 of these Regulations shall have exclusive jurisdiction to consider, ascertain, adjust and determine claims of permanent residents of Guam, and to make payments of amounts determined as just compensation, in property cases within the scope of sections 4 and 5 of these Regulations, where the amount of a claim does not exceed five thousand dollars (\$5,000); Provided, that any final settlement exceeding two thousand five hundred dollars (\$2,500) shall be subject to the approval of the Island Commander of Guam, or if the Military Government Unit is succeeded by the Naval Government of Guam, then the Naval Governor of Guam.

(b) The Commission shall also have exclusive jurisdiction to consider claims of permanent residents of Guam, and to make recommendations to the Secretary of the Navy via the Island Commander of Guam, or if the Military Government Unit is succeeded by the Naval Government of Guam, then the Naval Governor of Guam, in property cases within the scope of sections 4 and 5 of these Regulations, where the amount of a claim exceeds

five thousand dollars (\$5,000), and in all death and personal injury cases within the scope of section 6 of these Regulations.

(c) No claim shall be considered by the Commission unless presented within one year after the occurrence of the accident, incident or engagement out of which such claim arises; Provided, that claims arising out of accidents, incidents or engagements, after December 6, 1941 (Washington, D. C., time), but prior to December 1, 1945 (Washington, D. C., time), may be considered by the Commission if presented prior to December 1, 1946 (Washington, D. C., time).

(d) No claim on account of damage to or loss or destruction of property or personal injury or death resulting from an act of a civilian employee of the United States Army, Navy or Marine Corps forces outside the scope of his employment shall be considered by the Commission.

(e) No claim of any person who has voluntarily aided an enemy of the United States, or of any national of any country at war with the United States, or of any ally of such enemy country, except when the Island Commander of Guam, or his successor in command of the United States military forces on Guam, shall determine that such national was at the time of the damage or injury and still is friendly to the United States, shall be allowed.

(f) No claim on account of damage to or loss or destruction of property or personal injury or death shall be considered where it appears that payment on account of such damage, loss, destruction, personal injury or death has been made by any agency of the United States under laws administered by it.

(g) Claims not arising in Guam may not be considered by any such claims commission.

(h) The term "permanent residents of Guam", as used herein, shall be construed as meaning natural persons domiciled in the Island of Guam.

(i) Claims on account of damage to or loss or destruction of property or personal injury or death currently arising, or which have arisen, as a result of activities of Japanese fugitives at large on the Island of Guam are deemed to be within the provisions of Public Law 224, 79th Congress, approved November 15, 1945, relating to damage, loss or destruction which results from "hostilities or hostile occupation."

(j) Settlement may be made only with the insured, rather than with the insurer or with both the insured and the insurer, in cases of damage to or loss or destruction of property, or personal injury or death covered by insurance. No inquiry may be made into, or determination made of, the relative interests as between insured and insurer. The entire claim, including any portion thereof insured against, may be filed only by or on behalf of the insured, and payment of the entire amount allowed may be made only to the insured as the real claimant. Claims by insurers in their own right are not deemed to be within the provisions of Public Law 224, 79th Congress, approved November 15, 1945, and may not be considered; insurers presenting claims shall be so advised.

3. Procedure of Claims Commission.

(a) No formal procedure for the consideration of a claim is prescribed. However, the instructions governing the procedure of courts of inquiry and boards of investigation, contained in Naval Courts and Boards (1937 edition,

as amended) may be followed in principle as a guide. No formal record of the testimony need be made and only the substance of statements of witnesses need be recorded. The formal rules of evidence need not be adhered to and any evidence which the Commission deems material may be received and evaluated.

(b) The Commission shall, at the conclusion of the proceedings in connection with a claim, make a brief written report of the proceedings. The report shall be in quadruplicate (one original and three copies certified by a member of the Commission) and distribution shall be made as follows: the original and one copy to the Secretary of the Navy (via the Judge Advocate General of the Navy) and one copy each for the Commission and the Chief of Naval Operations. The report shall include and set forth as a minimum:

(1) A certified copy of the precept under which the Commission was convened;

(2) An original copy of the claim containing a statement of the nature of the damage sustained and the amount claimed as compensation;

(3) A brief statement of facts developed by the Commission as to the date of the damage, loss, injury or death and the circumstances under which incurred;

(4) Findings as to necessary jurisdictional facts (see section 2 of these Regulations);

(5) The award or recommendation, which shall state whether the amount thereof will be accepted by the claimant in full satisfaction and final settlement of the claim, and whether payment is to be made in money or in kind:

Island Commander

(6) A form for indicating approval of the ~~Chief Military Government~~
~~Officer~~ of Guam or the Naval Governor of Guam, when required; and

(7) A form of release for indicating receipt by the claimant of full payment and final satisfaction of all items of the particular claim being considered and for waiving all demands by reason thereof against the United States, its executive departments and agencies (including the War Damage Corporation and the Naval Government of Guam), and the military and civilian personnel thereof.

4. Claims relating to private real property.

(a) Any change in the physical character of private real property including improvements, houses or other structures, trees and emb~~l~~ements which partake of the character of realty) which is the result of or incident to hostilities or hostile occupation and which results in diminution in value may be the basis of a claim. Any change in the physical character of such property which is caused by or incident to noncombat activities of the United States Army, Navy, or Marine Corps forces or individual members thereof (including military personnel and civilian employees thereof) and which results in diminution in value may also be the basis of a claim. The measure of damages shall be the amount of the diminution in market value of such property resulting from such change. In cases involving claims arising out of accidents, incidents or engagements occurring after December 6, 1941 (Washington, D. C., time) but prior to December 1, 1945 (Washington, D. C., time) the market value shall be determined as of December 6, 1941 (Washington,

D. C., time).

(b) Claims for damages incident to the use or occupation of private real property as a result of hostilities or hostile occupation or incident to noncombat activities of the United States Army, Navy or Marine Corps forces or individual members thereof (including military personnel and civilian employees thereof) may be considered. Claims for such damages shall not be construed to include rent for any period of occupation of such private real property.

(c) Wilful misconduct or negligence, on the part of a person, which contributes to the damage, loss or destruction of his property, may be considered by the Commission as a bar to, or in mitigation of, recovery on account of.

(d) Claims on account of damage to real property may be presented only by the person or persons (or their personal representatives if deceased or under disability) in whom the title was vested at the time such damage was sustained. The title shall be evidenced by such "certificate of title" issued in accordance with local law and procedures or abstract of title as would be acceptable to the Commission if a transfer of title to the realty to the United States were involved.

5. Claims relating to private personal property.

(a) Except as hereinafter provided, any damage to or loss or destruction of private personal property (including personal property bailed to the Government) which is the result of or incident to hostilities or hostile

occupation may be the basis for a claim. Except as hereinafter provided, any damage to or loss or destruction of such property which is caused by or incident to noncombat activities of the United States Army, Navy or Marine Corps forces or individual members thereof (including military personnel and civilian employees thereof) may also be the basis of a claim. Any loss of money or of other personal property resulting from voluntary trading with the enemy or any loss of money in excess of such amount as it would be reasonable or prudent for a person to keep in a store, at home or on the person may not be the basis of a claim.

(b) Subject to the provisions of paragraph (c) hereof, the measure of damages in cases involving loss or destruction of personal property shall be the market value thereof and the measure of damages in cases of damage to personal property not extending to complete destruction thereof shall be the amount of the diminution in market value of such property resulting from such damage. In cases involving claims arising out of accidents, incidents or engagements occurring after December 6, 1941 (Washington, D. C., time) but prior to December 1, 1945 (Washington, D. C., time), the market value shall be determined as of December 6, 1941 (Washington, D. C., time).

(c) The Commission may, in its discretion, classify personal property, adopt standard market values for items within a particular class, and utilize such standard market values as a basis for measuring damages without inquiring as to the condition of each item listed in a claim for damages.

(d) Wilful misconduct or negligence, on the part of a person, which contributes to the damage, loss or destruction of his property, may be considered

by the Commission as a bar to, or in mitigation of, recovery on account thereof.

(e) Claims on account of damage to or loss or destruction of personal property may be presented only by the person or persons (or their personal representative if deceased or under disability) in whom the title was vested at the time such damage, loss or destruction was sustained. The Commission may determine the ownership of personal property from such record or other evidence as may be available.

6. Claims on account of death or personal injury.

(a) Death or personal injury (including death or personal injury proximately caused by malnutrition or disease) which is the result of or incident to hostilities or hostile occupation may be the basis of a claim. Death or personal injury which is caused by or incident to noncombat activities of the United States Army, Navy or Marine Corps forces or individual members thereof (including military personnel and civilian employees thereof) may also be the basis of a claim.

(b) In a death case the amount recommended for payment may include an allowance for actual and reasonable burial expenses incurred in connection therewith, an allowance for actual and reasonable memorial expenses, and reasonable compensation for loss of prospective support.

(c) In a personal injury case the amount recommended for payment may include reimbursement for actual and reasonable hospital expenses incurred in connection therewith, an allowance for pain and suffering, and reasonable

compensation for loss of earning power.

(d) The Commission shall recommend a lump-sum payment as compensation for loss of prospective support in a death case or for loss of earning power in a personal injury case. The amount of a lump-sum payment shall be determined as hereinafter provided. Compensation for loss of prospective support in a death case or for loss of earning power in a personal injury case shall be computed in accordance with the provisions of part 24, as amended, of the Regulations Governing the Administration of the United States Employees' Compensation Act of September 7, 1916, as Amended: Provided, that if the death or disability occurred after December 6, 1941 (Washington, D. C., time), but prior to August 1, 1944 (Washington, D. C., time), the earnings rate to be employed in making computations shall be the average monthly earnings of the person concerned for the first eleven months of the calendar year 1941; Provided further, that in the absence of an employment record from which an earnings rate may be computed, the Commission shall estimate the probable earning capacity from all available information and thereby fix the monthly earnings rate of the person concerned, Provided further, that the maximum monthly rate of compensation in any case shall not exceed the sum of fifty dollars (\$50). The compensation for loss of prospective support in a death case or for loss of earning power in a personal injury case, computed in accordance with the provisions of the preceding sentence, shall be commuted to a lump-sum payment, such payment to equal the present value of the accrued and future monthly payments at four per centum (4%) true discount compounded

annually; Provided, that the probability of the beneficiaries' death before the expiration of the period for which compensation is allowed in the computation shall be taken into account and shall be determined according to the American Experience Table of Mortality; Provided further, that the probability of the happening of any other contingency affecting the amount of the compensation shall be disregarded; Provided further, that the lump-sum payment recommended in any case shall not exceed the sum of four thousand dollars (\$4,000). Formulas and tables prepared by the United States Employees' Compensation Commission may be used by the Commission in the determination of lump-sum payments.

(e) If the evidence in a case discloses that a permanent resident of Guam has disappeared from his home or place of employment or place of detention during hostilities or hostile occupation, under circumstances supporting an inference that his absence is due to belligerent action of the enemy, or is known to have been taken by the enemy as a prisoner or hostage, and such person has not been heard from, the Commission may, from a consideration of such evidence and for the purpose of Public Law 224, 79th Congress, approved November 15, 1945, presume that his death occurred at the expiration of one year after the day of his disappearance and recommend payment of death compensation on a claim predicated thereon.

(f) Wilful misconduct or negligence, on the part of a person, which contributes to his death or injury, may be considered by the Commission as a bar to, or in mitigation of, recovery on account thereof.

(g) Claims on account of personal injury may be presented only by the person injured or someone acting in his behalf, and claims on account of death may be presented only by the personal representative or the persons in interest who are authorized under the laws of Guam to maintain actions for wrongful death.

(h) Settlement of a claim on account of personal injury will bar a subsequent claim on account of death, should death proximately result from the injury.

7. Payment of Awards.

(a) The Chief of Naval Personnel will designate an officer or officers of the Supply Corps to make payments, in cash or in kind, to claimants, of awards made by the Commission, upon presentation of the original copy of the award and the execution of a release in the form provided for by section 3 of these Regulations. After payment is made, the original award shall be endorsed to show the same.

(b) Each claimant shall, before receiving any payment under these Regulations, waive all right to future payment, for damage arising out of the same set of facts or occurrences, from any agency of the United States. Certified copies of waiver agreements obtained by the Commission shall be supplied by the Commission to any interested Government agencies.

(c) Payments of the awards of the Commission shall be chargeable as follows: Public vouchers will be prepared for charge to the current appropriation Pay and Subsistence of Naval Personnel, subhead (2), expenditure

account 99217; issues from the Naval Stock Account will be charged to the current appropriation Pay and Subsistence of Naval Personnel, subhead (2), expenditure account 99217; issues from the Appropriation Purchase Account will be made with a cost charge to expenditure account 99217 without appropriation adjustment but invoices will indicate the appropriation Pay and Subsistence of Naval Personnel, subhead (2).

(d) On the last day of each month, the Commission shall render a report to the Chief of Naval Personnel, copy to the Chief of Naval Operations, as to the following items: (1) the name of each claimant to whom an award is made, and (2) the amount of such award. If no award is made during the particular month, a report to that effect shall be rendered.

(e) One copy of each public voucher, requisition or invoice (as appropriate) covering such payments shall be forwarded by the disbursing officer making payments, to the Chief of Naval Operations, Navy Department, for transmission to the Fiscal Section, Bureau of Naval Personnel.

May 3, 1946
(date)

/s/ JAMES FORRESTAL

Secretary of the Navy

Certified to be a true Copy.

Op22D-vcf 4/29/46
Serial No. 529P22

24 MAY 1946

VIA AIR MAIL

A14-2/ESS54

From: Chief of Naval Operations.
To: Capt. James A. Roberts, USN (57165)

Subject: Creation of Third Land and Claims Commission
and definition of duties.

References: (a) SecNav ltr to CNO, Serial 177313, dated
3 Mar 1946.
(b) CNO ltr to Col. Thornton Wilson, USMC
(Ret.), Serial 85P22, dated 2 Nov 1945.

1. Third Commission Created. Pursuant to the authority contained in reference (a) the third Land and Claims Commission, Guam, with yourself as senior member and Col. Thornton Wilson, USMC, (Ret.) and Comdr. Albert L. O'Bannon, USNR as members, is hereby created. The second Land and Claims Commission created by reference (b) is dissolved. The validity and effect of all work accomplished by the first and second Land and Claims Commissions shall be continuous under the third Commission hereby created.

2. Organization. The Commission shall be organized to contain two divisions, a Claims Division and a Land Acquisition and Real Estate Division; the officers in charge of such divisions to be Col. Thornton Wilson, USMC, (Ret.) and Comdr. Albert L. O'Bannon, respectively. Investigations may be conducted, testimony taken and findings of fact and recommendations made, and certification of awards for payment or other disposition as appropriate, by one, two or all members of the Commission as directed by the senior member.

3. General Functions.

(a) The Commission shall perform such work as is necessary to carry out the provisions of the Meritorious Claims Act, Public Law 224, 79th Congress, approved 15 November 1945, and such regulations as may be promulgated by the Secretary of the Navy for the administration of this Act.

(b) The Commission shall perform such work relative to the acquisition and disposition of land, or interests therein, as is necessary to carry out the provisions of the Land Transfer Act, Public Law No. 225, 79th Congress, 1st Session, approved 15 November 1945, and the Land Acquisition legislation, when enacted. The work shall include among other duties surveying, appraisal, preparations of abstracts of title and examination thereof, institution of legal proceedings for probate of estates of deceased persons for determination of heirs, for land registration proceedings when necessary, and for condemnation of land when necessary.

4. Navy Department Cognizance. Cognizance within the Navy Department of matters coming within the scope of the Commission's work shall be as follows:

(a) General overall administrative matters affecting the Commission and ultimate responsibility for the prompt and satisfactory completion of its work shall be the responsibility of the Chief of Naval Operations. Communication on such matters shall be with the Chief of Naval Operations, with information copy to the Commander in Chief, U.S. Pacific Fleet; Commander Marianas Area; Island Commander, Guam and the Naval Governor when reestablished on Guam.

(b) All matters relative to claims for damage to real or personal property or for personal injury or death, by copy of this precept, shall be the primary responsibility of the Judge Advocate General. Communication on such matters shall be with the Judge Advocate General with information copy to the Chief of Naval Operations.

(c) All matters relative to the acquisition or disposition of land or interests therein by the United States, by copy of this precept, shall be the primary responsibility of the Chief of the Bureau of Yards and Docks. Communication on such matters shall be with the Chief of the Bureau of Yards and Docks, with information copy to the Chief of Naval Operations and shall be via the Naval Governor when reestablished on Guam.

(d) The Commission shall be governed by instructions of such cognizant officials relating to all matters within their respective jurisdiction.

5. Power to Administer Oaths. Pursuant to the authority of 5 U.S. Code 93, the senior member and any member of the Commission making an investigation is hereby authorized to administer an oath to any witness attending to testify or depose during the course of the investigations. Testimony under oath is not required by the grant of this authority, but oaths shall be administered to witnesses when in the opinion of the senior member making an investigation, this action is desirable to preserve testimony.

6. Local Administration. For purposes of local administration including personnel and related subjects, the Commission shall be under the cognizance of Commander, Marianas Area, who by copy of this precept, is directed to furnish facilities, materials and additional clerical and other assistance which may be required by the Commission. When the Naval Governor is reestablished on Gua, he shall have sole cognizance of these matters.

7. Civil Service Personnel. The Island Commander, Guam by copy of this precept, is directed to make available housing and messing facilities for Civil Service Personnel of the Commission. When the Naval Governor is reestablished on Guam, he shall be responsible for making available these facilities.

8. Transfer of Real Estate Division. It is intended that after the reestablishment of the Naval Government at Guam and at such time as may be directed by the Chief of Naval Operations, the immediate cognizance over the Land Acquisition and Real Estate Division of the Commission will be transferred to the Naval Governor.

/s/ R. L. CONOLLY
Deputy Chief of Naval Operations (Administration)

cc: CinCPac (Via Air Mail)
ComMarianas (Via Air Mail)
IsCom, Guam (Via Air Mail)
BuPers
BuSanda
JAG
BuDocks
Col. Thornton Wilson (Air Mail)
Comdr. Albert L. O'Bannon

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HOPKINS COMMITTEE
REPORT FOR THE SECRETARY
ON THE
CIVIL GOVERNMENTS
OF
GUAM AND AMERICAN SAMOA

Cincpac flt No. II

HOPKINS COMMITTEE
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PROPOSED "SALOAN ORGANIC ACT"

FORM:GID

NAVAL AIR STATION,
MOFFETT FIELD, CALIFORNIA

25 March 1947

Honorable James V. Forrestal,
Secretary of the Navy,
Washington 25, D. C.

Dear Mr. Secretary:

Herewith we respectfully submit our report in accordance with your precept of 8 January 1947 appointing us a civilian committee "to study the Naval administration of Guam and American Samoa, and to prepare a report embodying specific recommendations thereon."

Itinerary and Procedure

Your committee and staff, with the exception of Dr. Ryerson who joined us in California, assembled in Washington on 15 February and flew that night to Moffett Field, California. There the privilege was extended to us by Dr. H. H. Fisher, Director of the Hoover Library at Stanford University, for extended conferences with members of the staff of the School of Naval Administration at Stanford University and particularly with Dr. Fisher himself and with Dr. F. M. Keesing, professor of anthropology at Stanford and a well known authority on Pacific Island matters. In most cases members of the staff, supplementing the wide knowledge of Doctors Fisher and Keesing, had a recent and intimate acquaintanceship with the affairs of one island or the other and in some cases of both. We also had the benefit of a conference with Mr. James Green of the Department of State, just returned from the Canberra Conference on the South Pacific.

Tuesday night, 18 February, we went on to Honolulu for further conferences both with civilian scholars familiar with life and affairs in Guam and Samoa and with officers in the service with like acquaintanceship, as well as with officials of the U. S. Commercial Company. Among the many others who gave us invaluable information and counsel is to be mentioned particularly Sir Peter Buck of the Bishop Museum at Honolulu who has spent his life studying the lives and habits of the peoples of the South Pacific and who advised at length with us.

Saturday night, 22 February, we took off for Guam, missing the 23rd completely because of the international date line, and arriving the next afternoon, the 24th, after having stopped briefly at Kwajalein. We remained on Guam until the evening of 9 March. Here we adopted what was to be our procedure, consisting of formal hearings with the Governor of Guam and members of his staff, open public hearings without attendance of any members of the Governor's entourage or of the Naval establishment, attendance upon a session of the Guam Congress, and numberless personal interviews with representatives of civic organizations or those having personal views which they wished to express. In the open hearings, providing ourselves with interpreters, we extended an invitation for speakers to express themselves in Chamorro when utterances would be easier for them in their native tongue, and this opportunity was eagerly accepted by many.

Because of the fact that no complete divorce of interests between Guam and the Marianas as a group seems possible we visited Saipan, Tinian and Rota. In addition Dr. Ryerson visited Koror, Angaur and Peleliu of the Palau Islands.

On the 9th of March we left Guam for Samoa, recovering en route the day we had lost going out and arriving at Pago Pago at about the same time on Sunday that we had left Guam on Sunday.

In Samoa we profited greatly by the briefing we had been given in Honolulu on native culture and customs and, with advice and counsel of the Governor and the native interpreters, we performed acceptably, we believe, in the succession of ceremonies in which we were honored. Besides our meetings on Tutuila, we were enabled by the Governor's courtesy to make the sixty mile trip by water to Manu'a and to have a hearing there, as well as again to be honored there with a royal kava ceremonial. Incidentally, members of the committee likewise had opportunities for brief talks with Mr. Jennings, the proprietor of Swain's Island, two hundred miles distant, but visit there was impracticable.

We left Samoa on the 16th of March, arriving at Honolulu that evening. Here for four days we worked over our material and checked on various details before leaving for Moffett Field, California, where this report has been prepared.

Prior to leaving Washington the members of the committee familiarized themselves generally on the background of the present conditions on Guam and Samoa by means of study of documentary material on the islands furnished by the Island Governments Section of the Office of the Chief of Naval Operations, Navy Department, independent research, and conferences with persons familiar with the islands. Thereafter, throughout the trip, many additional documentary and statistical matters were collected and received our constant study.

Appreciations

Members of your committee are appreciative in maximum degree for the provisions made and for the facilities offered by you for full and uncolored observation of all matters falling within the scope of the committee's responsibilities. In addition to our gratitude for the highly efficient cooperation of Captain Gross and staff always available to us we would especially bespeak our sense of indebtedness for making available to us the wide experience and sound judgment of Mr. J. Henry Neale, as counsel, upon whom we have constantly leaned for assistance and who has sat constantly with us in all our sessions. Moreover, hospitality proffered and cooperation made available all along our course made possible contacts and free access to data which otherwise would have been unavailable in a survey as restricted by the limits of time as necessarily ours was.

Parenthetically we would add that the solicitude on our part that utmost consideration be given to the interests and highest welfare of loyal American nationals proved to be fully equalled by a like concern of those naval officers in charge of the affairs of the respective islands we visited. In all cases respect for the native populations was expressed together with assertion of the hope that, except for limitations imposed by requirements of national security, the desires and aspirations of these loyal island residents should receive as favorable consideration as could be given.

Of General Matters

In the strong convictions to which we came not only as to the desirability but as to the obligation of the United States Government to take early and advanced steps toward extension of rights and privileges to the island peoples of Guam and Samoa and in suggestion as to what some of these steps should be, your committee wishes to make plain that it is not ignoring the progress already made or the magnitude of the Navy's accomplishment against what must at times have

seemed to have been overwhelming odds. The aftermath of war has disorganized the economies of these islands and to considerable extent has undermined their social structures. It was in such situations that the naval officers named island governors, and members of their staffs, found themselves called upon to restore and enhance peacetime conditions. As if the magnitude of this task was not enough, they were subjected to the paralyzing losses of administrative assistance incident to demobilization. This was followed on Guam by physical devastation incident to the worst typhoon in years. That so much recovery and real progress as has been achieved is existent is a mark of careful planning and indefatigable effort on the part of the naval officers responsible, for which they are entitled to deep appreciation from the American people.

The complexities of their problems and the ever increasing scope of responsibilities of men in these positions give rise to the question whether, if the Navy is to continue to govern the islands, a special Bureau of External Affairs for the training, assignment and grading of career men should not be set up within the Navy Department, or under the proposed Department of National Defense if this develops. The qualifications for enrollment in this should be on the basis of training in such a permanent course as that already set up by the Navy and now being maintained at Stanford University in the School of Naval Administration.

As to the source from which the government of these islands should emanate, it is clear that if other than the Navy should be deemed desirable its dependence on the Navy nevertheless would be almost complete. By no other means could problems of transportation and of communications, of providing indispensable supplies across thousands of miles of water and of maintaining health and other essential services at their present highly efficient level be effectively and economically met. So far as public or private sentiment in these islands is concerned, respect for and confidence in the respective governors were constantly expressed. Nowhere did your committee find any expression of desire to be removed from under the auspices of the Navy but on the contrary, whenever discussion of the matter came up, apprehension was expressed as to whether from any other department than the Navy, services so vital to them as these in their possession could be afforded.

