

LOS J. MOORHEAD
18 DISTRICT, CALIFORNIA

ROOM 2346
NEW HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-4176

ROOM 404
1101 BRAND BOULEVARD
DALLAS, CALIFORNIA 91263
(213) 247-8446

ROOM 618
4511 COLORADO BOULEVARD
DENVER, CALIFORNIA 91164
(213) 753-6168

100-100001-1000

Congress of the United States
House of Representatives
Washington, D.C. 20515

June 9, 1982

IP402
COMMITTEE

JUDICIARY

SUBCOMMITTEE ON ADMINISTRATIVE LAW
AND GOVERNMENTAL RELATIONS
SUBCOMMITTEE ON MONOPOLIES AND
COMMERCIAL LAW

ENERGY AND COMMERCE

SUBCOMMITTEE ON ENERGY CONSERVATION
AND POWER

SUBCOMMITTEE ON TELECOMMUNICATIONS,
CONSUMER PROTECTION, AND FINANCE

ACTION
is assigned to

EA

Mr. Richard Fairbanks
Assistant Secretary for Congressional Relations
Department of State
2201 C Street, N. W. - Room 7261
Washington, D. C. 20210

Dear Mr. Fairbanks:

Enclosed herewith is a letter I have received from [redacted]
[redacted] of Glendale, California, a city within the area I represent
here in the Congress. Also enclosed are documents supporting
the information included in [redacted] letter, and a letter
from Mr. [redacted], who also resides in my District.

I shall appreciate your advising me concerning the questions
raised in [redacted] letter.

Thank you.

Sincerely,

CARLOS J. MOORHEAD
Member of Congress

CJM:d
Enclosures

*re: Claim against Govt. of Japan for loss of property
during WWII*

from:

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT,
U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Gratefeld, Director

() Release ☒ Excise () Deny

Exemption(s): B1

Declassify/Decontrol: ☒ In Part () In Full

() Classify as () Extend as () Downgrade to

Date 8/1/83 Declassify on loss of property

DOCUMENT ANALYSIS

1982 JUN 14 AM 9 58

RECEIVED
DEPARTMENT OF STATE

(28)

IP402A

Mr. Carlos J. Moorhead
Rayburn House Office Building
Washington D.C. 20515

June 3, 1982

Thank you for your continuous assistance rendered to me and my wife. This time, I would like to ask your favour for our [redacted] who wants to have Ministry at Tokyo, Japan as he did before. B1

As you may see the attached documents, [redacted] has new assignment to Tokyo Japan as a Pastor for the purpose of preaching, worshiping, and promoting Christian's gospel work in Japan. B1

Please help him in obtaining proper church building through Federal government agencies, such as State Department or Embassy in Tokyo.

Thank you much.

Sincerely Yours,

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT
U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director
() Release (X) Excise () Deny
Exemption(s): B1
Declassify/Decontrol: (X) In Part () In Full
() Classify as () Extend as () Downgrade to
Date 8/27/02 Declassify on Reason

TO: Mr. Carlos J. Moorhead
Rayburn House Office Building
Washington D.C. 20515

June 2, 1982

D
IS |

(IP402B)

S/
B/

[redacted] is a friend of mine and he gave me your name.
My name is [redacted] and I am a U.S. citizen, a doctoral graduate from Seoul Theological School in Korea, and a minister representing the Community Chapel World Outreach. My assignment is a Christian Ministry to Tokyo, Japan. My wife and daughter are already living in Tokyo and I went to there in December 1981 and in March 1982 to try to establish a Missionary office for promoting gospel work, and a church in which to have worship services each Sunday. However, I lack the funds necessary to do this, and that is my purpose for writing this letter.

I was a Minister in Tokyo prior to World War II, and had a church building and pastor's quarters there. During the War, this property was intentionally destroyed and I was imprisoned. Along with other Ministers, I was severely tortured by the Japanese, who attempted to eradicate Christianity from their land. Fortunately, we were all released from the prison when the Japanese surrendered to the Allies. But my church and pastor's quarters were no longer there.

I am attempting now to seek recompense from Japan for the loss of these properties. As a victim of World War II, I feel that I have a legitimate right to do this, just as Japanese citizens have made claims against the U.S. government for damage suffered by them during the War (especially A-bomb victims). I do not make any claims for the physical and spiritual damage I suffer because I believe the Son of God will take care of these. But I herewith officially claim against the Japanese government for whatever amount of money may be necessary to construct a new church in Tokyo, or buy old church buildings, so that I may continue my Christian Missionary work there for Japanese people.

I am enclosing several sources of documentation which give support and validity to my claims. I believe that I have the right to make the claims, and that the United States Government has an obligation to me, as a citizen, to help me in my efforts. Anything that you can do on my behalf will be truly appreciated. I would be grateful if you would let me know what you intend to do about this matter, as soon as possible.

I do not have any knowledge at all as to what kind of channel or step should we take; is it go through State Department or U.S. Embassy in Japan, etc.?

It is therefore sincerely requested that 1.2 Million dollars be reimbursed to either construct the church or buy old church in Tokyo to have preaching and gospel work along with worship services for Japanese people.

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT

U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director

() Release (X) Excise () Deny

Exemption(s): B1

Declassify/Decontrol: (X) In Part () In Full

() Classify as () Extend as () Downgrade to

Date 8/27/82



COMMUNITY CHAPEL WORLD OUTREACH

October 7, 1981

To Whom It May Concern:

I would like to introduce myself. I am Reverend Esther M. Mallett, Pastor of Community Chapel World Outreach of Norwalk, California. I am the founder, President, and senior Pastor of this work and have been for 25 years. I am also the President of our Bible college, Southern California Community Bible College, and our Christian school, Community Christian Academy. We have established several works in the United States of America and support missionaries in various countries of the world.

On September 27, 1981, we ordained [redacted] who is a member of this corporation, to be our first representative of Community Chapel World Outreach, USA, to the peoples of Japan. [redacted] has proven himself to be a man of God as a United States citizen. We respect him very highly, and we are sending him to Japan to be an encourager and a blessing to the Japanese people.

As President of Community Chapel World Outreach, I am looking forward to being in Japan to see what God is doing in that nation. May God richly bless all the peoples of Japan.

In His service,

Esther M. Mallett
Pastor Esther M. Mallett
President

Richard Butterfield
Richard Butterfield
Administrator

Robert Carter
Robert Carter
Dean

Dennis Macauley
Dennis Macauley
Elder

Stan Sederholm
Stan Sederholm
Elder

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT

U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director

() Release (X) Excise () Deny

Exemption(s): B1

Declassify/Decontrol: (X) In Part () In Full

() Classify as () Extend as () Downgrade to

Date 8/27/02 Declassify on Reason

12400 Studebaker Road · Norwalk, California 90650 · (213) 868-0072

101

CERTIFICATE OF ORDINATION

"And He gave some to be apostles, some prophets, some evangelists, some pastors and teachers, for the equipping of the saints for the work of the ministry, for building up the body of Christ."

THIS IS TO CERTIFY

that after satisfactory examination regarding Christian experience, call to the ministry, personal qualifications, and educational qualifications

REV. J. M.

was duly ordained to

THE CHRISTIAN MINISTRY

GOVERNMENT DISCLOSURE ACT
STATE, RPS/IPS, Margaret P. Grafeld, Director
Excise (X) Deny
Classification(s): B1
Classify/Decontrol: (X) In Part () In Full
() Classify as () Extend as () Downgrade to
Date 8/27/82 Declassify on Reason

BY THE Community Chapel World Outreach
OF 12400 Studebaker Rd. Norwalk, California CHURCH
ON THE 27th DAY OF September 1981
UPON THE RECOMMENDATION OF A DULY CALLED COUNCIL OF THE
Community Chapel World Outreach

CLERK OF THE CHURCH

Richard S. Butterfield

Dennis M. McCasland
Pastor - Christ Church

Rev. Arthur D. Jones
Moderator of the Council
Rev. Ray Butterfield

P B1 IP402F

PETITION FOR VERIFICATION OF DEFENSIVE FACTS

IMPERIAL GOVERNMENT DISCLOSURE ACT

OF STATE, RPS/IPS, Margaret P. Grafeld, Director

se ☒ Excise () Deny

(s): B1

/Decontrol: ☒ In Part () In Full

ify as () Extend as () Downgrade to

Date 8/24/02 Declassify on Reason

March 26, 1962

To: Messrs. Takuro Fujikawa and Hanzo Yamada

Beginning on June 26, 1942, a very important event for the Japanese Christian Churches, oppression of the Showa Era, occurred. Amongst the churches, the sixth and the ninth divisions of the Japan United Christian Church were hit hardest; and throughout the country, fifty-six (56) ministers were arrested, four (4) died in prisons or during the trials, eight (8) died out of the country, and five (5) sentenced. I was one of the thirteen (13) ministers arrested in Tokyo. I was then sent to Japan by Tokyo Senkyo Kai (Oriental Missionary Society) in Seoul, Korea, and was appointed to the head minister of Tokyo Takada Church at 2-1459 Takadahon-cho, Toshima-ku, Tokyo, and was the only Korean amongst the many Japanese pastors.

* Jail and Prison

Since I was arrested on June 26, 1942, I was confined both in a detention room of the Mejiro Police Station and in the Sugamo Prison in Tokyo for two (2) years and fifty (50) days. Even after I was released on bail on December 27, 1944, I was under a severe surveillance, as if I had still been in prison, for six (6) months until the trial was completed.

The prosecutor's recommendation was two-year imprisonment (November 27, 1944), and the judicial decision was one-year imprisonment and three-year probation. (December 29, 1944). My defense attorneys were Messrs. Takuro Fujikawa and Hanzo Yamada.

* Tortured because of my Korean Nationality

I was tortured by Tokko (Special Police) because of, beside my religious beliefs, my ideology concerning Korean Independent Movement as I was a Korean.

During my imprisonment, I got frostbitten and lived very inconveniently.

* Confiscation of Book Collection

My library, consisting of about one thousand seventy-two (1072) books and other materials, was confiscated as evidence, and they still have

not yet been returned to me.

*** Family Destruction**

During my imprisonment, my family came apart due to poverty and prejudice from neighboring Japanese people. Unfortunately, we were never to be reunited again.

*** Compulsory Evacuation of Church Building**

My Tokyo Takada Church and its minister's residence, having a floor space of 36 tsubo (approximately 1278 square feet) and that of 17 tsubo (approximately 603.5 square feet) respectively, were the target of hatred of neighborhood, and only ones in the vicinity ordered forced evacuation.

*** Japanese Church Revival**

After the war, eighty-two (82) and their ministers revived in various places in Japan by the support of many sources; however, only my Korean Church was and still is yet to be rebuilt despite of the permission of restoration.

*** Refusal of Criminal Redress Suit**

After the war, the Office of Religion of the Occupation ^{U.S.} Army in Japan investigated my case, including the contents of the accusation, the circumstances during my arrest, the condition in the prison, the attitude of the prosecutors, the situations of the preliminary hearing and the trial, mental and physical damages, materialistic losses, and embarrassment.. After the investigation, an official said, "Being only Korean in the situation, you are able to file a suit requesting your indemnity," and he suggested that I follow the necessary procedures at the General Headquarter. However, I refused his suggestion. The reasons were: it was natural that I had received suffering as a servant of God; I did not hate either Japanese or Japanese authority; since I had a wish to rebuild my church in some time, I had no desire to convert my suffering into money. The officer looked dubious.

*** Dismissal**

Even though enormous amounts of materialistic, physical, and domestic sacrifice were made since my arrest during the oppression, after the war my case was treated as simply as "dismissal."

Please verify that the above mentioned defense facts are true and correct.



51

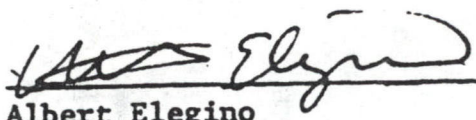
We verify that above mentioned facts are true and correct.

Attorney Takuro Fujikawa (seal)

Attorney Hanzo Yamada (seal)

March 26, 1962

I, Albert Elegino, certify that the above English translation of the original Japanese document is true and correct to the best of my knowledge.


Albert Elegino

April 23, 1982

IP402G

3

弁護事実証明願

一九六二年 三月二十六日

日本基督教団

東都教会（元東京高田教会）

正教師

藤川卓郎 殿

弁護人

山田半蔵 殿

私儀

昭和十七年六月二十六日早朝を皮切にキリスト教会の弾圧がはじまった矢先に
なかでも日本基督教団才六郎才九郎の教会が崩玉に上つて全国で検挙された牧
師の数が五十六人、起訴された教師が四十九人、裁判中或は獄中にて死亡した
者四人、外地受難者八人、実刑に服した者五人と云う日本キリスト教会に取つ

手紙

様

に

付

す

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT

U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director

() Release (X) Excise () Deny

Exemption(s): B1

Declassify/Decontrol: (X) In Part () In Full

() Classify as () Extend as () Downgrade to

Date 8/27/02 Declassify on Reason

て昭和の迫害事件とも云うべき重大事件が生じたのでありました。私は東京の十三人の教師が検挙された内の一人であります。私は当時韓国のソウルの東洋宣教会（O.M.S.）から東京に派遣され、東京都豊島区高田本町二ノ一四五九番地、東京高田教会の主管者であり、多くの日本人教師の中の只一人の韓国人教師でありました。

◎ 拘留場と刑務所

私は十七年六月二十六日検挙されてから満二年と五十日を東京都豊島区目白警察署拘留場と巣鴨拘留所に拘留され、保釈後も（十九年十二月二十七日）裁判完了迄の六ヶ月、きびしい監視の許で在獄同様な目に迫りました。

遂に私は懲役二年を求刑され（十九年十一月二十七日）、判決は刑一年、執行猶豫三年（十九年十二月二十九日）を言渡されましたが、当時の私の弁護人は藤川卓郎先生と山田半蔵先生でした。

事務所 広島県三次市三次町数利所前
電話（三次）二七一・二五
自宅 広島県三次市東酒屋町
電話（三次）二七九・一各

◎朝鮮人なるが故の重なる問題

一、宗教問題以外にも朝鮮人なるが故に思想問題、朝鮮独立問題等で特高から叩かれ情けない 問を甘受しました。

一、私は入獄の間に酷い凍傷病にかかり手足の不自由な獄中生活でした。

◎蔵書 没収

一、私は私の蔵書其の他一〇七二点を証拠物件として没収されました。未だに手許へかえつて参りません。

◎家庭 離散

一、私の在獄中私の妻子は生活苦と、近所の日本人の白眼視する視線に耐え切れず遂に分散。不運にもそれ以来永久に戻す事の出来ない散壊された家庭となりました。

◎教会堂強制疎開

一、なかでも前記豊島区高田本町の私の牧会しておりました教会堂は建坪三十六坪

牧師館十七坪の建物は周囲から憎悪され、此の町内で教会堂一軒文が強制疎開になつた有様です。

◎日本人各教会の復興

一、終戦後閉鎖された八十二の日本の各教会と牧師達は、それぞれ各方面の支援の許に洩れなく復興し、現在に至つて居りますが、私の韓国人教会文が復興の承認がなされたきり一別紙承認書参照一未だに教会堂を建てる手筈になつて居りません。

◎刑事賠償訴訟拒否

一、私は終戦後マツカーサー司令部の宗教係から再調査がなされ、起訴内容、検査された当時の模様、獄中での待遇、検察官の態度、豫審と裁判の模様、心身に受けた被害、物質的な損害、一身上の困惑、等を調べ詳しく聴取された後調査官から「あなたは只一人の韓国人であるから刑事賠償を司令部へ訴訟請求する事が出来るから、すぐその手続を取る様に聞かされましたが、私はこの手続を

事務所 広島県広島市二区河内町四丁目
電話 (三三) 二七九一
自宅 広島県広島市二区河内町四丁目
電話 (三三) 二七九一

を拒否致しました。その理由は私が苦難を受けたのは神に使える者として当然な事です。私は日本人も日本官憲も憎んで居りません。而も私は折を見て教会を復興したいのですから私の受けた苦しみを金銭に換えてしまう意志はありません。と、はつきり断りました。当時の調査官は怪げんな顔をしていました。

◎自然免訴

以上の様な大掛りな弾圧事件に検挙され、て以来物質的家庭的肉体的且つ私の前途の爲にも多くの犠牲を強いられましたが、終戦後簡単にいとも簡単に「免訴」と云う形を以つて片付けられました。

右の弁護事実を御証明下さる様御願ひ申し上げます。

右



藤川卓郎

昭和三十七年三月廿六日

右の事実を認めます

東京三木三木町裁判所前

弁護士 藤川卓郎事務所

事務所電話(三木)二七一二番

自宅電話(三木)二七九一番

弁護士 藤川卓郎

東京都台東区池之端七軒町三九

弁護士 山田半蔵

事務所 東京三木三木町三木町三木町三木町
電話(三木)二七一二番
自宅 東京三木三木町三木町三木町三木町

K

IP402H

RECORD OF OPPRESSION OVER HOLINESS CHURCH

by Nobuyoshi Takayama

Foreword by Tomio Muto

Mr. Nobuyoshi Takayama was doing office work and clearing up the pending business at the Sixth Division of the Japan United Christian Church when his fellow ministers were being arrested during the war.

He recorded in detail his experiences and several important events during that period. These were to be valuable materials for the history of Protenstantism in Japan.

This oppression over the Holiness Churches was the biggest event since the Pretenstantism had been introduced to Japan one hundred years ago. During the Meiji Period (1868-1912)*, the oppression over the Christian churches was not done by the government but occurred among the people. (parenthesis is by the translator) Public interruption, sabotage, throwing stones, assault to preaching and worship were done by the people and the private organizations who harbored an antipathy toward Christianity. The Meiji Government rather had tendency to use the Christianity. However, oppression over the Holiness Church, starting on June 26, 1942, was done directly by the state authority. Even the public Order Maintenance Act, which was made to suppress the Japan Communist Party (and the other left wing parties), was applied to the Holiness Ministers. It was an event that the Christian belief and the State authority collided head to head regarding the divinity of the Emperor.

It is a virtue for compiling the history of the Protestantism in Japan that Mr. Nobuyoshi Takayama has kept the materials concerning this event to the present. There may be some people who would be annoyed by unveiling the materials, but the judgement should be in the hands of God.

I would like to take this opportunity to appreciate the Eiwa Publishing Company for publishing this book and to hope that this publication will be read by many people as a historical material, be used to compile real history, and be kept forever.

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT
U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, D
☒ Release ☐ Excise ☐ Deny

June, 1958 Exemption(s):

Declassify/Decontrol: ☐ In Part ☒ In Full
☐ Classify as ☐ Extend as ☐ Downgrade
Date 8/29/82 Declassify on Reason

I, Albert Elegino, certify that the above English translation of the original Japanese document is true and correct to the best of my knowledge.


Albert Elegino
April 26, 1982

Declassify on 8/27/02 Reason

ホーリネス弾壓事件の記録

(元第六部聖教會に對する)

商

DECLASSIFIED Authority
NND 37363



オーストリアの記録（元日本聖教會に對する）

にたり。たゞトリキの舞庄は更に國家を亂しよる正當なる存在であり、
またさうなものでないスト盧修と云ふは唯り意が正當性を失した事件である。
それによつて生ずる人もあるであらうが、その影響は計知れない。

3 IP402L 2

PETITION FOR VERIFICATION OF THE COMPULSORY EVACUATION FACT

Building Location

1. 1-370 Minami Takada-cho, Toshimaku, Tokyo
Tokyo Takada Church
2. 2-1459 Takada Honcho, Toshima-ku, Tokyo
Tokyo Takada Church

Please verify the fact that the above mentioned buildings were disposed according to the Fifth Compulsory Evacuation Act on

Mo. Date, Year

The usage of this petition is to the authority concerned in order to revivce the Tokyo Takada Church.

April 2, 1962
Petitioner

I verify that the above is the truth.

Tokyo Toshima Ward Office
The Chief of the Ward
Hidetaka Kimura (seal)

April 2, 1962

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT
U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director
() Release (X) Excise () Deny

Exemption(s): B
Declassify/Decontrol: (X) In Part () In Full
() Classify as () Extend as () Downgrade to

I verify that the above is the truth. Date 8/27/82 Declassify on Reason

Umekichi Nakamura (seal)

I, Albert Elegino, certify that the above English translation of the original Japanese document is true and correct to the best of my knowledge.


Albert Elegino

April 23, 1982

IP402M

強制開示実証明願

建物所在地

一東京都豊島区高田南町一丁目三七〇番地

東京高田教会

主管者 工 藤 光 男

二東京都豊島区高田本町十一一四五九番地

東京高田教会

主管者 工 藤 光 男
(使用人 朴 敏 愛)

右の建物昭和 年 月 日第五次強制開示令に依り処置された

事の実を御証明下さい。

右証明用途は

東京高田教会復興施設の為、建築関係者に提出の為

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT
U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director
() Release (X) Excise () Deny

Exemption(s) B1
Declassify/Decontrol: (X) In Part () In Full
() Classify as () Extend as () Downgrade to
Date 8/27/02 Declassify on Reason

昭和廿七年四月二日

右 諸 顧 人

東京都新宿区戸塚町二ノ二二五



東京都豊島区役所

区長 木 村 秀 崇 殿

右に相違ないことを証明します

豊島行証第 壹六四 号

昭和廿七年四月二日

東京都豊島区長 木村 秀 崇



豊島区役所建築課



元東京都豊島区役所書記 小 沢 幸 貞 様

2

P820081-2166

P820081-2166

IP403

June 14, 1982

Dear Senator Cranston:

This is in response to Mr. [redacted] inquiry concerning the alleged use of American POWs in Japanese bacteriological warfare (BW) experiments during World War II. This issue has been raised a number of times since the Occupation period in Japan. During the Occupation, the Allied War Crimes Tribunal decided that it would not prosecute BW-related charges unless particular incidents could be well documented and linked to specific individuals. Records of the United States Occupation authorities, in fact, contain no clear proof that United States citizens were involved in BW experiments. The "60 Minutes" to which Mr. [redacted] refers are, like similar past press coverage, based on hearsay and lack firm supporting evidence. If you have further questions on this subject, I recommend that you contact:

Mr. Norman Covert
Public Affairs Office HSD-PA
Port Detrick, MD 21701

I hope that this information will be of help in responding to your constituent's inquiry.