There is one extraneous matter which should be mentioned. It is a predominant and all pervasive cause of unhappiness and discontent in American Samoa. Obviously however any recommendation in regard to it is beyond the province of this committee. Our reference is to the barriers existent between American and British Samoa. The average native in his frequent exasperation does not reason beyond the fact that some one ought to correct a perplexing and irritating situation that divides people of a common heritage from each other, makes complicated and difficult family relationships, and renders contacts among friends subject to red tape and official complications. Meanwhile the more thoughtful argue that the original division between the respective islands was an arbitrary one in which no consideration was given to the interests of the populations, that with the passage of time the iniquities have increased, and that a great and wise government ought to be able to do something about it.

In like manner, the problem of Guam in the future is closely tied in with the other Marianas Islands. Should the United Nations act favorably upon the present application of the United States for sole trusteeship over this territory, Guam and the other Marianas should be administered as a single unit.

To summarize, before passing to detailed recommendations, we have found a devotedly conscientious and capable group of Navy representatives working eagerly under difficult and frequently adverse conditions for the rehabilitation of peoples disorganized through no fault of their own by the war.

In the case of Samoa, it is the island economy which has been disrupted and its ancient culture, of which its people have been so proud, is threatened. The people there are fearful of being modernized too rapidly and are resistant to many of the changes in life which the war has forced upon them. It is to have more control at such points that they are eager for early action giving them greater self-determination.

In the case of Guam, the war brought wide-spread destruction of homes, public buildings and utilities. But over and beyond this it brought deaths to many, brutalities to more, and ruthless oppression to all over a long period. Now months after cessation of hostilities they find themselves, because of the strategic position of their native island, outnumbered in population by military forces of Army, Navy and Marines to be stationed there. In considerable number they are dispossessed of home and lands which have been destroyed or taken

from them and they are without adequate understanding of the processes by which to secure replacement or compensation for these. This statement is not in disparagement of government officials stationed there who are bending every effort to bring order out of chaos, or of any government department, bureau or agency. All of these are working within the limitations of legal restrictions and prescribed technical routines which seemingly it has proved over-difficult to modify or speed up. There is no lack of knowledge on the part of Navy officials as to what ought to be done or how to do it if appropriations could be secured and made promptly available for an adequate reapportionment of lands and reconstruction of homes. Only so can justice be done to a valiant group of Americans who at great cost to themselves remained steadfastly loyal during the war but many of whom still lack housing to replace that destroyed by our bombs and shells or who still lack land for subsistence to replace that taken from them for military uses. It would seem to your committee that in so special a case as this our government could well be very generous in method of distributing its relief as well as generous in amount awarded. It has been neither.

Herewith in summary form, are our conclusions and recommendations, followed by a detailed discussion of the various points. Also submitted are drafts of our proposed organic acts for Guam and American Samoa, including conferring of American citizenship on the local inhabitants.

Respectfully yours,

Ernest M. Hopkins

ERNEST M. HOPKINS
Chairman

Maurice J. Tobin

MAURICE J. TOBIN
Member

Knowles A. Hyerson

KNOWLES A. HYERSON
Member

CONCLUSIONS AND RECOMMENDATIONS

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COMMITTEE CONVENED BY PRECEPT OF THE SECRETARY OF THE NAVY
DATED 8 JANUARY, 1947

R E P O R T

Conclusions and Recommendations

I General

A. The people of both Guam and American Samoa are entitled to full American citizenship and should be made citizens at the earliest possible date by Act of Congress.

B. Separate Organic Acts should be enacted by Congress for both Guam and American Samoa constituting each a body politic with its own Bill of Rights as its guaranty of personal liberties and establishing a framework for the form of government for each area.

C. For the immediate future at least, the Navy Department should retain general cognizance of and supervision over both Guam and American Samoa, subject, however, to the general limitations and provisions as presented in the separate Organic Acts.

1. To the greatest extent possible, administrative and judicial posts should be filled by natives of the islands.
2. Longer tenure of duty on the part of naval officers occupying administrative positions in the island governments is essential. Such a tour should have an absolute minimum of two years and a period of three years would be most desirable.
3. Continued use must be made of naval officers with specialized training and experience, as well as interest and aptitude, in the problems of government in general and of the Pacific Islands in particular, and any existing statutes or naval procedures or customs that interfere should be changed.

4. Certain positions requiring a high degree of specialized training and experience, and also where a long period of service is desirable, in such fields as education, business administration, the judiciary and the law, should be filled by civilians from the United States, in the event that qualified natives are not available.

D. Consideration should be given toward the establishment of a separate agency of the Federal Government chargeable with the administration of and general supervision over all the Pacific Island areas (other than the Territories of Hawaii and Alaska) under the sovereignty or jurisdiction and control of the United States.

II Guam

A. Citizenship.

1. All natives of Guam residing in the island on April 11, 1899, and all natives of Guam born since that date should, by Act of Congress, be made citizens of the United States.

B. Organic Act.

1. The future government of Guam should be under an Organic Act, enacted by Congress. Such an Organic Act should not be too detailed in its requirements, but should provide for the following:
 - a. There should be a Bill of Rights, similar to that contained in the Constitution of the United States and of most states, with the exception of the provision for trial by jury.
 - b. The legislative power, except for the reserved power of the Federal Congress to make future provisions affecting the island, should be lodged exclusively in a local congress, constituted according to local law.

(1) Acts of the Guam Congress should be subject to veto by the Governor. However, such veto may be overridden by two-thirds vote of each house of the Guam Congress, provided, however, that the President then approve such act.

c. The executive authority should be vested in a Governor.

(1) The Governor should be appointed by the President, by and with the advice and consent of the Senate, and should hold office at the pleasure of the President.

(2) The Governor may be a person from civil life or an active, retired or reserve officer of the Army, Navy or Marines and, if such an officer, may, in the discretion of the President, remain on active duty in the naval or military service during his term as Governor and may likewise have additional duty in the Army, Navy or Marines.

(3) The Governor should appoint all heads of departments and subordinate executive officials except as such power of appointment may be limited by applicable local law and except for the head of the department of education who should be appointed by the head of the executive department or agency of the Federal Government which is charged with general supervision and jurisdiction over the Government of Guam. Heads of executive departments and their chief assistants may be officers of the Army, Navy or Marines on active duty.

d. The judicial authority of the island of Guam should be vested in one high court and in such courts of inferior jurisdiction as may be established by local law.

(1) The judge of the high court should be appointed by the President, by and with the advice and consent of the Senate, to hold office during good behavior.

(2) There should be right of appeal from all decisions of the high court to the District Court of the United States for the District of Hawaii, with further appeals on up through the federal judicial system in accordance with federal law and practice.

e. All existing laws now in effect on the island of Guam, as promulgated by presently or previously existing naval governments, should continue in full force and effect, except as same may be inconsistent with the provisions of the Organic Act.

f. Since it may take some time to secure passage of an Organic Act, certain changes in the form of the local government should be instituted.

(1) Change the name of the government to "Island Government of Guam."

(2) Give more legislative authority to the Congress by obtaining their approval for all new laws and changes in law and inaugurate measures to improve the internal workings of Congress.

(a) Establish a committee system whereby small committees will be assigned specific functions and departments.

(b) Have all department heads present at all meetings of Congress to explain, when called upon, policies, procedures and problems of their departments.

(3) Create a new post of Secretary of Guamanian Affairs to assist the Civil Administrator in dealing with local matters, with particular reference to broadening the channels of communication to the local inhabitants to give more publicity on the policies, procedures and problems of the government.

- (4) Reconstitute the present Court of Appeals to provide for two Guamanian members to be elected by the Congress and three additional members appointed by the Governor subject to ratification by the Congress, all five to serve for fixed terms rather than at the pleasure of the Governor. Also, if possible, at least two of the Court should be legally trained.

C. Rehabilitation.

- ✓ 1. Due to a combination of circumstances most of which were beyond the control of the local Island Government, the settlement and payment of war damage claims and claims incident to the military occupation of the island has been proceeding much too slowly. Immediate steps should be taken to hasten this process and to remove unsound and unfair distinctions in the allowance of claims.

✓ a. The Meritorious Claims Act (Public Law 224, 79th Congress) should be amended immediately to allow direct settlement and payment on the spot by authorized representatives of the Federal Government, without reference to Washington for approval or further action, of all claims, both property and for death and personal injury, up to \$10,000.

✓ b. Immediate action should be taken to process for payment all claims which have been approved in the field but which under the present law require further action by Congress (viz. all property claims above \$5,000 and all personal injury or death claims regardless of amount).

(1) Such an amendment should also afford relief to any person who has voluntarily reduced the amount of his claim to \$5,000 or below in order to obtain prompt payment.

✓ c. The procedure presently required by the regulations implementing the Act for submission, proof, allowance and review of the claims should be greatly simplified.

- d. The regulations should be amended to eliminate values or standards as of December, 1941, as the measure of damage and more liberality should be practiced in passing upon claims.
 - e. The regulations should be amended to allow payment of rental claims for the use of private property by the U. S. forces up to the date of acquisition of title by the United States or relinquishment of possession to the owner.
 - f. Claims which have been duly filed should receive consideration at the Bank of Guam as collateral for prospective loans.
2. The general rehabilitation and reconstruction of the island has been proceeding too slowly and should be speeded up greatly so as to eliminate or lessen the feeling of uncertainty and insecurity that is the prime cause of economic and social unrest.
- a. The military services, Army, Navy and Marines, should promptly make final determination of their permanent postwar requirements of land.
 - (1) No additional land should be taken by the military services unless that particular area is essential to the defense of the nation and any land presently occupied by them and not in fact essential to defense should be released to the local inhabitants.
 - b. Reconstruction of the destroyed cities and villages should have first order of priority on the island and every possible effort should be brought to bear on the construction of utilities and roads in Agaña and Agat. Likewise, plans for the other villages should be made ready so that work may be commenced as soon as funds are made available by Congress.
 - (1) Reconstruction should be limited to the bare essentials until it is certain that funds will be made available to provide the necessary facilities for all communities on the island.

- (a) The specific plans for reconstruction should receive careful consideration by the Secretary of the Navy or some other responsible official having a clear view of the overall problem.
 - (b) The enactment at this time of a zoning ordinance covering the entire island is not recommended. Any such drastic change in existing conditions should proceed with caution and it would be more advisable to limit such regulations at this time to the new city of Agana.
3. The plans for land acquisition and transfer of land to Guamanians appear unduly complex and of doubtful practicability. Land acquisition should be pushed to a speedy conclusion and should be handled as a unit for each community.
- a. The Code of Guam should be amended immediately to simplify the condemnation procedure.
 - b. A special land court should be constituted under the Code of Guam, with a stateside judge appointed by the Secretary of the Navy, to determine valuations in condemnation.
4. Prompt aid should be given by the Federal Government to the Guamanians in the form of making available housing materials of all kinds. These should be furnished at the lowest possible cost and, if necessary, should be carried to the island in Navy ships.

D. Economy of the Island.

1. The future economic basis for Guam will be centered around the facilities and establishments of the Army, Navy, and Marines. Most of the people on the island will either work for the government or service those who do. The question of civilian wage scale is therefore of paramount importance.
 - a. As far as possible, all employees of the Army, Navy and Marine establishments on the island should be native Guamanians.

- b. In principle, there should be equal pay for equal work, except for the special bonus, or cost of living payment, given to stateside civilians working temporarily overseas. The immediate imposition of such a wage scale would, however, be disruptive of the island's economy and the sounder procedure is to advance by easy stages. The march toward equality in pay rates, nevertheless, should be expedited as much as possible.
2. The present Island Government has been sound in its treatment and encouragement of local business and industry. Such efforts should be continued, but in the interests of the consumer public of the island other services should be made available as soon as possible.
- a. In the event of shortages of essential items, a program of rationing should be established and reasonable prices made mandatory.
3. Although the future economy of Guam cannot be founded on agriculture and in fact it can probably never again be self-sufficient agriculturally, the following measures should be taken to develop agriculture to the greatest possible extent:
- a. Establish an active agricultural demonstration farm to show the people better methods of farming and raising livestock and also to serve as an experimental farm.
- b. Encourage the teaching of vocational agriculture in the public schools.
- c. Encourage as much as possible improved small subsistence farming including livestock and poultry raising.
- d. Set up a quarantine system to keep out pests and diseases.
- (1) Solicit the cooperation of U. S. Department of Agriculture in combatting major area-wide pests, such as giant African snail, rhinoceros beetle, etc.

- e. Limit removal of phosphate fertilizers now being taken from the near-by Palau Islands and sent to Japan.
- f. Have a study made of the possibilities of a long-range forestry program.
- g. Fishing on a commercial scale in the waters near the island is a distinct possibility. If local enterprises on Guam cannot be interested, the possibility of outside firms should be explored.

(1) Encourage subsistence fishing in local waters.

E. Revenue and Finance.

- 1. With the military services planning to occupy permanently almost one-half of the land on the island, it is unreasonable to expect the local inhabitants to bear the entire cost of the Island Government. The National Government should contribute each year a fair proportion of the total cost, either by way of outright appropriation to the Island Government, considered to be in lieu of local taxes or in payment for services rendered, or by supplying certain services, facilities and personnel of other government departments (such as the Navy), or by a combination of such methods.
- 2. Any federal taxes collected on the island should be deemed to be revenues of the Island Government and expended on the island or for its benefit.
- 3. The pending studies by the Island Government of revision of the tax structure of the island should be pushed vigorously to a prompt conclusion.
- 4. The local inhabitants should accustom themselves to the payment of value for services rendered, and to that end any person occupying government erected dwellings should pay compensation therefor.
- 5. In general, the government should not make a profit from the supplying of essential services and in that respect a careful study should be made of utility services and bus fares to determine if they may be lowered.

F. Education and Public Health.

1. The present educational organization and program is considered sound. Existing imperfections are recognized and are being overcome as rapidly as possible.
2. The public health program is on a sound basis. A new hospital is sorely needed but it is understood that the prospects are that work on this will be started within the year. If possible, additions should be made to the nursing and medical staff of the hospital as the present groups are very badly overworked. The addition of a public health officer to the staff of the Island Government, which it is expected will take place shortly, will relieve the directing heads of the hospital from the supervision of preventive measures and will fill a presently-existing need.

G. Miscellaneous.

1. Aid should be secured from other departments and agencies of the Federal Government; e.g., Veterans' Administration, Federal Security Agency, Department of Agriculture, etc., in order that Guam may be treated on the same basis with the United States, its territories and other possessions.
 - a. A careful study should be made of just what services and facilities of the Federal Government are available to states, territories and possessions and immediate steps should be taken to see that Guam is included, obtaining legislation therefor if that should be necessary.
2. The Guamanian people rendered heroic service to the Nation in the recent war and displayed great courage, fortitude and loyalty. Such services, equivalent to service on the field of battle, should be recognized, both collectively and, in specific cases, individually.

III Samoa

A. Citizenship.

1. All natives of American Samoa residing there on December 7, 1941, and all natives of American Samoa

DISCUSSION AND EXPLANATION

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DISCUSSION AND EXPLANATION

I General

IA.

Our first conclusion and recommendation is that the people of both Guam and American Samoa are entitled to full American citizenship and should be made citizens at the earliest possible date by Act of Congress. For almost fifty years these people, although denominated "American Nationals", have virtually been people without a country, the forgotten people of the United States of America. The American Indians have been granted full rights of citizenship, with some additional rights and privileges. The residents of the Hawaiian Islands, who, like those of American Samoa, voluntarily ceded themselves to the United States and who are of the same race and basic culture as the Samoans, were granted citizenship in 1900, almost immediately after the raising of the American flag. The Puerto Ricans, whose island, like Guam, was granted to us by Spain in the Treaty of Paris following the Spanish-American War, were also made citizens in 1900. The Virgin Islanders were granted citizenship in 1932. Of our insular possessions, only Guam and American Samoa remain outside the pale.

A detailed discussion follows, under the specific consideration of each locality, so the matter will not be covered further at this point. Suffice it to say the committee, under one of the major points of the precept, has come to the unanimous and emphatic conclusion that both peoples should be made citizens at the earliest possible date.

IB.

Likewise with respect to the matter of an Organic Act, or basic statute, providing the basic framework for the government of the islands, we have come to the conclusion, and recommend, that the Congress should enact such statutes so that both Guam and American Samoa shall henceforth be bodies politic, with their own Bill of Rights made a part of the fundamental law of the land and with a form of government established. All the other insular possessions have such statutes, differing in detail but embodying the same general principles, and have had them for long periods of time. Although a government by men may fill all fundamental needs and may even provide "better" and more enlightened rule than would otherwise be the case, a government by law is always more desirable and more in accord with the aspirations of human souls.

The principle is now firmly established in the United Nations Charter (Chapter XI, Article 73) that

"Nations which have responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, ... the well-being of the inhabitants of those territories, and, to this end;

a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;

b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;"

The United States of America can now do no less with its possessions of Guam and American Samoa. We believe that the time is overdue for such action to be taken and there should be no delay in carrying out our obligation. We have prepared separate proposed Organic Acts which embody the principles and the details thereof that we believe should be extended to these islands. We recommend the submission of these bills to Congress and we hope that Congress will pass them. A summary of each of these proposed statutes, with the reasons for our recommendations, is set forth under the specific recommendations for each area.

IC.

During the past few weeks, since the announcement of the appointment of this committee and its start on its mission, certain segments of the press have intimated that there was involved a controversy between the Department of the Navy and the Department of the Interior concerning jurisdiction over these insular possessions. To the best of our knowledge there exists no such conflict; certainly such question did not form any part of our precept, nor do we consider it in any way our function to pass ultimate judgment with respect to the merits of one or more executive departments of the National Government. Throughout, our concern has been solely as to what is best for the local inhabitants of Guam and American Samoa, having in mind always the fundamental principles of our people.

We believe the conclusion inescapable that the Navy Department, for the immediate future at least, should have the general cognizance of and general supervision over both Guam and American Samoa, and particularly Guam. This would certainly be more economical in both dollars and man power, so that the National Treasury would benefit by such retention. It would also serve for more efficient and capable administration, since the Navy has a pool of trained officers, regular and reserve, who have already had considerable actual experience in the field and special instruction in this work at the various training schools in government and civil administration. The islands are now dependent upon the Navy for health service, communications, transportation, supply and public works. In addition, on Guam the Navy is in the midst of the difficult and complex problem of relief and rehabilitation. No other agency exists that can step into the Navy's place in these matters, or in the general and special civil administration of the local populace.

Nor is it any answer to suggest that the Navy could continue to handle many of these matters with control by another agency superimposed at the top. It is obvious that this would greatly increase costs and also, at the same time, would create great practical difficulties of administration and control. We are convinced that the people of Guam and American Samoa would suffer greatly by any such attempt to divide responsibility.

General control over the islands should be retained in the Navy Department, or perhaps in the proposed new Department of National Defense, for the immediate future. That term, "immediate future", is not susceptible of clear definition by anyone not possessing the powers of a clairvoyant. It might be only two or three years; it might extend for five or ten years, especially in the light of considerations of national defense in a troubled world still some distance from a sure permanent peace. Time only can tell when a shift, if a shift is ever to be made, can be performed.

This is not to say that no changes should be made in the past and present methods of handling these islands. Fundamental changes of paramount importance are, of course, the previous two basic conclusions and recommendations; namely, citizenship and Organic Acts. With the granting of citizenship and the enactment of Organic Acts such as we propose, no one can fairly characterize the government, even if still retained under the general jurisdiction of the Navy Department, as "military government". It is civil government, basically under the control of the local people themselves and of Congress. Such government does not cease to be "civil government" in the true sense of the term merely because the executive head and some of his assistants may sometimes wear a military uniform and be responsible to a department of the executive branch of our National Government which is primarily concerned with our national security and defense.

Besides these basic changes with respect to the rights and privileges of the local inhabitants, the Navy Department should undertake some further changes in regard to its method of handling the administration of these local governments.

IC 1.

If qualified natives can be found, they should fill various positions in the government of the islands. The ideal would be to have all executive and judicial posts, as well as the legislative, filled by natives of the islands. That obviously cannot be done at present, but such goal should be always in mind and wherever possible a native should be selected. In the beginning, this perhaps may only be done with minor officials but as time goes on they can be advanced to more and more responsibility.

IC 2.

Longer tours of duty for naval officers assigned to island government work is essential. In the past, eighteen months has generally been regarded as the limit and with the decimation caused by demobilization much shorter tours have recently been the practice. The policy should be adopted of having at least two years as the absolute minimum and we regard three years as the more desirable period. Only in this way can the persons in authority acquire a sufficient degree of familiarity with the locality, its problems, and its people and, in turn, the people become well acquainted with the man. Too often in the past has a Governor or one of his chief subordinates been moved away just as he had learned his job.

Considerations of health no longer preclude a longer stay than was the past practice. Both places are now quite healthy and free from disease. The great strides in improvement in transportation that have occurred in the past few years bring both Guam and Samoa within thirty-six hours or less of the mainland. Persons on duty there are no longer isolated, or forgotten men. Guam particularly is the crossroads of the Pacific with daily planes from Hawaii and the States. There is no reason why a man may not retain all his efficiency and zeal for doing a good job for a three-year stretch, with perhaps a leave of two or three months half-way through the period.

IC 3.

If the Navy is to be responsible for the government of the islands and if it is to continue to carry the responsibility for some time, naval officers with specialized training and experience must be provided. This training and experience for the most part is not included in the training for line officers. The present basis for promotion for officers places those engaged in

Island Government positions at a real disadvantage, and they undertake such duty at distinct risk of personal careers. Tenure of duty is at present not set by island needs but by traditional rotation procedure.

If naval officers are to do an effective job in the positions in which they must be used, a separate group or corps recruited for island administration should be set up with its own procedures for advancement and tenure of duty, planned in accordance with the needs of the natives as well as general national security.

The specialized training needed by such officers has been provided by various special schools for military government conducted during the war at Columbia and Princeton Universities and now continued at Stanford University as the School of Naval Administration. This school should be maintained and expanded to provide all specialized training that naval officers should need in the various phases of Island Government.

It is recognized that in many positions in both Guam and Samoa naval officers will be required for naval duty but could in addition carry on duties in Island Government positions. The economy of the islands does not warrant adding civilian specialists where a naval officer on the ground is both qualified by training and time available to serve. Under such conditions dual duty is advisable and should be practiced but not to the disadvantage of the officers so detailed.

10 4.

There are certain positions in which specialized training and long and special experience in the field are essential. They cannot be normally acquired along with a regular naval career. They require full time professional training and experience and continued long tenure. This is especially true in the fields of education, the judiciary and legal positions, and for business administration. Some of these positions can be filled by natives when adequate educational advantages are available to them; some can be filled now. In the meantime such positions for which natives cannot qualify should be filled, if possible, by civilians from the United States, chosen especially for training, experience and personal qualifications for duty in the islands.

10.

Ultimately, and especially if other areas of Micronesia are to be administered by the United States, some change from Navy Department jurisdiction may be considered advisable. We question, however, if change to any other particular department of the government would be most desirable. The problems of these

islands really overlap many departments, so that no one department can be considered the logical place for them. (If any one department would seem to have prior claim, we believe it to be the Department of National Defense as proposed under S. 753 and H.R. 2319, now before Congress, since the main consideration involved in these islands is national defense. The proposed Secretary of National Defense is on a high enough level and is possessed of means of contact, through the National Security Council and similar bodies, with all other interested departments of the government, so as to be able to give sufficient attention to the islands.)

We believe that a separate independent agency of the Federal Government may very well be the best place in which to lodge general supervision over all Pacific Island areas, excepting Hawaii and Alaska, under the sovereignty or jurisdiction and control of the United States. This concept, involving as it does the development of a career group of "colonial service" administrators, should be explored and we believe it offers distinct advantages over placing these islands, important as they are to national security and also important to the individuals residing therein, under a particular internal department.

II Guam

IIA. Citizenship

Guam was ceded to the United States under the Treaty of Paris, terminating the war with Spain in 1898, and in Article IX of that Treaty it is provided:

"The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by Congress".

For almost fifty years Congress has done nothing in this respect. A search of the Congressional Record Index for twenty years, back through the 69th Congress, shows only one concerted attempt to correct this situation. In 1937 bills were introduced in both the Senate and the House "To confer U. S. citizenship upon certain inhabitants of the Island of Guam and extend the naturalization laws thereto". Hearings were had and representatives journeyed from Guam to plead their case but the bill was not reported out to either house and died in committee. Congress before and since occasionally discussed the general situation in Guam on the floor and enacted some legislation concerning the island but has done nothing more.

In our opinion citizenship is long overdue and should be granted forthwith. Indeed an apology is due the Guamanians for the long delay and they are also entitled to the Nation's thanks and recognition for their heroic service rendered during the recent war. The people are in all respects worthy of being welcomed into full brotherhood of the United States, with all rights and privileges, and the Nation will be the gainer for it.

The proposed Organic Act which we have prepared and submit herewith includes a section granting citizenship (section 4). If, for any reason, the Organic Act as a whole is disapproved, it would be a simple matter to lift out that section and enact it separately.

The section is considered self-explanatory, except perhaps in one respect; i.e., the date specified. April 11, 1899, is the date when the Treaty of Paris was proclaimed with ratification exchanged. Under this statute citizenship would be granted, without further action on their part, to all persons coming within the scope of the specifications. We consider that more desirable than requiring individual application and separate individual action.

In addition to this provision, the Nationality Act of 1940, Public Law 855, 76th Congress, should be amended to include Guam in its scope.

IIB. Organic Act

As stated above, the Treaty of Paris promised that the civil rights and the political status of the native inhabitants of Guam would be determined by Congress. So far as research discloses, there was not even a bill introduced in Congress dealing with their form of government until July, 1940. The failure to recognize and remedy the situation before now may well be characterized as shocking. We feel that it is time to correct this and to have an Organic Act enacted by Congress that will delineate the form of government of these people.

A proposed Organic Act is submitted herewith and is recommended for adoption. Its terms should speak for themselves, without further elucidation, but a word or two of explanation on some points may be helpful.

The main effort has been to be not too specific or detailed in the provisions, setting up instead a general framework which may be filled in as the future dictates, usually by the local government itself but subject always, of course, to the reserved power of Congress to intervene.

The Act does not undertake to specify just what executive department or agency of the National Government shall have

jurisdiction of and supervision over the Government of Guam. Instead that is left to the President, section 3 providing that supervision shall be by "such executive department or agency of the Government as the President may direct." Thus the head of the executive branch is left free to dispose of the problem in such manner as he sees fit, being able also to make a change at any time in the future should that be desirable.

Besides United States citizenship, provision is made in section 5 for an additional special kind of citizenship, called citizenship of Guam, the qualifications for this to be as determined by the local Government of Guam. In this way certain rights and privileges may be reserved by them for local inhabitants, thus affording a means of protection against outside exploitation.

In section 6, the existing laws of Guam, unless inconsistent with the Act, are continued in force, subject of course to future amendment or repeal by the Government of Guam or by Congress. Rather than provide that all United States laws be made applicable to Guam, it has been deemed advisable to provide that no law of the United States shall be effective on Guam unless made so specifically by Congress. In this way the unforeseen effect of a multitude of Federal statutes and regulations will be avoided and undue shock to the existing system prevented. Each law will have to be considered individually on its own merits.

The Bill of Rights, in section 7, is of fundamental importance. A Bill of Rights was promulgated for Guam by Governor (now Congressman) Bradley in 1930 and this Bill of Rights has remained undisturbed since. Nevertheless, theoretically at least, some future Governor under the present system could repeal or modify this by his own executive order. The people are entitled to the protection of an Act of Congress extending the Bill of Rights, with its guaranties of personal liberty, to the island of Guam. As drafted, this section parallels the Bill of Rights contained in the first ten amendments to the Federal Constitution with only one important exception. No provision is made for indictment or trial by jury, as to date the concept of a jury trial is quite unknown to the Guamanians and it is considered unwise to require it by Congressional enactment.

The provision of the 14th Amendment guaranteeing equal protection of the laws has also been omitted in order that the Government of Guam may have sanction for, or at least no prohibition against, setting up certain rights and privileges for citizens of Guam not otherwise possessed by other citizens of the United States.

The sections dealing with the legislature (sections 8 to 15) in general continue the present Guam Congress, with the very important and fundamental addition that they will have sole legislative power. All enactments, like those of the legislatures

of the United States and all states, are subject to the veto of the Governor, but in turn may be passed over the veto if the President concurs, or fails to act within ninety days. This latter provision is similar to the laws governing Puerto Rico and the Virgin Islands. Make-up including the decision as to whether there should be one or two houses, elections, and sessions of the Guam Congress are left to the local government, with the provision that the present situation shall continue until changed locally. In this way there will be flexibility in development and exercise of the new powers.

There will continue to be a Governor, and he will still be appointed by the President, subject to confirmation by the Senate. Section 16 further provides that he may be from civil life or an active, reserve or retired officer of the Army, Navy or Marines. Flexibility is thus provided, with complete power in the President to pursue whatever course he wishes. The powers of the Governor are spelled out, in general they being as at present except that he may no longer promulgate or repeal law.

An important change from the existing system is made in the judiciary, sections 19 to 21. The Chief Justice will be appointed by the President, with confirmation by the Senate, he and the Governor being the only ones requiring action at that high level. All decisions of the local courts will be subject to appeal to the federal courts. Rather than providing for appeal direct to a Circuit Court of Appeals, it has been considered advisable to provide for appeal in the first instance to the District Court of Hawaii, in view of the generally informal nature of the court procedure on Guam, with perhaps a hearing de novo held by that District Court. Rather than spell out in detail such matters as jurisdiction, procedure, minor court officers and inferior courts, all of which may have to change rather frequently as experience dictates, this has all been left to the local government.

It is not claimed that this proposed Organic Act is perfect, but our study of the situation convinces us that it will serve the purpose in a desirable fashion and give the people of Guam a self-government that can grow and develop as they become more adept in the art of handling their own affairs. At the same time the interests of the National Government are not abandoned. We recommend the adoption of this Act without basic change in the principles it expresses.

III. Rehabilitation

The rehabilitation of Guam involves three distinct, although inter-related, problems -- settlement of war damage claims, reconstruction of the war-ravaged communities, and land acquisition and resettlement. Congress has acted on all three

of these points and both the Island Government and the Navy Department is engaged in the administrative task of acting under those statutes and attempting to solve the problems in the most desirable and in the speediest manner.

IIC 1. Claims

American forces landed on Guam, in the battle for its reconquest from the Japanese, in July, 1944, and after heavy fighting the island was declared secure in August. The Japanese invasion and occupation resulted in extensive damage to private property and death or personal injury to many of the local inhabitants, all American nationals, and a good deal more damage resulted from our reconquest. A bill for the relief of the residents of Guam, through the settlement of meritorious claims was introduced in Congress in early 1945 and the bill was passed and became law on November 16, 1945 (Public Law 224, 79th Congress).

The Meritorious Claims Act provides that "for the purpose of granting immediate relief to the residents of Guam by the prompt settlement of meritorious claims" the Secretary of the Navy, under regulations prescribed by him, may appoint a claims commission to determine amounts as just compensation on account of damage, loss or destruction of private property as the result of or incident to hostilities or hostile occupation. Payment to the claimant of the amount determined as compensation may be made by the authorities on Guam if the amount involved does not exceed \$5,000. If a claim for property damage in excess of \$5,000, or a claim for death or personal injury, in any amount, is deemed meritorious, such claim may be certified to Congress "as a legal claim for payment out of appropriations that may be made".

Except for sporadic claims that may hereafter be made on account of damage done by the few Japanese stragglers still in hiding on the island or occasional damage resulting from non-combat activities of the military forces still on Guam, the period fixed by the statute for the filing of claims has now expired.

Prior to January 1, 1947, 229 property claims had been settled and paid, in the total amount of \$258,000, and 52 death and injury claims (26 of each) had been processed to Washington in the recommended total amount of \$48,872 for the death cases and \$29,131 for the injury cases. As of January 1, 1947 the following cases were pending:

	<u>Total</u>	<u>Claimed Amount</u>	<u>Estimated Value</u>
Property under \$5,000	3,834	\$6,367,000	\$ 5,730,000
Property over \$5,000	353	\$5,278,000	4,225,000
Rental claims under \$5,000	1,513		145,000
Rental claims over \$5,000	<u>6</u>		<u>75,000</u>
Total	5,706		\$10,175,000
Injury and death claims	<u>659</u>		<u>\$ 1,318,000</u>
Grand total of claims	6,365		\$11,493,000

During January and February, 1947, 83 property claims were settled and paid (total amount \$120,000) and 56 death and injury claims (total amount \$35,000) were processed and sent to Washington. In the last three months of 1946, 123 property claims (totalling \$153,000) and 49 death and injury claims (totalling \$67,000) were paid or processed, so that there has been no material acceleration of the rate of disposition. It is obvious that the process of settlement and payment has been advancing too slowly and that if there is to be any benefit whatsoever to the stricken Guamanians some changes in procedure must be made.

The slow rate of progress can by no means be blamed on the members of the Claims Commission on Guam or the Island Government. A considerable period of time elapsed between the passage of the Act and the issuance of the regulations by the Navy Department thereunder; the demobilization process and the difficulties in recruitment of qualified personnel hampered to a considerable degree getting into high gear the machinery for adjudicating the claims; and the Act itself and the regulations have proved to be unwieldy and cumbersome in some major respects.

IIC 1a.

The Act should be amended forthwith to allow direct settlement and payment on the spot of all claims, both property and for death and personal injury, up to \$10,000. Personal injuries and death resulting in the loss of husbands and fathers should be treated on the same plane at least as property claims. It is difficult to see any reason for a distinction in the power of the local representatives of the Secretary of the Navy to settle on their own authority on the one hand property damage claims up to \$5,000 but on the other hand not personal injuries or death. If it is sound to allow field representatives to authorize payment of one class, and we believe that that is eminently sound, it is equally proper to allow the same thing in the other case.

The removal of this distinction by an amendment of the Act would materially speed up payments to widows and orphans and would be carrying out the express purpose of the Act to grant immediate relief by the prompt payment of meritorious claims. It would also cut red tape in the Navy Department in Washington and Congress by obviating the necessity for further review and process of the small claims there and separate Congressional action.

Furthermore, the authority for direct action in the field should be raised to \$10,000. Officials of the Claims Commission have testified to the basic honesty and fairness of the Guamanians in presenting their claims. Review in Washington of claims between \$5,000 and \$10,000 does not seem to serve any useful purpose. Sufficient reliance and trust should be placed on the authorities on the spot to safeguard the national interest. The savings of the increased expense to the government involved in the presently required additional processing and in maintaining the Claims Commission and its personnel for a longer period of time in order to complete its mission would seem to create an ample offset to the stray claim that might possibly, although not probably, fail to be screened out by reason of the change in procedure. Besides approval of the Claims Commission, settlements above \$2,500 must be approved by the Governor of Guam so that the interests of the National Government seem to be amply protected.

III b.

In this connection, immediate steps should be taken to process for final payment all claims which have been approved in the field but which presently require further action by the Navy Department in Washington and the Congress. To date 46 death claims and 61 personal injury claims, in the total amount of \$115,000, have been approved by the Claims Commission and sent to Washington in accordance with the Act, but payment to the claimants has not been made. This situation should not continue and everything possible should be done to ensure the prompt receipt by the injured parties of the amount which has been adjudicated as due them.

III b (1).

The amendment to the statute above proposed should also make provision for relief to any person who has voluntarily reduced the amount of his property claim to \$5,000 or under in order to obtain prompt payment. When many claimants are advised that the local Claims Commission has power to settle and make immediate payment of claims not in excess of \$5,000 but that claims above that amount must go to Washington for

further action with an indefinite time required for payment, they offer or agree to reduce their claim to below \$5,000 and accept the loss above that amount, so as to get some cash for much-needed personal rehabilitation. If the law should be changed so as to allow settlement in the field up to \$10,000, provision should be made for claimants who, having filed for an amount between \$5,000 and \$10,000, voluntarily reduced their claim.

IIC 1c.

The regulations issued by the Navy Department to implement the Act seem unduly complicated and restrictive. The Commission should be allowed to make its own rules of procedure rather than having prescribed the procedure of courts of inquiry and boards of investigation as a guide (Rule 3a), for although it is only stated to be a guide the tendency is to adhere to it rather strictly. The "paper" requirements for each claim (Rule 3d) are exceedingly burdensome and serve no useful purpose. They should be eliminated. The requirements of proof with respect to title to real property (Rule 4d) could be simplified. All these requirements of the regulations increase the difficulty and burden of the work of the Commission, cause considerable delay in effecting payments and hinder unduly the speedy completion of the task of giving redress to the unfortunate victims of the holocaust of war.

IIC 1d.

The regulations provide in Rules 4a and 5b that the market value of damaged or destroyed real or personal property shall be determined as of December 8, 1941, and that loss of prospective support in a death case or loss of earning power in a personal injury case shall be computed on the basis of average monthly earnings of the person concerned for the first eleven months of 1941. Replacement costs are far in excess of 1941 values and so called relief is apt to be only a hollow gesture when the amount received is a small fraction of what will be needed to acquire a new home, or furniture or tools or of what is required for present-day family support.

Furthermore, under the regulations, injury and death claims require an involved computation based on the procedure for the commutation of future installments of compensation under the regulations governing the administration of the U. S. Employees Compensation Act of September 7, 1916, and an over-all ceiling on the amount of lump sum settlement is fixed at \$4,000. This involves elaborate and difficult computation. For example, assume a claim involving a guardian and three minor children

whose father was beheaded by the Japanese. The Commission must first ascertain the date of death and the birthdays of each child and the fact that their guardian is duly appointed. Then they must ascertain the average monthly income of the deceased father during the year 1941. The computation is divided into two parts, that which accrued on the date of settlement and that which would accrue until each child reaches the age of 18 years, this latter sum then being commuted into a lump sum by deducting 4% compounded annually. The claims are much complicated not only by the large number of minor children in the average family on Guam but also because of the fact that in many instances both parents have been killed and the one who died last may have a legal claim through his or her administrator for any sum which would have accrued up until the date of his death. When the calculation is finally computed, the amount awarded is often a mere pittance. Some simpler procedure should be devised and more latitude should be given to the Commission to arrive at just and equitable figures in view of all circumstances.

III 1a.

Although the statute made no such limitation, up until last October the regulations did not allow claims for rent in the case of occupation of real property by the military forces. Such claims are now allowed but only up to July 1, 1946. There does not appear to be any valid reason for drawing the line at that date, and whenever the Army, Navy or Marines have occupied private property since July 1, 1946, a fair rental should be paid the owner until the United States acquires valid title or until the land is released to the owner.

Also rental claims, although trivial in amount--1,513 claims for less than \$5,000, totalling in all \$175,000, and 6 large claims totalling \$75,000--under present procedures require detailed proof of real estate title with supporting data and many other documents. It is estimated that four months of full time effort by the Commission and its staff will be needed to dispose of these claims alone. The small amount of money involved, of itself, would seem to call for drastic simplification of the present requirements.

III 1b.

The Bank of Guam does not accord any consideration to monies due on account of claims. In meritorious cases, it would seem, due regard could properly be given to these assets so that loans against their security might be made, thus aiding in the financing of the reconstruction of the island.

IIC 2. Reconstruction

At the public hearings and in our private talks with the people of the island there was constantly evident the undercurrent of uncertainty and insecurity caused by the fact that great numbers of families had lost their homes and did not know what the future had in store for them. Agaña, the capital and metropolis of the island with a prewar population of over 12,000, was laid completely waste by the war so that scarcely a house was left standing. Many smaller municipalities were severely damaged. In addition, with the reoccupation by American forces and the development of the island as a major base for the onslaught on Japan, thousands of others were forced to move from their homes and their sites taken for air fields, supply centers, ammunition dumps, housing areas, recreation spots and the like. None of the municipalities which have been projected to take the place of those destroyed or preempted is yet ready for settlement or resettlement, and there is no clear indication when they will be. Also, many Guamanians find themselves still unable to go back to their small farms or "ranches", to live or even to farm in an effort to raise fresh food stuffs to supplement that which is available in local stores.

IIC 2a.

The first order of business must be the final determination by the military services--the Army, the Navy and the Marines--of their permanent postwar requirements of land. At present, of the 138,000 acres or 217 square miles of land on Guam, the Federal Government is occupying 76,000 acres or 120 square miles. Of this, 27,000 acres or 42 square miles is owned by the United States, being former crown lands of Spain which passed over to us under the Treaty of Paris, and 52,000 acres, or 80 square miles, are owned by citizens of Guam. (All the above acreage figures are approximate.) It is recognized that the national defense should be and is of prime consideration. However, the military forces have given some indication that they do not need permanently all the land they are now occupying and that they intend to release some. The uncertainty is the crippling force in this connection, as regards the local inhabitants, and if the final determinations can be speeded up and made known promptly it would be of tremendous advantage.

IIC 2a (1).

By the same token, no additional land, not recently occupied by the military forces, should be taken if it can possibly be avoided. Only if such land is actually essential to the national defense should the custody of the local residents even be considered. Merely because a particular site happens to strike someone's fancy is no justification for calling upon the might of the National Government and the eventual exercise of the power of eminent domain. If another location now owned

or occupied by the Federal Government would serve the purpose, the status quo should be maintained.

IIC 2b.

The Navy Department has by no means been niggardly in its plans for the reconstruction of the destroyed cities and villages of Guam. In October, 1945, the Navy Department went before Congress with the request that \$15,000,000 be authorized for the rehabilitation of Guam, for public works, roads, sewers, water-works, public buildings and other facilities of permanent nature, to fulfill the needs of the civilian populace. Major General Larsen, the then Island Commander of Guam, journeyed to Washington to testify on the proposal and extensive hearings were held. Congress, however, saw fit to cut down the request and when the bill was finally enacted on August 1, 1946 (Public Law 583, 79th Congress) the amount was fixed at \$6,000,000. This amount had been included in the First Supplemental Surplus Appropriation Rescission Act, 1946, approved February 18, 1946 (Public Law 301, 79th Congress) providing that "not to exceed \$6,000,000 shall be available toward reconstruction of the civilian economy of Guam."

This amount has been allocated to various projects and contracts have been let, but no actual work on the ground has as yet been done. \$3,447,000 has been set aside for Agaña, as follows:

Roads	\$	840,700
Walks		23,000
Utilities--sewer, water drainage, electric systems, telephone and fire protection		1,566,700
Site preparation		139,600
Civic buildings--courthouse, police station, Guam Congress		500,000
Post Office		190,000
Bank of Guam		187,000
Total		<u>\$ 3,447,000</u>

and \$1,883,000 for Agaña, as follows:

Roads	\$	341,000
Walks		14,000
Utilities		1,241,000
Site preparation		147,000
Civic center, town hall offices, police station, dispensary		140,000
Total		<u>\$1,883,000</u>

In addition \$170,000 has been set aside for architects' and engineers' services and \$500,000 for land acquisition.

For various reasons--delay in getting authorization from Congress, difficulties in placing the contract, demobilization of personnel resulting in much lost motion on plans, technical engineering difficulties, and scarcity of essential material--actual reconstruction has not yet commenced. It is estimated that the work in Agat will not be complete before the end of the year and that Agana will not be in shape for construction of new homes and business buildings in its main portion (the first to be done) in less than a year from date. And these estimates are on the liberal side, assuming that no further handicaps develop.

It is essential that these two municipalities be rebuilt promptly. The economy of the island stagnates while the weeds grow in the former streets of its metropolis and general unrest and uneasiness flourish. Reconstruction must proceed apace if the island is to be a healthy place economically and socially. This situation is no fault of the Island Government, nor is it the fault of any particular person or group. It is a situation which exists and which should be changed if it is humanly possible to do so.

IIC 2b (1).

Since there are some indications that funds may not be as readily available in the future as was once anticipated, reconstruction should be limited to the bare essentials until it is definite that enough money is on hand to provide the necessary facilities for all communities. It will hardly do to have a beautiful new model modern city of Agana within walking distance of towns still half ruined and with only primitive makeshift arrangements. In that connection, the wisdom of spending almost \$400,000 for a post office building and the bank may well be questioned. Perhaps the Post Office Department could be induced to take care of its own building, and the bank in its present good financial position should finance its own structure.

IIC 2b (1)(a).

It would seem a wise course to pause a bit now and take stock of the needs of the island and the present plans. What seemed wise and practical two years ago may have a different tinge in the light of present-day conditions. It is recommended that a special survey be made of the whole problem

at a high level, having a broad over-all viewpoint, to ascertain if there should be any modification in the Guam projects, both those now under way and those currently planned and also those on the agenda for future action.

IIC 2b (1)(b).

The planning Commission of the Island Government has prepared a proposed detailed, comprehensive, island-wide zoning ordinance. A careful reading of this proposed ordinance leads to the conclusion that it should not be enacted at this time. It is too detailed and restrictive in its provisions for the greatest portion of the island. Zoning is still a foreign concept to most, if not all, Guamanians and it is suggested that this rather radical change in their past and present customs and way of life should in the beginning be limited in its application to the more metropolitan community of new Agaña.

IIC 3. Land Acquisition and Transfer

Mention was made above of the vast areas of land on Guam now occupied by the Federal Government, most of which is still owned in fee by individual Guamanians. Congress has acted in two different ways to meet this situation. The Land Transfer Act (Public Law 225, 79th Congress) was passed along with the Meritorious Claims Act and became law on the same day, November 15, 1945. Under this statute the Secretary of the Navy is authorized, "for the purpose of effecting the rehabilitation and resettlement of the residents of Guam", to transfer to the Naval Government of Guam public lands belonging to the United States Government, which are not required for military or naval use, for transfer or sale by the Naval Government in replacement of lands acquired from the Guamanians for military or naval purposes. The Land Acquisition Act (Public Law 594, 79th Congress), approved August 2, 1946, authorizes the Secretary of the Navy to acquire by purchase or otherwise, in the name and for the use of the United States, land and rights of land on Guam. The Act expressly provides that the authority therein granted includes acquisitions for the purpose set forth in the Land Transfer Act, namely acquisitions for the purpose of effecting the rehabilitation and resettlement of the residents of Guam.

The strictly acquisition features, for the military services, is a part of the problem discussed above under IIC 2 and IIC 2a. Although the Land Acquisition Act has been on the books for over seven months no use has as yet been made of it, partly because the military services have not yet reached definite conclusions as to just what land they want permanently,

but also because no money has as yet been appropriated by Congress for these acquisitions. (Although the act authorized the appropriation of \$1,630,000 to accomplish the purposes of the Act, no actual appropriation has as yet been made.)

Nor has any land been conveyed to Guamanians under the Land Transfer Act. Persons who have been dispossessed of their houses and land by military forces have yet to receive any land, comparable or otherwise, in return. (The Island Government is doing what it can in this respect, and thousands of Guamanians are living, rather comfortably, in villages erected for them by the military Government. However, this is, and must be regarded as, only a temporary arrangement and resettlement must be hastened as much as possible).

The essence of the whole plan, which has been sanctioned by Congress, under which the authorities have been proceeding for almost two years is that the Federal Government would acquire title to land which it needs permanently, and then the land which has been owned by the Federal Government since the time of the cession, and which is not now needed for military purposes, would be set up as a pool from which could be allocated suitable parcels of land for purchase by those citizens of Guam whose land has been acquired by the United States. At best, there would necessarily be a considerable interval between the two ends of the transaction. As the principal Navy witness testified before the Senate Naval Affairs Committee:

"In effect we propose a series of exchange deeds. Actually there would be a purchase and condemnation program under which the land to be sold by the Federal Government is acquired; and then, when the entire program is completed, it is proposed that the Government land not acquired for any Government purpose be made available for sale to those whose land has been taken in connection with permanent installations."

When it is considered that the purchase or condemnation program has not even been started as yet, and that it is estimated that eventually some 5,000 separate tracts will be involved in the land to be acquired, with perhaps another 2,000 individuals other than the fee owners having an interest in the land, the magnitude of the problem can be seen. The Governor of Guam estimates that, if the present short-handed conditions with regard to personnel continue to exist, the present program cannot be completed before a minimum of six and a maximum of ten more years.

Two further features cause complications. The first is that the land to be acquired and the land available for transfer and resettlement is by no means comparable land. An acre of land in one part of the island will equal an acre in another part in number of square feet, but the similarity may stop there. Because of this, it may prove difficult to work out equitable and satisfactory adjustments. The question of value and adjudication in condemnation also must be considered. Unless comparable land is available at the same price as received for the land taken by the Government, someone is going to be disappointed, and injured financially. Where improvements are involved, this question of value gets even more complicated. 1941 or even 1944 values of houses will only produce a fraction of what is needed to rebuild at 1947, or 1948 costs.

The foregoing discussion dealing with land acquisition and retransfer by the Federal Government is equally applicable, or even more so, to the question of rebuilding the cities, particularly Agana. The plan is for the Island Government to acquire title to the entire area of the city, by negotiated purchase or condemnation, and then after the new city is laid out in the same general location but with new street and new lot layouts, to transfer the land back to those who wish to rebuild and resettle in the city. The difficulties with this scheme are many. There is the sheer physical, or clerical and legal, labor involved in acquiring title to so many separate parcels, and the extraordinary task of agreeing on values for each, or determining their value in condemnation. There is the necessary time lag between acquisition of title and resale. There is the complex problem of allocation of priorities to desirable lots in the new layout for, since the city's face and features will be entirely changed, it will be impossible to resell lots as such to former owners. And there is the question of values and costs of rebuilding. In theory, every former owner whose house was destroyed in the war would receive enough from the settlement of his claim under the Meritorious Claims Act and from the condemnation of his land to be able to acquire a comparable parcel and a comparable house. Considerable doubt may be expressed as to whether this will actually work that way in practice.