Sincerely,

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT
U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director

() Release (X) Excise () Deny

Exemption(s): B1

Declassify/Decontrol: (X) In Part () In Full

() Classify as () Extend as () Downgrade to

Date 8/27/82 Declassify on Reason

Powell A. Moore
Assistant Secretary for
Congressional Relations

The Honorable
Alan Cranston,
United States Senate.

Drafted:EA/J:GRubinstein:eh
6/8/82 ext. 23152
Control No. P820076-0831

Clearances:EA:JMiller
H:Witch
EA/J:LFarrar

P820100-0617
HOUSE OF REPRESENTATIVES, U.S.
WASHINGTON, D.C.

June 24, 1982 198

Respectfully referred to

Congressional Liaison
Department of State
Room 7261
2201 C Street N.W.

ACTION
is assigned to

EA

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT

U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director

Please find enclosed a recent communication received by our office.

(X) Release () Excise () Deny

Exemption(s): B1

I would appreciate any information or assistance you can provide us in this regard so that we may answer this correspondence.

Declassify/Decontrol: (X) In Part () Full
() Classify as () Extend as () Downgrade to
Date 8/27/82 classify on Reason

Thank you.

Sincerely,

Clarence E. Miller

Clarence E. Miller
Member of Congress
Rayburn House Office Bldg.
Washington, D. C. 20515

CEM:tm

re: Would like to know if U.S. is extraditing foreigners
("Japanese War Criminals") to stand trial

from:

(2)

IP404A

Representative Clarence E. Miller
U.S. House of Representatives
Washington, D.C. 20515

TM

Dear Mr. Miller:

Now that U.S. Justice Department is in the business of extraditing foreigners in order for them to stand trial, I would like to know if U.S. is conducting dialogue with Japan regarding the "Japanese War Criminals" who were guilty of horrendous acts of torture including inhuman experimentations on American prisoners of war during WWII. It is my understanding these monstrous acts by Japan are a matter of record with our government.

I perceive this matter has been low-keyed far too long and should be surfaced and treated in the same manner our government has demonstrated its energies in dealing with the whole issue of "Nazis War Criminals" why should the "Japanese War Criminals" be exonerated of these hideous acts.

Is it possible you may have pertinent information on this matter or perhaps you can suggest who I can contact elsewhere in the government.

Sincerely,

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT
U.S. DEPT. OF STATE, RPS/IPS, Margaret P. ... Director
() Release (X) Excise () Deny
Exemption(s): B1
Declassify/Decontrol: (X) In Part () In Full
() Classify as () Extend as () Downgrade to
Date 8/27/02 Declassify on 5/8/09 Reason 578109

IP 405

P

31

P820103-0463

July 26, 1982

Dear Mr. Miller:

This is in response to Mr. [redacted] inquiry concerning the extradition of alleged Japanese War Criminals in connection with charges that they performed bacteriological warfare (BW) experiments on American prisoners during World War II. This issue has been raised a number of times since the end of the war. During the U.S. occupation of Japan, the Allied War Crimes Tribunal decided that it would not prosecute BW-related charges unless particular incidents could be documented and linked to specific individuals. Records of the U.S. occupation authorities, in fact, contain no clear proof that United States citizens were involved in BW experiments. If you have further questions on this subject, I suggest you contact:

Mr. Norman Covert
Public Affairs Office HSD-PA
Port Detrick, MD 21701

I hope that this information will be of help in responding to your constituent's inquiry.

Sincerely,

PM

Powell A. Moore
Assistant Secretary for
Congressional Relations

The Honorable
Clarence E. Miller,
House of Representatives.

Drafted:EA/J:DWalker:eh
7/21/82 ext. 23152
Control No. 100-0617

Clearances:EA: *PM*
H:Witoh

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT
U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Gruteld, Director
() Release (X) Excise () Deny
Exemption(s): B1
Declassify/Decontrol: (X) In Part () In Full
() Classify as () Extend as () Downgrade to
Date 8/27/02 Declassify on Reason

DANIEL P. MOYNIHAN
NEW YORK

P820145-1444

IP408

United States Senate

October 5, 1982

Respectfully referred to

Department of State

for response to the questions raised
in the attached correspondence. Kindly
direct your response to my office.

By direction of

Daniel P. Moynihan
U.S.S.

Mark to the attention of:

Joenie Hilfer

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT,
U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director

() Release (X) Excise () Deny

Exemption(s): B1

Declassify/Decontrol: (X) In Part () In Full

() Classify as () Extend as () Downgrade to

Date 8/27/82 Declassify on Reason

Re: Concern regarding the U.S. Japanese
warfare activities during World
War II

From:

2

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT
U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director

September 13, 1982

() Release (X) Excise () Deny
Exemption(s): B1
Declassify/Decontrol: (X) In Part () In Full
() Classify as () Extend as () Downgrade to
Date 8/27/02 Declassify on Reason

The Honorable Patrick Moynihan
U.S. Senate
Washington, D.C. 20510

Dear Senator Moynihan:

I am writing in deep concern regarding the U.S. Japanese
germ warfare activities during World War II.

I was elated to hear that 60 Minutes had run a segment on it.
After reading about it for the first time on November 1, 1981,
in the New York Times, I was appalled that these activities have
gone unpunished.

These heinous war crimes should not and cannot be ignored
for if they were, it would set a precedent for future
torture of prisoners of war. Those U.S. Officials must be
found and tried, to set an example so that something
like this never happens again.

Please keep me informed as to your action of this matter.

Sincerely,

IP409

720146-1115

Dear Mr. Corrada:

I refer to your letter of September 3 concerning who is seeking compensation for property allegedly confiscated by the Japanese during World War II in 1940-1941. On September 17 we discussed this matter with George Felices of your office.

B1

There are not sufficient facts and information in letter for us to pass judgment on the merits of her claim. It appears that she is claiming for two kinds of losses:

B1

- (1) the confiscation by the Japanese in 1940 or 1941 of assets of her late husband, in Shanghai, China; and
- (2) the sinking by Japanese planes of a cargo ship which carried hides worth \$250,000 owned by

B1

Claims of the United States Government and United States nationals against Japan arising out of World War II hostilities have been settled by the Treaty of Peace between the Allied Powers and Japan, which was signed on September 8, 1951, and which entered into force on April 28, 1952. Article 14 of that treaty provided, among other things, that, with certain exceptions, each of the Allied Powers had the right to seize, retain, liquidate or otherwise dispose of all property rights or interests of Japan or Japanese nationals which were subject to its jurisdiction on the date of entry into force of the treaty. (The treaty conferred the benefits of Articles 10 and 14(a)2 upon China.) Article 15 of the treaty further required Japan to pay compensation for losses or damage to property in Japan of nationals of the Allied Powers. As part of the reparations, the Allied Powers were also entitled to services of the Japanese people. The provisions of this treaty precluded any other claims of

The Honorable
Baltasar Corrada,
House of Representatives.

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT
U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director
() Release (X) Excise () Deny
Exemption(s): B1
Declassify/Decontrol: (X) In Part () In Full
() Classify as () Extend as () Downgrade to
Date 8/27/02 Declassify on Reason

the United States Government and United States nationals against Japan.

After World War II the Congress of the United States enacted the War Claims Act of 1948 which established the War Claims Commission to adjudicate only three categories of claims, i.e., (1) claims of members of the U.S. Armed Forces imprisoned during World War II, (2) claims of civilian American citizens captured by the Japanese during World War II at Midway, Guam, Wake Island, the Philippines Islands or any territory or possession of the United States invaded by Japan, and (3) claims of certain religious organizations in the Philippines. In 1952 the Congress further authorized the War Claims Commission to adjudicate two additional categories of claims which are not here material.

Payment of claims adjudicated under the War Claims Act of 1948, as amended, were made out of the War Claims Fund, consisting of the net proceeds of assets of Germany and Japan in the United States which were vested under the former Trading With the Enemy Act. The War Claims Commission was abolished in 1954 and its functions were transferred to the Foreign Claims Settlement Commission of the United States. The five categories of claims in the program under the War Claims Act of 1948, as amended, mentioned above, were completed in March 1955.

With regard to the loss of hides in the cargo ship sunk by Japanese planes, it is generally recognized that losses sustained during the course of proper conduct of military operations do not constitute a valid basis of liability against the Japanese Government under the rules and principles of international law.

After World War II Mainland China was under the sovereignty and control of the Republic of China governed by the Chinese Nationalist government. In 1949 the Government of the People's Republic of China assumed control. We have no knowledge of what happened to the former properties of the Japanese Government in that country.

In 1979 the Governments of the United States and of the People's Republic of China signed an agreement which settled all claims of the United States and its nationals against the People's Republic of China arising from any nationalization, expropriation, intervention and other taking of, or special measures directed against property of nationals of the United States on or after October 1,

1949, and prior to the date of the entry into force of that agreement. That agreement entered into force on May 11, 1979. The Foreign Claims Settlement Commission of the United States had been authorized by the International Claims Settlement Act of 1949, as amended, to administer two programs to process and adjudicate claims for losses of property by U.S. nationals in China. The first program, authorized in 1966, covered claims for losses that occurred prior to November 6, 1966, and was completed on July 6, 1972. A second program, covering claims for losses that occurred after November 6, 1966, was commenced on June 1, 1979, with a deadline of August 31, 1979, for filing claims. That program was completed on July 31, 1981.

In accordance with the foregoing, it appears that claim on behalf of her late husband was excluded under the provisions of the Treaty of Peace with Japan, and of the War Claims Act of 1948, as amended. It is also too late for to file a claim under the provisions of the claims settlement agreement between the United States and the People's Republic of China of 1979, even assuming, arguendo, that the claimed property had survived the war and had been taken by the Government of the People's Republic of China.

The Department is not aware of any available legal or other remedies pursuant to which might recover compensation for the losses asserted. We regret that we are unable to render her any direct assistance regarding this matter.

With cordial regards,

Sincerely,

ep
Powell A. Moore
Assistant Secretary for
Congressional Relations

Enclosures:

Correspondence Returned.

MM *TH*
L/C:MMcQuade:TFHuang:mb
10/8/82 PS20128-0076
x21367

Clearances:
L:MLNash *N*
EA/J:LFarrar *JA*
CA/OCS/CCS/EA:RGThomas *B*
H:LEHunt *K*

BEST COPY AVAILABLE

880078-1132

IP410

007 14 1982

Sergeant Aldridge:

I refer to your letter of August 11, 1982, concerning the claim of your late father for payment for labor performed while a prisoner of war of the Japanese during World War II.

It appears, and is regrettable, that your late father's claim had not been filed with the War Claims Commission and/or the Foreign Claims Settlement Commission of the United States after World War II. The advice and information of Charles L. Hodge in his letter of July 15, 1948, was then accurate.

When the Congress enacted the War Claims Act of 1948, it specifically provided for the payment of claims of members of the U.S. Armed Forces who were prisoners of war, and who had been inhumanely treated or performed labor without pay in violation of the Geneva Convention of July 27, 1929. Payment of the claims was made from the proceeds of assets of Germany and Japan in the United States which were vested under the former Trading With the Enemy Act. The War Claims Commission was abolished in 1954 and its functions transferred to the Foreign Claims Settlement Commission. The program under the War Claims Act of 1948, as amended, was completed in March 1955. There are no U.S. programs in existence today under which your late father's claim can be pursued.

Under the provisions of the Treaty of Peace between the Allied Powers and Japan, dated September 8, 1951, which entered into force on April 28, 1952, with certain exceptions, each of the Allied Powers had the right to seize, retain, liquidate or otherwise dispose of all property rights or interests of Japan or Japanese nationals which were subject to its jurisdiction on the date of entry into force of the treaty. The treaty further required Japan to pay compensation for losses or damage to property in Japan

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT

U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director

() Release (X) Excise () Deny

Exemption(s): B1

Declassify/Decontrol: (X) In Part () In Full

() Classify as () Extend as () Downgrade to

Date 8/27/82 Declassify on Reason

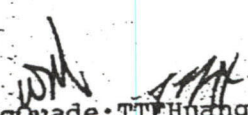
BEST COPY AVAILABLE

The Department is not aware of any available legal or other remedies pursuant to which you might obtain compensation in your late father's case. The Department regrets that it is unable to render you any direct assistance regarding this matter.

Sincerely yours,



Thomas T. P. Huang
Assistant Legal Adviser



L/C: WMMQuade: TTHuang:mb
10/14/82

Clearance:
EA/J:

P 11
F820147-0492

IP4117
October 15, 1982

Dear Senator Moynihan:

This is in response to your letter concerning Japanese bacteriological warfare (BW) activities during World War II. This issue has been raised a number of times since the Occupation period in Japan. During the Occupation, the Allied War Crimes Tribunal decided that it would not prosecute BW-related charges unless particular incidents could be well documented and linked to specific individuals. Records of the U.S. Occupation authorities contain no clear indication that U.S. citizens were victimized in BW experiments. Apprehension and prosecution of U.S. officials responsible for allegedly "covering up" the matter are not issues that can be properly addressed by the Department of State. Should you have further questions on the subject, I recommend that you contact:

Mr. Norman Covert
Public Affairs Office HSD-PA
Port Detrick, Maryland 21701

I hope this information will be of help in responding to your letter.

Sincerely,

Cym
Powell A. Moore
Assistant Secretary for
Congressional Relations

The Honorable
Daniel P. Moynihan,
United States Senate.

as
Drafted:EA/J-DWalker:eh
10/13/82 ext. 23152
Control No. 145-1444

Clearances:EA-~~ED~~ong
EA/J-ALSelfmann
H-Witoh

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT
U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director
() Release (X) Excise () Deny
Exemption(s): B1
Declassify/Decontrol: (X) In Part () In Full
() Classify as () Extend as () Downgrade to
Date 8/27/02 Declassify on Reason

LLOYD BENTSEN
TEXAS

9820152-0062

P
B1

COMMITTEES:
FINANCE
ENVIRONMENT AND PUBLIC WORKS
JOINT ECONOMIC
SELECT COMMITTEE ON INTELLIGENCE

United States Senate
WASHINGTON, D.C. 20510

October 18, 1982

4

ACTION
is assigned to

EB

Mr. Powell Moore
Assistant Secretary for Congressional Relations
U.S. Department of State
2201 C Street
Washington, D.C. 20520

Dear Mr. Moore:

I recently received the enclosed constituent inquiry,
and I would very much appreciate your providing me with
any pertinent information you might have regarding the
matter.

Your kind assistance is greatly appreciated.

Sincerely,

Lloyd Bentsen

Lloyd Bentsen

✓ Enclosure

PLEASE REPLY TO:

912 Federal Building
Austin, Texas 78701

re: Question regarding monies owed to U.S. by Japan
+ Germany for WWII debts

From: [] B1

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT

U.S. DEI OF STATE, RPS/IPS, Margaret P. Grafeld, Director

() Release (X) Excise () Deny

Exemption(s): B1

Declassify/Decontrol: (X) In Part () In Full

() Classify as () Extend as () Downgrade to

Date 8/27/02 Declassify on Reason

IP412A

P

B1



HECTOR P. GARCIA
FOUNDER

AMERICAN GI FORUM
EL PASO

SUN CITY CHAPTER

P.O. Box 3012

El Paso, Texas 79923-3012

SERVICE OFFICER

72-1442

TELEPHONE NUMBER

B1

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT

U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director

() Release (X) Excise () Deny

Exemption(s): B1

Declassify/Decontrol: (X) In Part () In Full

() Classify as () Extend as () Downgrade to

Date 8/27/02 Declassify on Reason

BEST COPY AVAILABLE

P
B1

IP412B

3 Oct-82

OCT 12 1982

Honorable Senator:

I enjoyed very much your program on TV Channel 7.

I have always supported you and no one has to twist my arm to vote for you.

Everything you answered and very wisely at that and of your experience, I personally as a Hispanic whom spent 20 years in the Armed Force Air Force at that, brought a question to me personally.

I am talking about WWII, like Japan and Germany. I was there with you all.

The question is, when, if ever, should Germany and Japan, now that they recover their feet, pay us back a portion of all monies spent on WWII to at least get us out of part of our inflation.

This is my own idea, I think these Nations owe us.

Later, I would like to fill you out on many a question on behalf of German Students Station at Ft. Bliss whom Patranga some select areas in Japan, but since it's a international issue, I leave it alone.

PS - I have been a friend of you for many a year's

Service Officer

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT
U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director
() Release (X) Excise () Deny

Exemption(s): B1
Declassify/Decontrol: (X) In Part () In Full
() Classify as () Extend as () Downgrade to
Date 8/27/02 Declassify on Reason

P
B1

1P414

P820168-0537

November 22, 1982

Dear Senator Bentsen:

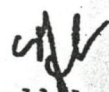
I refer to your letter of October 18 forwarding the inquiry of your constituent, Mr. _____ concerning amounts owed the U.S. by Germany and Japan pursuant to World War II. B1

At the time of the armistice with Japan and Germany, the United States did not seek to obtain war reparations as had been done at the close of World War I. Accordingly, neither of these nations is under any obligation to reimburse the United States for any amounts spent pursuant to the hostilities.

I hope this information proves useful to you in responding to the inquiry of your constituent.

With cordial regards,

Sincerely,



Powell A. Moore
Assistant Secretary for
Congressional Relations

The Honorable
Lloyd Bentsen,
United States Senate.

Drafted:EB/IFD/OMA:L Mondeschein:dme
11/15/82 x21116
Clearance:EB/IFD/OMA:WBM:lam
EB:WBrew
H:MJJohnson

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT
U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director
() Release (X) Excise () Deny
Exemption(s): B1
Declassify/Decontrol: (X) In Part () In Full
() Classify as () Extend as () Downgrade to
Date 8/27/02 Declassify on Reason

() Release (X) Excise () Deny

Exemption(s): B1

Declassify/Decontrol: (X) In Part () In Full 171-0385

() Classify as () Extend as () Downgrade to

Date 8/27/87 Declassify on Reason

November 30, 1982

Dear Mr. Erlenborn:

This is in response to Mr. [redacted]'s inquiry of your office concerning prosecution of those Japanese alleged to have been involved in performing bacteriological warfare (BW) experiments on human victims during World War II. This matter has been raised a number of times since the end of the war, most frequently by Japanese writers seeking to emphasize to Japanese audiences the repugnant nature of wartime activities undertaken under the aegis of the imperial government and, indirectly, to warn those audiences against allowing a return to a political environment that would sanction such inhumane practices.

During the U.S. occupation of Japan, the Allied War Crimes Tribunal decided that it would not prosecute BW-related charges unless particular incidents could be documented and linked to specific individuals. In the absence of such documentation, no prosecutions were undertaken. Records of the U.S. occupation authorities, in fact, contain no clear proof that United States citizens were victims of BW experiments. If you have further questions on this subject, I suggest you contact:

Mr. Norman Covert
Public Affairs Office (HSD-PA)
Fort Detrick, MD 21701

I hope this information will be of help to you in responding to your constituent's inquiry.

Sincerely,

2
Powell A. Moore
Assistant Secretary for
Congressional Relations

The Honorable
John N. Erlenborn,
House of Representatives.

Drafted:EA/J-DMWalker:eh
11/24/82 ext. 23152
Control No. 168-0633

Clearances:EA/J-LFFarrar
EA:GMilovanovic
H:

JAPANESE IMPERIAL GOVERNMENT ~~SECRET~~ 88-01885

U.S. DEPT. OF STATE, RUS/IPS, Margaret P. Grafeld, Director

() Release (X) Recise () Deny

Exemption(s): B1

Declassify/Decontrol: (X) In Part () In Full

() Classify as () Extend as () Downgrade to

Date 8/27/82 Declassify on Reason

United States Department of State

Washington, D.C. 20520

December 27, 1982

Dear Senator Warner:

I am replying to your request for information on behalf of your constituent, who is concerned about the Sabra-Shatila massacre in Lebanon and Japanese biological experiments in World War Two.

With regard to the September massacre of Palestinian refugees in Beirut, President Reagan expressed his shock and horror over these tragic deaths as soon as he learned of them. Indeed, the depth of his concern can be seen from his immediate agreement to the Lebanese government's request to return the U.S. Marine contingent of the Multinational Force (MNF) to Beirut. The MNF is now in Beirut and will remain there for a limited time to assist the Lebanese government in reestablishing its authority throughout the city. Moreover, the Administration is determined to help bring about a complete withdrawal of all foreign forces from Lebanon as soon as possible, so that the Government of Lebanon can assume full control and authority over all of Lebanon.

We welcome the decisions of the Governments of Lebanon and Israel to establish special commissions to investigate the events surrounding the massacres. We support the principle of a full inquiry, which will lessen the possibility of the recurrence of this type of tragedy.

The United States is also working closely with UN specialized agencies and private international organizations to meet the pressing humanitarian needs of Lebanese and Palestinian civilians affected by the summer's fighting. Our most urgent efforts are to see to the safety of Palestinians in the camps and to the shelter from winter weather of those left homeless.

The tragic sequence of events in Lebanon highlights the need to make urgent progress on the Arab-Israeli conflict. In presenting his initiative on September 1, the President emphasized his determination to seize the opportunity for a

The Honorable
John W. Warner,
United States Senate.

far-reaching peace--one which achieves a fair and just resolution of the Palestinian issue while assuring security for Israel and the Arab states. The United States seeks to do so by expanding negotiations under the Camp David framework to include, in the first instance, Jordan, hopefully with representative Palestinian participation. The support of all peace-loving people for President Reagan's initiative will be important as we work to end the cycle of violence in the Middle East.