Recommended solutions or even guides are very hard to suggest. The situation deserves constant and diligent attention and study, looked at from an over-all viewpoint so that the mind is not bogged down in detail. The problem is important and serious enough to justify the sole attentions of a topflight administrator, with a common-sense practical approach and possessed of a high degree of authority.

IIC 3a.

Some ameliorating suggestions as to details may be made. The Code of Guam should be amended immediately to simplify the condemnation procedure so that when the dam is broken the flood will not be held up by another even thicker obstruction downstream. Fortunately it is a simple matter to amend the Code and while there should be no slackening of due process, several procedural reforms might well be made:

Requirements of notice should be kept to the minimum in keeping with due process. Appointment of guardianships for infants should not be required when the infant's share in the proceeds is only nominal, say \$50 or less; in such case the money could be paid to the natural guardian, and thus save the expense, delay and paper-work of having a legal guardian appointed. Proof of title need not be as rigorous as now demanded; since the condemnation is an in rem proceeding, a valid title is obtained by the condemnation, and payment of the amount found due could well be made to the reputed owner, following a simple in rem proceeding in the nature of an action to bar claim, with perhaps an indemnity agreement and covenant to repay if a prior title holder should appear within a reasonable time. Other time-saving and simplified procedures should suggest themselves to those on the spot and familiar with the Code. Legal technicalities should be swept away in the interests of getting Guam to a sound peace-time basis.

IIC 3b.

One major change in the condemnation procedure should be effected right away. A special land court should be established, with a judge appointed by the Secretary of the Navy, to handle all condemnation matters. The judge should be an experienced and well-trained practising lawyer or judge, with considerable background and knowledge of real estate. Under the present Guam Code the condemnation proceedings are handled by a native judge who, while thoroughly honest and competent in the general run of matters coming before him, is not a trained lawyer and is not familiar with condemnations or the principles involved. Furthermore, he is a native and would probably be disqualified by consanguinity in a great number of cases and would be embarrassed by friendship in many more. Also the Guam Code calls for three commissioners to make the first finding, subject to confirmation or rejection by the court, and this procedure will prove too cumbersome when the rush comes. A single state-side judge perhaps assisted by two Guamanians elected by the Guam Congress and sitting with him on all questions of valuation

handling on these and all other land matters, will do the work expeditiously and fairly.

II C 4. Building Materials

One very important feature in the practical side of rehabilitation is the matter of building materials. Practically every family on Guam, certainly every other one, requires a new home. Getting the land is only part of the problem; lumber, pipe, concrete, plumbing fixtures, electrical equipment, are also all required. There is practically no building material for sale on the island. There may be some, or a large amount, in various places on the island under naval or military control. Any such material that is not necessary for the military services on the island in the immediate future should be made available for civilian use. It should be sold, through the Naval Supply Center, at cost, with a system of priorities evolved to insure fair distribution to consumers or to established dealers who will undertake to seek only a reasonable profit. If this cannot be done under existing law or practice, the law or practice should be changed so it can be done. If there are no excess materials on the island, any Navy excess elsewhere that can be transported to Guam without undue expense should be so transported and made available as above. And if the Navy has no excess, it should undertake the procurement of such necessary material and see that it gets to Guam, any necessary change in any restrictive law being obtained. The United States of America should not stand by and see its own people, the only Americans who saw their villages and countryside ravaged by the war, without homes except temporary shacks.

II D. Economy

The future economy of Guam will be comparable to that of an American city of about 50,000 population, with limited farming in the suburban areas. The economic problem of our mythical city of Guam is even more complicated because when we reach its corporate limits instead of passing into surrounding farm areas we pass into the broad expanses of the Pacific Ocean.

A prewar economy that was primarily agricultural has been largely reduced to a status comparable to our mythical American city's victory gardens. At present it is no exaggeration to state that the native inhabitants are as dependent upon off-island sources for food and other necessities of life as our comparable American city would be dependent on sources beyond its corporate limits.

IB 1 and 2.

The Guamanians are dependent on imported necessities of life with costs much higher than on the mainland. Despite the two increases in wages that have been granted, the wage rate is inadequate to meet the cost of living. The committee strongly recommends an immediate generous increase in wages and further recommends a rigid enforcement of price control and the continuance of rationing including all items in short supply.

With a full appreciation of the dangers of inflation and the necessity of not creating too great a disparity between private wages and government pay scales it is difficult to understand the wage rate differential that has existed and does now exist between Guam and American Samoa.

American Samoa from an agricultural self-sustenance point of view remains unaffected by the war. Under the rental system inflation or depression does not have the economic effect that results in a typically American economy such as Guam.

Guam, on the other hand, is the only part of the United States now under the American flag that felt the full devastating effect of the war. Its hopes are leveled. Most of the richest agricultural land on the whole island has been taken over for military purposes and yet the average government mechanic employed on Samoa receives \$1.60 per hour, while on Guam a comparable worker receives \$1.54 per hour.

Guam's economic future from the point of view of a favorable balance of trade will be dependent almost entirely upon the wages of Guamanians working for the U. S. Government in various capacities and wages of Guamanians rendering personal service to the military and civilian personnel. Agricultural exports will be so small as to be almost inconsequential in any consideration of the island's economic problems.

The civilian industries of the island were not in prewar days, and are not now, of major importance. It has one soap manufacturing plant temporarily out of operation, the entire production of which will be disposed of locally. In addition, there are two soft drink bottling plants and one ice manufacturing plant now in operation.

Every reasonable encouragement should be extended by the Bank of Guam to the business men of the island.

ID 3. Agriculture

The island of Guan comprises an area of approximately 217 square miles or 138,000 acres, the larger portion of which is non-agricultural. The island is divided roughly into two parts, the northern half being a raised fairly level plateau sloping gently to the north; the soil is thin, and rests on top of porous limestone. The area is covered with native forest growth with some grassy areas. Very few farms have been developed here because of thinness of soil and lack of water during the dry season.

The southern half of the island is rolling to mountainous land of volcanic origin. Heavy soils predominate which, with abundant rainfall, make agricultural development possible on the gentle slopes, along water courses and along the narrow coastal plain that fringes the southern portion of the island. The main mass of the southern half of the island is too steep and rugged for cultivation. Where forests may once have existed grasslands now flourish. The area is heavily eroded from overgrazing and repeated burning. Much of it is still government land and could be developed into better grazing and forest lands if given adequate attention and study.

Little new land appears available for development except a portion of the north central area which is apparently not to be taken for military installations. According to Guamanian agriculturists, this area would be especially suitable for poultry farming as the soil is relatively light, thin, and well drained. However, extensive development would depend upon an adequate water supply throughout the dry season. This remains to be determined.

While the rainfall for Guan is high, averaging yearly 69.13 inches, yet, because of the permeability of the northern half of the island and the steep elevation and rapid runoff of the southern portion the amount of water retained is not as great as might be expected. Water surveys have been made of the island indicating fairly substantial reserves but whether the continual heavy drain on this supply by permanent military installations, especially in the north, will leave any over for irrigation is still uncertain. There are some reported indications that heavy use during the war lowered the underground supplies dangerously. Until the final installations are in and normal use determined over a period of time, the question of an adequate supply for irrigation development cannot be answered.

In the southern half of the island, supplies are now adequate and water conservation measures already recommended by special investigators can augment the supply. Revegetation of the eroded areas through planting of grasses and forest trees should be investigated in an effort to check erosion and retard runoff, permitting deeper penetration of ground water.

In 1940, the last year an agricultural census was taken, there were 4330 acres of field crops harvested and, in addition, there were indicated 12,000 to 13,000 acres of coconut plantations. At that time there were 1950 farm owners and tenants, and between 500 and 600 part-time farmers.

The impact of war and its aftermath have reduced the number of farmers this year to 431 with approximately 2800 acres of arable land, an average of 6½ acres per farmer. At present only approximately 1200 acres of this are actually under cultivation, but this amount is being steadily increased. Many holdings are smaller since it is estimated by a native official of the Guamanian Department of Agriculture that 25% of the present farmers have holdings of 10 acres or more, though this seems high. One of the main reasons for this large number of small farms is the numerous town and city dwellers who maintain a "small ranch" in the country where they produce a considerable portion of their own food.

While the amount of land available for agricultural development on Guam has never been large, the necessity for expanding military installations by the Army, Navy and Marines has drastically reduced this area. Of the total island area of 138,000 acres, the armed forces now are occupying approximately 79,500 acres. This is almost 60% of the total land area; however, since much of the island is rough, mountainous and non-agricultural and much also unsuited for military use, it follows that a very large percentage of the arable land is permanently withdrawn from agricultural use for military purposes. This is a basic factor determining the agricultural picture on Guam.

Except for parts of the extreme southern end of the island which were but slightly disturbed by the war, no permanent stable agriculture can be undertaken until the land needs of the military forces are definitely determined, acquired and paid for. At present there are approximately 2,000 tracts of suburban land now occupied by armed forces which will be acquired from private ownership. As pointed out above in the discussion under 11C 2 and 11C 3, this acquisition should be pushed and definite decisions and payments made. Until this is done, all efforts of the Island Government to encourage the

resumption of land cultivation by Guamanians will be of little avail.

It is anticipated that portions of land areas acquired for military purposes may not be completely occupied by installations. Consideration should be given to the use of this land for agricultural purposes by leasing it to Guamanians when security conditions permit. A small amount might be used for recreational purposes by garrison troops who wish to grow some of their own vegetables for the fun of it. This was quite common during the war.

Prewar agriculture on Guam was based upon copra as its principal cash crop, with a primarily subsistence agriculture developed to provide local foods. These included field crops such as taro, arrow root, yams, corn, tobacco and fruits, including breadfruit, bananas, citrus fruits, pineapples, papayas, cocoa and coffee.

Livestock had been introduced by the early Spanish settlers, so cattle, hogs and to a much smaller extent horses had become a permanent part of Guamanian farm economy. The carabao was early introduced from Asia as a beast of burden but was already losing its importance before the war. Poultry was a staple source of meat.

Certain definite changes had already taken place in Guamanian agriculture before the war. World conditions had already eliminated coffee, cocoa and tobacco as possible cash crops. Corn to some extent was replacing rice and starchy foods in the Guamanian diet. Poultry and hogs were increasingly supplying meat for the ordinary diet.

IID 3a.

During the period 1909-1932 the Office of Experiment Stations of the U. S. Department of Agriculture maintained an experiment station on Guam which developed a considerable body of information concerning agricultural production on Guam. When funds became short during the depression the station was discontinued as a U.S.D.A. activity. The Navy attempted to keep its activities alive, but with the coming of war the station ceased to exist. The buildings were destroyed in the military actions preceding and during the American recapture of Guam and the area was used for war installation. It cannot be rehabilitated on the old site.

However, an adequate demonstration and experimental farm is indispensable to an intelligent and effective improvement

of Guamanian agriculture and is among the important primary needs of Guam. The Governor has recommended the purchase of part of the U.S.C.C. Farm for this purpose, including the site of the shops, offices and warehouses. An area of at least 200 acres should be included to provide adequate land for test and demonstration plots, collections of improved varieties and land for use in demonstrating farm practices.

Such a farm will not be primarily a research station, but the facilities for some experimentation and field research should be available there. Its primary functions should be:

1. To bring together and study the best types and selection of island crops--bananas, breadfruit, citrus fruits, pineapples, papayas, coconuts-- and to work out improved methods of propagation and distribution.
2. To test types and varieties of field crops, grasses and vegetables and to disseminate seeds and planting material.
3. To demonstrate desirable agricultural practices including soil management, use of fertilizers, irrigation, drainage, pest and disease control, and use of such farm machinery as is adaptable to Guamanian farms.
4. To demonstrate improved methods of handling copra.
5. To demonstrate modern methods of raising hogs, cattle and poultry and to aid in the introduction of improved types and breeds.
6. In addition to the above-mentioned direct aids to agriculture, the farm should serve as a training center, supplementing the vocational agriculture to be developed in grammar and high schools. It should give special and short courses in various branches of agriculture in cooperation with the school system. In time, an advanced practical school of agriculture beyond high school level could well be developed here, similar to that conducted at the old experimental station before the war.

With all the impact of the war and the drastic reduction of agriculture by withdrawal of agricultural lands, the basic

pattern of Guamanian agriculture remains the same with even greater emphasis placed on subsistence agriculture. Copra will be the principal cash crop, but will play a far less important role after the war. As has been indicated earlier in the report, the economy of the island will be determined by its permanent development as a main military base for the U. S. armed forces. Most of its income will be derived from employment in and services to the military installations. Production and sale of specialties such as fruits, vegetables, poultry and eggs to members of the armed services and their families will continue to be a minor agricultural occupation. However, with rapid refrigeration transport, it is anticipated that the primary needs of the armed forces for fruits, vegetables, meat, dairy and poultry products will be met from mainland United States or other temperate zone countries where such large scale industries are possible, and possibly to some extent from Tinian and Saipan as those islands are developed.

What then can the Guamanian farmer, on full time or part time, expect to do? He can expect to provide in addition to a small but substantial copra production a large amount of his own needs in the way of fruits and vegetables and meat in the form of poultry, pork and to a lesser extent beef.

To do this he is in need of and entitled to technical help in improving varieties of crops and animals produced, control of insect pests and diseases, soil management including use of fertilizers, supplementary irrigation and drainage and other cultural practices. Such aid is in the American tradition and is what mainland farmers as well as those in Puerto Rico and Hawaii have long enjoyed.

Because the agricultural resources of the island are so limited they should be developed to their greatest possibilities through every aid available.

At present world prices for copra are at an all time high. Copra produced anywhere has a ready market. As the great producing areas of the Philippines, the East Indies and elsewhere are restored to heavy production, and as other competitive oils are also restored to world markets, profits from copra more than ever will depend upon a high quality product produced at a reasonable cost.

Evidence at present indicates that the bulk if not all the copra which may be produced from Guan's reduced acreage can be used on the island for edible cooking products and soap, and the coconut meal all used for livestock feed. The proximity

of the island to high-producing, low-cost areas, however, renders it imperative that every effort be made to develop the Guamanian industry to its highest efficiency. In the furtherance of this objective a thorough study of the present coconut plantings and production methods should be made. This should include the selection of the largest and highest-producing strains of nuts, proper spacing of trees, control of undergrowth, fertilization, and control of insects. Also, emphasis should be placed on the use of the more advanced methods of processing the copra.

Two insect pests especially threaten the industry at this time, the rhinoceros or coconut beetle, already present in the Marianas and other island groups, and the Brontispa beetle. The rhinoceros beetle has been a serious pest throughout the Pacific Islands for some time. It has almost wiped out coconut palms on Koror. Its possible control requires far more resources than those available on such a small island as Guam. Studies looking toward this end should be undertaken by the specialists of the Federal Government in cooperation with those of other countries already working on it.

Improvement in drying and storing techniques should be studied and growers made acquainted with them through demonstrations so that a first quality product is obtained and kept until sold with minimum deterioration. The installation of a modern oil press and soap-making equipment is urgently needed to make use of present supplies and to provide needed coconut meal for livestock food.

Much copra is now going to waste because of the labor shortage and continuing demands for rehabilitation and military construction. Present high prices for copra may return some labor to this industry. The eventual completion of military installations should release an adequate labor supply for the preparation of the amount of copra the island may be able to produce.

This report concerns primarily the island of Guam. The disposition of the other islands of the Marianas, the Palaus, Carolines and Marshalls is yet to be determined. Nevertheless, in developing a demonstration, experimental and teaching farm on Guam, its relation to agriculture on neighboring islands cannot be ignored or overlooked. Most of the contributions made by such an agricultural center will have direct bearing and application to other island groups. Agricultural facilities are expensive to develop and maintain; their use should

be as extensive as possible. Whatever the ultimate future disposition of the various island groups, the development on Guam of adequate agricultural demonstration, experimentation and teaching facilities will go far toward stabilizing agriculture in all the Pacific Island Areas on a firm footing.

IID 3b.

A start has been made in developing an extension service to bring to the individual farmer help and guidance in his problems. Three agents are now at work, one of whom has had training in Hawaii. This work should be developed and strengthened. It should include the initiation of 4-H Club work among boys and girls which has been so successful in Puerto Rico and Hawaii.

At an early date the development of vocational agriculture in the school system should be pushed. It is recognized that many improvements in Guamanian agriculture will come through the younger generation. A study of the Smith-Hughes, the Smith-Lever and related Acts designed to further extension and teaching of agriculture should be made and their application to Guam determined. If not already included within the terms of the Acts, provision should be made for such aid.

A beginning has been made in training Guamanian personnel in Hawaii. One agricultural extension agent has already completed a period of training and experience under the guidance of the agricultural extension service of the University of Hawaii and is back at work as an extension agent on Guam.

Hawaii offers a peculiarly favorable place for the training of agricultural and other technical personnel. The climate, soils and agriculture are related to Pacific Island areas. The atmosphere is friendly toward island peoples and there are at the University, the Bishop Museum, and the Hawaiian Sugar Planter's Experiment Station men with extensive experience in the Pacific Island areas. It is to be hoped that close cooperative relationships can be developed looking toward such training of personnel. It is also hoped that scholarships may be provided from public or private sources to aid worthy young Guamanians in securing greater educational opportunity not now available, especially when they plan to return to serve on Guam.

IID 3c.

In looking toward the type of subsistence agriculture that will be the inevitable postwar pattern for most of Guam, livestock will and should make a major contribution. The ideal set by the Island Government of one cow and two pigs for each

family is a practical one. Most of the livestock was killed off during the Japanese occupation. It is estimated that it will take from 2 to 3 years to bring the island hog population up to current needs and it will also take a considerable time to increase cattle population. The making available of improved types of cattle and hog sires by a central demonstration farm is a major contribution that should be included in the Island Government program. Poultry, especially heavy breeds, are recommended for increase throughout the island. The current hatchery program being carried out by Island Government with the selling of day-old chicks as well as laying pullets is making slow progress in this direction.

Current inflation on the island and the presence of ready money is, for the moment, working against the effectiveness of both hog and poultry-improvement programs. The shortage of meat and the willingness to pay any price for it have caused the Island Government to price hatching eggs at \$1.50 a dozen and laying pullets at \$4.00 each in an effort to restrain purchasers from eating them instead of keeping them for increase. Evidence seems to indicate that the high price is of little or no value in effecting such restraint.

In the case of hogs, an illustration will indicate the current difficulty. The native maid of an American official has twice within a month purchased fat hogs at \$45 and \$50 each respectively for family celebrations, roast pork being the traditional favored dish for such occasions. When even household help will spend such sums for hogs the difficulty of building up breeding stock is evident.

At present the Island Government is operating a hog and poultry farm for the distribution of improved types of hogs and chickens. It has imported Brahman bulls from Texas to up-grade island cattle for greater resistance to heat and ticks. The U. S. Commercial Company is continuing to operate its reduced war-time farm, supplying vegetables to the military establishments. It operates a commercial dairy, and has been selling both bull and heifer calves to Guamanians at a nominal price to build up the greatly reduced dairy stock on the island. A hog farm is also operated by this agency augmenting the efforts of the Island Government hog project to increase desirable breeding stock, but its stock has been sent primarily to other islands.

In addition to these incidental services, the U.S.C.C. farm has been renting tractors and farm equipment to Guamanian farmers and its specialists have been advising them on various farm problems as time from other duties permitted.

A nursery for the growing and sale of vegetable, fruit and ornamental plants has been maintained by the company, and this activity has served as a training center for young Guamanians, for plant propagation and nursery practice. The company has served also as an agency from which seeds, insecticides, fungicides, fertilizers and farm equipment could be purchased when unavailable elsewhere.

These activities are all temporary as the U. S. Commercial Company was and is primarily a war activity and will be discontinued in the not too distant future. The fact that it was a going concern at the war's end permitted some immediate help to farmers, but at the same time it inadvertently served to slow down the development of a much-needed strong agricultural department within the Island Government, a development still largely lacking.

The Governor has recommended an expansion and reorganization of the present agricultural activities of Island Government to provide adequate permanent facilities and personnel. The recommendation is in accordance with urgent island needs.

The small size of most Guamanian farms has already been indicated. They do not lend themselves to much mechanization, nor do they warrant the purchase of tractors and mechanized equipment by most individual farmers, even if suitable for small-scale operations. The situation is ideal for the cooperative purchasing of farm equipment that could be used by a group of farmers to reduce labor costs, take care of seasonable operations on time and control insect pests and diseases with modern methods. At present the U.S.C.C. is renting out tractors and equipment provided with competent operators. This operation might pave the way toward development of cooperative effort. Some steps looking toward such a project have been attempted by the Island Government and, while considerable interest was evidenced at first, initiative on the part of the farmers was lacking to go ahead at the time.

The cooperative purchase of seeds, fertilizers, dusts and sprays needed in pest and disease control offers a means of cutting down costs to individual farmers. The amounts needed on small farms are not great, but when ordered in small amounts the costs and handling charges are often high. If orders are pooled, quantity rates are available and considerable reduction secured. The apparent success of cooperative stores in the Carolines and Marshalls as set up by the U.S.C.C. in handling trade goods in those islands is some indication that such an operation should not be difficult for the Guamanians who are much more experienced in business than these other island peoples.

The dairy now operated by the U. S. Commercial Company was set up during the war at the request of the Island Commander in order to supply milk to the wounded in Army and Navy hospitals located on Guam. It has been continued since the war to provide milk for sale to hospitals, children and American families. With the discontinuance of the U.S.C.C. activities in the foreseeable future, the problem of its operation is a pertinent one at this time.

In view of recent advances in the production and use of powdered whole milk in the tropics (Mexico City now uses upwards of 125,000 quarts of milk a day derived from powdered milk) and its spreading use in tropical areas, it is not believed justifiable for the Island Government to carry the great expense of maintaining a commercial dairy. It should limit its dairy activities to assisting in the improvement of local island cows owned by Guamanian farmers. The introduction of breeding bulls of types more suited to tropical conditions, such as those of the Brahman type already brought in by Military Government during the war, and by private interests before the war, is a part of such program, as are improved feeding practices and disease control.

If a commercial type dairy is desired by enough of the service or island personnel who will pay the high cost of production to obtain fresh fluid milk, then it should be operated as a part of the supply section of the military forces and subsidized accordingly or else handled by a private commercial company as is done in Hawaii, Manila, Singapore and other tropical areas. The operation of the dairy up to now has been a decided advantage to the hospitals and for children during the war and the period immediately following. It has been a useful service for this temporary period but with the liquidation of the U.S.C.C. activities it should be handled by some agency other than the Island Government.

IID 3d.

Guam has become the Western Pacific center for air traffic to and from the Orient and the East Indies, and will be a principal stop for round-the-world air transport. The daily commercial arrivals and departures are already large in number and constantly increasing. The port of Agaña is also a center of rapidly increasing ocean traffic. All of these

increased contacts with other lands also increase the hazard of introducing pests and diseases, not only for plants and animals, but also for man. It not only affects Guam but all areas of the Pacific, especially Hawaii and the United States.

To minimize this danger, adequate quarantine safeguards should be established. Competent specialists for inspection and detention are required so that promising new plant and animal introductions can be brought in under proper safeguards, dangerous pests and diseases intercepted in transit and their spread elsewhere prevented.

The giant African land snail, already on Guam, is a major pest whose spread must be stopped and the present infestation eradicated. It is a major threat and one that should receive Federal aid in addition to local support.

The war has already brought into Hawaii several potentially very serious new insect pests. With the cessation of hostilities it should now be possible to undertake proper quarantine safeguards throughout the Pacific Island area. Guam is a focal point where such provisions should be made.

IID 3e.

Soils of Guam, in common with most tropical soils, especially those subject to leaching by heavy rainfall, are deficient in the essential plant food elements of nitrogen, phosphorus and potassium. Mention has already been made of the need of fertilizer in producing crops on Guam. One of the important elements, phosphorus, is available in the form of phosphate at the comparatively near island of Angaur. It exists in a form that is immediately applicable to soil and does not require treating with sulphuric acid. This deposit should be primarily conserved for use in the Pacific Island area.

At the moment the stock-piles of the mined materials, left by the Japanese when the islands were taken, are being shipped to Japan to meet a critical need for increasing the food supply, seriously short in the Empire. However, this one principal source should not be entirely stripped, thus leaving the island areas with limited resources of their own. It is recommended that the shipments to Japan be limited to the present stock-piles and that no resumption of phosphate mining be undertaken for shipment to Japan or other outside areas.

IID 3f.

At present there is no permanent island forestry program on Guam. The north end of the island has some standing timber of various species but no inventory has as yet been undertaken. Considerable amounts of useable trees are being removed in this area for army installations; they should be salvaged and cut into much needed lumber. While the southern, mountainous area of the island may have, at some time in the past, supported a forest cover, it has long since disappeared. Grasslands have covered much of the area and these in turn have been overgrazed and overburned with resultant serious erosion and wastage of soil. The Japanese planned to undertake some forestry studies on Guam, and had started a nursery. They had already done considerable planting on Saipan.

Much of the southern area is government-owned land, and would lend itself to uniform reforestation studies. This is a job for a technical forester. It is recommended that a competent forester familiar with tropical conditions be secured from Federal or State sources or from the Territory of Hawaii to make a careful study on the ground, looking toward the maximum effective use of these lands in the long-time economy of Guam. In combination with pasture development they offer a means of increasing revenue, checking erosion and preventing excessive loss of needed water by runoff, following heavy rains.

IID 3g.

The largest probable single material economic resource available to Guam is still largely undeveloped. This is the ocean fishing, highly developed by Japan throughout the Western Pacific and the Mandated Islands. On Saipan alone, Japan based 183 fishing boats of various categories out of a total of 762 in the Mandated Island group reported in 1940. Assisting these were large installations for handling the catch, storage and for repairing ships. In addition, Japan maintained more than 20 modern, fully equipped fisheries research vessels in the Pacific determining the biological and oceanographical data upon which a large-scale fishery could be based. Nothing remains of the Japanese facilities throughout the area.

Large-scale commercial operations are beyond the facilities and financial undertaking of Guam alone, but their development in the area can be of real importance to Guamanian economy. Processing plants, storage and handling, ship supply and repair are all possible shore industries which might be developed in an over-all area fisheries program. Guamanians would find an opportunity for skilled and semiskilled labor.

Before a permanent large-scale American fisheries industry can be established in the Western Pacific, basic biological information in regard to all types of fish concerned as well as oceanographical and hydrographical data must be available. At present little of this information has been procured. It involves research in several fields. Russia is already beginning such research in the Pacific. The United States has yet to provide research facilities and we have been noteworthy lacking in the study of this, one of our most important food resources. We have yet to establish even basic fishing rights in this area.

The current bill in Congress, H.R. 859, introduced by Delegate Parrington on January 15, 1947, to provide for a fisheries research station, adequately equipped to study Pacific fisheries is designed to secure the basic data needed. This bill should have whole-hearted support. Until such studies are undertaken and basic data secured, no permanent large-scale commercial fisheries can be expected in Guamanian economy.

IID 3g (1).

Aside from the possibilities of large commercial fishing operations, there is also the possibility of greatly increasing the supply of fish for local Guam use. At present there are reported 71 fishermen operating, with a monthly production of between 40,000 and 50,000 pounds. Further development and expansion awaits availability of fishing boats, refrigeration ashore and afloat, adequate supplies of fishing gear and especially man power. There are ample supplies of suitable fish in the waters around Guam waiting to be caught.

III. Revenue and Finance

III 1.

The budget of the Island Government for the fiscal year 1948 calls for an appropriation of \$2,057,754. It is very improbable that any tax rate structure could be devised that would raise this amount of revenue from the island itself. It has been stated in the recommendations, "with the military services planning to occupy permanently almost one-half of the land on the island, it is unreasonable to expect the local inhabitants to bear the entire cost of the Island Government." Due to the unsettled situation now existing on the island, and the short period of experience with the present tax structure, it is not possible with any degree of accuracy to estimate the amount of revenue the present sources will produce. However, it can be safely predicted that they will fall far short of equalling appropriations.

The present tax structure calls for a 10% tax on soft drinks and the same rate on malt beverages. This committee recommends an increase in the tax on malt beverages.

III 2.

Since the reoccupation of the island no real property tax has been assessed. The continuation of this practice to homes that were seriously damaged or homes of temporary construction seems reasonable. However, the committee is of the belief that a real property tax should be levied on all structures undamaged by the war and located on land outside of the military area, as well as on all land capable of productive use.

Several mercantile houses and individuals engaged in commerce and trade have made very substantial incomes in the past year. No tax is levied on either personal or business income. This committee strongly recommends the extension of the Federal personal and corporation income tax law to the Island of Guam, with the proviso that all revenue thereby derived shall be applied to the Island Government of Guam.

III 3.

At present the Island Government is studying the tax structure. This study should be pushed vigorously to a speedy conclusion. The committee suggests that in considering possible sources of revenue, levies on imports of "necessities of life" be not included in any recommendations, because of the already exorbitant cost of living.

III 4.

Following the reoccupation, the Military Government erected a considerable number of dwellings which are now being occupied by Guamanians rent free. It is only reasonable that some revenue be derived from this source, and that those who had previously occupied rented quarters should be charged a reasonable rent and that those who had formerly owned their homes should pay compensation in lieu of taxes.

III 5.

Efficient economical public transportation is absolutely essential to any well-run community. The present zone rate of a fifteen cent minimum in the immediate vicinity of Agaña and a twenty-five cent minimum in the remaining zones of the island is beyond the means of the average Guamanian. Rates should be established at levels no higher than the rates of a comparable service in the United States. The patronage suffers from free transportation provided for military personnel and for contractors' employees travelling to and from work and recreation.

In establishing a rate schedule, this operation should not be looked upon solely as a business enterprise with a profit motive, but rather from the point of view of rendering a necessary service at a reasonable cost. This committee recommends that a substantial reduction be made in the rate schedule, which should include short-haul zones at a rate of not more than ten cents a zone. The installation of such a revised rate schedule should result in a decidedly increased passenger load, and a high probability of a financial return comparable to that of the present rate schedule.

IIP and IIIE. Education

Perhaps the most important assertion to be made in regard to the school systems, whether of Guam or of American Samoa is that approximately fifty percent of the population is under sixteen years of age on either island and that under the population trends there is every reason to expect this proportion to increase. More and better facilities for education are greatly needed. There is on Guam insistent need for a new plant to replace the quonset huts and inadequate structures of other types now necessary to use. On both islands there is a shortage of school furniture and desirable equipment, particularly textbooks.

On both Guam and Samoa the progress being made in the schools is impressive in view of the handicaps under which they labor in lack of facilities and in the scarcity of trained personnel from which to draw teachers. But in each of the islands the interest and solicitude of the present Governor has resulted in establishment of sound procedures and in securing intelligent heads to direct the respective school systems. On Guam there is basis for hope that those well-trained and capable civilians now directing the educational development of the island may remain for a prolonged tenure and carry their programs through to completion. On Samoa there is some uncertainty because the Director of Education, a naval reserve officer, is leaving the service after but a few months in office. However, the civilian personnel is available to carry on effectively, though frequent changes in the Directorship cannot help being a detriment to the system's working to the best effect.

Recommendation has been made that the heads of the respective departments of education should be appointed by the head of the executive department or agency of the Federal Government which is charged with general supervision and jurisdiction over the Governments of Guam and Samoa. The arguments for this seem conclusive to your committee. Educational systems cannot be wisely developed and maintained except by men trained and experienced in the field of education. This is

particularly true in positions such as those under consideration where background of knowledge needs to be supplemented by open-mindedness and imagination in adapting method and purpose to environment. The importance of these posts and the qualifications indispensable in the men to be invited to them demand that major importance be assigned to such appointments and that they be dignified in every possible way.

Finally, until that eventual date when advanced standards of accomplishment, extension work and teacher training may have created conditions in which choice can wisely be made from natives of the islands, the appointments should be made from professionally qualified civilians. The enlistment of these for extended terms of service will be more effectively secured by Washington authorities than by the officials of local governments.

III. Miscellaneous

Over a considerable period of time various Federal laws have been enacted in aid of agriculture and forestry, such as the Smith-Lever and later Acts in aid of agriculture extension, Smith-Hughes and succeeding Acts in aid of vocational education.

It is urged that a prompt study of these and similar Acts relating to other phases of social and economic life other than agriculture, be made to see what portions, if any, might be applicable to the island of Guam, and if not now applicable, what steps should be taken to have the benefits of the Acts extended to include Guam in the same way as was enacted for Hawaii, Puerto Rico and the Virgin Islands.

It is also highly desirable to have a representative of the Veterans' Administration designated to help local veterans. There are more than 1000 veterans of World War II on Guam and to date it has been virtually impossible for them to enjoy the benefits to which they are entitled and even to learn of the legislation affecting them. The availability of all other Federal agencies, such as the Department of Commerce, the Federal Security Agency and the Department of Agriculture in making any contribution to the betterment of Guam should be fully explored by the Navy Department.

However, sound administration indicates that employees of any other non-military, Federal or territorial agency which may be detailed to carry on work on Guam should be under the Governor, and be detailed to him. Nothing could add more confusion in the minds of the island population than to have to deal with several independent agencies of government all reporting to territorial

or mainland offices. There should be but one organized civilian governmental agency presided over by one responsible head with authority to act. In this direction only lies orderly government; anything else causes confusion and chaos.

While this report concerns itself with islands under complete ownership of the United States, certain relationships cannot be completely ignored even though sovereignty matters over near-by Mandated Islands are yet to be determined.

Guam is one of the Marianas Islands. The others were under Japanese Mandate. Whatever their ultimate disposition, it is inconceivable that the United States would permit any other foreign power to dominate them. Any long-time view of Guam requires some consideration of inter-island relationships.

As has been pointed out, Guam will not be self-supporting in regard to food supply. Military installations have already greatly reduced her arable land. Distances to the mainland are great. What food supplies can be grown close by should be considered not only from the native point of view, but also from that of the military personnel.

The islands of Tinian and Saipan only 120 miles distant offer considerable promise. The Japanese have been entirely evacuated. Tinian probably has the largest amount of good agricultural land of any island in the entire Mandated area. In spite of the several large airfields, there are several thousand acres of good farming land now idle. Much of it consists of abandoned sugar-cane fields. Vegetable-growing operations of the Foreign Economic Administration during the war involving more than a thousand acres, demonstrated what could be produced. Cattle left by the Japanese have given some idea as to the suitability of the island for cattle production. Water surveys and war-time experience indicate an adequate supply of water for irrigation purposes for a considerable area.

The island offers an opportunity to develop certain food supplies near Guam. In turn Guam would offer a certain market for produce grown on the island, an opportunity not to be enjoyed as fully by any other island group. Tinian should be kept for development by individual farmers and not by large corporate holdings. It offers the best opportunity for the settlement of excess population bound to be crowding on Guam's limited boundaries in the foreseeable future.

Saipan to a much less extent offers development for exportable food supplies to Guam, and as a place to which an expanding population may migrate. It has much less available arable land, and probably less satisfactory water supplies, yet it could support a sizeable agricultural population, producing more than their subsistence needs.

Rota is apparently too dry and its soil resources too limited to support heavy agricultural production. It can support a greater population on a subsistence basis, but the island does not offer much of an opportunity for migration of surplus population.

III SAMOA

The people of American Samoa governed themselves before 1900. In that year President McKinley, following ratification of the Convention of 1899 between the United States, Germany and Great Britain which divided up the Samoan Islands, issued an executive order placing the islands now known as American Samoa under the control of the Navy Department. Then on April 17, 1900 the chiefs of the district of Tutuila voluntarily ceded that island to the United States. This was followed on July 14, 1904 by similar action by the chiefs of the three islands of the Manu'a group. The Attorney General of the United States ruled in 1904 (25 Op. Atty. Gen. 292) that the only administrative authority existing on Guam and American Samoa was that derived from the President as Commander in Chief of the Army and Navy, but that in his opinion there was no question as to the regularity of the appointment of the Governor by the President.

In this situation Congress still failed to act for over twenty years, although, as in the case of Guam, it did on several occasions expressly legislate for American Samoa on minor matters. Then on March 4, 1925 it recognized the sovereignty of the United States over American Samoa by providing:

"That the sovereignty of the United States over American Samoa is hereby extended over Swains Island, which is made a part of American Samoa and placed under the jurisdiction of the administrative and judicial authorities of the government established therein by the United States." (43 U.S.C. 1431)

Finally, by joint resolution approved February 20, 1929 (48 U.S.C. 1431a), Congress officially accepted the cession of these islands and provided for their government as follows:

"Until Congress shall provide for the government of such islands, all civil, judicial and military powers shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct; and

Lt. Neely
100

1 December 1948

MEMORANDUM ON CLAIMS FILED UNDER PUBLIC LAW 224 (79th Congress)
(Guam Meritorious Claims Act) (1 October 1948)

1. The Land and Claims Commission, Guam, has processed and forwarded to the Navy Department all claims currently on file for personal injury and death, a total of 587 claims, arising under the provisions of Public Law 224 (79th) (Guam Meritorious Claims Act).*
2. Of the 587 claims for personal injury and death forwarded from Guam, 567 have been certified by the Secretary of the Navy as being meritorious and have been approved for payment by Congress, i.e., 35 claims approved by Public Law 46 (80th), 515 by Public Law 271 (80th) and 17 by Public Law 519 (80th) in the total amount of \$870,412.23.
3. Nine (9) of the personal injury and death claims processed on Guam by the Commission and forwarded to the Navy Department have been withheld from submission to Congress as of this date. Of these, one (Henry Nelson Claim) had been disallowed by the Commission on Guam on the grounds that the claimant's deceased husband met his death through willful misconduct. Two (2) claims (J. P. Untalan and C. T. Diaz) could not be certified to Congress for the reason that the claimants refused to sign an agreement to release their claims upon payment of the amount recommended. The remaining 6 claims withheld are cases in which the claimant would be eligible for veterans' benefits arising from the same cause of action upon which the respective claims are based. It is the opinion of JAG that to certify these last 6 claims would be to extend benefits to Guamanians which are not en-

Appendix B(11)

joyed by U. S. veterans and their dependents.

4. Rents

Payment of Claims for use of land

	<u>Amount</u>
3 Claims paid during March 1947	\$ 89.10
48 Claims paid during April 1947	3,345.47
91 Claims paid during May 1947	6,844.25
56 Claims paid during June 1947	4,805.75
95 Claims paid during July 1947	11,923.21
110 Claims paid during August 1947	10,832.70
73 Claims paid during September 1947	5,454.49
197 Claims paid during October 1947	21,996.68
133 Claims paid during November 1947	14,897.92
59 Claims paid during December 1947	10,084.00
21 Claims paid during January 1948	2,572.47
6 Claims paid during February 1948	652.45
26 Claims paid during March 1948	3,653.44
44 Claims paid during April 1948	4,793.00
13 Claims paid during May 1948	9,164.53
6 Claims paid during June 1948	661.18
8 Claims paid during July 1948	1,077.11
20 Claims paid during August 1948	2,177.97
13 Claims paid during September 1948	1,989.94
7 Claims paid during October 1948	533.06
<u>14</u> Claims paid during November 1948	<u>1,982.16</u>
1,043	\$119,430.88

5. As of this date 3,233 claims for loss of damage of real or personal property on Guam had been paid in the total amount of \$6,611,097.57.

Of these 41 were in excess of \$5,000 per claim and were approved by the Congress in a total of \$1,124,472.61. The remaining 3,092 claims, for \$5,000 or less per claim, were paid on Guam without reference to the U. S. Congress, in the total amount of \$5,386,624.96.

GUAM LAND & CLAIMS COMMISSION

Claims Processed, Progress Report

<u>Prior to 1 January 1947</u>	<u>No.</u>	<u>Amount</u>
Rent; Real and Personal Property Damage	229	\$ 254,094.77
Personal Injury and Death	52	78,005.00

Claims Processed, Progress Report (Cont'd)

	<u>No.</u>	<u>Amount</u>
<u>January 1947</u>		
Rent; Real and Personal Property Damage	17	\$ 29,211.94
Personal Injury and Death	13	3,434.35
<u>February 1947</u>		
Rent; Real and Personal Property Damage	66	91,143.35
Personal Injury and Death	42	31,699.32
<u>March 1947</u>		
Rent; Real and Personal Property Damage	48	74,802.44
Personal Injury and Death	180	128,852.87
<u>April 1947</u>		
Rent; Real and Personal Property Damage	88	79,728.21
Personal Injury and Death	209	384,227.22
<u>May 1947</u>		
Rent; Real and Personal Property Damage	134	81,649.03
Personal Injury and Death	115	289,660.03
<u>June 1947</u>		
Rent; Real and Personal Property Damage	206	740,173.85
Personal Injury and Death	7	6,917.52
<u>July 1947</u>		
Rent; Real and Personal Property Damage	350	404,532.32
Death and Personal Injury	None	None
<u>August 1947</u>		
Rent; Real and Personal Property Damage	352	987,090.34
Death and Personal Injury	None	None
<u>September 1947</u>		
Rent; Real and Personal Property Damage	389	623,515.83
Death and Personal Injury	None	None
<u>October 1947</u>		
Rent; Real and Personal Property Damage	502	540,424.77
Death and Personal Injury	None	None

	<u>No.</u>	<u>Amount</u>
<u>November 1947</u>		
Rent; Real and Personal Property Damage	148	\$ 229,188.55
Death and Personal Injury	None	None
<u>December 1947</u>		
Rent; Real and Personal Property Damage	177	235,962.14
Death and Personal Injury	10	6,275.72
<u>January 1948</u>		
Rent; Real and Personal Property Damage	140	220,903.41
Death and Personal Injury	None	None
<u>February 1948</u>		
Rent; Real and Personal Property Damage	95	170,141.15
Death and Personal Injury	None	None
<u>March 1948</u>		
Rent; Real and Personal Property Damage	129	188,770.57
Death and Personal Injury	5	6,030.66
<u>April 1948</u>		
Rent; Real and Personal Property Damage	255	441,714.62
Death and Personal Injury	None	None
<u>May 1948</u>		
Rent; Real and Personal Property Damage	156	298,883.76
Personal Injury and Death	None	None
<u>June 1948</u>		
Rent; Real and Personal Property Damage	70	119,350.22
Personal Injury and Death	None	None
<u>July 1948</u>		
Rent; Real and Personal Property Damage	111	199,923.96
Personal Injury and Death	3	11,187.30
<u>August 1948</u>		
Rent; Real and Personal Property Damage	169	252,324.76
Personal Injury and Death	None	None

	<u>No.</u>	<u>Amount</u>
<u>September 1948</u>		
Rent; Real and Personal Property Damage	101	\$ 179,039.52
Personal Injury and Death	None	None
<u>October 1948</u>		
Rent; Real and Personal Property Damage	155	313,022.00
Personal Injury and Death	None	None
<u>November 1948</u>		
Rent; Real and Personal Property Damage	95	218,331.28
Personal Injury and Death	None	None

The following claims have been approved by Congress:

<u>Number of Claims Approved by Congress</u>		
<u>Classification</u>	<u>No.</u>	<u>Amount</u>
Personal Injury and Death	567	\$ 870,412.23
Real and Personal Property	<u>41</u>	<u>1,124,472.61</u>
TOTALS	608	\$1,994,884.84

* A total of 769 claims for personal injury and death were filed with the commission. The apparent discrepancy of 180 between that figure and the 587 claims actually processed to completion may be accounted for as follows:

(1) Total number of claims filed	769
(2) Of these:	
a. Withdrawn by Guamanian claimants	76
b. Closed by L&C Commission as not coming within the purview of P.L. 224	62
c. Reported twice by Commission	2
d. Eliminated by combining with other claims involving the same cause of action.	<u>40</u>
	<u>180</u>

MG(01)/A17-10/49-54
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Id reply address:
The Island Commander,
NAVY #926, C/O P.F.O.
San Francisco, Calif.

HEADQUARTERS,
ISLAND COMMAND, GUAM
A17-10/EG 51

2 June 1945

MILITARY GOVERNMENT SECTION, G-5, REPORT FOR ISLAND COMMAND WAR DIARY.
Period - From 1 May, 1945, to 31 May, 1945.

Enclosures: (A) Military Government Staff Assignment and Station List.
(B) Photographs of Civilian Rehabilitation.

1. MISSION. The mission of Military Government is the government and rehabilitation of the natives on the island.

2. ADMINISTRATION.

(a) PERSONNEL. Details of personnel are:

	Officers	Enlisted
(1) Navy	59	284
(2) Marine	18	76
(3) Army	1	--
(4) Insular Force	1	33
Total	70	393

Included in foregoing figures are:

- (5) Medical & Dental Personnel MG Hospital 203
- (6) Hospital Maintenance
- (7) On Special Assignment
- (8) On General Military Government duty
- (9) Trained in Military Government
- (10) Temporarily Assigned
- (11) Temporarily Detached

In April and May six officers with military government training were detached as in excess of local requirements. A request has been made by the Island Commander to have cancelled orders subsequently received for further detachment of four Marine Corps Officers and four Navy Officers with military government training. There are no officers currently in excess of essential military government requirements.

3. LEGAL DEPARTMENT.

(a) Exceptional Military Courts. Three cases, two for murder and one for assault allegedly occurring during the Japanese occupation, were tried by a Military Commission. One case, alleged manslaughter, was tried by a Superior Provoost Court and the defendant found guilty. 40 cases, the majority involving violation of curfew, illegal manufacture of intoxicants and unauthorized use of government transportation, were tried by a Summary Provoost Court. There were 38 convictions and two defendants were found not guilty.

MG(01)/A17-10/49-54
CEF:ml

2 June 1945

MILITARY GOVERNMENT SECTION, G-5, REPORT FOR ISLAND COMMAND WAR DIARY.

12. ASSISTANT TO PROPERTY CUSTODIAN AND MILITARY GOVERNMENT AUDITOR. An audit of accounts of A. F. Bordallo, native wholesaler, was completed; also an audit of collections made by the Records and Accounts Section of Military Government. An inventory of equipment now being used by various military units, and which was on the island at the time of re-occupation, is being made.

13. LAND AND CLAIMS COMMISSION.

(a) Report. The Commission completed preparation of its first comprehensive report for the Chief of Naval Operations.

(b) Tract Acquisition Section. This section has completed reports on four allocations, those of Naval Air Base, Agaña, Fifth Field Depot, 41st Naval Construction Battalion area, and 136th Naval Construction Battalion area.

(c) Survey. The Survey section has five survey parties at work on tract surveying, road surveys and triangulation; five additional parties will soon be added. Rapid progress is being made in the plotting of available descriptions of about 5000 private title parcels.

(d) Interrogation. The Interrogation Section has completed approximately 1500 civilian personal declarations, on which all essential facts of declarants' claim are recorded.

(e) Death and Personal Injury. The Section handling death and personal injury claims is holding daily hearings with prominent Guamanians relative to details of death or injury of local residents during Japanese occupation.

(f) Appraisal. The Appraisal Section has completed data compilation on 1209 buildings.

(g) Titles. The Title Section is preparing for arrival of four title examiners (officers) to assist Island Courts in processing of many probate cases.

14. BANK OF GUAM. Bank statistics for civilians as of 23 May 1945 are:

	Number	May Amount	To date Number	Amount
(a) Checking Accounts	--	--	51	\$81,669.61
(b) Savings Accounts	412	\$90,933.11	2471	\$784,147.86
(c) Loans and other receivables	--	--	--	\$290,380.61
(d) Payments on loans and other receivables.	--	\$7,022.98	--	\$52,352.16
(e) War Bond Sales	--	\$42,242.25*	--	\$90,768.75*

*Includes sales to military personnel, which represents about 95%.

Unchanged

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particularly during the period of demobilization and folding up processes.

It is the aim of this Department to prepare a complete revision of the five (5) Codes of Guam in one (1) volume and during the next six (6) months most of its efforts will be directed upon the Penal Code. It is to be understood that the Department will call various matters to the attention of the Guam Congress and to any other sources for recommendations and suggestions on changes and additions to the present Codes.

A Traffic Branch of the Police Court of Guam has been established with a Guamanian Judge to be conducted exactly as Traffic Courts are in the United States. This Traffic Court is expected to accomplish the following:

- (1) Reduce the number of traffic offenses by severe penalties.
- (2) Provide uniform punishments by exercising this jurisdiction over both military and civilian personnel.
- (3) Reduce the work of other judges leaving them free for the more serious criminal offenses and the civil dockets.

Efforts are being made to induce stateside lawyers to come to Guam and enter into practice to relieve the present demands for legal assistance.

In revising and enforcing the laws of Guam, this Department hopes to submit a revision of the laws to the Guam Congress that will protect the interests of the people of Guam, that will be entirely American and will at the same time fit the needs of the stateside Americans while on Guam. It is anticipated that the number of cases on both the penal and civil dockets will increase during the next six (6) months and the Department will receive the services of another stateside lawyer for aid in the Department and to act as public defender when necessary.

COMMISSIONERS.