The issue of Japanese bacteriological warfare (BW) activities during World War Two has been raised a number of times since the Occupation period in Japan. During the Occupation, the Allied War Crimes Tribunal decided that it would not prosecute BW-related charges unless particular incidents could be well documented and linked to specific individuals. Records of the U.S. Occupation authorities contain no clear indication that U.S. citizens were victimized in BW experiments. Apprehension and prosecution of U.S. officials responsible for allegedly "covering up" the matter are not issues that can be properly addressed by the Department of State. Should you have further questions on the subject, I recommend that you contact:

Mr. Norman Covert
Public Affairs Office HSD-PA
Port Detrick, Maryland 21701

I hope this information will be of help in responding to letter.

With cordial regards,

Sincerely,

Powell A. Moore
Assistant Secretary for
Congressional Relations

Enclosures:

Correspondence returned

Drafted: NEA/ARN:AEJones and EA/J:MVaeth
12/22/82 x21018 #2378C

Cleared: NEA/ARN:DLMack
NEA:WKirby
H:SEscudero

No. 0161-0303

P890-038-0987

IP417

United States Senate

WASHINGTON, D.C. 20510

March 10, 1983

ACTION

10/10/83

10/10/83

10/10/83

10/10/83

TO: Mr. Powell A. Moore

RE: Alleged experimentation on humans by the Japanese during WWII

I forward the attached for your consideration and would appreciate receiving information in regard to this inquiry as soon as possible. Please direct your reply to the attention of the member of my staff listed below.

Thank you very much for your time and assistance in this matter.

Sincerely,

Bill Bradley
Bill Bradley
United States Senator

Please reply to:

Senator Bill Bradley
2107 Dirksen Senate Office Building
Washington, DC 20510

ATTN: Mark Sievers

from [redacted]

FAIM/IAP/WI

1983 MAR 22 AM 11:56

RECEIVED BY
DEPARTMENT OF STATE

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT
U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director
() Release (X) Excise () Deny

Exemption(s): B1

Declassify/Decontrol: (X) In Part () In Full

() Classify as () Extend as () Downgrade to

(9) Date 8/27/02 Declassify on Reason

P (JP417A)
B1

Senator William Bradley
Senate Office Building
Washington, D.C. 20510

Dear Sir:

I am deeply disturbed by the article, "Now It Can Be Told," written by Lloyd Shearer that appeared in the October 17, 1982, issue of Parade Magazine, a supplement of the Star Ledger Sunday paper. The Article describes experimentation on human beings during World War II by the Japanese and the action taken by the United States government.

The experiments that were conducted were "war crimes" of the most hideous nature. Our government's agreement to keep secret the barbaric acts and to protect the guilty men is appalling. We have deported men who were guards of German concentration camps 30 years after the war, but we do business as usual with Japanese companies that hire and honor men who committed, by their own admission, "war crimes."

I, as a human being, demand that justice be done for all those human beings who were killed at this concentration camp. During a war many innocent people may be killed, but they should not be slaughtered according to schedule or in order to obtain knowledge that cannot be gotten in a laboratory. It would have been better if we did not have this knowledge even if it could have gone to the Russians. The price for this information was morally and ethically too high.

We are a nation that believes in human rights and dignity for all peoples. We have spoken out against many nations who have violated these principles. For us not to take any action is to condone the behavior of all the parties involved. This is not a message I wish to send to any foreign government or people.

I request that you look into this situation and see if anything can be done to correct and/or prevent our government from making such a disgraceful agreement again. I would also like to see if any action could be taken against the men involved. The axiom, "the end does not justify the means," applies to this situation.

The United States is very quick to condemn the "crimes against humanity" of other nations. Before a person criticizes another person he should get his own house in order.

Thank you for any consideration and time you can give me concerning this matter.

Sincerely,

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT
U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director

() Release ^{1 enclosure} (X) Excise () Deny

Exemption(s): B1

Declassify/Decontrol: (X) In Part () In Full

() Classify as () Extend as () Downgrade

Date 8/27/92 Declassify on Reason

() Excise () Deny

PARADE'S SPECIAL

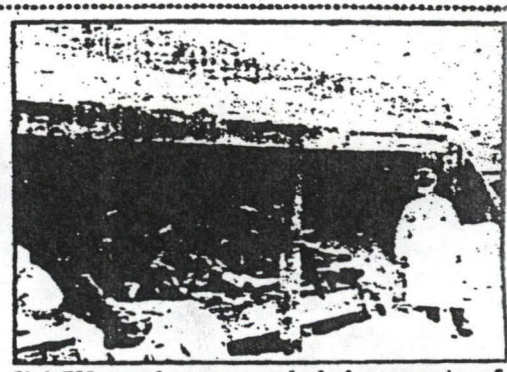
Intelligence Report

By Lloyd Shearer • 1982

Now It Can Be Told

In World War II, the Germans and the Japanese committed some of the most frightful atrocities in history. The German barbarities have been exposed and chronicled over the years. Until recently, however, the Japanese horrors have not—in part because the U.S., in a shameful conspiracy of silence with the Japanese, agreed to protect the guilty.

The silence has been broken periodically in Japan since 1975, when Haruko Yoshinaga, a film producer, tracked down 35 of those involved. Subsequently, Japanese and American writers have demanded information from the Pentagon under provisions of the Freedom of



Unit 731 attendant poses at shed where remains of human guinea pigs are stored for the winter

and Japanese Red Cross nurses, all under the command of Maj. Shiro Ishii. A surgeon and graduate of Kyoto University, Ishii had initially talked his superiors into letting him organize a germ warfare center at the Harbin Military Hospital.

Unit 731 cultured the germs causing typhus, typhoid, anthrax, cholera, plague, salmonella, tetanus, botulism, gas gangrene, smallpox, tuberculosis and tick encephalitis. These bacteria were later injected into 3000 Chinese, Korean and Russian prisoners of war—and possibly some American, British and Australian POWs.

The grotesque experiments included: • Infecting women prisoners with syphilis, having them impregnated by male prisoners, then dissecting the live babies and mothers.

• Draining the blood from prisoners' veins and substituting horse blood. • Exploding gas gangrene bombs next to prisoners tied to stakes.

in icy water at -40°F. Their frozen limbs were then soaked in hot water, whereupon the tissue crumbled and the limbs were amputated. These experiments were designed to produce information on frostbite.

• Exposing prisoners to X-rays until they died. • Herding infected prisoners into gas chambers, then dissecting them to determine the progress of their various diseases. • Vivisectioning prisoners to compile data on the human endurance of pain.

In August 1945, when Emperor Hirohito announced the surrender of Japan, many of the enlisted men in Unit 731 were so fearful of retribution by the Russians and Americans that they swallowed cyanide pills at a Manchurian railroad station. Others who preferred to live swore a lifelong vow to secrecy.

At war's end, however, U.S. military intelligence gleaned hints of these heinous experiments and began a search for Shiro Ishii, by then a



Shiro Ishii, commander of Japanese death camp

Information Act and published their findings.

In 1937, it has been revealed, the Japanese high command ordered the construction of the world's first major biological warfare complex, 40 miles south of Harbin, Manchuria, in the village of Pingfan. Code-named

ations

And there's more that boys are made of, going under the stars...and studying res...and careers. Learning first aid for...and cat bites in the city. Making...making something of themselves. All the old-fashioned love of knots and in environmental science merit badge...and women out of high school and out youth who are physically handicapped. Yet what's unchanged are Scouting's citizenship. That's why we're happy to, too, among many other worthy causes.

and vandalism, but cleanup projects for the environment, too, our Mobil sturdy plastic Hefty® bags to the Boy Scouts program last spring. It was the ever made to that program—enough stretching several inches deep from...for litter, handicapping, storing fish harvesting" gypsy-moth cocoons.



h with this?"
used to earn money to help pay troop...that we're wholesaling to participating...The average family uses more than 25...on a Scout would mean a thrifty \$12.50...icist Buck" good toward uniforms and also get a 25-cents-off store coupon.

field and forest, but what...gangs, or Scout troops?...six Scouting-age boys are...there's no nearby troop to...ed for adult help. So get...time. Get your business...to sponsor a troop, or...g place. With your help...allenge: "Be prepared."



on how to help, contact your...to: Boy Scouts of America, Irving, Texas 75062.

five moon...Through...regimen...731 had...its 30 year...And even...had hun......before the......to write...The...were con...ling. Th...to inter...members...Ishii bea...of his off...over to the...story and...America...he had co...trials" of...only ag...He th...that was...top-sect...on on...states th...minity...docume...superior...can des...fare] pr...To d...of Ishii...of info...



Main...being...dispa...Fort...chem...fare...Drs...Victo...20 of...cialis...12...by th...the J...

Five months to find him. Throughout 30 days of interrogation, he insisted that Unit 731 had used no humans in its 10 years of experiments. And since Ishii and his staff had burned Pingfan to the ground and murdered all their human guinea pigs in the week before the Russians arrived, we had no conclusive evidence to refute his version.

The Russians, however, were convinced that Ishii was lying. They asked permission to interview him and other members of Unit 731. When Ishii heard that he and some of his officers might be handed over to them, he changed his story and conceded to his American interrogators that he had conducted "a few field trials" of anthrax bombs—but only against the Chinese.

He then offered us a deal that was transmitted in this top-secret cable to Washington on May 6, 1947: "Ishii states that if guaranteed immunity from 'war crimes' in documentary form for himself, superiors and subordinates, he will describe [the germ warfare] program in detail."

To determine the validity of Ishii's potential gold mine of information, the Pentagon

had produced medical data of great value—data that "could not be obtained in our laboratories because of scruples attached to human experimentation." Hill and Victor expressed the hope "that the individuals who voluntarily contributed this information will be spared embarrassment because of it, and that every effort will be made to prevent this information from falling into other hands."

Thus, to prevent the Russians from obtaining this biological warfare data and to monopolize it for our own use, we guaranteed Ishii and his fellow monsters immuni-



Ryoichi Naito, today head of top pharmaceutical company

ty from prosecution and kept the deal secret—until the recent revelations. In April, the Japanese government ac-

knowledgeed the existence of Unit 731 for the first time.

The admission followed the publication of *Devil's Gluttony*, by Seiichi Morimura with Masaki Shimosato, which has sold 1.4 million copies in Japan in less than a year. In addition to detailing the experiments at Pingfan, it points out that some of Japan's medical and pharmaceutical elite—men like Ryoichi Naito, president of Green Cross, which developed the first artificial blood, and Hisato Yoshimura, one of the leading authorities on human endurance to cold—are alumni of Unit 731.

Ever Hig

This is the first time six be hospitali spend, on the for 7.6 days vate room. Last year, \$287 billion an astronom senting 9.8% tional produ \$55 billion v cians, a rise from the pre

Time Is

The are but paid for both the win games, alrea of the comm

When you want more than just a kerosene heater.

Comfort Glow. The kerosene heater with something more. Something better. Push-button starting. Lift-out fuel tank. A built-in fan that circulates heat better. And self-cleaning, porous ceramic wick that lasts and lasts. UL listed, of course. If you want more than just a kerosene heater, there's a glowing alternative.

Comfort Glow.
A great idea made even better.



Research building after being burned to hide crimes

atched two biologists from rt Detrick, Md., our own emical and biological war-e headquarters. In Tokyo, s. Edwin V. Hill and Joseph or interrogated Ishii and other germ warfare spe-lists from Oct. 28 to Dec., 1947. They were shocked the number of experiments : Japanese had conducted er the years. But they rted that the experiments

Moscow Olym when U.S. be millions: AB upsets its 198

If you're i a 30-second s will set you b \$250,000. A gross \$625 m sports specta

BEST COPY AVAILABLE

8330065-0535

United States Department of State

Washington, D.C. 20520

IP418

Dear Mr. Moorhead:

Thank you for your letter of May 3 regarding the questions of your constituent, [redacted] of Monrovia, California.

[redacted] case is an interesting one in that her husband, though a prisoner of war, was a civilian. As you might suspect, there were relatively few Americans who fit into this category during the war, particularly in the Pacific theatre. There were, however, some American civilians in Japan at the time of the outbreak of the Pacific War in 1941. These Americans were for the most part English teachers or missionaries. To our knowledge, while the Japanese government paid extensive reparations to many of the Allied powers on a government to government basis after the war, no individual settlements were made.

On the matter of pending legislation in this area, there has been considerable interest in the treatment of Japanese-Americans incarcerated in this country during the war years, but to our knowledge there is no legislation pending on the matter of Japanese payments to Americans incarcerated abroad.

I hope that the above will be of some assistance to you in your correspondence with [redacted]

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT

U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director

() Release (X) Excise () Deny

Exemption(s): B1

Declassify/Decontrol: (X) In Part () In Full

() Classify as () Extend as () Downgrade to

Date 8/27/02 Declassify on Reason

William H. Moore
Assistant Secretary for
Congressional Relations

The Honorable
Charles J. Moorhead,
House of Representatives.

Drafted:EA/J:RDeVillafraanca:bcl
ext.632-3152-Cong. NO.061-0547
Clearance:EA:AMoore

EA/J:DWestmore

E. Witch

Wang No. 11243

P830 094 - 1022

COMMITTEE ON THE JUDICIARY
U.S. House of Representatives
Washington, D.C. 20515

July 19, 1983

Honorable George P. Shultz
Secretary of State
Washington, D. C. 20520

Re: H. R. 3188 - Permitting American prisoners of war held by
the Japanese after the Bataan death march to sue in the
United States Court of Claims.

Dear Sir:

Enclosed herewith are copies of the captioned
bill pending before this Committee.

I shall appreciate your furnishing the Committee
with an expression of your views on the proposed legislation.

Sincerely yours,

Peter W. Rodino, Jr.

PETER W. RODINO, JR.
Chairman

FWK:wsm

✓ Encls.

cc: Office of Management and Budget
Legislative Reference Division
Room 7201, NEOB
Washington, D.C. 20503

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT
U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director
(X) Release () Excise () Deny
Exemption(s):
Declassify/Decontrol: () In Part (X) In Full
() Classify as () Extend as () Downgrade to
Date 8/27/02 Declassify on Reason

(3)

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT
U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director
(X) Release () Excise () Deny

Exemption(s):

Declassify/Decontrol: () In Part (X) In Full

() Classify as () Extend as () Downgrade to

Date 8/27/80 Declassify on Reason

IP419A

98TH CONGRESS
1ST SESSION

H. R. 3188

Permitting American prisoners of war held by the Japanese after the Bataan death march to sue in the United States Court of Claims

IN THE HOUSE OF REPRESENTATIVES

JUNE 1, 1983

Mr. LEJAS introduced the following bill, which was referred to the Committee on the Judiciary

A BILL

Permitting American prisoners of war held by the Japanese after the Bataan death march to sue in the United States Court of Claims.

- 1 *Be it enacted by the Senate and House of Representa*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That the surviving American prisoners of war held by the
- 4 Japanese during World War II who were at the fall of Cor-
- 5 regidor in the Philippine Islands in April of 1942 and who
- 6 took part in the ensuing Bataan death march may bring an
- 7 action as a class in the United States Court of Claims for
- 8 claims against the Government of Japan and any Japanese

- 1 corporations or other industrial entities that were enriched by
- 2 the forced labors of such prisoners of war during their impris-
- 3 onment. Jurisdiction is conferred on the Court of Claims to
- 4 hear, determine, and render judgment upon such claims, and
- 5 to award damages arising out of such forced labor

HR 115-111

P840062-2195

February 8, 1984

IP420
KALM

P

B1

Dear Mrs. Tharp:

In accordance with the telephone request of your daughter today, Mrs. _____ I am writing this letter to you about World War II claims against Japan. B1

After World War II the Congress of the United States enacted the War Claims Act of 1948 which established the War Claims Commission to adjudicate only three categories of claims, i.e., (1) claims of members of the U.S. Armed Forces imprisoned during World War II, (2) claims of civilian American citizens captured by the Japanese during World War II at Midway, Guam, Wake Island, the Philippine Islands or any territory or possession of the United States invaded by Japan, and (3) claims of certain religious organizations in the Philippines. In 1952 the Congress further authorized the War Claims Commission to adjudicate two additional categories of claims relating to claims of imprisoned members of the U.S. Armed Forces who received inhumane treatment and performed uncompensated labor, and certain religious organizations for costs of war reconstruction of educational, medical and other institutions in the Philippines.

Payment of claims adjudicated under the War Claims Act of 1948, as amended, was made out of the War Claims Fund, consisting of the net proceeds of assets of Germany and Japan in the United States which were vested under the former Trading With the Enemy Act. The War Claims Commission was abolished in 1954 and its functions were transferred to the Foreign Claims Settlement Commission of the United States. The five categories of claims in the program under the War Claims Act of 1948, as amended, mentioned above, were completed in March 1955.

In 1972 the Congress authorized the General War Claims Program, under which the Foreign Claims Settlement Commission considered claims of nationals of the United States for loss or destruction of, or physical damage to, property located in certain specified areas of Europe and the

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT

U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director

() Release (X) Excise () Deny

Exemption(s): B1

Declassify/Decontrol: (X) In Part () In Full

() Classify as () Extend as () Downgrade to

Date 8/27/82 Declassify on Reason

Pacific and for certain deaths and personal injuries resulting from military operations during World War II. This program was completed on May 17, 1967. In 1976 the Congress further authorized consideration of protests relating to awards and decisions on claims issued during the last ten calendar days of the General War Claims Program (May 7-17, 1967). This program was completed on March 4, 1977.

The awards of the Foreign Claims Settlement Commission are final and conclusive on both the facts and the law and are not subject to any administrative or judicial review.

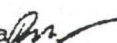
The Department is not aware of any outstanding war claims programs or any legal remedy whereby a claimant might now receive compensation for a World War II claim.

Sincerely yours,



Thomas T. F. Huang
Assistant Legal Adviser

L/C:TTFHuang:mb

Clearance:
EAP/J:RGdeVillafranca 

P840124-0980

FAIM

United States Department of State

Washington, D.C. 20520

AUG 3 1964

Dear Mr. Chairman:

This is in response to your request for the views of the Department of State on H.R. 3188, proposed legislation entitled "permitting American prisoners of war held by the Japanese after the Bataan Death March to sue in the United States Court of Claims." The Department opposes the enactment of this legislation.

The proposed legislation would confer jurisdiction on the U.S. Court of Claims to hear claims of certain Americans who were Japanese prisoners of war in the Philippines during World War II. It is not clear whether the Bill contemplates legal action against the United States or against Japan. While the jurisdiction of the U.S. Claims Court is limited to claims against the United States, 22 U.S.C. 1491, we can see no basis for maintaining a claim against the United States arising from the treatment of U.S. citizens by the Japanese authorities during World War II.

All claims of U.S. nationals against Japan for its conduct during World War II were settled by the Treaty of Peace with Japan signed at San Francisco on September 8, 1951 and entered into force for the United States on April 28, 1952, 3 U.S.T. 3169. Under that Treaty, Japan gave each of the Allied Powers, including the United States, the right to seize and dispose of Japanese assets located within its jurisdiction in order to satisfy its war claims as well as those of its nationals. In return, the Allied Powers waived any right to reparation or to further claims except as satisfied under the terms of the Treaty.

The Honorable
Peter W. Rodino, Jr.,
Chairman,
Committee of the Judiciary,
House of Representatives.

FORWARDED BY
DEPARTMENT OF STATE
1964 AUG 13 AM 10:27
FAIM/IAP/WI

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT

U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director

☒ Release ☐ Excise ☐ Deny

Exemption(s): _____

Declassify/Decontrol: ☐ In Part ☒ In Full☐ Classify as _____ ☐ Extend as _____ ☐ Downgrade to _____Date 8/27/02 Declassify on _____ Reason _____

In the United States, a War Claims Commission was authorized under the War Claims Act of 1948, 50 U.S.C. App. 2001 et seq., to pay compensation to former civilian internees and military prisoners of war held by Japanese authorities during the war. American citizens who were victims of the Bataan Death March and imprisoned thereafter by the Japanese military were permitted to make claims under the War Claims Program. All such claims had to be presented to the War Claims Commission no later than April 9, 1953.

Suits of this nature in U.S. Courts against a foreign sovereign would, moreover, be inconsistent with the policies set forth by the Foreign Sovereign Immunities Act of 1976, 28 U.S.C. 1602 et seq. In accordance with the United States' interpretation of international law, that Act permits suits against foreign sovereigns in U.S. courts only for acts of a commercial or private nature.

The Department of State recognizes the hardships endured by these American soldiers captured by the Japanese during World War II, but for the foregoing reasons, opposes the enactment of H.R. 3188.

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

Sincerely,

W. Tapley Bennett, Jr.
Assistant Secretary
Legislative and Intergovernmental Affairs

- 3 -

Drafted: L/EAP: JADolan *AI*
6/12/84 X23039 Wang #0302B

Clearances:
EAP/J: D Walker *YAN*
EAP/PHL: S Maisto *YAN*
H: I Alba *YAN*

MBG:74-1158

R FA117
1P423

CONFIDENTIAL (With Attachments)

December 13, 1984

Mr. Mark Lore
Economic Counselor
American Embassy
Lisbon, Portugal

Dear Mr. Lore:

I refer to your telegram, Lisbon 9571, dealing with the Tripartite holdings of World War II Japanese financial assets. We have today sent a telegram giving you our latest information on the matter. In that telegram we stated in paragraph one that we were sending by pouch previously pouched material plus copies of three telegrams that were exchanged between the Embassy and the Department in 1973. Enclosed herewith is the pouched material promised in the telegram.

Let us know of any developments that take place.