Seven monthly meetings were held during the June-December 1946 period. Current problems were presented and discussed by the commissioners of the fifteen (15) Municipalities with Captain M. H. Anderson, Civil Administrator, and all Heads of Naval Government Departments. *

The following topics were also discussed: ways and means to celebrate the second Anniversary of Liberation Day; speaker system for all Villages; Rental of

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RESTRICTED

Government Houses, chlorination of water supply, cutting and marketing of Copra, Radio programs by local artists, Navy Relief, Rebuilding of typhoon damages, building of New Agat School, Passport requirements for people leaving the Island, Emergency repair of Agat and Dededo Villages, Unpaid wages, Priority payments of claims for people of Agat, Resale of jeeps and other vehicles to be sent to the States and several other important problems.

A special meeting was also held on 15 August 1946, for the purpose of instructing the Commissioners as to the best method of controlling rats and mosquitoes.

Commissioners in each Municipality held at least two (2) public mass meetings each month for the purpose of disseminating new official orders, notices, etc., published during the month; also, problems discussed in commissioners monthly meetings. The Chief Commissioner attended some of these meetings. *

All senior commissioners in each municipality sat as chairman of the registration and election boards on 7 and 13 July 1946. Results of the election were turned over to the head of the Legal Department.

Housing.

Construction of privately-owned houses continued throughout the Island. Most of these houses are located at Agana Heights and Tamuning Area. The Naval Government Public Works Department during the above period issued the following building permits: 504 for new constructions, 281 for additions to government-owned houses within the government organized villages and 81 for business establishments.

Relocation.

The following families were transferred from Agana to better homes in the outlying municipalities: 10 families - 58 persons to Barrigada, 6 families of 21 persons to Asan, 2 families of 8 persons to Sinajana, 2 families of 8 persons to Mongmong and 2 families of 18 persons to Tamuning Area.

The following families moved out of Government organized villages to their newly constructed homes: From Sinajana 18 families of 109 persons, Dededo, 4 families of 29 persons, Yona 2 families of 12 persons and Barrigada 3 families of 22 persons.

Miscellaneous.

Guam Liberation Day was celebrated by the people of Guam on 21 July 1946, the second anniversary of D-Day. The commissioners gave substantial assistance

THE PACIFIC COMMAND
AND UNITED STATES PACIFIC FLEET

HEADQUARTERS OF THE COMMANDER NAVAL FORCES MARIANAS
NAVAL FORCES MARSHALLS-CAROLINES AND MARSHALLS-CAROLINES AREA

FF12(02)INK:hr
A3-1/L11-1
Ser 12327

18 October 1949

From: Commander Naval Forces Marianas
To: Commander Irving N. Klein, U. S. Navy

Subj: Creation of Claims Commission and Definition of Duties

Ref: (a) SecNav Desp 121541Z of Oct 49 to GovGuam and ComNavForMarianas
(b) ComNavForMarianas ltr FF12/A3-1/L11-1 ser 11399 of 8 Sep 49 to
Commander Irving N. Klein, U. S. Navy

1. Claims Commission Created. Pursuant to the authority contained in ref. (a) a Claims Commission, with yourself as Senior Member, is hereby created as of 1 October 1949. The Fifth Guam Land and Claims Commission created by ref. (b) is dissolved as of 1 October 1949. Validity and effect of all work accomplished by the First, Second, Third, Fourth and Fifth Guam Land and Claims Commissions shall be continuous under the Commission hereby created insofar as claims under the provisions of the Meritorious Claims Act (Public Law 224-79th Congress), approved 15 November 1945 are concerned and continuous in accordance with ref. (a) under the administration of the Base Development Department, Commander Naval Forces Marianas, insofar as the work for the acquisition and disposition of land or interests therein to carry out the provisions of the Land Transfer Act (Public Law 225-79th Congress) approved 15 November 1945 and the Land Acquisition Act (Public Law 594-79th Congress) approved 2 August 1946 and the real estate work in carrying out proceedings for the rehabilitation of the residents of Guam including the work involved in transfers of title to property by and between individual owners, the purchase and redistribution of town lots in the village of new Agat, and the purchase and redistribution of town lots in the city of Agana are concerned.

2. Organization. The Commission shall contain a membership of two officers, in addition to the Senior Member, selected from either the Navy or Marine Corps. The selection of such members shall be by designation of individual officer by Commander Naval Forces Marianas, and such officer membership on the Commission is subject to change at the direction of Commander Naval Forces Marianas. The Senior Member shall be designated as Officer-in-Charge of the Commission and shall be responsible for administrative matters affecting the Commission, as well as being responsible to Commander Naval Forces Marianas for the prompt and satisfactory completion of the work to be done by the Commission. The other officers designated as members of the Commission shall be responsible to the Senior Member of the Commission for prompt and satisfactory completion of the duties involved in the claims work. Investigations may be conducted, testimony taken, and findings of fact and recommendations made, and certification of awards for payment or other disposition as appropriate, by one or more members of the Commission, as directed by the Senior Member.

Appendix B(12)

THE PACIFIC COMMAND
AND UNITED STATES PACIFIC FLEET

HEADQUARTERS OF THE COMMANDER NAVAL FORCES MARIANAS
NAVAL FORCES MARSHALLS-CAROLINES AND MARSHALLS-CAROLINES AREA

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3. General Functions.

(a) The Senior Member of the Commission shall make reports to Commander Naval Forces Marianas from time to time as may be needed to inform Commander Naval Forces Marianas concerning the overall administrative matters affecting the Commission and the performance of the work of the Commission.

(b) The Commission shall be held responsible for the performance of such work as is necessary to carry out the provisions of the Meritorious Claims Act (Public Law 224-79th Congress), approved 15 November 1945, and such regulations as may be promulgated by the Secretary of the Navy for the administration of this act.

(c) Clerical, investigative, and appraisal services and supplies will be furnished by the Base Development Department, Commander Naval Forces Marianas.

Power to Administer Oaths. Pursuant to the authority of 5 U.S. Code 93, the Senior Member and any member of the Commission making an investigation is hereby authorized to administer an oath to any witness attending to testify or depose during the course of the investigation. Testimony under oath is not required by the grant of this authority, but oaths shall be administered to witnesses when, in the opinion of the Senior Member making an investigation, this action is desirable or necessary to preserve testimony.

5. Military Control. Military command, management, and technical control of the activities of the Commission are directly under Commander Naval Forces Marianas.

6. Membership. In addition to yourself as Senior Member, the following officers are detailed as members:

Lieutenant Commander John E. Scrivner, U. S. Navy.
Lieutenant Fredric H. Kaul, U. S. Navy.

/s/ E. C. Ewen
E. C. EWEN

Copies to:
SecNav
Docks
JAG
GovGuam

CERTIFIED TO BE A TRUE COPY:

John E. Scrivner
JOHN E. SCRIVNER,
Lieutenant Commander, U. S. Navy,
Member, Land and Claims Commission.

MMU(01)/111-15/11
JTB:ml

Serial: 0077

The Department of
Land Claims, Oahu
Report, Serial 0005
of 20 September 1945

U. S. NAVAL MILITARY GOVERNMENT UNIT, OAHU

In reply address
The Commanding Officer,
HMS Military Gov't Unit
Navy 4926, C/O T. F. O.
San Francisco, California

21 September 1945

From: The Commanding Officer and Deputy Chief Military
Government Officer.

To: The Chief of Naval Operations
Via: (1) The Island Commander, Oahu
(2) Commanding Officers,
(3) Commander in Chief, U. S. Pacific Fleet and Pacific
Ocean Areas.

Subject: Request for Instructions from Approving Authority

1. Forwarded.

2. Paragraph 5(d) of basic letter reports that there are no
civilian attorneys on Oahu, but three civilian residents have recently
been granted six-month probationary licenses to practice law. None of
these men have had formal legal training, but they can be of some assistance.

3. If activation of the present Commission is deferred, as
recommended in paragraph 4(b) of the basic letter, attention is invited
to the necessity of creating a similar Commission or organization to
handle the great volume of work in connection with the land acquisition
program and the settlement of all claims which are contemplated by pending
legislation. The minimum force for such an organization is outlined in
paragraph 5 of the basic letter.

VICTOR F. BLEASDALE

cc: ComDach (encl-only)
BuDecks (encl-only)
JAG (encl-only)
BuFordA (encl-only)
DirPacDecks (P.H.) (encl-only)

CLAIMS FOR DEATH OR PERSONAL INJURY TO
RESIDENTS OF GUAM

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

ESTIMATE OF APPROPRIATION SUBMITTED BY THE NAVY
DEPARTMENT TO PAY CLAIMS FOR DEATH OR PERSONAL
INJURY TO RESIDENTS OF GUAM, AMOUNTING TO \$526,257.82

JULY 18 (legislative day, JULY 16), 1947.—Read; referred to the Committee on
Appropriations, and ordered to be printed

THE WHITE HOUSE,
Washington, July 18, 1947.

The PRESIDENT OF THE SENATE PRO TEMPORE.

SIR: I have the honor to transmit herewith for the consideration of Congress an estimate of appropriation submitted by the Navy Department to pay claims for death or personal injury to residents of Guam, in the amount of \$526,257.82, which have been considered and adjusted under provisions of the act of November 15, 1945, Public Law 224 (59 Stat. 582), and which require an appropriation for payment.

The necessity for the appropriation asked is explained in the letter of the Director of the Bureau of the Budget, transmitted herewith, in whose comments and observations thereon I concur.

Respectfully yours,

HARRY S. TRUMAN.

CLAIMS FOR DEATH OR INJURY TO RESIDENTS OF GUAM

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington 25, D. C., July 18, 1947.

The PRESIDENT,
The White House.

Sir: I have the honor to submit herewith for your consideration an estimate of appropriation submitted by the Navy Department to pay claims under the provisions of Public Law 224, approved November 15, 1945 (59 Stat. 582), and which require an appropriation as follows:

NAVY DEPARTMENT

DAMAGE CLAIMS

For payment of claims for death or personal injury, under the provisions of Public Law 224, approved November 15, 1945 (59 Stat. 582), as fully set forth in Senate Document Numbered _____, Eightieth Congress.....	\$526, 257. 82
--	----------------

Public Law 224 provides for settlement of claims arising in Guam on account of damage to, or loss or destruction of, public or private property, real and personal, the result of or incident to hostilities or hostile occupation, or noncombat activities of the Army, Navy, or Marine Corps or individual members thereof. It further authorizes the Secretary of the Navy to certify to Congress any claim for death or personal injury to residents of Guam, deemed meritorious and arising under conditions herein set forth as a basis for property damage claims.

The letters of the Secretary of the Navy submitting the estimate are transmitted herewith.

In accordance with the provisions of the act providing for these submissions, I recommend that this estimate be transmitted to Congress.

Respectfully yours,

JAMES E. WEBB,
Director of the Bureau of the Budget.

THE SECRETARY OF THE NAVY,
Washington, July 16, 1947.

Hon. JAMES E. WEBB,
Director, Bureau of the Budget, Washington, D. C.

DEAR Mr. WEBB: Public Law 224, Seventy-ninth Congress, approved November 15, 1945, provides for the settlement of claims for damage occurring in Guam on account of damage to, or loss or destruction of, public property, both real and personal, or on account of damage to, or loss or destruction of, private property, both real and personal, of residents of Guam, when such damage, loss, or destruction is the result of or incident to hostilities or hostile occupation, or is caused by or incident to noncombat activities of the United States Army, Navy, or Marine Corps forces or individual members thereof. It is further provided thereunder that the Secretary of the Navy shall have authority, if he deems any claim in excess of \$5,000 or any claims for death or personal injury to residents of Guam arising

under the conditions herein set forth as a basis for property-damage claims, to be meritorious, to certify such amount to Congress.

The Secretary of the Navy has ascertained, adjusted, and determined the claim set forth below to be just, reasonable, and meritorious. This claim arose on Guam and was presented in accordance with the provisions of Public Law 224. The amount found due the claimant, which claimant has agreed to accept in full satisfaction and final settlement of her claim, is hereby certified as having been determined to be of the character contemplated by the provisions of the act for report to Congress for its consideration.

It is recommended, therefore, that the claim below be submitted to Congress for payment out of appropriations that may be made by Congress therefor. A brief statement of the character of the claim, the amount claimed, and the amount allowed follows:

Antonia A. Leon, Guerrero, Saipan, M. I. On August 17, 1944, on Guam during the United States occupation, claimant's deceased sister, Rosario Leon Guerrero Cruz, met her death when she was shot by a Japanese sniper. Amount claimed, \$4,000; amount allowed, \$1,307.27.

Sincerely yours,
W. JOHN KENNEY,
Acting Secretary of the Navy.

THE SECRETARY OF THE NAVY,
Washington, July 9, 1947.

Hon. JAMES E. WEBB,
Director, Bureau of the Budget, Washington, D. C.

DEAR Mr. WEBB: Public Law 224, Seventy-ninth Congress, approved November 15, 1945, provides for the settlement of claims for damage occurring in Guam on account of damage to, or loss or destruction of, public property, both real and personal, or on account of damage to, or loss or destruction of, private property, both real and personal of residents of Guam, when such damage, loss, or destruction is the result of or incident to hostilities or hostile occupation, or is caused by or incident to noncombat activities of the United States Army, Navy, or Marine Corps forces or individual members thereof. It is further provided thereunder that the Secretary of the Navy shall have authority, if he deems any claim in excess of \$5,000 or any claims for death or personal injury to residents of Guam arising under the conditions herein set forth as a basis for property damage claims, to be meritorious, to certify such amount to Congress.

The Secretary of the Navy has ascertained, adjusted, and determined the claim set forth below to be just, reasonable, and meritorious. This claim arose on Guam and was presented in accordance with the provisions of Public Law 224. The amount found due the claimant, which claimant has agreed to accept in full satisfaction and final settlement of its claim, is hereby certified as having been determined to be of the character contemplated by the provisions of the act for report to Congress for its consideration.

It is recommended, therefore, that the claim below be submitted to Congress for payment out of appropriations that may be made by

Congress therefor. A brief statement of the character of the claim, the amount claimed and the amount allowed follows:

Claimant Apollinaris W. Baumgartner, O.F.M., Cap., Bishop of Guam, acting for the Catholic Church. Under the Civil Code of Guam Bishop Baumgartner was established as a corporation sole to hold and administer the church property in his diocese in trust for the benefit of his parishioners, who represent 95 percent of the permanent residents of Guam.

During the period from December 10, 1941, to August 30, 1944, throughout the Japanese invasion and occupation and the United States reoccupation of the island of Guam, claimant, a corporation sole, as a result of the combat and noncombat activities of the Japanese and United States forces in Guam, particularly the United States bombardment in July and August 1944, suffered extensive damage in the amount of \$524,950.55.

Under the Civil Code of Guam, claimant was invested with title to 38 constructions, including churches, chapels, conventos, warehouses, garages, cemetery structures, a monument, and the personal property appurtenant thereto. Thirty of said structures were destroyed and the remaining eight were damaged.

It has been conservatively estimated that the native population in Guam is 95 percent Catholic and the Governor of Guam, in forwarding this claim to the Secretary of the Navy, stated, *inter alia*:

"An early settlement of this claim will do much to further the rehabilitation of the people of Guam."

Amount claimed, \$547,899.50; amount allowed, \$524,950.55.

Sincerely yours,

W. JOHN KENNEY,
Acting Secretary of the Navy

CLAIMS FOR DAMAGES TO ROADS AND HIGHWAYS OF STATES OR THEIR SUBDIVISIONS

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

ESTIMATE OF APPROPRIATION TO PAY CLAIMS FOR DAMAGES TO ROADS AND HIGHWAYS OF STATES OR THEIR SUBDIVISIONS AMOUNTING TO \$99,405.84

JULY 19 (legislative day, JULY 16), 1947.—Read; referred to the Committee on Appropriations and ordered to be printed

THE WHITE HOUSE,
Washington, July 18, 1947.

THE PRESIDENT OF THE SENATE PRO TEMPORE.

SIR: I have the honor to transmit herewith for the consideration of Congress an estimate of appropriation submitted by the Public Roads Administration to pay claims for damage to roads and highways of States or their subdivisions, in the sum of \$99,405.84. These claims have been considered and adjusted under the provisions of the act of November 19, 1941, as amended (23 U. S. C. 110), and require an appropriation for payment.

The necessity for the appropriation asked is explained in the letter of the Director of the Bureau of the Budget, transmitted herewith, in whose comments and observations thereon I concur.

Respectfully yours,

HARRY S. TRUMAN.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington 25, D. C., July 18, 1947.

THE PRESIDENT,

The White House.

SIR: I have the honor to submit herewith for your consideration an estimate of appropriation submitted by the Public Roads Admin-

OR POST OFFICE DEPARTMENT

OF THE PRESIDENT,
BUREAU OF THE BUDGET,
WASHINGTON 25, D. C., April 17, 1950.

Herewith for your consideration a
estimate of appropriation for the fiscal year 1950,
for the Post Office Department,
relating to appropriations for that

Department for "Carfare and
attachment to my letter of Jan-
uary 11, 1950, p. 15), should be canceled
and

DEPARTMENT

(revenues)
POSTMASTER GENERAL
E ALLOWANCE
and bicycle allowance," \$450,000, to be
"Equipment shops."

red to meet the additional cost
ers resulting from increases in
of public transportation by city
programs which have con-
narily because of mild

Department for "Railroad and
e attachment to my letter of
February 11, 1950, p. 15), should be canceled
and

NT POSTMASTER GENERAL

NGER SERVICE
and messenger service," \$23,292,000.
ssary to provide for the trans-
not previously anticipated and
messenger service, side service,

NT POSTMASTER GENERAL

IL SERVICE
air mail service," \$4,550,000, to be
"Equipment shops."

Increased the rates for mail pay
licated six new routes, effective
estimate is to provide for the
resulting from those actions.
plemental estimates of appropria-

F. J. LAWTON,
Director of the Bureau of the Budget.

81ST CONGRESS } HOUSE OF REPRESENTATIVES { DOCUMENT
2d Session } { No. 564



ESTIMATE OF APPROPRIATION TO PAY CLAIMS FOR
DAMAGES, AUDITED CLAIMS, AND JUDGMENTS REN-
DERED AGAINST THE UNITED STATES

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

AN ESTIMATE OF APPROPRIATION TO PAY CLAIMS FOR DAMAGES,
AUDITED CLAIMS, AND JUDGMENTS RENDERED AGAINST THE
UNITED STATES, AS PROVIDED BY VARIOUS LAWS, IN THE
AMOUNT OF \$8,627,922.79, TOGETHER WITH SUCH AMOUNTS AS
MAY BE NECESSARY TO PAY INDEFINITE INTEREST AND COSTS
AND TO COVER INCREASES IN RATES OF EXCHANGE AS MAY BE
NECESSARY TO PAY CLAIMS IN FOREIGN CURRENCY

APRIL 20, 1950.—Referred to the Committee on Appropriations and ordered to
be printed

THE WHITE HOUSE,
Washington, April 19, 1950.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith for the consideration of
the Congress an estimate of appropriation to pay claims for damages,
audited claims, and judgments rendered against the United States,
as provided by various laws, in the amount of \$8,627,922.79, together
with such amounts as may be necessary to pay indefinite interest and
costs and to cover increases in rates of exchange as may be necessary
to pay claims in foreign currency.

The details of this estimate, the necessity therefor, and the reasons
for its submission at this time are set forth in the letter of the Director
of the Bureau of the Budget, transmitted herewith, in whose com-
ments and observations thereon I concur.

Respectfully yours,

HARRY S. TRUMAN.

Appendix B(15)

Amount claimed, \$53,954.30; amount reported, \$48,938.28.
In the above claims the total amount claimed is \$430,968.20; total amount reported is \$261,241.91.

Sincerely yours,

JOHN T. KOEHLER,
Assistant Secretary of the Navy.

THE SECRETARY OF THE NAVY,
Washington, February 23, 1950.

THE HONORABLE FRANK PACE, Jr.,
Director, Bureau of the Budget,
Washington, D. C.

MY DEAR MR. PACE: Public Law 224, Seventy-ninth Congress, approved November 15, 1945, provides for the settlement of claims for damage occurring in Guam on account of damage to, or loss or destruction of, public property, both real and personal, or on account of damage to, or loss or destruction of, private property, both real and personal of residents of Guam, when such damage, loss or destruction is the result of or incident to hostilities or hostile occupation, or is caused by or incident to noncombat activities of the United States Army, Navy, or Marine Corps forces or individual members thereof. It is further provided thereunder that the Secretary of the Navy shall have authority, if he deems any claims in excess of \$5,000 or any claims for death or personal injury of residents of Guam arising under the conditions herein set forth as a basis for property claims, to be meritorious, to certify such amount to Congress.

The Secretary of the Navy has ascertained, adjusted, and determined the claims set forth below to be just, reasonable, and meritorious. These claims arose in Guam and were presented in accordance with the provisions of Public Law 224. The amounts found due the claimants, which claimants have agreed to accept in full satisfaction and final settlement of their claims, are hereby certified as having been determined to be of the character contemplated by the provisions of the act for report to Congress for its consideration.

It is recommended, therefore, that the claims below be submitted to Congress for payment out of appropriations that may be made by Congress therefor. A brief statement of the character of each claim, the amount claimed and the amount reported follows:

1. Manuel Rivera Castro, Mongmong, Guam. From 1942 to 1944, on Guam during the Japanese occupation, the United States bombardment and the reconstruction activities, the real and personal property of the claimant, consisting of personal and household effects, livestock, farm implements, crops, trees, one house, one ranch house, one warehouse, and one concrete reservoir, was confiscated by the Japanese or totally destroyed.
Amount claimed, \$40,911; amount reported, \$20,404.40.
2. Atanasio Taitano Pérez, Agaña Heights, Guam. From 1941 to 1944, on Guam during the Japanese occupation, the United States bombardment and the reconstruction activities, the real and personal property of the claimant, consisting of personal and household effects, livestock, crops, trees, and two houses, was confiscated by the Japanese or totally destroyed. An additional house was partially destroyed.
Amount claimed, \$33,791; amount reported, \$18,219.30.
3. Adriano Maria Cristobal, Agaña Heights, Guam. From 1942 to 1944, on Guam during the Japanese occupation, the United States bombardment and reconstruction activities, the real and personal property of the claimant, consisting of personal and household effects, livestock, crops, trees, and two houses, was confiscated by the Japanese or totally destroyed.

of personal effects, household effects, building material, tools, livestock, farm implements, crops, trees, one house, one garage, and one ranch house, was confiscated by the Japanese or totally destroyed.

Amount claimed, \$23,637.89; amount reported, \$8,526.50.

4. Vicente Cruz Tydingco, Asan Village, Guam. In 1944, on Guam during the Japanese occupation, the United States bombardment and the reconstruction activities, the real and personal property of the estate of Carlos Maanao Tydingco, deceased, of which the claimant is the duly appointed administrator, consisting of household effects, livestock, farm implements, crops, trees, and one house, was totally destroyed.

Amount claimed, \$10,382.50; amount reported, \$5,236.

5. Gregorio Cruz Perez, Sinajana, Guam. In 1944, on Guam during the United States bombardment and the reconstruction activities, the real and personal property of the estate of Jose Leon Guerrero Perez, deceased, of which the claimant is the duly appointed administrator, consisting of tools, trees, one blacksmith shop, one house, and one ranch house, was totally destroyed. The Guam Land and Claims Commission received and evaluated all available evidence as to the value of the said property, and after mature deliberation, recommended that the sum of \$7,303.30 be certified as representing the fair market value of the said property.

Amount claimed, \$6,407.80; amount reported, \$7,303.30.

6. Juan Diaz Perez, Agaña, Guam. From 1941 to 1944, on Guam during the Japanese occupation, the United States bombardment and the reconstruction activities, the real and personal property of the claimant, consisting of one automobile, livestock, crops, trees, three houses, and one ranch house, was confiscated by the Japanese or either partially or totally destroyed.

Amount claimed, \$12,947.75; amount reported, \$7,835.75.

7. Jose Diaz Perez, Yigo Village, Guam. In 1944, on Guam during the Japanese occupation, the United States bombardment and the subsequent combat activities, the real and personal property of the claimant, consisting of household effects, tools, material, livestock, farm implements, crops, trees, and one house, was totally destroyed.

Amount claimed, \$9,743.22; amount reported, \$9,151.39.

8. Manuel Bias Pangelinan, Sinajana Village, Guam. In 1943 and 1944, on Guam during the Japanese occupation and the United States bombardment, the real and personal property of the claimant, consisting of equipment and supplies of a tailor shop, household effects, personal effects, building material, and two houses, was totally destroyed.

Amount claimed, \$12,371.90; amount reported, \$6,705.22.

9. Jose Camacho Manibusan, Sinajana, Guam. In 1944, on Guam during the Japanese occupation, the United States bombardment and the reconstruction activities, the real property of the claimant, consisting of trees and three houses, was totally destroyed.