Sincerely yours,

Ely Maurer
Assistant Legal Adviser

Enclosures

cc: EUR/WE: - Ms. Lamb

L/ECP:EMaurer:mfm

1984 DEC 14 PM 3:39
EUR/WE/VI

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT
U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director
☒ Release () Excise () Deny
Exemption(s):
Declassify/Decontrol: () In Part (X) In Full
() Classify as () Extend as () Downgrade to
Date 8/27/07 Declassify on Reason

PETE WILSON
CALIFORNIA

1050 009-0005

United States Senate

WASHINGTON, D.C. 20510

COMMITTEE:
ARMED SERVICES
AGRICULTURE, NUTRITION, AND FORESTRY
SPECIAL COMMITTEE ON AGING



January 8, 1985

Mr. W. Tapley Bennett, Jr.
Assistant Secretary
Legislative and Intergovernmental Affairs
Department of State
2201 C Street, N.W., Room 7261
Washington, D.C. 20520

Dear Mr. Bennett:

Mr. [redacted] has requested my assistance with compensation for P.O.W.'s in Japan. I have enclosed the information that I received. B1

I would greatly appreciate your review of this matter to determine the appropriate assistance for my constituent.

Please contact Michele Patterson in my San Francisco office, at the address listed below, if you have any questions or information.

Thank you for your consideration.

Sincerely,

Pete Wilson
PETE WILSON

Enclosure
PW/mep

450 Golden Gate Avenue
P.O. Box 36004
San Francisco, California 94102-3444
91 JAN 9 1985

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT
U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director
() Release (X) Excise () Deny
Exemption(s): B1
Declassify/Decontrol: (X) In Part () In Full
() Classify as () Extend as () Downgrade to
Date 8/27/82 Declassify on Reason

2

95 JAN 10 1985

P Dec. 22, 1984

BI

IP424A

Honorable Pete Wilson, U. S. Senator
U. S. Senate
Washington, D.C. 20510

Dear Sir:

Your attention to the enclosed material would be greatly appreciated.

Is there anything that Congress can do to get compensation for the error the State Department made regarding the 204 Marine Embassy Guards that were in North China and were taken prisoners of Japanese on Dec. 8, 1941?

According to record, we were supposed to have been repatriated, but instead were left to suffer for 44 months. I'm sure I don't have to tell you of the treatment we received. We lost out on promotions, among other things and we were forced to build Japanese ships that were used against our own Country.

There are approximately ninety (90) of us left and we have been informed that we may not be able to sue the Japanese Govt.

Your attention to this matter and any advice or help you can give us will be appreciated.

Yours very truly,

BI

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT

U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director

() Release (X) Excise () Deny

Exemption(s): R1

Declassify/Decontrol: (X) In Part () In Full

() Classify as 817K2 () Extend as 817K2 () Downgrade to 817K2

Declassify on 817K2 Reason 817K2



FORWARDED BY
DEPARTMENT OF STATE

P850031-0499
United States Department of State

Washington, D.C. 20520

1985 FEB 20 AM 11:26

FEBRUARY 19 1985

FAIM/IAP/WI

Dear Senator Cranston:

Your letter of January 8 requested information on behalf of your constituent, about the Marine detail guarding the United States Embassy in Japanese-occupied Beijing when the United States entered World War II. suggests compensation for their having served 45 months in various Japanese prison camps because of the inability of the United States to compel the release of the Marine guards during the war.

All claims of U.S. nationals against Japan for its conduct during World War II were settled by the Treaty of Peace with Japan signed at San Francisco on September 8, 1951 and entered into force for the United States on April 28, 1952, 3 U.S.T. 3169. Under that Treaty, Japan gave each of the Allied Powers, including the United States, the right to seize and dispose of Japanese assets located within its jurisdiction in order to satisfy its war claims as well as those of its nationals. In return, the Allied Powers waived any right to reparation or to further claims except as satisfied under the terms of the Treaty.

In the United States, a War Claims Commission was authorized under the War Claims Act of 1948, 50 U.S.C. App. 2001 et seq., to pay compensation to American citizens who were former civilian internees and military prisoners-of-war held by Japanese authorities during the War. Such persons were permitted to file claims with the War Claims Commission no later than March 31, 1952.

Mrs. suggests that the Department of State should have done more during the War to compel the release of the Marine guards held by the Japanese. We note from the correspondence submitted that the Department of State attempted early on to obtain the release of the Marines along with the release of the diplomatic personnel assigned to the Embassy. Unfortunately, given the state of war that existed between the United States and Japan immediately after the bombing of Pearl Harbor, U.S. efforts were in vain. The fact that at that time Japan had no personnel in Allied custody equivalent to our Marine detail further reduced the U.S. bargaining position during the course of our negotiating the exchange of official personnel under each others control. That the U.S. and China were at war with Japan at that time made it even more difficult to effect the release of the Marines while the war was going on.

The Honorable
Alan Cranston,
United States Senate.

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT
U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director
() Release (X) Excise () Deny

Exemptions: B1
Declassify/Decontrol: (X) In Part () In Full
() Classify as () Extend as () Downgrade to
Date 8/27/02 Declassify on Reason

We further note that the diplomatic status of the Marine guards at the Embassy was not generally recognized at that time. It was only in 1940 that U.S. legislation (now 10 U.S.C. 5983) authorized Naval and Marine personnel to serve as guards under the command of diplomatic officers, so the diplomatic status of Marine guards was still quite recent then even for the United States. Even today, some states refuse to accept Embassy Marine guards in the status of administrative and technical staff under the 1961 Vienna Convention on Diplomatic Relations.

We have also looked at the Boxer Protocol, under which the United States and Japan along with other foreign legations in China at the turn of the century exacted indemnification from the Imperial Chinese Government for losses suffered during the Boxer uprising. See Treaty Series 397, 1 Bevans 302. While it is true that the Chinese government acknowledged the right of foreign legations to maintain permanent guards to protect their legations from further uprisings, it cannot be said that any special diplomatic status was thereby created for those guards. In any event, any obligations under the Boxer Protocol would have been China's, not Japan's, and therefore presumably unenforceable during the hostilities. By the 1940's, the Boxer Protocol was generally regarded as obsolete and was ultimately terminated by treaty between the United States and China in 1943. See 57 Stat 767; Treaty Series 984, 2 Bevans 739.

All Americans appreciate the sacrifices of these former Marines, along with those of so many other prisoners-of-war, civilian and military alike, during World War II. However, their sacrifices do not appear to be attributable to the conduct of this Department or of the United States in 1942.

Sincerely,

EF
J. Edward Fox
Acting Assistant Secretary
Legislative and Intergovernmental Affairs

KSM *KSM*
Drafted: L/M: KEMalmberg; L/EAP: JADolan:rw
2/1/85 X22350

Clearances: L-MNash
EAP/J - JScott
EAP/C - MHolbrook
H - LHunt

b *KSM*
ep



P850031-0495

United States Department of State

Washington, D.C. 20520

FEBRUARY 19 1985

FAIM

IP427

Dear Senator Wilson:

Your Letter of January 8 requested information on behalf of your constituent, Mr. [redacted] who was a member of the Marine detail guarding the United States Embassy in Japanese-occupied Beijing when the United States entered World War II. Mr. [redacted] seeks compensation for having served 45 months in various Japanese prison camps because of the inability of the United States to compel the release of the Marine guards during the war.

All claims of U.S. nationals against Japan for its conduct during World War II were settled by the Treaty of Peace with Japan signed at San Francisco on September 8, 1951 and entered into force for the United States on April 28, 1952, 3 U.S.T. 3169. Under that Treaty, Japan gave each of the Allied Powers, including the United States, the right to seize and dispose of Japanese assets located within its jurisdiction in order to satisfy its war claims as well as those of its nationals. In return, the Allied Powers waived any right to reparation or to further claims except as satisfied under the terms of the Treaty.

In the United States, a War Claims Commission was authorized under the War Claims Act of 1948, 50 U.S.C. App. 2001 et. seq., to pay compensation to American citizens who were former civilian internees and military prisoners-of-war held by Japanese authorities during the War. Such persons were permitted to file claims with the War Claims Commission no later than March 31, 1952.

Mr. [redacted] suggests that the Department of State should have done more during the War to compel the release of the Marine guards held by the Japanese. We note that the Department of State attempted early on to obtain the release of the Marines along with the release of the diplomatic personnel assigned to the Embassy. Unfortunately, given the state of war that existed between the United States and Japan immediately after the bombing of Pearl Harbor, U.S. efforts were in vain. The fact that at that time Japan had no personnel in Allied custody equivalent to our Marine detail further reduced the U.S. bargaining position during the course of our negotiating the exchange of official personnel under each others control. That the U.S. and China were at war with Japan at that time made it even more difficult to effect the release of the Marines while the war was going on.

The Honorable
Pete Wilson,
United States Senate.

FORWARDED BY
DEPARTMENT OF STATE
1985 FEB 20 AM 11:28
FAIM/IAP/WI

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT
U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director
() Release (X) Excise () Deny
Exemption(s): B1

Declassify/Decontrol: (X) In Part () In Full
() Classify as () Extend as () Downgrade to
Date 8/27/02 Declassify on Reason

We further note that the diplomatic status of the Marine guards at the Embassy was not generally recognized at that time. It was only in 1940 that U.S. legislation (now 10 U.S.C. 5983) authorized Naval and Marine personnel to serve as guards under the command of diplomatic officers, so the diplomatic status of Marine guards was still quite recent then even for the United States. Even today, some states refuse to accept Embassy Marine guards in the status of administrative and technical staff under the 1961 Vienna Convention on Diplomatic Relations.

Some former Marines rely on the Boxer Protocol, under which the United States and Japan along with other foreign legations in China at the turn of the century exacted indemnification from the Imperial Chinese Government for losses suffered during the Boxer uprising. See Treaty Series 397, 1 Bevans 302. While it is true that the Chinese government acknowledged the right of foreign legations to maintain permanent guards to protect their legations from further uprisings, it cannot be said that any special diplomatic status was thereby created for those guards. In any event, any obligations under the Boxer Protocol would have been China's, not Japan's, and therefore presumably unenforceable during the hostilities. By the 1940's, the Boxer Protocol was generally regarded as obsolete and was ultimately terminated by treaty between the United States and China in 1943. See 57 Stat 767; Treaty Series 984, 2 Bevans 739.

All Americans appreciate the sacrifices of these former Marines, along with those of so many other prisoners-of-war, civilian and military alike, during World War II. However, their sacrifices do not appear to be attributable to the conduct of this Department or of the United States in 1942.

Sincerely,

J. Edward Fox
Acting Assistant Secretary
Legislative and Intergovernmental Affairs

Handwritten initials
Drafted: L/M: KEMalmberg; L/EAP: JADolan:rw
2/1/85 X22350

Clearances: L-MNash
(in draft) EAP/J - JScott
EAP/C - MHolbrook
H - Bleha

Handwritten initials *Handwritten initials*



FORWARDED BY
DEPARTMENT OF STATE

P850031-0502

United States Department of State

Washington, D.C. 20520

1985 FEB 20 AM 11: 25

FEBRUARY 19 1985

FAIM

IP428

P850031-0502

Dear Mr. Wyden:

FAIM/IAP/WI

Your Letter of January 22 requested information on behalf of your constituent, Mr. [redacted] who was a member of the Marine detail guarding the United States Embassy in Japanese-occupied Beijing when the United States entered World War II. Mr. [redacted] seeks compensation for having served 45 months in various Japanese prison camps because of the inability of the United States to compel the release of the Marine guards during the war.

All claims of U.S. nationals against Japan for its conduct during World War II were settled by the Treaty of Peace with Japan signed at San Francisco on September 8, 1951 and entered into force for the United States on April 28, 1952, 3 U.S.T. 3169. Under that Treaty, Japan gave each of the Allied Powers, including the United States, the right to seize and dispose of Japanese assets located within its jurisdiction in order to satisfy its war claims as well as those of its nationals. In return, the Allied Powers waived any right to reparation or to further claims except as satisfied under the terms of the Treaty.

In the United States, a War Claims Commission was authorized under the War Claims Act of 1948, 50 U.S.C. App. 2001 et. seq., to pay compensation to American citizens who were former civilian internees and military prisoners-of-war held by Japanese authorities during the War. Such persons were permitted to file - claims with the War Claims Commission no later than March 31, 1952.

Mr. [redacted] suggests that the Department of State should have done more during the War to compel the release of the Marine guards held by the Japanese. We note that the Department of State attempted early on to obtain the release of the Marines along with the release of the diplomatic personnel assigned to the Embassy. Unfortunately, given the state of war that existed between the United States and Japan immediately after the bombing of Pearl Harbor, U.S. efforts were in vain. The fact that at that time Japan had no personnel in Allied custody equivalent to our Marine detail further reduced the U.S. bargaining position during the course of our negotiating the exchange of official personnel under each others control. That the U.S. and China were at war with Japan at that time made it even more difficult to effect the release of the Marines while the war was going on.

The Honorable
Ron Wyden,
House of Representatives.

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT
U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director
() Release (X) Excise () Deny
Exemption(s): B1
Declassify/Decontrol: (X) In Part () In Full
() Classify as () Extend as () Downgrade to
Date 8/27/02 Declassify on Reason

We further note that the diplomatic status of the Marine guards at the Embassy was not generally recognized at that time. It was only in 1940 that U.S. legislation (now 10 U.S.C. 5983) authorized Naval and Marine personnel to serve as guards under the command of diplomatic officers, so the diplomatic status of Marine guards was still quite recent then even for the United States. Even today, some states refuse to accept Embassy Marine guards in the status of administrative and technical staff under the 1961 Vienna Convention on Diplomatic Relations.

Mr. [redacted] further refers to the Boxer Protocol, under which the United States and Japan along with other foreign legations in China at the turn of the century exacted indemnification from the Imperial Chinese Government for losses suffered during the Boxer uprising. See Treaty Series 397, 1 Bevans 302. While it is true that the Chinese government acknowledged the right of foreign legations to maintain permanent guards to protect their legations from further uprisings, it cannot be said that any special diplomatic status was thereby created for those guards. In any event, any obligations under the Boxer Protocol would have been China's, not Japan's, and therefore presumably unenforceable during the hostilities. By the 1940's, the Boxer Protocol was generally regarded as obsolete and was ultimately terminated by treaty between the United States and China in 1943. See 57 Stat 767; Treaty Series 984, 2 Bevans 739.

All Americans appreciate the sacrifices of these former Marines, along with those of so many other prisoners-of-war, civilian and military alike, during World War II. However, their sacrifices do not appear to be attributable to the conduct of this Department or of the United States in 1942.

Sincerely,

cp
J. Edward Fox
Acting Assistant Secretary
Legislative and Intergovernmental Affairs

Handwritten: KEM 3 *Handwritten: KEM*
Drafted: L/M: KEMalmborg; L/EAP: JADolan:rw
2/1/85 X22350

Clearances: L-MNash
(in draft) EAP/J - JScott
Handwritten: KEM EAP/C - MHolbrook
H - Bleha *Handwritten: J*



FORWARDED BY 850-031-0492
DEPARTMENT OF STATE

United States Department of State

Washington, D.C. 20520

1985 FEB 20 AM 11: 29

FEBRUARY 19 1985

FAIM/IAP/WI

Dear Senator Hatfield:

Your Letter of January 24 requested information on behalf of your constituent, Mr. [redacted], who was a member of the Marine detail guarding the United States Embassy in Japanese-occupied Beijing when the United States entered World War II. Mr. [redacted] seeks compensation for having served 45 months in various Japanese prison camps because of the inability of the United States to compel the release of the Marine guards during the war.

All claims of U.S. nationals against Japan for its conduct during World War II were settled by the Treaty of Peace with Japan signed at San Francisco on September 8, 1951 and entered into force for the United States on April 28, 1952, 3 U.S.T. 3169. Under that Treaty, Japan gave each of the Allied Powers, including the United States, the right to seize and dispose of Japanese assets located within its jurisdiction in order to satisfy its war claims as well as those of its nationals. In return, the Allied Powers waived any right to reparation or to further claims except as satisfied under the terms of the Treaty.

In the United States, a War Claims Commission was authorized under the War Claims Act of 1948, 50 U.S.C. App. 2001 et. seq., to pay compensation to American citizens who were former civilian internees and military prisoners-of-war held by Japanese authorities during the War. Such persons were permitted to file claims with the War Claims Commission no later than March 31, 1952.

Mr. [redacted] suggests that the Department of State should have done more during the War to compel the release of the Marine guards held by the Japanese. We note that the Department of State attempted early on to obtain the release of the Marines along with the release of the diplomatic personnel assigned to the Embassy. Unfortunately, given the state of war that existed between the United States and Japan immediately after the bombing of Pearl Harbor, U.S. efforts were in vain. The fact that at that time Japan had no personnel in Allied custody equivalent to our Marine detail further reduced the U.S. bargaining position during the course of our negotiating the exchange of official personnel under each others control. That the U.S. and China were at war with Japan at that time made it even more difficult to effect the release of the Marines while the war was going on.

The Honorable
Mark Hatfield,
United States Senate.


JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT
U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director
() Release (X) Excise () Deny
Exemption(s): B1
Declassify/Decontrol: (X) In Part () In Full
() Classify as () Extend as () Downgrade to
Date 8/27/02 Declassify on Reason

We further note that the diplomatic status of the Marine guards at the Embassy was not generally recognized at that time. It was only in 1940 that U.S. legislation (now 10 U.S.C. 5983) authorized Naval and Marine personnel to serve as guards under the command of diplomatic officers, so the diplomatic status of Marine guards was still quite recent then even for the United States. Even today, some states refuse to accept Embassy Marine guards in the status of administrative and technical staff under the 1961 Vienna Convention on Diplomatic Relations.

Mr. [redacted] further refers to the Boxer Protocol, under which the United States and Japan along with other foreign legations in China at the turn of the century exacted indemnification from the Imperial Chinese Government for losses suffered during the Boxer uprising. See Treaty Series 397, 1 Bevans 302. While it is true that the Chinese government acknowledged the right of foreign legations to maintain permanent guards to protect their legations from further uprisings, it cannot be said that any special diplomatic status was thereby created for those guards. In any event, any obligations under the Boxer Protocol would have been China's, not Japan's, and therefore presumably unenforceable during the hostilities. By the 1940's, the Boxer Protocol was generally regarded as obsolete and was ultimately terminated by treaty between the United States and China in 1943. See 57 Stat 767; Treaty Series 984, 2 Bevans 739. B1

All Americans appreciate the sacrifices of these former Marines, along with those of so many other prisoners-of-war, civilian and military alike, during World War II. However, their sacrifices do not appear to be attributable to the conduct of this Department or of the United States in 1942.

Sincerely,


 J. Edward Fox
 Acting Assistant Secretary
 Legislative and Intergovernmental Affairs

Chambers

KSM 3 *KSM*
Drafted: L/M: KEMalmborg; L/EAP: JADolan:rw
2/1/85 X22350

Clearances: L-MNash
(in draft) EAP/J - JScott
KSM EAP/C - MHolbrook
H - Bleha



P850 031-1950

United States Department of State

Washington, D.C. 20520

FEBRUARY 20 1985

Dear Senator Proxmire:

Your letter in January requested information on behalf of your constituent, Mr. [redacted] who was a member of the Marine detail guarding the United States Embassy in Japanese-occupied Beijing when the United States entered World War II. Mr. [redacted] seeks compensation for having served 45 months in various Japanese prison camps because of the inability of the United States to compel the release of the Marine guards during the war.

All claims of U.S. nationals against Japan for its conduct during World War II were settled by the Treaty of Peace with Japan signed at San Francisco on September 8, 1951 and entered into force for the United States on April 28, 1952, 3 U.S.T. 3169. Under that Treaty, Japan gave each of the Allied Powers, including the United States, the right to seize and dispose of Japanese assets located within its jurisdiction in order to satisfy its war claims as well as those of its nationals. In return, the Allied Powers waived any right to reparation or to further claims except as satisfied under the terms of the Treaty.

In the United States, a War Claims Commission was authorized under the War Claims Act of 1948, 50 U.S.C. App. 2001 et. seq., to pay compensation to American citizens who were former civilian internees and military prisoners-of-war held by Japanese authorities during the War. Such persons were permitted to file claims with the War Claims Commission no later than March 31, 1952.

Mr. [redacted] suggests that the Department of State should have done more during the War to compel the release of the Marine guards held by the Japanese. We note that the Department of State attempted early on to obtain the release of the Marines along with the release of the diplomatic personnel assigned to the Embassy. Unfortunately, given the state of war that existed between the United States and Japan immediately after the bombing of Pearl Harbor, U.S. efforts were in vain. The fact that at that time Japan had no personnel in Allied custody equivalent to our Marine detail further reduced the U.S. bargaining position during the course of our negotiating the exchange of official personnel under each others control. That the U.S. and China were at war with Japan at that time made it even more difficult to effect the release of the Marines while the war was going on.

The Honorable
William Proxmire,
United States Senate.

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT
U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Graham, Director
() Release (X) Excise () Deny
Exemption(s): B1
Declassify/Decontrol: (X) In Part () In Full
() Classify as () Extend as () Downgrade
Date 8/27/02 Declassify on Reason

FORWARDED BY
DEPARTMENT OF STATE
1985 FEB 21 AM 10:19
FAIM/102 MWI

We further note that the diplomatic status of the Marine guards at the Embassy was not generally recognized at that time. It was only in 1940 that U.S. legislation (now 10 U.S.C. 5983) authorized Naval and Marine personnel to serve as guards under the command of diplomatic officers, so the diplomatic status of Marine guards was still quite recent then even for the United States. Even today, some states refuse to accept Embassy Marine guards in the status of administrative and technical staff under the 1961 Vienna Convention on Diplomatic Relations.

Some former Marines rely on the Boxer Protocol, under which the United States and Japan along with other foreign legations in China at the turn of the century exacted indemnification from the Imperial Chinese Government for losses suffered during the Boxer uprising. See Treaty Series 397, 1 Bevans 302. While it is true that the Chinese government acknowledged the right of foreign legations to maintain permanent guards to protect their legations from further uprisings, it cannot be said that any special diplomatic status was thereby created for those guards. In any event, any obligations under the Boxer Protocol would have been China's, not Japan's, and therefore presumably unenforceable during the hostilities. By the 1940's, the Boxer Protocol was generally regarded as obsolete and was ultimately terminated by treaty between the United States and China in 1943. See 57 Stat 767; Treaty Series 984, 2 Bevans 739.

All Americans appreciate the sacrifices of these former Marines, along with those of so many other prisoners-of-war, civilian and military alike, during World War II. However, their sacrifices do not appear to be attributable to the conduct of this Department or of the United States in 1942.

Sincerely,

ef

J. Edward Fox
Acting Assistant Secretary
Legislative and Intergovernmental Affairs

Conner

KM ³ *KM*
Drafted: L/M: KEMalmberg; L/EAP: JADolan:rw
2/1/85 X22350

Clearances: L-Mash
(in draft) EAP/J - JScott
EAP/C - MHolbrook
KM H - Bleha *up*



FORWARDED BY
DEPARTMENT OF STATE

P850031-1953

FAIM

United States Department of State

Washington, D.C. 20520

1985 FEB 21 AM 10:18

FEBRUARY 20 1985

P 131

Dear Senator Bentsen FAIM/IAP/WI

Your Letter of January 7 requested information on behalf of your constituent, _____ who was a member of the Marine detail guarding the United States Embassy in Japanese-occupied Beijing when the United States entered World War II. Mr. _____ seeks compensation for having served 45 months in various Japanese prison camps because of the inability of the United States to compel the release of the Marine guards during the war.

All claims of U.S. nationals against Japan for its conduct during World War II were settled by the Treaty of Peace with Japan signed at San Francisco on September 8, 1951 and entered into force for the United States on April 28, 1952, 3 U.S.T. 3169. Under that Treaty, Japan gave each of the Allied Powers, including the United States, the right to seize and dispose of Japanese assets located within its jurisdiction in order to satisfy its war claims as well as those of its nationals. In return, the Allied Powers waived any right to reparation or to further claims except as satisfied under the terms of the Treaty.

In the United States, a War Claims Commission was authorized under the War Claims Act of 1948, 50 U.S.C. App. 2001 et seq., to pay compensation to American citizens who were former civilian internees and military prisoners-of-war held by Japanese authorities during the War. Such persons were permitted to file claims with the War Claims Commission no later than March 31, 1952.

Mr. _____ suggests that the Department of State should have done more during the War to compel the release of the Marine guards held by the Japanese. We note from the correspondence submitted that the Department of State attempted early on to obtain the release of the Marines along with the release of the diplomatic personnel assigned to the Embassy. Unfortunately, given the state of war that existed between the United States and Japan immediately after the bombing of Pearl Harbor, U.S. efforts were in vain. The fact that at that time Japan had no personnel in Allied custody equivalent to our Marine detail further reduced the U.S. bargaining position during the course of our negotiating the exchange of official personnel under each others control. That the U.S. and China were at war with Japan at that time made it even more difficult to effect the release of the Marines while the war was going on.

The Honorable
Lloyd Bentsen,
United States Senate.


JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT
U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director
() Release (X) Excise () Deny
Exemption(s): 31
Declassify/Decontrol: (X) In Part () In Full
() Classify as () Extend as () Downgrade to
Date 8/7/02 Declassify on Reason

We further note that the diplomatic status of the Marine guards at the Embassy was not generally recognized at that time. It was only in 1940 that U.S. legislation (now 10 U.S.C. 5983) authorized Naval and Marine personnel to serve as guards under the command of diplomatic officers, so the diplomatic status of Marine guards was still quite recent then even for the United States. Even today, some states refuse to accept Embassy Marine guards in the status of administrative and technical staff under the 1961 Vienna Convention on Diplomatic Relations.

Mr. [redacted] further refers to the Boxer Protocol, under which the United States and Japan along with other foreign legations in China at the turn of the century exacted indemnification from the Imperial Chinese Government for losses suffered during the Boxer uprising. See Treaty Series 397, 1 Bevans 302. While it is true that the Chinese government acknowledged the right of foreign legations to maintain permanent guards to protect their legations from further uprisings, it cannot be said that any special diplomatic status was thereby created for those guards. In any event, any obligations under the Boxer Protocol would have been China's, not Japan's, and therefore presumably unenforceable during the hostilities. By the 1940's, the Boxer Protocol was generally regarded as obsolete and was ultimately terminated by treaty between the United States and China in 1943. See 57 Stat 767; Treaty Series 984, 2 Bevans 739.

All Americans appreciate the sacrifices of these former Marines, along with those of so many other prisoners-of-war, civilian and military alike, during World War II. However, their sacrifices do not appear to be attributable to the conduct of this Department or of the United States in 1942.

Sincerely,


J. Edward Fox
Acting Assistant Secretary
Legislative and Intergovernmental Affairs

KM *KSM*
Drafted: L/M: KEMalmborg; L/EAP: JADolan:rw
2/1/85 X22350

Clearances: L-MNash *KSM*
EAP/J - JScott *KSM*
EAP/C - MHolbrook *KSM*
H - LHunt *KSM*

PA/PC/CMD:MPensabene:ml
632-1299:3/6/85

2050-043-0964

H#0022-0029

LPC:L(3/85)
H:TBleha

MARCH 08 1985

Dear Senator Garn:

Thank you for your recent inquiry on behalf of a constituent concerning the U.S. Marines stationed in China prior to U.S. entry in World War II. I sincerely regret the delay in this reply.

All claims of U.S. nationals against Japan for its conduct during World War II were settled by the Treaty of Peace with Japan signed in San Francisco on September 8, 1951 and entered into force for the United States on April 28, 1952, 3 U.S.T. 3169. Under that Treaty, Japan gave each of the Allied Powers, including the United States, the right to seize and dispose of Japanese assets located within its jurisdiction in order to satisfy its war claims as well as those of its nationals. In return, the Allied Powers waived any right to reparation or to further claims except as satisfied under the terms of the Treaty.

In the United States, a War Claims Commission was authorized under the War Claims Act of 1948, 50 U.S.C. App. 2001 et. seq., to pay compensation to American citizens who were former civilian internees and military prisoners-of-war held by Japanese authorities during the War. Such persons were permitted to file claims with the War Claims Commission no later than March 31, 1952.

Your constituent suggested the Department of State should have done more during the War to compel the release of the Marine guards held by the Japanese. The Department attempted early on to obtain the release of the Marines along with the release of the diplomatic personnel assigned to the Embassy. Given the state of war that existed between the United States and Japan immediately after the bombing of Pearl Harbor, U.S. efforts were unfortunately in vain. The fact that Japan at that time had no personnel in Allied custody equivalent to our Marine detail further reduced the U.S. bargaining position during the course of our negotiating the exchange of official personnel under each others control. In addition, it was even more difficult to effect the release of the Marines while the U.S. and China were still at war with Japan.

The Honorable
Jake Garn,
United States Senate.

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT
U.S. DEPT. OF STATE, RPS/IPS Margaret P. Grafe, Dir.
(X) Release () Excise () Deny
Exemption(s):
Declassify/Decontrol: () In Part (X) In Full
() Classify as () Extend as () Downgrade
Date 8/27/02 Declassify on Reason

Furthermore, the diplomatic status of the Marine guards at the Embassy was not generally recognized at that time. It was not until 1940 that U.S. legislation (now 10 U.S.C. 5983) authorized Naval and Marine personnel to serve as guards under the command of diplomatic officers. Thus, the diplomatic status of Marine guards was quite recent then even for the U.S. Government. Still today, some states refuse to accept Embassy Marine guards in the status of administrative and technical staff under the 1961 Vienna Convention on Diplomatic Relations.

With regard to the Boxer Protocol, the United States and Japan along with other foreign legations in China at the turn of the century exacted indemnification from the Imperial Chinese Government for losses suffered during the Boxer uprising. See Treaty Series 397, 1 Bevans 302. Although the Chinese government acknowledged the right of foreign legations to maintain permanent guards to protect their legations from further uprisings, no special diplomatic status was thereby created for those guards. In any event, any obligations under the Boxer Protocol would have been China's, not Japan's, and therefore presumably unenforceable during the hostilities. By the 1940's, the Boxer Protocol was generally regarded as obsolete and was ultimately terminated by a treaty between the United States and China in 1943. See 57 Stat 767; Treaty Series 984, 2 Bevans 739.

Americans appreciate the sacrifices of these former Marines during World War II. However, their sacrifices do not appear to be attributable to the conduct of the Department of State nor of the U.S. Government in 1942.

Sincerely,

JW
J. Edward Fox
Acting Assistant Secretary
Legislative and Intergovernmental Affairs

Enclosure:

Correspondence returned.

PA/PC/CMD:MPensabene:ml
632-1299:3/6/85
RECEIVED BY
DEPARTMENT OF STATE
H#0024-2257

LPC:L(3/85)
H:TB/ha

1985 MAR 12 PM 3 10

MARCH 08 1985

FAIM/IAP/WI

Dear Mr. Michel:

Secretary Shultz has asked me to thank you for your letter of February 8 on behalf of _____, who was a member of the Marine detail guarding the U.S. Embassy in Japanese-occupied Beijing when the United States entered World War II. Mr. _____ seeks compensation for having served in various Japanese prison camps because of the inability of the United States to compel the release of the Marine guards during the war. I regret the delay in this response.

All claims of U.S. nationals against Japan for its conduct during World War II were settled by the Treaty of Peace with Japan signed in San Francisco on September 8, 1951 and entered into force for the United States on April 28, 1952, 3 U.S.T. 3169. Under that Treaty, Japan gave each of the Allied Powers, including the United States, the right to seize and dispose of Japanese assets located within its jurisdiction in order to satisfy its war claims as well as those of its nationals. In return, the Allied Powers waived any right to reparation or to further claims except as satisfied under the terms of the Treaty.

In the United States, a War Claims Commission was authorized under the War Claims Act of 1948, 50 U.S.C. App. 2001 et. seq., to pay compensation to American citizens who were former civilian internees and military prisoners-of-war held by Japanese authorities during the War. Such persons were permitted to file claims with the War Claims Commission no later than March 31, 1952.

_____ suggested the Department of State should have done more during the War to compel the release of the Marine guards held by the Japanese. The Department attempted early on to obtain the release of the Marines along with the release of the diplomatic personnel assigned to the Embassy. Given the state of war that existed between the United States and Japan immediately after the bombing of Pearl Harbor, U.S. efforts were unfortunately in vain. The fact that Japan at that time had no personnel in Allied

The Honorable
Robert H. Michel,
House of Representatives

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT
U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director
() Release (X) Excise () Deny
Exemption(s): 31
Declassify/Decontrol: (X) In Part () In Full
() Classify as _____ () Extend as _____ () Downgrade to _____
Date 8/27/02 Declassify on _____ Reason _____

custody equivalent to our Marine detail further reduced the U.S. bargaining position during the course of our negotiating the exchange of official personnel under each others control. In addition, it was even more difficult to effect the release of the Marines while the U.S. and China were still at war with Japan.

Furthermore, the diplomatic status of the Marine guards at the Embassy was not generally recognized at that time. It was not until 1940 that U.S. legislation (now 10 U.S.C. 5983) authorized Naval and Marine personnel to serve as guards under the command of diplomatic officers. Thus, the diplomatic status of Marine guards was quite recent then even for the U.S. Government. Still today, some states refuse to accept Embassy Marine guards in the status of administrative and technical staff under the 1961 Vienna Convention on Diplomatic Relations.

With regard to the Boxer Protocol, the United States and Japan along with other foreign legations in China at the turn of the century exacted indemnification from the Imperial Chinese Government for losses suffered during the Boxer uprising. See Treaty Series 397, 1 Bevans 302. Although the Chinese government acknowledged the right of foreign legations to maintain permanent guards to protect their legations from further uprisings, no special diplomatic status was thereby created for those guards. In any event, any obligations under the Boxer Protocol would have been China's, not Japan's, and therefore presumably unenforceable during the hostilities. By the 1940's, the Boxer Protocol was generally regarded as obsolete and was ultimately terminated by a treaty between the United States and China in 1943. See 57 Stat 767; Treaty Series 984, 2 Bevans 739.

Americans appreciate the sacrifices of these former Marines during World War II. However, their sacrifices do not appear to be attributable to the conduct of the Department of State nor of the U.S. Government in 1942.

Sincerely,

JE
J. Edward Fox
Acting Assistant Secretary
Legislative and Intergovernmental Affairs

Enclosure:

Correspondence returned.



PA/PC/CMD:MPensabene:ml
632-1299:3/11/85

043-0956
H#0024-2080

LPC:L(3/85)
H:TBleha

MARCH 08 1985

FAIM

IP434

P B1

Dear Senator Wilson:

Thank you for your letter of February 5 on behalf of Mr. [redacted], who was a member of the Marine detail guarding the U.S. Embassy in Japanese-occupied Beijing when the United States entered World War II. Mr. [redacted] seeks compensation for having served in various Japanese prison camps because of the inability of the United States to compel the release of the Marine guards during the war. I regret the delay in this response.

All claims of U.S. nationals against Japan for its conduct during World War II were settled by the Treaty of Peace with Japan signed in San Francisco on September 8, 1951 and entered into force for the United States on April 28, 1952, 3 U.S.T. 3169. Under that Treaty, Japan gave each of the Allied Powers, including the United States, the right to seize and dispose of Japanese assets located within its jurisdiction in order to satisfy its war claims as well as those of its nationals. In return, the Allied Powers waived any right to reparation or to further claims except as satisfied under the terms of the Treaty.

In the United States, a War Claims Commission was authorized under the War Claims Act of 1948, 50 U.S.C. App. 2001 et. seq., to pay compensation to American citizens who were former civilian internees and military prisoners-of-war held by Japanese authorities during the War. Such persons were permitted to file claims with the War Claims Commission no later than March 31, 1952.

Mr. [redacted] suggested the Department of State should have done more during the War to compel the release of the Marine guards held by the Japanese. The Department attempted early on to obtain the release of the Marines along with the release of the diplomatic personnel assigned to the Embassy. Given the state of war that existed between the United States and Japan immediately after the bombing of Pearl Harbor, U.S. efforts were unfortunately in vain. The fact that Japan at that time had no personnel in Allied custody equivalent to our Marine detail further reduced the

The Honorable
Pete Wilson,
United States Senate.

1985 MAR 12 PM 3:15
FAIM/IAP/WI

FORWARDED BY
DEPARTMENT OF STATE

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT
U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director
() Release (X) Excise () Deny

Exemption(s): B1

Declassify/Decontrol: (X) In Part () In Full

() Classify as () Extend as () Downgrade to

Date 8/27/02 Declassify on Reason

U.S. bargaining position during the course of our negotiating the exchange of official personnel under each others control. In addition, it was even more difficult to effect the release of the Marines while the U.S. and China were still at war with Japan.

Furthermore, the diplomatic status of the Marine guards at the Embassy was not generally recognized at that time. It was not until 1940 that U.S. legislation (now 10 U.S.C. 5983) authorized Naval and Marine personnel to serve as guards under the command of diplomatic officers. Thus, the diplomatic status of Marine guards was quite recent then even for the U.S. Government. Still today, some states refuse to accept Embassy Marine guards in the status of administrative and technical staff under the 1961 Vienna Convention on Diplomatic Relations.

With regard to the Boxer Protocol, the United States and Japan along with other foreign legations in China at the turn of the century exacted indemnification from the Imperial Chinese Government for losses suffered during the Boxer uprising. See Treaty Series 397, 1 Bevans 302. Although the Chinese Government acknowledged the right of foreign legations to maintain permanent guards to protect their legations from further uprisings, no special diplomatic status was thereby created for those guards. In any event, any obligations under the Boxer Protocol would have been China's, not Japan's, and therefore presumably unenforceable during the hostilities. By the 1940's, the Boxer Protocol was generally regarded as obsolete and was ultimately terminated by a treaty between the United States and China in 1943. See 57 Stat 767; Treaty Series 984, 2 Bevans 739.

Americans appreciate the sacrifices of these former Marines during World War II. However, their sacrifices do not appear to be attributable to the conduct of the Department of State nor of the U.S. Government in 1942.

Sincerely,

J
J. Edward Fox
Acting Assistant Secretary
Legislative and Intergovernmental Affairs

Enclosure:

Correspondence returned.

IP435

#000571



Committee on General Governmental Operations
Eighteenth Guam Legislature
P.O. Box CB-1, Agaña, Guam 96910 • Tel: 472-3429/472-3430

Sen. Ted S. Nelson
Chairman

March 15, 1985

8511024

Sen. Francisco R. Santos
Vice Chairman

Members:

Sen. John P. Aguon
Sen. Elizabeth P. Arriola
Sen. J. George Bamba
Sen. Eddie R. Duenas
Sen. Don Parkinson
Sen. Franklin J. Quitugua

Honorable Ronald Reagan
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Re: GUAM WAR CRIMES COMMISSION

Dear Mr. President:

As we are all aware, between December 8, 1941 and August 10, 1944, the territory of Guam was occupied by the Imperial Japanese military forces.

During that time, the people of Guam were subjected to various forms of atrocities, including forced labor, physical and psychological torture, death by execution (Exhibit A), massacre, rape and forced prostitution, forced marches, and internment in concentration camps.

The Chamorro people suffered because of their intense loyalty to the United States. They were a difficult psychological force to subjugate.

Although the Guam Reparations Commission (Exhibit B), established by the Guam Legislature, estimated that more than 10,000 Chamorros were subjugated to such treatment, no sufficient plan of reparation for the Chamorro people has ever been formulated.

The main purpose of my addressing you on this matter is to solicit your support in endorsing legislation (Exhibit C) which will establish a "War Crimes Commission," to investigate crimes and claims of the Chamorro people for losses resulting from the Japanese occupation of Guam. Secondly, that the commission would submit its findings and recommendations and the appropriate remedies for these claims to Congress.

The legislation we are seeking, would require your office to make appointments to the commission, from among individuals recommended by the Speaker of the House of Representatives and the President pro tempore of the Senate. In addition, three members will be appointed by the Governor of Guam with the advice and consent of the Legislature.

Majority Leader

Committee Membership

- Rules
- Education
- Federal, Foreign and Legal Affairs
- Youth, Human Resources, Senior Citizens and Cultural Affairs
- Energy, Utilities and Consumer Protection

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT
U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Griffield, Director
(X) Release () Excise () Deny
Exemption(s):
Declassify/Decontrol: () In Part (X) In Full
() Classify as () Extend as () Downgrade to
Date 8/27/02 Declassify on Reason

The President
March 15, 1985
Page Two

At this time, I would like to re-emphasize that the territory of Guam was caught for the second time in its history between two great powers' struggle.

Because of the Chamorro people's patriotic alignment with the United States, we were victimized savagely for several years.

As you are aware, the 1951 Treaty of Peace signed with the Japanese precludes the people of Guam from seeking "just reparations" from the Government of Japan.

The Chamorro people should not have been denied these reparations. We seek the help of your office and that of the Congress in establishing a commission to study these war-time crimes and claims against the Chamorro people and what measures the United States Government can implement to restore "justice" to the Chamorro people.

Thank you for your time, and I humbly solicit your support on this matter.

Very truly yours,



TED S. NELSON

Enclosures:

U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director

☒ Release ☐ Excise ☐ Deny

Exemption(s):

Declassify/Decontrol: ☐ In Part ☒ In Full STATUS REPORT☐ Classify as ☐ Extend as ☐ Downgrade toDate 8/27/07 Declassify on Reason

INTRODUCTION

IP435A

The Guam Reparations Commission was created by statute (P.L. 15-46) and a copy of the statute as enacted is attached to this Report as Appendix "A".

In substance, the statute created a Commission consisting of five members to be appointed by the Governor and a Chairperson of the Commission to be elected by the Commission members. The term of the Commission members is fixed at three years which time is also the life of the Commission.

The Commission as so constituted is charged with the responsibility of investigating the number, type and extent of claims for compensation of the people of Guam against any occupying military or other government forces, and the damages resulting to the people of Guam through forced labor, confiscation of property, physical abuse, tortures, killings, rapes and other injuries or damages to persons and property. The Commission is given the additional duty of determining of how damages should be measured, and where possible, the dollar amount of such damages.

The Commission among its duties is required to investigate the feasibility of obtaining reparations from the responsible governments occupying or creating damages to the people and property of Guam, and where this is not feasible to seek redress from the government of the United States.

A special provision is made in the statute for the Commission to make a special report and take due note of related problems existing, or which have existed, by the former Trust Territory of the Pacific Islands, and shall confer as needed with those

information and expertise as to those proceedings.

The final report of the Commission shall be filed with the Guam Legislature no later than December 31, 1983 which said final report shall contain statistics estimating the extent and amount of reparations necessary to compensate the people of Guam, for the purpose of presenting the same to the President and Congress of the United States. Additionally, through the appropriate channels of the Government of the United States, claims are anticipated to be presented to international agencies and governments of other nations who, in fact, were guilty of being responsible for injuries and damages to persons and property in Guam.