Amount claimed, \$10,914.50; amount reported, \$10,914.50.

10. Maria Gutierrez Bruntion, Agaña Heights, Guam. From 1941 to 1944, on Guam during the Japanese occupation and United States bombardment, the real and personal property of Foster Dean Bruntion, deceased, of whose estate the claimant is the duly appointed administratrix, consisting of one automobile, tools, fishing equipment, household effects, trees, crops, and two buildings, was confiscated by the Japanese or totally destroyed.

Amount claimed, \$14,578.23; amount reported, \$12,986.55.

11. Manuel Cruz Bias, Barrigada, Guam. From 1941 to 1944, on Guam during the Japanese occupation, the United States bombardment and the reconstruction activities, the real and personal property of the claimant, consisting of two automobiles, farm implements, crops, trees, and one house, was confiscated by the Japanese or totally destroyed.

Amount claimed, \$6,707.20; amount reported, \$6,042.25.

12. Alejandro Concepcion Guan, Santa Rita, Guam. In 1944, on Guam during the United States bombardment, the real and personal property of the claimant, consisting of personal effects, household effects, livestock, farm implements, and three houses, was totally destroyed. The Guam Land and Claims Commission received and evaluated all available evidence as to the value of the said property, and after mature deliberation, recommended that the sum of \$11,178.50 be certified as representing the fair market value of the said property.

Amount claimed, \$10,664.75; amount reported, \$11,178.50.

13. Luis Palomo Untalan, Barrigada, Guam. From 1941 to 1944, on Guam during the Japanese occupation, the United States bombardment and the reconstruction activities, the real and personal property of the claimant, consisting of two automobiles, farm implements, crops, trees, and one house, was confiscated by the Japanese or totally destroyed.

Amount claimed, \$33,791; amount reported, \$18,219.30.

struction activities, the real and personal property of the claimant, consisting of supplies and equipment of a grocery store, livestock, farm implements, crops, trees, one house, and one ranch house, was confiscated by the Japanese or totally destroyed.

Amount claimed, \$11,846.88; amount reported, \$9,610.51.

14. Felix Calvo Torres, Agana Heights, Guam. From 1941 to 1944, on Guam during the Japanese occupation, the United States bombardment and the reconstruction activities, the real and personal property of the claimant, consisting of household effects, three automobiles, tools, general merchandise, livestock, crops, and two houses, was confiscated by the Japanese or totally destroyed.

Amount claimed, \$15,800.27; amount reported, \$13,323.82.

15. Vicenta Rosa Mesa, Sinajana Village, Guam. In 1944, on Guam during the United States bombardment and the reconstruction activities, the real and personal property of the claimant and of the estate of Dolores Rios Mesa, deceased, of which the claimant is the duly appointed administrator, consisting of crops, trees, five houses, two bungalows, and one ranch house, was totally destroyed. The Guam Land and Claims Commission received and evaluated all available evidence as to the value of the said property, and after mature deliberation recommended that the sum of \$17,786.81 be certified as representing the fair market value of the said property.

Amount claimed, \$13,907.81; amount reported, \$17,786.81 (\$15,881.81 to claimant for himself and \$1,905 to claimant as administrator of the estate of Dolores Rios Mesa, deceased).

16. Lino Torres Fangelinan, Barrigada, Guam. In 1941 and 1944, on Guam during the Japanese occupation, the United States bombardment and the reconstruction activities, the real and personal property of the claimant, consisting of household effects, building materials, livestock, farm implements, crops, trees, one house, and two ranch houses, was confiscated by the Japanese or totally destroyed.

Amount claimed, \$7,247.75; amount reported, \$7,079.10.

17. Gregorio Flores Perez, Agana, Guam. In 1942, 1944, and 1945, on Guam during the Japanese occupation, the United States bombardment and the reconstruction activities, the real and personal property of the claimant, consisting of household effects, personal effects, lumber, livestock and farm implements, crops, trees, and seven buildings, was confiscated by the Japanese or either partially or totally destroyed.

Amount claimed, \$66,942.45; amount reported, \$44,003.70.

18. Jose Aquinero Boria, Agat Village, Guam. On March 11, 1945, the claimant was injured on Guam when a time bomb set by Japanese military personnel exploded inside the building in which he was employed causing temporary disability for 4 months, but resulting in no permanent disability.

Amount claimed, \$4,000; amount reported, \$450.

19. Carlina Flores Rosario, Agana, Guam. In 1941 and 1944, on Guam during the Japanese occupation, the United States bombardment and the reconstruction activities, the real and personal property of the claimant and of Vicente Rosario, deceased, of whose estate the claimant is the duly appointed administratrix, consisting of personal effects, two automobiles, bakery shop equipment and supplies, livestock and farm implements, crops, trees, two houses, one ranch house and one bakery, was damaged, destroyed or confiscated by the Japanese. The Guam Land and Claims Commission received and evaluated all available evidence as to the value of the said property, and after mature deliberation, recommended that the sum of \$26,442 be certified as representing the fair market value of the said property.

Amount claimed, \$24,419; amount reported, \$26,442 (\$3,004.75 to claimant for herself and \$23,437.25 to claimant as administratrix of the estate of Vicente Rosario, deceased).

20. Felix Torres Pangelinan, Santa Rita, Guam. In 1941 and 1944, on Guam during the Japanese occupation, the United States bombardment and the reconstruction activities, the real and personal property of the claimant, consisting of personal effects, equipment and supplies of a bar, crops, trees and three houses, was confiscated by the Japanese or totally destroyed.

Amount claimed, \$11,470.80; amount reported, \$8,744.40.

21. Gaiety Theater Co., Inc., Agana, Guam. In 1941 and 1944, on Guam during the Japanese occupation and the United States bombardment, the real and personal property of the claimant, consisting of theater equipment and other items, was seized by the Japanese or destroyed.

Amount claimed, \$17,673; amount reported, \$12,707.50.

22. Francisco Martinez Cruz, Agana Heights, Guam. In 1941 and 1944, on Guam during the Japanese occupation and the United States bombardment, the real and personal property of the claimant is the duly appointed administrator, consisting of effects, two houses and one building, was confiscated by the Japanese or totally destroyed.

Amount claimed, \$16,100; amount reported, \$14,562.50.

23. John Taitano, Dededo, Guam. In 1944, on Guam during the Japanese occupation, the United States bombardment and the reconstruction activities, the real and personal property of the claimant, consisting of personal effects, livestock, farm implements, crops, trees, one house, six ranch houses, two native ovens and a water reservoir, was confiscated by the Japanese or totally destroyed.

Amount claimed, \$14,200.78; amount reported, \$14,200.78.

24. Jesus Cruz Artero, Yigo Village, Guam. In 1944 and 1945, on Guam during the United States bombardment and the reconstruction activities, the real property of Eugenia Artero, deceased, and of her estate, of which the claimant is the duly appointed administrator, consisting of trees, a chapel, one ranch house, one copra mill and drier, one warehouse, one slaughter house and three concrete tanks, was totally destroyed.

Amount claimed, \$560,484; amount reported, \$53,080.

25. Gally R. Kamminga, Piti, Guam. In 1944, on Guam during the United States bombardment, the real and personal property of the claimant, consisting of personal effects, building materials, livestock, crops, trees, two houses, two bungalows and one ranch house, was totally destroyed.

Amount claimed, \$12,950.70; amount reported, \$7,129.50.

26. Rifa Borja Siguenza, Barrigada, Guam. In 1944, on Guam during the United States bombardment, the real property of the claimant, consisting of houses and a fish pond, was totally destroyed.

Amount claimed, \$22,050; amount reported, \$7,050.

27. Marcela Quenga Cruz, Piti, Guam. In 1944, on Guam during the Japanese occupation and the United States bombardment, the real and personal property of the claimant, consisting of stock of two grocery stores, stock of a grocery wholesale house, garage equipment, bakery equipment, currency, household effects, personal effects, livestock, farm implements, crops, trees, four buildings, two houses and two bungalows, was confiscated by the Japanese or totally destroyed.

Amount claimed, \$48,109.85; amount reported, \$34,344.35.

28. Ambrosio Torres Shimizu, Agana, Guam. In 1942 and 1944, on Guam during the Japanese occupation and the United States bombardment, the real and personal property of the claimant, consisting of supplies and equipment of a bar and two buildings, was confiscated by the Japanese or either partially or totally destroyed.

Amount claimed, \$17,363.50; amount reported, \$8,673.05.

29. Jose Rivera Camacho, Santa Rita, Guam. In 1944 and 1945, on Guam during the United States bombardment and the reconstruction activities, the real and personal property of the estate of Antonio Muna Camacho, deceased, of which the claimant is the duly appointed administrator, consisting of household effects, trees and one house, was totally destroyed.

Amount claimed, \$8,804.80; amount reported, \$6,212.30.

30. Jesus Cruz Artero, Yigo Village, Guam. From 1941 to 1945, on Guam during the Japanese occupation, the United States bombardment, and the reconstruction activities, the real and personal property of the claimant, consisting of two houses, one sawmill, two ranch houses and one reservoir, was confiscated by the Japanese or totally destroyed.

Amount claimed, \$15,019.21; amount reported, \$6,859.57.

31. Emeliana Perez Artero Duenas, Sinajana, Guam. In 1944 and 1945, on Guam during the United States bombardment and the reconstruction activities, the real property of the estate of Pascual Cruz Artero, deceased, of which the claimant, formerly known as Emeliana Perez Artero, is the duly appointed administratrix, consisting of an interest in trees, one residence and market, two houses, one sawmill, two ranch houses and one reservoir, was totally destroyed.

Amount claimed, \$13,419.21; amount reported, \$5,449.58.

32. Jose Jesus Salas, Asan, Guam. From 1941 to 1944, on Guam during the Japanese occupation and the United States bombardment, the real and personal property of the claimant, consisting of five automobiles, restaurant supplies, stock of a grocery store, household effects, livestock, crops, trees,

two houses and one ranch house, was confiscated by the Japanese or totally destroyed.

Amount claimed, \$1,273.90; amount reported, \$9,138.07.
33. Jose Cruz Villagomez, Barrigada, Guam. In 1944, on Guam during the United States bombardment and the reconstruction activities, the real and personal property of the claimant, consisting of household effects, livestock, crops, trees, one house, one Dutch oven and four ranch houses, was totally destroyed. Amount claimed, \$17,155.50; amount reported, \$10,200.15.

34. Joaquin Franquez Finona, Dededo, Guam. In 1944 and 1945, on Guam during the United States bombardment and the reconstruction activities, the real and personal property of the claimant, consisting of household effects, livestock, farm implements, crops, trees, one house and one ranch house, was totally destroyed.

Amount claimed, \$6,250.16; amount reported, \$5,598.75.

35. Jose Salas, Mongmong, Guam. In 1944, on Guam during the Japanese occupation, the United States bombardment and the reconstruction activities, the real and personal property of the claimant, consisting of personal effects, household effects, construction materials, livestock, farm implements, crops, trees, two houses, five ranch houses and three chicken houses, was confiscated by the Japanese or totally destroyed.

Amount claimed, \$21,996.89; amount reported, \$18,938.25.

36. Francisco Duenas Perez, Mongmong, Guam. From 1941 to 1944, on Guam during the Japanese occupation and the reconstruction activities, the real and personal property of the claimant, consisting of personal effects, household effects, livestock, farm implements, crops, trees, and one bungalow, was totally destroyed. Amount claimed, \$36,566.50; amount reported, \$10,942.50.

37. Cristobal Camacho Hines and Joaquina Torres Hines, Tamuning, Guam. In 1944, on Guam during the Japanese occupation and the United States bombardment, the real and personal property of the claimants, consisting of personal effects, household effects, currency, grocery store stock, livestock, farm implements, crops, one house and one ranch house, was confiscated by the Japanese or totally destroyed.

Amount claimed, \$9,255.09; amount reported, \$6,157.72.

38. Jesus Flores Perez, Mongmong, Guam. In 1944, on Guam during the United States bombardment, the real property of the claimant, consisting of two houses and one bungalow, was totally destroyed.

Amount claimed, \$8,800; amount reported, \$7,675.

39. Santiago Aflague Limitiaco Asan, Guam. In 1944, on Guam during the Japanese occupation, the United States bombardment and the reconstruction activities, the real and personal property of the claimant, consisting of building material, livestock, farm implements, trees, one house and five bungalows, was confiscated by the Japanese or totally destroyed.

Amount claimed, \$26,312.90; amount reported, \$21,833.90.

40. Pedro Duenas Camacho, Barrigada, Guam. From 1941 to 1944, on Guam during the Japanese occupation and the United States bombardment, the real and personal property of the claimant, consisting of personal effects, garage supplies and equipment, one oven and one bungalow, was confiscated by the Japanese or totally destroyed.

Amount claimed, \$10,789.30; amount reported, \$8,814.74.

41. Eduardo Torres Calvo, Ismael Torres Calvo, Ricardo Torres Calvo, Sinajana, Guam. In 1941 and 1944, on Guam during the Japanese occupation and the United States bombardment, the real and personal property of Eduardo Torres Calvo, Ismael Torres Calvo and Trinidad Torres Calvo, of whose estate Ricardo Torres Calvo is the duly appointed administrator, consisting of store stock and three concrete warehouses, was confiscated by the Japanese or totally destroyed.

Amount claimed, \$50,272.88; amount reported, \$44,257.58 (to Ismael Torres Calvo the amount of \$8,557.52; to Eduardo Torres Calvo the amount of \$17,715.03; and to Ricardo Torres Calvo as administrator of the estate of Trinidad Torres Calvo, deceased, the amount of \$17,715.03).

42. Manuel Frederico Ulloa, Dededo, Guam. In 1944, on Guam during the United States bombardment and the reconstruction activities, the real and personal property of the claimant, consisting of personal effects, household effects, plumbing tools, farm tools, livestock, crops, trees, three houses, one ranch house, five chicken houses and a concrete water cistern, was totally destroyed. Amount claimed, \$19,709.73; amount reported, \$11,390.88.

43. Isabel Camacho Manibusan, Barrigada, Guam. In 1944, on Guam during the Japanese occupation, the United States bombardment and the reconstruction activities, the real and personal property of Vicente P. Camacho, deceased, of whose estate the claimant is the duly appointed administrator, consisting of one automobile, crops, trees, one ranch house, two houses, one concrete cistern, and one oven and shelter, was confiscated by the Japanese or totally destroyed. Amount claimed, \$8,088.75; amount reported, \$8,088.75.

44. Joaquin Pangelinan Carbullido, Agaña, Guam. In 1941 and 1944, on reconstruction activities, the Japanese occupation, the United States bombardment and the reconstruction activities, the real and personal property of the claimant, consisting of equipment, livestock, farm implements, crops, one house, and one ranch house, was confiscated by the Japanese or totally destroyed.

Amount claimed, \$14,261.08; amount reported, \$11,128.18.

45. Rosa Sablan Camacho, Mangisao, Barrigada, Guam. In 1941 and 1944, on Guam during the Japanese occupation and the United States bombardment, the real and personal property of Francisco Santos Camacho, deceased, of whose estate the claimant is the duly appointed administrator, consisting of household effects, store stock, crops, trees, two bungalows, one reservoir, two ovens and shelters and one house, was confiscated by the Japanese or totally destroyed. Amount claimed, \$24,453.90; amount reported, \$13,793.83.

46. Alfredo Tomas Bordallo, Agaña Heights, Guam. In 1944, on Guam during the Japanese occupation, the United States bombardment and the reconstruction activities, the real and personal property of the claimant, consisting of personal effects, household effects, livestock, farm implements, crops, and one building, was confiscated by the Japanese or totally destroyed.

Amount claimed, \$10,343; amount reported, \$7,391.95.

47. Rosalia Pangelinan Lankford, Agaña, Guam. In 1944, on Guam during the United States bombardment and the reconstruction activities, the real and personal property of the claimant, consisting of personal effects, household effects, livestock, farm implements, crops, trees, one house and one cafe, was totally destroyed.

Amount claimed, \$29,022.97; amount reported, \$10,720.60.

48. Maria San Nicolas Santos, Yigo, Guam. Vicente Sablan Santos, age 33, met his death on Guam on June 15, 1944, when he was hit by bomb fragments from an American airplane. Surviving the deceased were a widow, the claimant, and four minor children, to wit: Laurita, age 7, Maria, age 6, Roque, age 4, and Vicente San Nicolas Santos, age 1 year, all of whom were wholly dependent upon the deceased for support. Claimant is the duly appointed guardian of the estates of the said minors.

Amount claimed, \$4,000; amount reported, \$3,878.42 (to claimant for herself \$2,558.42; to claimant for Laurita, Maria, Roque, and Vicente San Nicolas Santos, \$1,320).

49. Ignacio Evangelista Hernandez, Dededo, Guam. Ann Cruz Hernandez, age 59, met her death on Guam on July 20, 1944, when she was hit by a shell fired from a United States ship. Surviving the deceased was her widower, the claimant, who was wholly dependent upon the deceased for support.

Amount claimed, \$4,000; amount reported, \$1,569.99.

50. Pedro Martinez, Agaña, Guam. In 1941 and 1944, on Guam during the Japanese occupation, the United States bombardment and the reconstruction activities, the real and personal property of the claimant, consisting of a stock of automobiles and accessories, building materials, electrical equipment, grocery stores, hardware stores, household effects, personal effects, cold storage supplies, one workshop, farm implements, trees, three houses, two warehouses, one storehouse, one hog house, one filling station, one garage, one ranch house, one chicken house, lands was confiscated by the Japanese or totally destroyed.

Amount claimed, \$326,728.44; amount reported, \$245,112.72.

In the above claims the total amount claimed is \$1,735,152.74; total amount reported is \$878,875.11.

Sincerely yours,

DAN A. KIMBALL,
Under Secretary of the Navy.

EXHIBIT U

NAVAL GOVERNMENT OF GUAM
LAND AND CLAIMS COMMISSION

IN REPLY ADDRESS:
Dededo,
LAND AND CLAIMS COMMISSION
30. C/O POSTMASTER
Dededo, GUAM.

DHD:psb

7 October 1947

MEMORANDUM

Subj: Tentorio, Juan Santos - Possible Injury Claim by.

1. This date, Mr. Juan Santos Tentorio appeared before the undersigned with the request that the Land and Claims Commission entertain a claim by him for injuries received during the Japanese occupation.
2. From Mr. Tentorio's story it would appear that he was beaten by the Japanese in September, 1942, about the back and head, so that he was bed-ridden for one month and two days, and later hospitalized for four months. Mr. Tentorio's home was and still is at Dededo.
3. Mr. Tentorio also advised us that he had never been informed by the Commissioner at Dededo that he had a proper injury claim which should be filed before the Land and Claims Commission prior to 1 December 1946 (Washington, D. C. time). He had been interviewed by two "intelligence officers" (one of whom apparently was a policeman), and he had supposed that this interview constituted the filing of a claim for his injuries. He was also under the further misapprehension that the Meritorious Claims Act applied only to those who had been injured by machine gun fire, bombing, or shrapnel.
4. A check of our files does not reveal that any claim for injury or death was filed by Mr. Tentorio, nor did the claim for personal property loss during the war contain any references to those injuries. In view of this, Mr. Tentorio was advised that it was impossible for the Land and Claims Commission to entertain his claim for injuries at this time, since the claim had not been filed with the Commission prior to the deadline set by the law under which the Commission operates, and since there was nothing in any other file which would act as a basis for such claim.
5. (This would appear to be another incident out of Dededo which shows lack of proper dissemination of information by the Commissioner at that place during the time when every effort was being made on GUAM to apprise all of the people of the necessity of filing their claim with the Commission for any injury, death, or losses received incident to the war).

D. H. Dickey
 D. H. Dickey
 Lt. Comdr., USN
 Officer-in-Charge
 Claims Division

529436

IN REPLY ADDRESS:
Senior Member,
Land & Claims Commission
Navy 926, % F.P.O.
San Francisco, California.

NAVAL GOVERNMENT OF GUAM
LAND AND CLAIMS COMMISSION

NW

31 July 1949

MEMORANDUM FOR FILE

Subj: Report of Claims Processed and/or Paid as of 31 July 1949

REAL AND PERSONAL PROPERTY CLAIMS

4420 Real and Personal Property claims filed with the Commission in amount estimated at	\$11,883,055.96
260 Additional claims as of 30 June 1949 as a result of split cases (no additional compensation).	
5 Additional claims during July as result of split cases.	
3937 Claims paid prior to 1 July 1949, involving	7,188,576.61
40 Claims paid during July 1949, involving	84,321.48
418 Claims cancelled prior to 1 July 1949.	2,73,998.00
0 Claims cancelled during July 1949.	
111 Claims forwarded to SecNav prior to 1 July 1949 in amount of	1,080,336.71
13 Claims forwarded to SecNav during July 1949 in amount of ..	126,874.86
2 Claims withdrawn prior to 1 July (0 during July).	
25 Claims denied prior to 1 July 1949.	
3 Claims denied during July 1949.	
2 Claims forwarded to JAG prior to 1 July 1949 for filing only. (0 during July).	21,420.25
134 Claims remain unpaid or await forwarding to SecNav with an estimated amount to be awarded of	3,357,061.04

DEATH AND INJURY CLAIMS

780 Death and Injury claims filed with the Commission.	
572 Claims paid as of 1 July 1949, amounting to	874,712.20
0 Claims forwarded to SecNav during July 1949.	
190 Claims closed or withdrawn without recommendations for awards.	
18 Claims denied prior to 1 July 1949 amounting to	46,277.04
2 Claims denied (V.A.) during July amounting to	1,860.89
8 Claims submitted to SecNav prior to 1 July 1949 with total recommended awards amounting to	15,583.03

/s/ D. H. Dickey

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Appendix B(17)

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, D. C., October 22, 1956.

HON. PERCIVAL F. BRUNDAGE,
Director, Bureau of the Budget,
Washington, D. C.

MY DEAR MR. BRUNDAGE: Public Law 224, 79th Congress, approved November 15, 1945, provides for the settlement of claims for damage occurring in Guam on account of damage to, or loss or destruction of, public property, both real and personal, or on account of damage to, or loss or destruction of, private property, both real and personal of residents of Guam, when such damage, loss or destruction is the result of or incident to hostilities or hostile occupation, or caused by or incident to noncombat activities of the United States Army, Navy, or Marine Corps forces or individual members thereof. It is further provided thereunder that the Secretary of the Navy shall have authority, if he deems any claims in excess of \$5,000 or more to be meritorious, to certify such amount to Congress.

The Secretary of the Navy has ascertained, adjusted, and determined that the claim set forth below is just, reasonable and meritorious. This claim arose on Guam and was presented in accordance with the provisions of Public Law 224. The claim was filed with the Land and Claims Commission of Guam on April 20, 1944, and its processing could not be completed pending probate proceedings involving the estate of claimant's husband. An award of \$10,617.97 has been recommended by the Commission and claimant will accept this amount in full payment and final satisfaction of her claim. Public Law 224, 79th Congress, does not provide any limitation to the time within which an award must be made and accepted.

The amount found due the claimant, which claimant will accept in full satisfaction and final settlement of her claim, is hereby certified as having been determined to be of the character contemplated by the provisions of the act for report to the Congress for its consideration.

It is recommended, therefore, that the claim listed below be committed to Congress for payment out of appropriations that may be made by Congress therefor. A brief statement of the character of the claim, the amount claimed and the amount reported follows:

Ana Guerrero Veneziano, care of Carlos P. Taitano, Esq., Tamuning, Guam. In 1941 a portion of the property listed in the claim which consisted of her effects and personal property, crops, and trees and buildings on Guam, was confiscated by Japanese forces and was wholly lost to the owner thereof; a portion of said property was destroyed by the Japanese forces during the part of 1944 and was wholly lost to the owner thereof; the balance was destroyed by the United States bombardment of Guam in July 1944, and was wholly lost to the claimant.

Amount claimed, \$16,246.48; amount reported, \$10,617.97.