II. PRELIMINARY ANALYSIS BY THE COMMISSION.

The Commission officially opened its office in February, 1981 in Agana with a staff of three persons, to wit: John A. Bohn, Legal Counsel; Joyce Bamba, Administrator; and Lina Terlaje, Secretary. By summer there was added two interviewers, and, later additional temporary personnel to cope with the persons appearing at the Commission's office, for interviews, and to describe damages and injuries suffered during the occupation of Guam by a foreign power as part of World War II, as part of the conflict between the government of the United States and the Empire of Japan. The occupation of Guam by the military forces of Japan commenced on December 10, 1941 (bombing started on December 8, 1941) and continued through at least July 21, 1944. This latter date is usually given as the date when the occupation terminated and is fixed by the official position of the American Military Forces that the island was "secured" as of the date following an intensive bombardment and attack upon

(2)

the military forces of Japan on Guam by the American Military Forces. However, it should be noted that remnants of the Japanese military forces, and later stragglers from those forces, remained on Guam for a considerable period of time after the official end of the occupation on the date set forth. In any event, the Commission determined that its studies would be limited to occupation by the Imperial Japanese Forces of Guam, rather than considering other instances of occupation of the island by different governments under different circumstances.

In considering the effects of the Japanese occupation of Guam, the Commission determined to divide its work into at least four categories, as follows: (1) comprehensive survey of the people of Guam in an attempt to provide statistics for estimates of the nature and extent of injuries to the persons and property of Guam during the period of the Japanese occupation; (2) an analysis of similar problems which occurred in the Trust Territory of the Pacific Islands, particularly Saipan, and to provide references to the official reports upon the handling of those atrocities, and the payment of those claims; (3) making of appropriate representations to the government of the United States for the redress from the damages caused during the period of foreign occupation of Guam, and to propose the creation of an appropriate statutory commission by the government of the United States to officially determine, insofar as that government is concerned, the amount and nature of damages suffered by the population of Guam; and (4) depending upon the acceptance of responsibility by the United States for the payment of claims, to seek redress from the foreign governments involved for the amount of damages as may be found by the Commission of the United States,

(3)

or any local commission or committee which may be created for that purpose.

As of the date of writing this report, the work contemplated by the first two categories has been substantially completed, at least in a preliminary form. That is, an intensive survey and a series of meetings have been held in Guam to ascertain the extent of damages, and this will be reported more fully later in this document. Additionally, detailed information has been received from the Trust Territory, and reports examined, from which can be ascertained the activities which took place in that area while dealing with the war reparations issue. As of this date, also several members of the Commission and a consultant are leaving shortly for intensive conferences with representatives of federal agencies, and of the United States Congress in Washington, D.C. to activate Phase 3, of the work of the Commission. There has previously been forwarded appropriate correspondence to the United States government on this issue, all of which will be reported later in this status analysis.

III. DETAILED INVESTIGATIONS AND SURVEYS BY THE COMMISSION.

Until very recently, the preliminary work of the Commission has been to conduct interviews and surveys in an attempt to determine the extent and the nature of the injuries and damages suffered during the Japanese occupation.

In the Fall of 1981, the Commission's staff began the long process of conducting intensive village meetings and interviews throughout Guam, scheduling at least one day for each village after having first met with the Commissioners' Council to describe the aims and goals of the study and requesting the cooperation of the village

Commissioners. The purpose of the village interviews was an attempt to reach as many potential claimants as possible in as short a time as was feasible. However, although there was widespread interest and universal cooperation from the officials involved, the lapse of time since the close of World War II tended to encourage delays in the responses from the persons affected, who had already been living with the problem for many years.

It is interesting to note that there was a widespread lack of information among the potential claimants interviewed regarding the reasons why the Government of the United States did not pursue war damage claims against the government of Japan for injuries and damages to Guamanians.

It was, of course, widely known that the United States government had conducted negotiations with Japan for reparations insofar as the Trust Territory was concerned, and no explanation had been given to the injured Guamanians as to why similar attention was not paid to their injuries. The investigating staff did learn that some attempt had been made to compensate the Guamanians by the "Land and Claims Commission", which, however, it was generally thought limited its reparations to damages caused by the Government of the United States and by its military occupation of Guam. No complete statistics were found which would describe the total payments made for reparations covering injuries suffered during the Japanese occupation, but the Commission will continue to search for reports on this subject so that the same may be available by the time of the final report of the Commission, if conferences with the government of the United States proceed.

To assist in this inquiry, a letter has recently been forwarded

(5)

to the office of Congressman Won Pat, a copy of which is attached as Appendix "B" to this Status Report.

IV. PRELIMINARY STATISTICS.

The Commission has heretofore collected a total of 4,167 statements and survey information regarding injuries and damages to the people of Guam during the period of the Japanese occupation. These statements can be roughly divided as follows:

(1) Interviews -	2,635
(2) Surveys -	1,313
(3) Statements from off-island -	<u>219</u>

Total - 4,167

There were a total of 11,370 people involved in the statements and information received from the 4,147 sources. Therefore, while the total number of persons interviewed by the Commission's staff is by no means a total of all persons and families involved, it is believed to be sufficiently large as to be representative of the situation in Guam during the Japanese occupation, and consequently is being used for statistical purposes, even though new claimants are appearing almost daily with additional stories of atrocities.

The following is a chart of the information received as a result of the statements and interviews collected by the Commission's staff:

(6)

SUMMARY CHART OF INFORMATION COLLECTED
(TENTATIVE)

Total People Involved	11,370
Forced Labor:	
Seryants	337
Construction of Airport	1,557
Stevedoring	492
Farming to raise crops, livestock, including tapping of tuba	2,495
Other Miscellaneous Work	1,165
Types of Injuries:	
Kicked	137
Slapped	1,666
Hit	949
Tortured	665
Humiliated	1,238
Beatings (physical abuse and/or battery).....	253
Other types of abuses such as mental torture	651
Executed	684
Missing	66
Massacred	22
Source of Information:	
Heard about	1,294
Witnessed	1,153

NOTE: The total of incidents broken down does not equal the total of persons reported. Many persons interviewed still could not repeat details of crimes such as rapes and tortures, etc.

. Copies of the forms used in interviewing and receiving information from the various types of claimants are attached to this report marked as Appendices "C", "D" and "E".

V. INFORMATION OF ACTIVITIES AFFECTING THE TRUST TERRITORY OF THE PACIFIC ISLANDS, (From the Trust Territory)

<u>Table of Contents</u>	<u>Page</u>
A. History	8
B. Establishing of Micronesian Claims Commission	9
C. Commission Decisions	10
D. Computations of Awards	10
E. Micronesias Claims Act of 1971	12
F. Agreement between Japan and the United States of America concerning the Trust Territory - the Pacific Islands	21

A. History

The people of Micronesia have long made persistent requests both to the United Nations and the administering authority for an early compensation to those people who were affected by WWII. The matter of war reparations were never seriously considered by the administering authority not until late 1960, inspite of the petitions submitted by the people and the numerous Resolutions passed both by the Congress of Micronesia and the District Legislatures particularly to the Districts of Palau and the Marianas.

Early in 1968 three administrative committee members was created and started to collect statistics on damages, losses and the number of people being affected following the end of WWII. Since then the administering authority took an initial interest to negotiate with

the Japan Government for claims alleged to have under the Japanese Government without any consultation to the local people who were directly affected with the war.

"Committee to Survey Post Secured Claims."

An agreement was reached between the United States and Japan in 1969 for the portion of the Micronesian claims to be Japan's responsibilities. The agreement provides that the Japanese government was to make available the sum of five million dollars (5,000,000) which was to be matched with another \$5 million from the United States. The Japanese contribution was to be made in the form of goods and services which were to be converted into "cash" by the administering authority, for eventual distribution to legitimate claimants. It is appropriate to point out here that the "War Claims Executive Agreement" between Japan and the United States made no reference to Japan's liability for the Micronesians sufferings and losses. Conceding no liability, its contributions were made solely for "humanitarian reasons." Subsequently, the United States Congress enacted the Micronesian Claims Act of 1971, which among other things, appropriated funds and created the Micronesian Claims Commission.

B. Establishments of Micronesian Claims Commission.

The Micronesians Claims Commission, composed of five commissioners, two of whom are Micronesians, was officially established, in mid 1972 with its headquarters on Saipan, offices in every district of Micronesia. The Commission's main responsibilities were to solicit claims and complaints for war damages to personal and property, and to adjudicate the validity of each claim filled. Actual payment of approved claims was delegated to the Department of Interior, acting through the Trust Territory Government. Although the Commission's functions were, by statute, to expire in

October, 1976, its activities were completed three (3) months before the official expiry date and it ceased its operations of July 31, 1976. The Micronesian Claims Commission resolved more than 11,000 claims, twice as many as originally expected.

Filing Period - October 16, 1972.

During this one year period, the Commission has conducted as extensive and vigorous mass media programs to reach out the people. Both local medias and local officials, traditional leaders were used to stress the importance in filing their war claims on time. The Commission denied or rejected a total of 215 claims as untimely filed. Of those classified as untimely filed, 25 are from the Northern Marianas.

C. Commission Decisions

The claimants are given 30 days by the Commission to appeal any decision delivered to them that they are not satisfied. They can appear before the Commission and present their oral testimonies or submit any documents to substantiate their appeal. Many people were dissatisfied with the Commission decision and some of them have even taken their case to the 9th circuit court in San Francisco.

D. Computation of Awards

1. Title 1. "War Damage."

The information provided is quoted from the "Micronesian Claim Commission Report."

"The following are listed as illustrated of the values used by the Commission: Building: "Japanese" style house, hardwood construction, glass windows, wood floor, metal roof: 83¢ per square foot; "Native" style house, wood construction, thatch roof: 34¢ per square foot; Cook house: 20¢ per square foot. Trees and crops:

Coconut trees, \$4 each for first ten, \$3 for next 140, \$2 for next 350, \$1 each for any additional; Breadfruit trees, \$7 each for the first ten, \$2 each for all additional; Banana trees, 55¢ each; Taro (Tubor staple of Micronesian diet) 20¢ per tsubo (36 square feet).

Personal Property: Sailing canoe (ocean-going-outrigger) to 14 feet, \$50 to 18 feet, \$75; to 23 feet, \$100; Chair, \$1, Ukelele, \$5; Chest \$5; Dresser, \$15; Phonograph, \$12.

Uncompensated Labor: If occupation and living at home; \$10 per month; if separated from family and kept under guard, \$15 per month.

Death: Depending on age of decedent, \$500 to \$5000

Use of real property: \$50 per acre per year (including loss due to dislocation). The above examples are illustrative of the values used by the Commission in determining awards under Title I. While the Commission believes they do approximately values in Micronesia in the early 1940's, it is obvious that they do not approach present-day replacement costs. As interest was not added in computing the ex-gratia awards represent a minimum assessment of the tangible losses suffered by Micronesian as a result of the Second World War. The awards of the Commission under Title I of the Act totaled \$34,349,509."

2. Title II. "United States Usage."

"Title II awards represent almost entirely (97%) compensation for taking, use and damage to privately owned real property. In determining a basis for these awards, the Commission spend close to a year in researching material and discussing alternative theories of compensation. The awards under Title II totaled \$32,634,403. Of this total, approximately 40% represents the assessment of the loss at the time of loss, and 60% represents interest added to

compensate for the delay of up to thirty-two years in awarding compensation."

E. Micronesian Claims Act

MICRONESIAN CLAIMS ACT OF 1971

PUBLIC LAW 92-39; 85 STAT. 92
(H. J. Res. 617)

Joint Resolution to authorize an ex-gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands, who suffered damages arising out of the hostilities of the Second World War, to provide for the payment of a non-combatant claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission.

WHEREAS, certain Micronesian inhabitants of the Trust Territory of the Pacific Islands, formerly under League of Nations mandate to Japan, suffered from the hostilities of the Second World war; and

WHEREAS, the United States, while not liable for wartime damages suffered by the Micronesians, has responsibility for the welfare of the Micronesian people as the administering authority of the Trust Territory of the Pacific Islands; and

WHEREAS, the Government of Japan and the United States entered into an agreement on April 18, 1969, to contribute ex-gratia the equivalent of \$10,000,000 to the Micronesian Government contributing the equivalent of \$5,000,000, Japan's contribution to take the form of products and services; and

WHEREAS, payment of these ex-gratia contributions to certain Micronesian inhabitants of the Trust Territory of the Pacific Islands will meet a longstanding Micronesian grievance and will promote the welfare of the Micronesian people; and

WHEREAS, certain Micronesian inhabitants of the Trust Territory of the Pacific Islands claim to have suffered damage to or loss or

(12)

destruction of property, personal injury, or death caused by military and civilian employees of the United States Government and arising out of accidents or incidents between the dates of the securing of the various islands of Micronesia by the United States Armed Forces and July 1, 1951, and within an area under the control of the United States at the time of the accident or incident; and

WHEREAS, the United States is desirous of making an equitable settlement of these claims by way of monetary contributions: Therefore, be it

RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled, that:

This resolution may be cited as the "Micronesian Claims Act of 1971",

TITLE I

Sec. 101. (a) It is the purpose of this title that, with respect to war claims, the United States should make an ex gratia contribution of \$5,000,000 matching an equivalent contribution of the Government of Japan, to Micronesian inhabitants of the Trust Territory of the Pacific Islands who are determined by the Micronesian Claims Commission to be meritorious claimants, in particular amounts to be awarded by the Micronesian Claims Commission, and that the Secretary of the Interior, hereinafter referred to as the "Secretary", or his designed, shall pay to said Micronesian claimants as soon as possible following his receipt of the final report of the Micronesian Claims Commission on the claims allowed, such amounts as are finally certified pursuant to section 104 of this title.

(b) A "Micronesian-inhabitant of the Trust Territory of the Pacific Islands" is defined for the purpose of this joint resolution as a person who

(1) became a citizen of the Trust Territory of the Pacific

(13)

lands in July 18, 1947, and who remains a citizen as of the date of filing a claim; or

(2) if then living, would have been eligible for citizenship on July 18, 1947; or

(3) is the successor, heir, or assignee of a person eligible under paragraph (1) or (2) and who is a citizen of the Trust Territory of the Pacific Islands as of the date of filing a claim.

Sec. 102. (a) There is hereby authorized to be appropriated to the Trust Territory of the Pacific Islands \$5,000,000, in addition to the normal budgetary expenditures for the Trust Territory of the Pacific Islands and in addition to the appropriations authorized by section 2 of the Act of June 30, 1954, as amended, to be paid into a "Micronesian Claims Fund". The Secretary is hereby authorized to create and manage said Micronesian Claims Fund.

(b) Funds approximating \$5,000,000 appropriated to the Trust Territory of the Pacific Islands for supplies or capital improvements in accordance with the Act of June 30, 1954, as amended, shall be paid into a Micronesian Claims Fund as the products of Japan and the services of the Japanese people in the amount of one billion eight hundred million yen (currently computed at \$5,000,000) are provided by Japan pursuant to article I of the "Agreement-between the United States of America and Japan", signed April 18, 1969. These funds, together with the sum authorized to be appropriated by subsection (a) of this section, shall constitute the whole of the Micronesian Claims Fund.

Sec. 103. (a) There is hereby established a Micronesian Claims Commission, hereinafter referred to as the "Commission", such Commission to be under the control and direction of the Chairman of the Foreign Claims Settlement Commission. The Commission shall be

composed of five members, who shall be appointed, into consultation with the Secretary, by the Chairman of the Foreign Claims Settlement Commission, one of whom he shall designate as Chairman. Two members shall be elected from a list of Micronesian citizens nominated by the Congress of Micronesia. Any vacancy that may occur in the membership of the Commission shall be filled in the same manner as in the case of the original appointment. The members of the Commission shall serve at the pleasure of the Chairman of the Foreign Claims Settlement Commission. No Commissioner shall hold other public office or engage in any other employment during the period of his service on the Commission, except as an employee of the Foreign Claims Settlement Commission.

(b) The members of the Commission shall receive compensation and allowances as determined by the Chairman of the Foreign Claims Settlement Commission by application of the rules and regulations which apply to officers and employees of the Trust Territory of the Pacific Islands, but in no event shall traveling and other expenses incurred in connection with their duties as members, or a per diem allowance in lieu thereof, exceed that prescribed in accordance with the provisions of subchapter 1 of chapter 7 of title 5 United States Code. The term of office of the members of the Commission shall expire at the time fixed in subsection (e) of this section for winding up the affairs of the Commission.

(c) The Commission, may, subject to the approval of the Chairman of the Foreign Claims Settlement Commission, appoint and fix the compensation and allowances of such officers, attorneys, and employees of the Commission as may be reasonably necessary for its proper functioning, which employees shall be in addition to those who may be assigned by the Chairman of the Foreign Claims Settlement Commission to

assist the Commission in carrying out its functions. The compensation and allowances of employees appointed pursuant to this section shall be within the rules and regulations which apply to officers and employees of the Trust Territory of the Pacific Islands, but in no event to exceed the amount of allowances prescribed in subchapter 1 of chapter 57 of title 5, United States Code. In addition, the Commission, with the approval of the Chairman of the Foreign Claims Settlement Commission, may make such expenditures as may be reasonably necessary to carry out its proper functioning. Officers and employees of any other department or agency of the Government of the United States or the government of the Trust Territory of the Pacific Islands may, with the consent of the head of such department or agency, with or without reimbursement, be assigned to assist the Commission in carrying out its functions. The Commission may, with the consent of the head of any other department or agency of the Government of the United States or the government of the Trust Territory of the Pacific Islands, utilize, with or without reimbursement, the facilities and services of such department or agency in carrying out the functions of the Commission.

(d) The Commission shall, subject to the approval of the Chairman of the Foreign Claims Commission, prescribe such rules and regulations as are necessary for carrying out its functions. As expeditiously as possible and, in any event, within three months of its appointment, the Commission shall give public notice in the Trust Territory of the Pacific Islands of the time when, and the limit of the time within which, claims may be filed, which notice shall be given in such manner as the Commission shall prescribe: Provided, that the final date for the filing of claims shall not be more than one year after the appointment of the full membership

of the Commission. The Commission shall give extensive publicity in the Trust Territory of the Pacific Islands to the provisions of this Act and shall make every effort to advise promptly all persons who may be entitled to file claims under the provisions of this Act administered by the Commission of their rights under such provisions, and to assist them in the preparations and filing of their claims. A majority of the membership of the Commission shall be necessary to transact business: Provided, however, that an affirmative vote of at least three members shall be required for the promulgation of rules and regulations, and for the final adjudication of any claim.

(e) The Commission shall wind up its affairs as expeditiously as possible and in any event not later than three years after the expiration of the time for filing claims under this Act.

Sec. 104. (a) The Commission shall have authority to receive, examine, adjudicate, and render final decisions, in accordance with the laws of the Trust Territory of the Pacific Islands and international law, with respect to (1) claims of the Micronesian inhabitants of the Trust Territory of the Pacific Islands who suffered loss of life, physical injury, and property damage directly resulting from the hostilities between the Governments of Japan and the United States between December 7, 1941, and the dates of the securing of the various islands of Micronesia by United States Armed Forces, and (2) those claims arising as postwar claims between the dates of the securing of the various islands of Micronesia by United States Armed Forces and July 1, 1951. The Commission shall notify all claimants of the approval or denial of their claims, and, if approved, shall notify such claimants of the amount for which such claims are approved. Any claimant whose claim is denied, or if approved for less than the full amount of such claims shall be

entitled, under such regulations as the Commission may prescribe, to a hearing before the Commission or its representatives, with respect to such claim. Upon such hearing, the Commission may affirm, modify, or revise its former action with respect to such claim, including a denial or reduction in the amount theretofore allowed with respect to such claim. When all claims have been adjudicated the Commission shall certify time to the Secretary for payment. The claims covered by Title I of this Act shall be paid from the Micronesian Claims Fund except that, as to claims based on death, up to \$1,000 shall be paid immediately upon adjudication, and the claims covered by Title II of this Act shall be paid by the Secretary from the funds appropriated for such purpose.

(b) No later than six months after its organization, and annually thereafter, the Commission shall make a report, through the Chairman of the Foreign Claims Settlement Commission, to the Congress of the United States concerning its operations under this Act. The Commission shall, upon winding up its work, certify to the Chairman of the Foreign Claims Settlement Commission, the Secretary, and to the Congress of the United States the following:

- (1) A list of all claims allowed, in whole or in part, together amount of each claim and, the amount awarded thereon.
- (2) A list of all claims disallowed.
- (3) A copy of the decision rendered in each case.

(c) In the event that funds remain in the Micronesian Claims Fund after all allowable and adjudicated claims are paid, such remaining funds shall be transferred from the Micronesian Claims Fund to the Treasury of the Trust Territory of the Pacific Islands for appropriation by the Congress of Micronesia for the welfare of the people of the Trust Territory of the Pacific Islands. In the event that the allowable and adjudicated claims covered by Title I of Act

exceed a total of \$1,000,000, the Secretary shall make pro-rata payments.

(d) No payment shall be made on an award of the Commission unless the claimant shall first execute a full release to the United States and Japan in respect to any alleged liability of the United States or Japan, or both, arising before the date of the securing of the various islands of Micronesia by the United States Armed Forces.

Sec. 105. There is authorized to be appropriated such sums as may be necessary for the operation and administrative expenses of the Foreign Claims Settlement Commission, to the extent needed to cover activity connected with this Act, and of the Commission in order to carry out the purposes of this Act.

Sec 106. The agreement for the payment of the Micronesian claims covered by Title I of this Act having been reached by negotiators of the Governments of the United States and Japan, and since personnel to be appointed by the Secretary or the Commission will be available to assist the people of the Trust Territory of the Pacific Islands insofar as may be necessary in filing all claims covered by either Title I or Title II of this Act, no remuneration on account of services rendered on behalf of any claimant, or any association of claimants, in connection with any claim or claims covered by either Title I or Title II shall exceed, in total, 1 per centum of the amount paid on such claim or claims, pursuant to the provisions of this Act. Fees already paid for such services shall be deducted from the amount authorized by this Act. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives, on account of services is rendered, any remuneration in excess of the maximum permitted by this section,

shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$5,000 or imprisoned not more than twelve months, or both.

TITLE II

Sec. 201. For the purpose of promoting and maintaining friendly relations by the final settlement of meritorious postwar claims, the Micronesian Claims Commission is, pursuant to authority granted in section 104(a) of Title I, authorized to consider, ascertain, adjust, determine, and make payments, where accepted by the claimant in full satisfaction and in final settlement, of all claims by Micronesian inhabitants against the United States or the government of the Trust Territory of the Pacific Islands on account of personal injury or death or damage to or loss or destruction of private property, both real and personal, of Micronesian inhabitants of the former Japanese mandated islands, now the Trust Territory of the Pacific Islands administered by the United States under a trusteeship agreement with the United Nations, including claims for a taking or for use or retention of such property where no payments or inadequate payments have been made for such taking, use, or retention when such damage, loss, or destruction was caused by the United States Army, Navy, Marine Corps, or Coast Guard, or individual members thereof, including military personnel and United States Government civilian employees, and including employees of the Trust Territory government acting within the scope of their employment: Provided, that only those claims shall be considered by the Commission which are presented in writing as provided for the section 103(d) of Title I of this Act and the accident or incident out of which the claim arose occurred prior to July 1, 1951, within the islands which now comprise the Trust Territory of the Pacific Islands and within an area under

the control of the United States at the time of the accident or incident: Provided, further, that any such settlements made by such Commission and any such payments made by the Secretary under the authority of Title I or Title II shall be final and conclusive for all purposes, notwithstanding any other provision of law to the contrary and not subject to review.

Sec. 202. There is hereby authorized to be appropriated the amount of \$20,000,000, in addition to the normal budgetary expenditures for the Trust Territory of the Pacific Islands and in addition to the appropriation authorized by section 2 of the Act of June 30, 1954, as amended, to be expended by the Secretary for the purpose of making payments to the extent authorized by this title of this Act.

Sec. 203. Any funds appropriated for the purpose of this title which remain after the settlement of claims under the provisions of this title shall be covered into the Treasury of the United States.

Approved July 1, 1971.

AGREEMENT BETWEEN JAPAN AND THE UNITED STATES
OF AMERICA CONCERNING THE TRUST TERRITORY OF
THE PACIFIC ISLANDS

Signed at Tokyo, April 18, 1969.

Entered into force, July 7, 1969.

Japan and the United States of America,

Desirous of expressing their common sympathy for the suffering caused by the hostilities of the Second World War to the inhabitants of the Pacific Islands formerly under League of Nations Mandate to Japan and now administered by the United States of America under the United Nations Trusteeship System as the Trust Territory of

(21)

the Pacific Islands.

Desirous of concluding a special arrangement with Japan, as envisaged in Article 4 (o) of the Treaty of Peace with Japan, concerning the disposition of property of Japan and of its nationals in the Trust Territory and their claims, including debts, against the Administering Authority and residents of the Trust Territory, and of their claims, including debts, against Japan and its nationals.

Have agreed as follows:

ARTICLE I

1. Japan will make available in grants to the United States of America, in its capacity as Administering Authority of the Trust Territory, one billion and eight hundred million yen (1,800,000,000), currently converted at five million United States dollars (\$5,000,000), for the purchase in Japan by the Administering Authority of the products of Japan and the services of the Japanese people, to be used for the welfare of the inhabitants of the Trust Territory.

2. The provision of these products and services shall unless otherwise agreed upon by the Government of Japan and the Government of the United States of America, be made over a period of three years from the date on which the Japanese budget for the fiscal year 1970 is approved by the Diet, or the date of the United States of America under Article II of this Agreement, whichever date is later. The provision of products and services by Japan shall, subject to detailed arrangements to be concluded pursuant to paragraph 3 of this Article, be made reasonably even manner during the period.

3. The Government of Japan and the Government of the United States of America, as Administering Authority, shall conclude detailed arrangements for the implementation of the Article.

(22)

ARTICLE II

The Government of the United States of America shall, subject to the appropriation of funds by the Congress of the United States, establish a fund in the amount of five million United States dollars (\$5,000,000), aside from its normal budgetary expenditures for the Trust Territory, to be used for the welfare of the inhabitants of the Trust Territory.

ARTICLE III

Japan and the United States of America, as Administering Authority, agree that all questions encompassed by Article of the Treaty of Peace with Japan concerning the disposition of property of Japan and its nationals in the Trust Territory, and their claims, including debts, against the Administering Authority and the residents of the Trust Territory, and the disposition in Japan of property of the Administering Authority and the residents of the Trust Territory and their claims, including debts, against Japan and its nationals are fully and finally settled.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE at Tokyo, this eighteenth day of April, 1969, in duplicate in the Japanese and English languages, both being equally authentic.

For Japan

(Signed) Kiichi Aichi

For the United States of America

(Signed) David L. Osborn

VI. CURRENT STATUS.

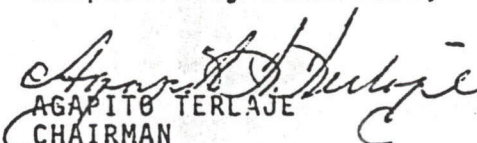
As indicated earlier in the Status Report, representatives of the Guam Reparations Commission are undertaking conferences in Washington, D. C. with appropriate executive agencies and members of the United States Congress working toward the next step in the work of the Commission which is to finalize the creation of a Guam Reparations Commission to be created by the Congress of the United States, and through investigation of the status of all claims arising from the Japanese occupation of Guam and the payment of appropriate compensation to those suffering from the occupation and the survivors of those who were either killed at the time or have since deceased.

The current program of the Commission is generally specified in two letters both dated September 13, 1982 and attached to this report as Appendix "F" and Appendix "G". The first letter, (Appendix "F") is to The Honorable Pedro Sanjuan, Assistant Secretary for Territorial and International Affairs, Department of the Interior, and the second letter is directed to Honorable Antonio B. Won Pat, Member of Congress from Guam on the same subject which is designated as Appendix "G". In stance, the letter to the Department of Interior is suggesting that there be created a "Task Force" or special committee consisting of representatives of the Department of Interior, the Department of State, the White House and any other federal agencies which may be concerned with the substance of the claims being made by the people of Guam. The duty of this "Task Force" would be to coordinate meetings with representatives of the Guam Reparations Commission and to act as liaison with the Executive Department of the United States for an action program.

The second letter to Congressman Won Pat has specifically asked for creation of a Claims Commission by the Congress of the United States similar to the Commission created for the processing of war claims from the Trust Territory of the Pacific Islands.

It is suggested that both of these courses must be vigorously pursued with the ultimate goal that the government of the United States either undertake representations to the government of Japan for reopening of discussions on war reparations or that the government of the United States assume the financial responsibility of the injuries and damages suffered. Common fairness and decency require this course of action.

Respectfully submitted,


AGAPITO TERLAJE
CHAIRMAN

IP4358

COMMISSION ON WAR CRIMES FOR GUAM

COMMISSION CREATED

Section 1. There is hereby created and established a "Commission on War Crimes For Guam", with powers, duties, and responsibilities hereinafter set forth.

FINDINGS AND PURPOSE

Section 2. (a) The Congress finds that:

(1) In the period beginning December 8, 1941 and ending August 10, 1944, the island of Guam was occupied by the Imperial Japanese Military Forces.

(2) During that period, the Chamorro people were subjected to various forms of atrocities such as: (a) forced labor; (b) physical torture; (c) death by execution, torture, murder and massacres; (d) rape or enforced prostitution; (e) participation in forced marches and internment in concentration camps.

(3) Although the Guam Reparations Commission, established by the Guam Legislature, estimated that more than 10,000 Chamorros, then nationals of the United States, were subjected to treatment enumerated in paragraph (2), no sufficient inquiry has been made into the matters described in paragraph (2).

(4) Although arrangements were made between the United States and Japan for Japan to make restitution to other Pacific islands for losses incurred as a result of hostilities or hostile occupation by the Japanese Imperial Forces, Guam was singled out by Japan's failure to accept culpability or liability for any losses suffered by the Chamorros.

Page 1 JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT
U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director
(X) Release () Excise () Deny

Exemption(s):

Declassify/Decontrol: () In Part (X) In Full

() Classify as () Extend as () Downgrade to

Date 8/27/07 Declassify on Reason

7

1 (5) Despite Japanese refusal to compensate Chamorros on Guam,
2 the United States nevertheless entered a peace Treaty in 1951, of which
3 Article 14(b) waived "all reparations claims of the Allied Powers, other
4 claims of the Allied Powers and their nation as in the course of the
5 prosecution of the war, and claims of the Allied Powers for direct
6 military costs of occupation."

7 (6) The Foreign Claims Settlement Commission, established by
8 the U.S. Congress, was authorized to receive and determine the validity
9 and amount of claims for loss, destruction or physical damage which
10 occurred in the period December 7, 1937 and ending September 2, 1945, to
11 property in territory occupied or attacked by the Imperial Japanese
12 military forces (including territory to which Japan has renounced all
13 right, title, and claim under Article 2 of the Treaty of Peace between
14 the Allied Powers and Japan) except the island of Guam.

15 (7) The U.S. Congress established a Guam Land Claims Commission
16 designating the chief of Naval Operations to receive and determine validity
17 and amount of claims from permanent residents of Guam for property damage,
18 personal injury or death, resulting from or incident to hostilities or
19 hostile occupation or noncombat activities of the U.S. Armed Forces.
20 However, the maximum payment allowed for property cases was \$5,000. In
21 death cases, compensation for loss of earnings could not exceed \$600 per
22 year and a lump-sum payment for loss of prospective support could not
23 exceed \$4,000. Acceptance of an award constituted full satisfaction and
24 final settlement of claims.

25 (8) In summary, while the United States waived claims of the

1 Chamorros U.S. nationals against Japan by signing the Treaty of Peace,
2 it specifically excluded Chamorro claims under the Foreign Claims
3 Settlement Act and limited claims before the Navy -- administered Guam
4 Land and Claims Commission.

5 (9) In contrast, the United States also established a
6 Micronesian War Claims Commission to receive and adjudicate claims
7 "directly resulting from hostilities" and arising "between December 7,
8 1941 and the dates of securing the various islands." By executive
9 agreement between Japan and the United States, Japan contributed five
10 million dollars to the Micronesian Claims Fund, out of which ex gratia
11 payments (eventually totalling \$34, 349,509) were made to meritorious
12 Micronesian claimants. The Act also provided for the consideration of
13 claims against the United States arising from incidents occurring after
14 the date of securing the various islands by the U.S. Armed Forces and
15 prior to July 1, 1951, when administration of the Trust Territory was
16 transferred to the Department of Interior. Twenty million dollars was
17 authorized by the U.S. Congress to be used toward payment of these claims.
18 Awards finally totalled out to \$32,634,403, forty percent of which repre-
19 sented assessment of loss at time of loss and sixty percent of which
20 represented interest added for delay in award compensation. In contrast
21 the Guam Land and Claims Commission, as of June 1947, received a total of
22 514 claims and allowed a total of \$795,000 to be paid to claimants.

23 PURPOSE

24 Section 2. (b) It is the purpose of this Act to establish a Commission
25 to:

- (1) receive, review, evaluate and determine the validity and

1 (1) receive, review, evaluate and determine the validity and
2 number of claims of Chamorros, then U.S. nationals, for losses incurred
3 as a result of Japanese military operation. and occupation during the
4 period of December 8, 1941 through August 10, 1944, when U.S. Forces
5 declared Guam secured from enemy forces.

6 Claims resulting from mistreatment, personal injury, disability
7 or impairment of health caused by the enemy in the prosecution of war
8 or claims for confiscation of property shall be proper subjects for
9 consideration by the Commission;

10 (2) make comprehensive recommendations for disposition of these
11 claims, which have not been paid adequately under prior existing legisla-
12 tion, and to recommend other appropriate remedies.

13 MEMBERSHIP/COMPOSITION

14 Section 3. (a) The Commission shall be composed of 5 members, who
15 shall be appointed within thirty days after enactment of this Act, as
16 follows:

17 (1) Three members appointed by the President, two of whom shall
18 be appointed from among the recommendations made by the Speaker of the
19 House of Representatives;

20 (2) Three members appointed by the Governor of Guam with the
21 advice and consent of the Guam Legislature.

22 (b) At least one member of the Commission shall be a person who has been
23 admitted to the bar of the highest court of the Territory of Guam.

24 (c) The term of office of members shall be for the life of the
25 Commission. A vacancy in the Commission shall not affect its powers and shall

1 be filled in the same manner in which the original appointment was made.

2 (d) The Commission shall elect a chairman from among its members
3 who shall serve as Chairman for the life of the Commission. Four members of
4 the Commission shall constitute a quorum but a lesser number may hold
5 hearings.

6 (e) The first meeting of the Commission shall be called by the Chair-
7 man within 90 days after the date of enactment of this Act or within 30 days
8 after the date on which legislation is enacted making appropriations to carry
9 out this Act.

10 ADMINISTRATIVE PROVISIONS

11 Section 4. (a) The Commission is authorized to appoint and fix the
12 compensation, without regard to the provisions of Title 5 United States Code,
13 governing appointments in the competitive service, and without regard to Chapter
14 51 and subchapter III of Chapter 53 of Such title relating to classification
15 and General Schedule pay rates, of such additional publicly paid personnel,
16 as the Chairman finds necessary to carry out the purposes of this Act. Such
17 personnel shall be compensated at a rate not to exceed a rate equal to the
18 maximum rate of pay for GS-18 of the General Schedule under Section 5332 of
19 Title 5, U.S.C.

20 (b) Each member of the Commission shall serve for nominal compensation
21 as a member of such Commission, except that each member shall be reimbursed
22 for travel, subsistence and other necessary expenses incurred by them in the
23 performance of their duties. A member of the Commission who is an officer
24 or an employees of the U.S. Government shall serve without additional
25 compensation.

1 (c) Upon request of the Commission, the head of any federal agency
2 may detail any of the personnel of such agency to the Commission to assist
3 the Commission in carrying out its duties under this act. Details under this
4 subsection shall be without reimbursement by the Commission to the agency from
5 which the employee concerned was detailed.

6 (d) The Commission is authorized to enter into agreements with the
7 General Service Administration for procurement of necessary financial and
8 administrative services, for which payment shall be made by reimbursement
9 from funds of the Commission in such amounts as may be agreed upon by the
10 Chairman and the Administrator of the General Services Administration.

11 (e) The Commission is authorized to obtain the services of experts and
12 consultants in accordance with the provisions of Section 3109 of Title 5,
13 United States Code.

14 (f) The Commission is authorized to accept, use, solicit, and dispose
15 of donations of money, property, or personal services.

16 (g) The Commission may use the United States mail in the same manner
17 and under the same conditions as other departments and agencies of the United
18 States.

19 (h) The Commission is authorized to enter contracts with Federal and
20 State agencies, private firms, institutions, and agencies for the conduct of
21 research or surveys, the preparation of reports, and other activities necessary
22 to the discharge of the duties of the Commission to the extent or in such
23 amounts as are provided in appropriations Acts.

24 DUTIES OF THE COMMISSION

25 Section 5. (a) It shall be the duty of the Commission to:

1 (1) receive and review claims of Chamorros concerning personal
2 or property damage incurred from the time of conquest and occupation
3 of Guam by the Japanese Imperial Force to the time Guam was secured
4 by U.S. military from enemy forces.

5 (2) recommend appropriate remedies, including but not limited
6 to an award of ex gratia payments for damages and injuries suffered
7 by the claimants.

8 (b) The Commission shall hold public hearings in any of the villages
9 that it finds appropriate.

10 (c) The Commission shall submit a written report of its findings and
11 recommendations to Congress not later than two years after the date of the
12 first meeting called pursuant to Section 3(f) of this Act.

13 POWERS OF THE COMMISSION

14 Section 6. (a) The Commission or, in the authorization of the
15 Commission, any member, may for the purpose of carrying out the provisions
16 of this Act, hold such hearings and sit and act at such times and places, and
17 request the attendance and testimony of such witnesses and the production
18 of such books, records, correspondences, memoranda, papers, and documents as
19 the Commission may deem advisable. The Commission may request the Attorney
20 General to invoke the aid of an appropriate United States District Court to
21 require, by subpoena or otherwise such attendance, testimony or production.

-2 (b) The Commission may acquire directly from the head of any department,
23 agency, independent instrumentality, or other authority of the executive
24 branch of the Government, available information which the Commission considers
25 useful in the discharge of its duties. All departments, agencies, and

1 independent instrumentalities of the Government shall cooperate with the
2 Commission and furnish all information requested by the Commission to the
3 extent permitted by law.

4 TERMINATION

5 Section 7. The Commission shall terminate one year after the date
6 on which the report of the Commission is submitted to Congress pursuant
7 to Section 5(c) of this Act.

8 AUTHORIZATION OF APPROPRIATIONS

9 Section 8. To carry out the provisions of this Act, there are
10 authorized to be appropriated the sum of _____
11 _____.

IP435C

GUAM REPARATIONS COMMISSION
OFFICE OF THE GOVERNOR

AGAPITO TERLAJE
Chairman

LOLA BALBIN
Member

ANTONIO CALVO
Member

ALBERT TOFASNA
Member

JOHN A. SOHN, ESQ.
Legal Consultant

JOYCE C. BAMBIA
Administrator

December 1, 1982.

Honorable Paul M. Calvo
Governor of Guam
Agana, Guam 96910

Dear Governor Calvo:

The Guam Reparations Commission submits herewith
its Status Report as of December 1, 1982.

Respectfully submitted,

Agapito Terlaje
AGAPITO TERLAJE
CHAIRMAN



JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT
U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director
(X) Release () Excise () Deny
Exemption(s): _____
Declassify/Decontrol: () In Part (X) In Full
() Classify as _____ () Extend as _____ () Downgrade to _____
Date 8/27/02 Declassify on _____ Reason _____

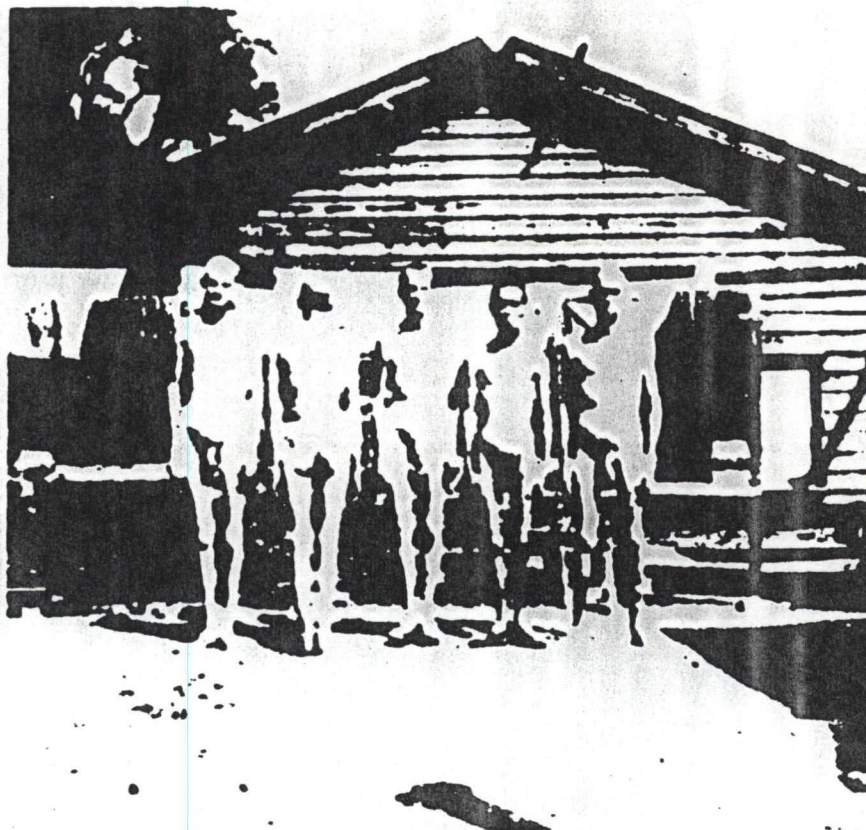
WEST SAYLOR ST., P.O. BOX FT, AGANA, GUAM TEL. 477-6253

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT
U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Gratekl, Director
☒ Release ☐ Excise ☐ Deny

Exemption(s): _____

Declassify/Decontrol: ☐ In Part ☒ In Full
☐ Classify as _____ ☐ Extend as _____ ☐ Downgrade to _____

Date 8/27/82 Declassify on _____ Reason _____



Allied Prisoners of War
Malnutrition Cases

BEST COPY AVAILABLE

BEST COPY AVAILABLE

1952 13 10 11

J. Edward Fox
Acting Assistant Secretary
Legislative & Intergovernmental Affairs
United States Department of State

IP436

My dear Secretary Fox:

Your letter of February 20 in response to Senator L. Bentsen's inquiry on behalf of the North China Marines has evidently satisfied the Senator's curiosity. However, your comment that 'their sacrifices do not appear to be attributable to the conduct of this department or of the United States in 1942' leaves questionable doubt in one's mind. Those of us who were there (in China) in 1942 sincerely feel that we were let down by Cordell Hull or his representatives. If you have read the entire correspondence between the United States negotiators and the Japanese government's negotiators it should be very evident that the State Department did not diligently pursue the release of the Marines Stationed in North China when negotiating the repatriation of other Embassy personnel in 1942. The Military Court in Shanghai was included in the exchange. Japan, in their February 23, 1942 correspondence to the United States noted, "The Japanese Government gathers that the United States government does not insist on inclusion of the Marine Guards in China in the present exchange." This fact was purposely brought to our attention so that there would be no misunderstanding at a future date. The United States should have pressed the issue at that time, but instead, only made reference to former communications in regards to the Marines true status as diplomatic guards. Their (the U.S. State Department) failure to diligently insist on the Marine Guards inclusion in the exchange at that time gave the Japanese the upper hand. The fact that Japan had no personnel in Allied custody equivalent to our Marine Detachments had no bearing on our bargaining position at that time. The main interest of the Japanese was the return of their key personnel who would be of a lot more importance to their country than the 205 American Marines in North China. Had the United States negotiators known as much about the Japanese as those of us who had lived around them for several years before Pearl Harbor, they would have realized that the Japanese had no real interest in detaining us, other than saving face and not giving us up without an argument. The British were a little smarter than we were. They insisted on the release of their Guard Detachment, and the Japanese acceded. Had our negotiators known this, maybe they would have tried harder for our release! I lived in Japan for ten years after retiring from the Marine Corps, and met many influential Japanese, including ex-Prime Minister Tanaka. He and many others whom I discussed my prison camp ordeal with were surprised that our group had not been repatriated, and was also quite sympathetic over the fact that we had spent forty-five months as POWs.