Sincerely yours,

ALBERT PRATT
Assistant Secretary of the Navy

FEDERAL COSTS AND ACTIVITIES TO MINIMIZE

are adopting unbudgeted programs, project
impose on the Federal budget in years ahead,
necessity for and rate of implementation of each
to help assure continuing economy on the part
as the executive branch, take action that
the power now held by many State govern
in appropriations bills.

and budgetary situation and greater efficiency in
result from prompt approval of these recommen
ness. All elements of the budget, meanwhile, will
ing examination by the executive branch in its con
additional savings, large or small, that are possib

Any additional reductions found possible in new
will be promptly reported in the usual way to the
Representatives.

repeat that as this effort to hold Federal costs
minimum proceeds sensibly in the executive
es of our Federal Government, the public int
well served.
ly,

DWIGHT D. EISENHOWER

HOUSE OF REPRESENTATIVES { DOCUMENT
No. 156

PROPOSED SUPPLEMENTAL APPROPRIATION TO PAY
CERTAIN CLAIMS AND JUDGMENTS AGAINST THE
UNITED STATES

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

PROPOSED SUPPLEMENTAL APPROPRIATION TO PAY CLAIMS
FOR DAMAGES, AUDITED CLAIMS, AND JUDGMENTS RENDERED
AGAINST THE UNITED STATES, AS PROVIDED BY VARIOUS LAWS,
IN THE AMOUNT OF \$2,728,739, TOGETHER WITH SUCH AMOUNTS
THAT MAY BE NECESSARY TO PAY INDEFINITE INTEREST AND
COSTS AND TO COVER INCREASES IN RATES OF EXCHANGE AS
MAY BE NECESSARY TO PAY CLAIMS IN FOREIGN CURRENCY

April 18, 1957.—Referred to the Committee on Appropriations and ordered to
be printed

THE WHITE HOUSE,
Washington, April 18, 1957.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Sir: I have the honor to transmit herewith for the consideration of
the Congress a proposed supplemental appropriation to pay claims
for damages, audited claims, and judgments rendered against the
United States, as provided by various laws, in the amount of \$2,728,739,
together with such amounts as may be necessary to pay indefinite
interest and costs and to cover increases in rates of exchange as may
be necessary to pay claims in foreign currency.

The details of this proposed appropriation, the necessity therefor,
and the reasons for its submission at this time are set forth in the
attached letter from the Director of the Bureau of the Budget, with
whose comments and observations thereon I concur.

Respectfully yours,

DWIGHT D. EISENHOWER.

operation of such facilities and shall provide that all such facilities will become the property of the United States upon termination of the agreements.

Approved June 17, 1957.

Public Law 85-58

AN ACT

June 21, 1957
[H. R. 7221]

Making supplemental appropriations for the fiscal year ending June 30, 1957, and for other purposes.

Third Supplemental Appropriation Act, 1957.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply supplemental appropriations (this Act may be cited as the "Third Supplemental Appropriation Act, 1957") for the fiscal year ending June 30, 1957, and for other purposes, namely:

CHAPTER I

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

Research

70 Stat. 229.

The limitation under this head in the Department of Agriculture and Farm Credit Administration Appropriation Act, 1957, on the amount available for construction of buildings, is increased from "\$1,850,000" to "\$1,916,000".

PAYMENTS TO STATES, HAWAII, ALASKA, AND PUERTO RICO

Penalty Mail

69 Stat. 673.
7 USC 361f.

For penalty mail costs of agricultural experiment stations, under section 6 of the Hatch Act of 1887, as amended, \$250,000, to be derived by transfer from the appropriation to the Extension Service for "Payments to States, Hawaii, Alaska, and Puerto Rico", fiscal year 1957.

EXTENSION SERVICE

FEDERAL EXTENSION SERVICE

Penalty Mail

For an additional amount for "Penalty mail", including penalty mail for State extension directors, \$514,000, to be derived by transfer from the appropriation to the Extension Service for "Payments to States, Hawaii, Alaska, and Puerto Rico", fiscal year 1957.

AGRICULTURAL CONSERVATION PROGRAM SERVICE

EMERGENCY CONSERVATION MEASURES

For an additional amount to enable the Secretary to make payments to farmers who carry out emergency measures to control wind erosion on farmlands or to rehabilitate farmlands damaged by wind

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GENERAL PROVISION

Notwithstanding the provisions of any other law, the unexpended balances of appropriations for the fiscal year 1955 and succeeding fiscal years which are subject to disbursement by the Secretary of the Senate or the Clerk of the House of Representatives shall be withdrawn as of June 30 of the second fiscal year following the year for which provided. Unpaid obligations chargeable to any of the balances so withdrawn or appropriations for prior years shall be liquidated from any appropriations for the same general purpose, which, at the time of payment, are available for disbursement.

CHAPTER XII

CLAIMS FOR DAMAGES, AUDITED CLAIMS, AND JUDGMENTS

For payment of claims for damages as settled and determined by departments and agencies in accord with law, audited claims certified to be due by the General Accounting Office, and judgments rendered against the United States by United States district courts and the United States Court of Claims, as set forth in House Document Numbered 156, Eighty-fifth Congress, and Senate Document Numbered 38, Eighty-fifth Congress, \$4,215,776, together with such amounts as may be necessary to pay interest (as and when specified in such judgments or in certain of the settlements of the General Accounting Office or provided by law) and such additional sums due to increases in rates of exchange as may be necessary to pay claims in foreign currency: *Provided*, That no judgment herein appropriated for shall be paid until it shall have become final and conclusive against the United States by failure of the parties to appeal or otherwise: *Provided further*, That, unless otherwise specifically required by law or by the judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of approval of this Act.

Approved June 21, 1957.

Public Law 85-59

AN ACT

June 27, 1957
[S. 1034]

To authorize and direct the Secretary of Agriculture to convey to the University of Missouri, for agricultural purposes, certain real property in Callaway County, Missouri.

University of Missouri.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized and directed to convey by quitclaim deed to the University of Missouri, without cost, the real property, together with the buildings and improvements thereon, constituting the United States Department of Agriculture Midwest Claypan Experiment Station located at McCredie in the County of Callaway, State of Missouri, which property is more particularly described as follows:

The east half of the southwest quarter of section 10, and 140 acres, more or less, being all that part of the southeast quarter of section 10, lying west of the center of the Fulton and Mexico road;

Also 14.90 acres being that part of the east half of the northeast quarter of section 10 lying south of the McCredie and Williamsburg road;

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LC-1-14
HWMcK/jlk
Serial 883

25 Feb 1948

AIR MAIL

From: Commander Marianas and Governor of Guam.
To: Secretary of the Navy.
Via: (1) Judge Advocate General.
(2) Chief of the Bureau of Yards and Docks.
(3) Chief of Naval Operations.
Subj: Rehabilitation of Guam.
Refs: (a) Hopkins Committee Report for the Secretary on the Civil Govern-
ments of Guam and American Samoa, dtd 25 March 1947.
(b) Gov. of Guam ltr to Sec Nav via Dir., Wage and Class, Bd., Ter.
of Hawaii, and CNC, LC-1-10 LJR/jlk, Ser 543, dtd 5 Feb 1948.
(c) Ltr from Judge John C. Fischer to Gov. of Guam, dtd 24 Jan 1948.
Encls: (A) Pending Claims as of 1 January 1948.
(B) Memo. from Head, Survey Section, to OIC, Land Division, L&CC,
dtd 12 Feb 1948, Subj. - Status of Villages for which Rehabili-
tation is Contemplated.
(C) Existing Personnel Status.
(D) Personnel Requirements.
(E) Copy of reference (c).

1. A study of the progress of the Guam Land and Claims Commission in accomplishing the phases of the rehabilitation program on Guam with which it is concerned and of the progress of the recently constituted court organization pertaining to land cases has been made with reference to the conclusions and recommendations of the Hopkins Committee. A report of this study is submitted herewith for your consideration with recommendations as to certain specific items.

2. The Hopkins Committee, in its report to the Secretary of the Navy submitted in March 1947, made a critical analysis of the rehabilitation of Guam and made various recommendations regarding the rehabilitation program. At the time of the report, the Congress of the United States had taken various legislative actions on the problems involved in rehabilitation and the Navy Department was then engaged in the administration of these acts. The Guam Land and Claims Commission had been established by the Navy Department pursuant to the first of these enactments to accomplish certain phases of the rehabilitation program and was proceeding with its work. The court organization as presently constituted to deal with land matters was not in existence.

3. Because the Land and Claims Commission was concerned in substantial measure with each of the major problems involved in the rehabilitation program, the

LC-1-14
HWMcK/jlk

AIR MAIL

ComMar and Gov. of Guam ltr to SecNav via (1) JAG, (2) BuDocks, (3) CNO.

Subj: Rehabilitation of Guam.

progress it was making and the administrative problems confronting it received particular attention from the Hopkins Committee. Recommendations were made by the Committee which were designed to simplify and speed up the phases of the rehabilitation program with which the Land and Claims Commission was particularly concerned and which were and are of vital interest to the Guamanian people.

4. In making the study reported on here, the conclusions and recommendations of the Hopkins Committee were reexamined and are referred to here for the purposes of this report. In addition this report will comment on the general progress of the Land and Claims Commission since the period reported on by the Hopkins Committee.

5. It was recognized by the Hopkins Committee that the rehabilitation of Guam involved "three distinct, although interrelated problems -- settlement of war damage claims, reconstruction of war-ravaged communities, and land acquisition and resettlement." The conclusions and recommendations of the Committee were accordingly made with reference to these three major problems.

6. The first major problem taken up by the Hopkins Committee was the settlement of war damage claims. In Paragraph number I of its Conclusions and Recommendations on Rehabilitation, the Committee concluded that "the settlement and payment of war damage claims and claims incident to the military occupation of the island has been proceeding much too slowly." Its recommendation was that "immediate steps should be taken to hasten this process and to remove unsound and unfair distinctions in the allowance of claims."

7. The first particular recommendation that the Committee made in light of its above conclusion was that the Meritorious Claims Act, Public Law 224, 79th Congress, be amended immediately to allow direct settlement and payment on the spot by authorized representatives of the Federal Government, without reference to Washington for approval or further action, of all claims, both property and for death and personal injury, up to \$10,000.00. The Act requires that all claims for property damage over \$5,000.00 and all claims for death and personal injury, regardless of the amount, be submitted to the Congress of the United States. The reasons for amending the Act are amply stated in the Hopkins Committee report under Discussion and Explanation, pages 11 and 12. The Commander Marianas and Governor of Guam have not been advised of the contemplated action on this recommendation. The need for amending no longer

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AIR MAIL

ComMar and Gov. of Guam ltr to SecNav via (1) JAG, (2) BuDocks, (3) CNO.

Subj: Rehabilitation of Guam.

exists in the case of the death and injury claims inasmuch as practically all of these claims have been processed.

8. It was next recommended by the Hopkins Committee, in paragraph IB of its Conclusions and Recommendations, that immediate action be taken to process through to payment those claims requiring congressional action. As noted above, practically all the death and injury claims filed have been paid. There has been some delay in processing through to payment the property claims which were forwarded for submission to Congress due to the fact that Congress was not in session at the time the particular claims were forwarded, but the Governor is advised that all except the most recently forwarded claims have now been acted upon. The number of property claims over \$5,000.00 still pending, most of which require some local investigation, is shown on Enclosure (A).

9. The progress made in processing the property claims of \$5,000.00 and under through to payment, which are handled on Guam, is shown by Enclosure (A). Due to a serious lack of personnel, the rate of processing has fallen short of schedule. It will be noted from Enclosure (A) that the halfway mark has not been reached. In a considerable number of instances, it is necessary to have probate proceedings instituted and administrators appointed so that payments can be made into the estates since it is not determinable otherwise to whom the payments should be made. These claims have been delayed particularly in processing because of insufficient personnel for the probate work.

10. The recommendation contained in paragraph IC of the Conclusions and Recommendations that the procedure required by the regulations implementing the Act for submission, proof, allowance and review of claims be simplified has been acted upon by the Secretary of the Navy with a resultant speedup in the processing of claims.

11. The third specific recommendation of the Hopkins Committee pertains to the value standard prescribed by the regulations for settling the claims. The regulations promulgated to implement the Meritorious Claims Act provided for those of the value standard existing in December 1941 as the measure of loss or damage. The Hopkins Committee recommended in paragraph ID that this standard be eliminated and that more liberality be practiced in the passing upon claims. It is the Governor's understanding of the theory of the regulations that it was difficult, if not impossible, to ascertain the exact time of loss or damage, particularly in the case of personal property -- all that could be determined was that the property existed at the time of the

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ComMar and Gov. of Guam ltr to SecNav via (1) JAG, (2) BuDocks, (3) CNO.

Subj: Rehabilitation of Guam.

Japanese invasion in December 1941 and that sometime between that date and the reoccupation of Guam by the American Armed Forces the property was lost or damaged -- therefore, the December 1941 value standard was adopted as being the only known standard existing when the property was known to exist. Furthermore, it is the Governor's understanding of the Navy Department's position that the Meritorious Claims Act did not seek to make the people whole so far as their property is concerned, which would require higher value standards, but to grant the people certain relief. It is the Governor's feeling that that the Navy Department's position is sound and should be adhered to in this respect, especially inasmuch as a great number of claims have been processed through to payment based upon the value standard prescribed by the Regulations. Furthermore, the value standard used throughout has been liberally interpreted.

12. At the time the Hopkins Committee made its report, the Regulations did not provide for payment of rental claims for the use of private property which had been and was being occupied by the Armed Forces. The Hopkins Committee recommended that the Regulations be amended in this respect and that rental be paid up to the date of acquisition of title by the United States or relinquishment of possession to the owners. Thereafter an amendment to the Regulations permitting payment of rental claims was approved by the Secretary of the Navy. However, payment under the Meritorious Claims Act is made up to 1 July 1946 only. In keeping with the intent of the Regulations a 1941 value standard has been used here also. After that date rentals are paid under the authorization of Public Law 594, 79th Congress, and current values are employed.

13. The next major problem considered by the Hopkins Committee was the general rehabilitation and reconstruction of the island. It concluded that this phase of the rehabilitation of Guam was "proceeding too slowly and should be speeded up greatly so as to eliminate or lessen the feeling of uncertainty and insecurity that is the principle cause of economic and social unrest." The Land and Claims Commission is concerned with the land surveying phase of this problem, both as regards the lands required by the Armed Forces and for the Guamanian reconstruction and resettlement program.

14. The first recommendation of the Hopkins Committee, paragraph IIA, Conclusions and Recommendations, made as a result of this conclusion was that a final determination of the post war requirements of the island be made promptly so that the Guamanian people would know what land would be available to them.

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AIR MAIL

ComMar and Gov. of Guam ltr to SecNav via (1) JAG, (2) BuDocks, (3) CNO.

Subj: Rehabilitation of Guam.

The Commander Marianas and Governor of Guam have not yet received official notification of a final determination as to the lands that will be taken for the requirements of the Armed Forces.

15. In the case of the reconstruction of the destroyed cities and villages, the Hopkins Committee next recommended, paragraph IIB, Conclusions and Recommendations, that this have first order of priority. The people have been resettled temporarily in a number of the villages in Government built houses, although under overcrowded conditions. Little progress has been made in resettling the people on a permanent basis. This phase of the program has been seriously delayed by the inability of the Land and Claims Commission to accomplish the survey work required. Reference (b) shows the progress in Agaña and Agat, which have first priority, and Enclosure (B) shows the progress in all the villages from a survey standpoint.

16. The third major problem involved in the rehabilitation of Guam is the land acquisition and transfer program, the taking of lands from Guamanians, for the use of the Armed Forces and the transfer of Government lands, no longer required, to the Guamanians for home, business and agricultural use. This phase of the program necessarily involves a number of time-consuming factors. The plans adopted for this phase of the rehabilitation program appeared unduly complex and of doubtful practicality to the Hopkins Committee, paragraph III, Conclusions and Recommendations. Nevertheless, the Governor considers that they represent the soundest approach to solving the problem. The important thing is getting the program moving, which from a Land and Claims Commission standpoint has been delayed by serious lack of qualified personnel. The program has been further delayed and complicated by the absence of an appropriation for land acquisition for the land to be taken by the Armed Forces. The Land and Claims Commission has been forced to resort to leasehold condemnations covering this property in order to hold areas until an appropriation is forthcoming. This action increases immeasurably the appraisal, negotiating and legal work of the Commission.

17. As known and appreciated by the Secretary of the Navy, the magnitude of these phases of the rehabilitation program requires a substantial number of personnel of various talents. To date an adequate number of personnel has not been made available to the Land and Claims Commission. In fact, the Commission has been operating with approximately fifty per cent of the allowed personnel.

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HWMcK/jlk

AIR MAIL

ComMar and Gov. of Guam ltr to SecNav via (1) JAG, (2) BuDocks, (3) CNO.

Subj: Rehabilitation of Guam.

There has been a particular lack of survey personnel for field work, appraisers, negotiators and attorneys, both from a standpoint of numbers and qualifications. The Survey Section of the Commission, which has been most seriously depleted, was treated separately in Reference (b). The Governor outlined the personnel requirements of that section and pointed out that the Commission could not compete with private contractors and the United States Engineering Department due to the existing job classifications and wage differentials.

18. The Governor recommended in Reference (b) that the Area Wage and Classification Board, Pearl Harbor, Territory of Hawaii, be instructed to make a complete survey of the personnel requirements of the Land and Claims Commission and in doing so be instructed to disregard the requirements of stateside and other island Civil Service classifications and make its determination upon present conditions on Guam. The personnel status of other sections of the Commission, including the Survey Section under the existing organization, is as shown in Enclosure (G). A reexamination of the personnel requirements has been made and recommended positions and classifications to accomplish the business of the Commission and to attract qualified personnel are submitted herewith as Enclosure (D). Dispatch authority is requested to submit position descriptions in accordance with the listed personnel requirements.

19. It is considered a matter of definite importance to the national Government to speed up the rehabilitation program. A general feeling of uncertainty and insecurity as to land matters prevails among the Guamanian people. It is the Governor's objective to have the bulk of the Land and Claims Commission work concluded by 1 July 1949. It is clear that it cannot be attained without a substantial improvement in the personnel situation, and it is recommended that prompt action be taken to enable the Commission's requirements to be filled.

20. The Hopkins Committee further recommended that a special land court be constituted with a stateside judge. This was accomplished in October 1947 by the constituting of the Superior Court of Guam and the appointment of the Honorable John C. Fischer as Judge. The land matters handled in accordance with the recommendation of the Hopkins Committee reached a high of 313 per cent at the end of December 1947 over the month of October, the month in which Judge Fischer was appointed and took over responsibilities, and reached a high

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25 February 1948

AIR MAIL

ComMar and Gov. of Guam ltr to SecNav via (1) JAG. (2) BuDocks, (3) CNC.

Subj: Rehabilitation of Guam.

of 450 per cent at the end of January over October. Immediately upon taking office, Judge Fischer tried and handed down the so-called Agat Decision, which is generally considered responsible in great measure in causing the defendants in other cases to come to term by stipulation instead of contesting in Court, thus allowing orders and judgments to be entered without delay and additional expense to the Government. It appears, however, that ten per cent of the land owners intend to refuse the Government's offer and contest their cases, which situation could and probably will run into several hundred contested cases. The Artero or North Air Field case involving a \$91,000 condemnation deposit is expected to come on for trial shortly and promises to be an exhaustive and complex law suit. The defendants are asking for \$600,000. There are also innumerable probate cases involving land matters which impose a substantial burden on the Courts.

21. Judge Fischer is confronted with the task of handling this great maze of work without a staff, except for one attorney law clerk recently transferred to Judge Fischer from the Land and Claims Commission on a temporary basis. The personnel requirements of Judge Fischer for the Superior Court are set forth in Enclosure (E). It is recommended that these positions be set up and filled at the earliest possible date.

C. A. POWNALL

cc: JAG
BuDocks
CNO
Area Wage & Class. Bd., T.H.
OIR, Washington, D.C.
OIR, Guam
Comdr. O'Bannon, Room 2148, main Navy, Office of JAG.
Rear Admiral E. Lt Marshall, c/o Ch Budocks
Judge Fischer
C.A.
Flag Sec.
L&CC

21 October, 1946.

Hon. Harold L. Ickes,
Ex-Secretary of Interior,
WASHINGTON, D.C.

Dear Honorable Sir:

Permit me to introduce myself. I am a native of Agana, Guam of Chamorro parentage. Born in 1894. Attended Guam American Schools. Started to leave Guam since 1910 to the Philippines, China, Japan, Honolulu and the U.S.A.

Volunteered in the service of Uncle Sam in 1917 and honorably discharged in 1919 in California. Started my business in 1922 till the Japanese took Guam. Was one of the four merchants asked by the Military Government when Guam was secured to distribute civilians goods thru stores; but acted only as a retailer which holds a Second Class Traders' License, till last May when I asked for FIRST CLASS TRADERS' LICENSE and went to the Mainland to make purchases. On this trip I reached the Capitol Hill.

While at Washington, I met Dr. Laura Thompson whom I met years ago and a guest at my home in Agana. I also met Mr. John Collier and other people of public interest and in New York. I was offered to meet you while in Washington but I confessed that I had cold feet. This is due to the fact that I thought something might have happened to me at Guam which is my permanent home. I am sure you will understand what I meant. But after I met President Truman, I felt different. It was thru the kindness of a personal friend, Mr. Thomas H. Beck, President of the Crowell-Collier Publishing Co., of New York who made the conference possible. I met Mr. Beck with Senator Macdoo in G. Guam in 1936.

I held different positions in the Naval Government GRATIS and a member of different organizations of the Island where a Chamorro could be admitted, including the Guam Congress.

I am sure the people of Guam are thankful for speeches in our behalf. They want to express their thanks individually and collectively but fear of some consequence, are in silence. Since they are not represented at Washington and only you was bold enough to fight for their cause, they will be willing to ask you to represent them in all the future.

May I hear from you soon.

Respectfully & Cordially,
1946

Hon. Harold L. Ickes 2

requirements or problems. Now we have the U.S. Citizenship the payments of our Claims over \$5000.00. While in Washing it was one of my business xxx to inquire how to have CLAIMS above \$5000.00 be paid. As I did not stay long enough to all the information, Mr. Collier promised all the help. Lawyers were introduced by letters to work for us. Had already meetings with those claimants whose claims are over \$5000.00 my house but they seemed not to be very interested even when names of lawyers of New York and Washington were read their offer to work for the case. But when I mentioned of CITIZENSHIP and CLAIMS with your name, they seem to feel different. I told them that possibly you will agree for us for both, but on the Claims you must get for your services some percentage once in the case. The lawyers offered differently and the lowest is 10% plus expenses. Since they do not know these lawyers, they were more interested in your name, but not one say anything. Both Chairmen of the present Guam Congress were present in some of the meetings. I am planning of calling those less known to the public but have more claims than those already present. was xxx my plan to call first the ones who claim that they are superior and later call on the other group, so no one will say that they were forgotten. The first group is easily offended. They are our BIG SHOTS. In Guam, we have like any other place those who profess to belong to the UPPER CRUST, and in name only.

The meeting of the Lower Class will soon be called at my residence and it will be possible that some one and may be myself will be asked to go to Washington to fight for their CLAIMS-INTERESTS on a PERCENTAGE BASIS. The one who will fight for us and the one who will represent the Claims. Please let me know by return mail if anything you could do to help us in our plight. If I ever go, I will represent only the CLAIMS and not CITIZENSHIP.

At present, by virtue of my war service, I am an officer of the American Legion. My CLAIMS require six figures

Being a subscriber of the Colliers, I read your article of August 31. Guam reads it, too. All over the world where Chamorros are enjoying your articles in our behalf. Mr. Collier has a list of us. The world would wonder what will happen if you come to Guam and Samoa. Mr. Tweed this month has a surprise for himself when he was here to present an automobile to one who saved his life. I was present at the occasion and the BOOING of the crowd who resent his books no one could hear a word of what he said. Your presence will be different, except the Navy, of course. Things are better now than when I was here last June. It is thru your efforts. It produces results quite evident, altho gradually.

May I hear from you soon.

Harold L. Ickes 3

possibly HEADACKES and troubles. But the Lord works mysterously and He always finds some one to work for the underdog and the compensation this worker gets are RICHES stored in HIS MANSIONS. Over 23,000 souls will appreciate your any aid you may give them NOW or NEVER. And their prayers will reach the HIGHEST.

Should you ever come to Guam after the great undertaking because you might not like to come NOW, as things changed, the WELCOME will most appreciated by you and those who helped you in the casue.

The GHOST OF GUAM, Tweed experienced the worst of his life when he was booted while speaking in Guam most ancient public square-Plaza de Espana, during an occasion when he said he was giving a certain native who saved his life from the clutches of the Jpas, an automobile. It was GUAM who saved his life and no single individual. Guam has honor for him as a SYMBOL of UNCLE SAM and not as a Tweed. I was present with the crowd as an organization. Placards drowned the voices who spoke for the occasion. The orderly and angry crowd was lead by a young native priest, with members of Guam Congress and the public. Over a number of reporters were present to witness the occasion.

Things have improved thru your efforts, but we want more and more especially the right for a representation in TAXATION and other public participation in the government. May be only the change you advocate will the only solution of all problems before the people of Guam.

It is sincerely hoped that you will excuse my way of expressing myself and errors that I may have committed. I, TOO wanted to learn more of our language and things AMERICAN. I did not have the CHANCE. I worked for all I know and own. I worked my way thru the little education I now possess. Both now the Church and the State are working double time to prepare our people for better things in life. Your efforts produce results gradually and steadily.

May I hear from you soon?

Most respectfully & Cordially

Jose M. Flores

P.S. By virtue of my World WAR I service, I was naturalized in San Francisco in 1922.