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT

U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director

() Release (X) Excise () Deny

Exemption(s): B1

Declassify/Decontrol: (X) In Part () In Full

() Classify as () Extend as () Downgrade to

Reason for Extension: 8/27/02

The North China Marines did not expect to receive any of the compensatory considerations requested in our original proposal, but we did feel that we were entitled to some sort of recognition. The closest we've come to getting any kind of recognition since the first day of our captivity are the kind words expressed by you and the Deputy Chief of Staff, LtGen. W. R. Maloney, U. S. Marine Corps. Many of our group are ashamed to tell people that they were prisoners-of-war because of the circumstances surrounding our internment. It is surprising how many people, including Marines are not aware that we had American Marines in China at the outbreak of World War II. This includes Senators and Congressmen, some of who were Marines. The North China Marines were in many of the same camps with prisoners from Guam, the Philippines and Wake Island, but who ever heard of the North China Marines, until now?

Another reason for our asking the U. S. Senate and the Congress to intervene in our behalf was with the hopes that something will be done to insure that this situation will not be repeated. The duty of the State Department to safeguard American Embassy or Legation Guards in foreign posts is a matter on which the Congress is not divided. We should have learned this in Teheran and Beirut! The fact that some foreign states refuse to accept Embassy Guards in the status of administrative and technical staff under the Vienna Convention on Diplomatic Relations appears to be reason enough for some-one to make a concerted effort to apply whatever pressure necessary to bring about an understanding with those states, that the United States intends to have our Embassy Guards recognized in their true status as outlined in the 1961 Convention. I believe that President Reagan would certainly push this issue, if and when he is made aware of it. So far, I've had no response to my letter to the President. It's only been two months, and I imagine that he is pretty busy.

We, the ninety-six known survivors of the North China Marines appreciate the time and effort you have spent in preparing your response to the many inquiries you have had or will have concerning this matter. I apologize for any inconvenience to you and your Staff, but I'm sure that were you in our position, you too would have taken some action to get to the bottom of the situation. Our method may have been crude, but hopefully the end results will be of benefit to those in the future.

Thank you for your kind indulgence in reading this letter. 31
With sincerest respect and admiration

Encl: Ltr & Story

IP436A

J. Edward Fox
U. S. Dept of State

15 March 1955

Forty-three years ago America and her State Department abandoned 204 United States Marines in North China. These men comprised the American Embassy Legation Guard located in Tientsin, Tientsin and Chingwantao, China. Instead of being considered Embassy personnel with diplomatic status for diplomatic exchange, they became prisoners of war of the Imperial Japanese Army. Many died in prison camps in China and Japan from disease, malnutrition, forced labor in war production, torture and unimaginable hardship from December 8, 1941 to September 2, 1945.

Now, the surviving ³²~~12~~ or so men are seeking retribution and compensation for this outrageous act of total disregard for the welfare of this special Marine Detachment. The enclosed, documented narrative of events, substantiate this charge of abject neglect committed by the American State Department, headed at that time by Cordell Hull.

In as much as it appears our only source for redress is the United States Congress, public awareness of this historic and disgraceful episode is essential. We are therefore bringing these facts to your attention with the hope of enlisting your assistance in publicizing this entire matters.

We, the North China Marine survivors will appreciate your support, and stand ready to assist in pursuing a totally deserved remedy for this naked injustice.

Respectfully.

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT
U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director
() Release (X) Excise () Deny
Exemption(s): B1
Declassify/Decontrol: (X) In Part () In Full
() Classify as () Extend as () Downgrade to
Date 8/27/02 Declassify on Reason

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT
U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director

☒ Release ☐ Excise ☐ Deny

Exemption(s): _____

Declassify/Decontrol: ☐ In Part ☒ In Full

☐ Classify as _____ ☐ Extend as _____ ☐ Downgrade to _____

Date 8/27/07 Declassify on THE NORTH CHINA MARINES Reason _____

IP 436B



The Officers and men of the American Embassy Legation Guard, Peiping, China are marched to the railway station in Chien-ning on January 10, 1942, to be transported to Tientsin. There they will join the other members of the North China Marines to begin forty-five months of hell in various Japanese Prisoner of War Camps.

F
131
1P436C

THE NORTH CHINA MARINES! Who are they? What happened to them? What are they attempting to do now? And, why did they wait so long? Ray Haberman, editor of the North China Marines Ex-POW Bulletin, and resident of Inglewood, California relates their story.

The 'North China Marines' are the 112 survivors of the original 264 U. S. Marines who comprised the American Embassy Legation Guard in Peiping, Tientsin, and Chingwantao, China at the outbreak of World War II. They are the remaining, unheralded heroes who have the dubious distinction of being the first U. S. Marine prisoners of war captured by the Imperial Japanese Army.

Although President Franklin D. Roosevelt declared "that the bombing of Pearl Harbor on December 7, 1941 would be remembered as a day of infamy", the North China Marines remember it as the beginning of more than 45 months of imprisonment, starvation, beatings, disease, forced labor, degradation, and in some cases even death.

At the out-set the Officers and men of the North China Marines were of the opinion that they were being interned until diplomatic exchanges were made between the United States and Japan. Because of repeated informal assurances of repatriation by the Japanese and because their initial treatment was relatively mild, the Marines kept their high hopes and maintained excellent moral. Little did they suspect that they were being forsaken by their own government. The following documented information has recently been brought to the awareness of the North China Marines.

'On December 26, 1941 the U.S. Secretary of State (Cordell Hull) instructed the Charge d'Affairs in Switzerland to request the Swiss Government to be good enough to communicate to the Japanese Government the following amplification of the proposal of the United States for the exchange of all diplomatic, consular and other official personnel, their dependents, staffs and personal effects. In the amplification, the United States stated that it, "considers that its official personnel, subject to this exchange includes the personnel of the Marine Guard remaining in China and there under protection of international agreement".

The international agreement to which the U.S. government referred was Article VII of the China (Boxer Protocol) of September 7, 1901, which remained in effect between China and the United States at the relevant time. Article VII reaffirmed that, "in protocol annexed to the letter of January 16, 1901, China recognized the right of each power (including the U.S.) to maintain a permanent guard in the said quarter (of its legation) for the defense of its legation." Both the United States and Japan were parties to the signing of the Protocol.

'The Japanese government responded in a note dated December 30, 1941, in which it accepted the American proposition of mutually sending ships to Lourenco Marques for the exchange of officials and non-officials. Annexed to that note, the Japanese outlined the personnel to be exchanged, but no reference to the Marine Guard was made.'

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT
DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director

Release ☒ Excise ☐ Deny ☐

Exemption(s): B1

Classify/Decontrol: ☒ In Part ☐ In Full

Classify as ☐ Extend as ☐ Downgrade to ☐

8/27/62 Declassify on Reason

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT
U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director

☒ Release ☐ Excise ☐ Deny ☐

Exemption(s): B1

Classify/Decontrol: ☒ In Part ☐ In Full

'On January 15, 1942 the Swiss envoy in Tokyo telegraphed further statements of the Japanese government regarding the exchange proposal. In that statement the Japanese government pointed out that "while Imperial government has no objection to including among those to be exchanged the personnel of the U.S. Court in Shanghai, it is unable to include the U.S. Marine Guard remaining in China as they constitute a military unit".

The American Department of State observed, on February 5, 1942 that, "The U.S. government may refer to this point at a later date."

On March 5, 1942 the State Department received a document dated February 23, 1942 from the Spanish Embassy which was transmitting the Japanese Imperial government's response to the U.S. proposition. The Japanese stated, "The Japanese government is glad to learn that an agreement has practically been reached in the matter of the exchange of Japanese and American officials and other personnel, however, they desire to make the following observation in order to avoid misunderstanding."

In these observations the Japanese government noted, "The Japanese government gathers that the U.S. government does not insist on inclusion of the Marine Guards in China in the present exchange."

Six weeks later, the U.S. government delivered to the Spanish Embassy in charge of Japanese interests a message. "The U.S. government refers to former communications in regard to the return of the Marine Guards in China and expects the Japanese government to take cognizance of their true status as diplomatic guards."

The published record of the Foreign Relations committee of the United States makes no further reference at this point to the question of the Marine Guards stationed in China.'

That the U. S. State Department made no further insistence for the inclusion of U.S. Marine Guards in that or future repatriation exchanges, probably came to almost as big a surprise to the Japanese at that time as it did to the North China Marines when they found out about it forty-two years later.

The North China Marines were moved to Shanghai by train on January 27, 1942. As they entered the prison camp at Woosung, on the mud flats of the Wangpoo River, they were told in English by a Japanese officer that "they were not prisoners of war, however they would be treated as such until they (the North China Marines) were repatriated." In Woosung they were greeted by several hundred other American prisoners of war, who were already showing signs of malnutrition. Most were clad in summer khaki, some only in shorts. Many had blankets wrapped around them to keep out the winter's 10 degree cold. They found many old friends among their new fellow prisoners, and soon learned the true story of the heroic defenders of Wake Island.

As the exchange ships came and went the North China Marines maintained their high moral and tried to convince themselves that eventually they would be repatriated. Even the Japanese kept their hopes up by telling them that there wasn't room on the ships and that there would be others in the future.

By the end of 1942 the Japanese had started shipping prisoners to Japan and Korea to work in various factories, mines and other industrial, war related complexes. Other types of forced labor included polishing artillery shells, road gangs, burial details, building mountains (that became rifle ranges), and burying fuel and alcohol drums at the old Shanghai Racecourse. As time wore on, reduced rations, long hours of labor, unsanitary conditions and the weather began to take its toll. Those who escaped beri-beri came down with dysentery; those who didn't have pellagra contracted malaria; from chill blains to pneumonia and from sunstroke to heat exhaustion; they lived with all of it, but many died from some of it.

In spite of their long ordeal, the North China Marines always upheld the highest traditions of the Marine Corps, and their determination to survive in the face of overwhelming obstacles has placed them in a position of worthy praise. But, what satisfaction is praise to a man who unpretentiously gave up almost four years of his life? How can he be repaid for the injustice and neglect committed by the American Department of State?

In 1951 when President Harry S. Truman agreed to the terms of the Treaty of Peace with Japan, all repatriation claims by the Allied Powers were waived. Shortly thereafter, while many of the North China Marines were again serving their country in Korea, each of the surviving North China Marines received \$1. for each day of imprisonment. That came to \$1365. for forty-five months of living death. These monies came from frozen Japanese assets. It didn't cost Uncle Sam or the American tax-payers a single dime.

At a recent annual reunion of the North China Marines in Dallas, Texas, the above documented information was finally brought out in the open. It was the consensus of the group that some action should be taken against the United States Government for abandoning the 204 American Embassy Legation Guard in North China at the outbreak of World War II.

What sort of action could the remaining North China Marines take against the United States Government? That's the nitty-gritty part! They certainly can't sue Uncle Sam or the State Department. And so, they've decided to take their case to the American Public, to their Congressmen and to their Senators. To anyone who still has faith in the American way of justice and will listen to their plea.

What can the North China Marines expect from the American government? Certainly, not what they deserve! How can you put a price on 1365 days of mental and physical torment? Not knowing whether or not you'll have the strength to make it thru the night to the next day! Not knowing whether or not you'll ever return home and see your loved ones again!

One member of the group remarked, "Well, they may decide to send each of us a Purple Heart. After all, every one of us, at one time or another, was brutally beaten, inhumanely mistreated, starved, suffered sickness and diseases that was brought on by our imprisonment under the Japanese." Another of the group said, "Maybe the Commandant of the Marine Corps, or the Secretary of the Navy, or even President Reagan himself will send us each a signed 'Letter of Appreciation or Commendation'. A 'Unit Citation' would probably be too much to expect. Most of the group were of the firm opinion that these trivial tokens were something that should have been given to them upon returning home from that nightmare thirty-nine years ago.

Basically it was agreed that the North China Marines would seek the following compensatory considerations:

1. The Congressional Medal of Honor. Reasoning: They were officially ordered to China, then left and forsaken by their own government, when a small effort by the State Department would have assured their repatriation. The manner in which the North China Marines demonstrated their ability to cope and survive the experiences they had, clearly was above and beyond the call of duty.

2. 100 percent unconditional disability. Reasoning: The few that have survived the starvation, beatings, disease and suffering should be proof to any medical person that life in Japanese prison camps was not conducive to long life. The average age of the present survivors is 67 years old. They don't have too much time left to enjoy any fruits that the government may feel should be North-coming.

3. \$100,000. lump sum to each survivor. Reasoning: How much is it worth to spend 1365 days in any kind of prison, much less a Japanese Prisoner of War Camp? Does \$74. a day sound high? That is approximately what \$100,000. would amount to.

The North China Marines are asking everyone to get behind them, and maybe, if the outcry is loud enough, Congress will see fit to right this great wrong that has gone unnoticed for too long. And don't forget, time is running out for the North China Marines.

The writer would like to thank the following sources of information for making this article possible:

and all the other North China Marines.



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
WASHINGTON D C 20380

14 DCDIP436D
0050197-1047

1650
M:2
15 FEB 1985

MSgt Robert Ray Haberman, USMC, Retired
1120 South Inglewood Avenue
Inglewood, California 90301

Dear Master Sergeant Haberman:

This is in reply to your letter of December 27, 1985, to the Secretary of the Navy, via the Commandant of the Marine Corps. I am responding in their behalf.

We are very appreciative of and sensitive to the services rendered to our country by you and the many thousands of other Americans who were interned as prisoners of war. Some were less fortunate than others, such as those who suffered through the Bataan Death March, the hazardous trips from the Philippines to Japan, those held captive by the North Koreans, and those interned in Vietnam endured extreme privations. All have in common a suffering and anguish known only among themselves and their families, long separations, unknown futures, deprivation of even the most basic human needs, and the daily struggle for survival. Through endurance and courage many survived, but in some cases the loss was awesome. Less than one of five Americans captured on the fall of Bataan and Corregidor survived until liberation.

Your letter addresses three items for consideration; the Medal of Honor, disability, and compensation. Let us discuss each consideration individually.

The Medal of Honor is awarded to a person who distinguishes himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty in action against the enemy. An individual must clearly render himself conspicuous above his comrades by an act so outstanding that it clearly distinguishes his gallantry. The act must be in the presence of great danger or at great personal risk that sets the individual apart from his fellow Marines. An accumulation of lesser acts of heroism does not justify the award.

The significance of the award of the Medal of Honor is highlighted by the fact that, in the last three wars (World War II, Korea, and Vietnam), only 180 such decorations were awarded to Marines. Of these, 120 were awarded posthumously. When considering that 1,115,000 Marines served in combat theaters during these wars, it is clear that the Medal of Honor is an individual award of such prestige, honor, and rarity that only the most gallant and self-sacrificing are even considered. Therefore, a blanket award of the Medal of Honor for any group is considered inappropriate.

As a related matter, as late as December 3, 1984, the Secretary of the Navy reaffirmed the Navy Department's position concerning the inappropriateness of blanket awards of individual decorations by denying the Bronze Star Medal to members of the 4th Marines for action at Bataan and Corregidor.

Disability also must be addressed on a case-by-case basis, as required by law. In those cases where a service connected disability is incurred and adjudicated by medical authorities, appropriate action is taken. It would appear less than fair to consider any and all disabilities as being equal, notwithstanding the hardships endured through internment as a prisoner of war.

The lump-sum compensation to each survivor in your courageous group has no authority in law. Compensation for military service is based on years of service and/or disability. The type and conditions of such service is not a consideration in determining compensation. The fact that thousands of Americans were interned for long periods of time does not, in itself, entitle any one of them to extra compensation, lump-sum or otherwise.

Please be assured that our comments in no way diminish our recognition of the heroic contributions made by you and the thousands of others who suffered harsh treatment at the hands of our enemies in past wars. Your country and the Marine Corps recognize the special status of prisoners of war. We are all proud of the service you rendered to your country, and most especially those who gave their lives in the defense of freedom.

Each member of the North China Marines has our best wishes and deep respect. Precisely for these reasons, we regret that a more favorable reply could not be provided.

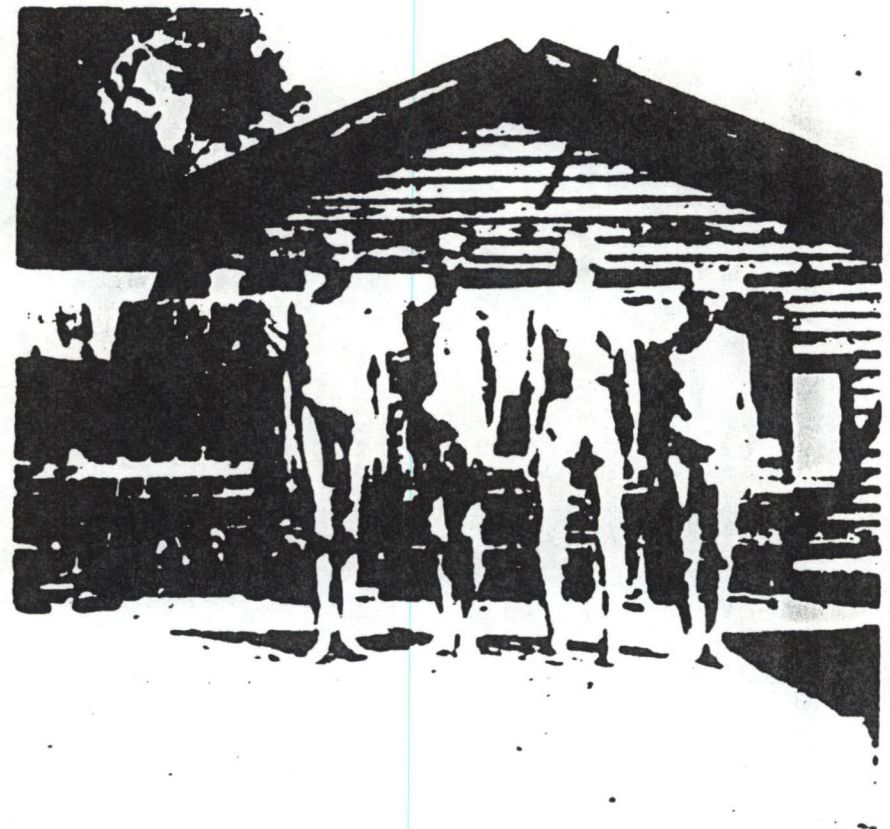
Sincerely,



W. R. MALONEY
Lieutenant General
U.S. Marine Corps
Deputy Chief of Staff
for Manpower

IP436E

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT
U.S. DEPT. OF STATE, RPS/IPS, Margaret P. Grafeld, Director
(X) Release () Excise () Deny
Exemption(s): _____
Declassify/Decontrol: () In Part (X) In Full
() Classify as _____ () Extend as _____ () Downgrade to _____
Date 8/27/02 Declassify on _____ Reason _____



Malnutrition

P850051-1204

FAIM

IP437

PA/PC/CMD:MPensabene:ml
632-1299:3/13/85

H#0039-0821

LPC:L(3/85)

H/TBleha

JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT

U.S. DE. OF STATE, RPS/IPS, Margaret P. Grafeld, Director

() Release (X) Excise () Deny

Exemption(s): B1

Declassify/Decontrol: (X) In Part () In Full

() Classify as () Extend as () Downgrade to

Date 2/27/82 Declassify on Reason

Dear Mr. Dixon:

Thank you for your letter of March 5 on behalf of [redacted] who was a member of the Marine detail guarding the U.S. Embassy in Japanese-occupied Beijing when the United States entered World War II. Mr. [redacted] seeks compensation for having served in various Japanese prison camps because of the inability of the United States to compel the release of the Marine guards during the war.

All claims of U.S. nationals against Japan for its conduct during World War II were settled by the Treaty of Peace with Japan signed in San Francisco on September 8, 1951 and entered into force for the United States on April 28, 1952, 3 U.S.T. 3169. Under that Treaty, Japan gave each of the Allied Powers, including the United States, the right to seize and dispose of Japanese assets located within its jurisdiction in order to satisfy its war claims as well as those of its nationals. In return, the Allied Powers waived any right to reparation or to further claims except as satisfied under the terms of the Treaty.

In the United States, a War Claims Commission was authorized under the War Claims Act of 1948, 50 U.S.C. App. 2001 et. seq., to pay compensation to American citizens who were former civilian internees and military prisoners-of-war held by Japanese authorities during the War. Such persons were permitted to file claims with the War Claims Commission no later than March 31, 1952.

Mr. [redacted] suggested the Department of State should have done more during the War to compel the release of the Marine guards held by the Japanese. The Department attempted early on to obtain the release of the Marines along with the release of the diplomatic personnel assigned to the Embassy. Given the state of war that existed between the United States and Japan immediately after the bombing of Pearl Harbor, U.S. efforts were unfortunately in vain. The fact that Japan at that time had no personnel in Allied custody equivalent to our Marine detail further reduced the U.S. bargaining position during the course of our negoti-

The Honorable
Julian C. Dixon,
House of Representatives.

FAIM/IAP/WI
1985 MAR 20 AM 11:47

RECEIVED BY
DEPARTMENT OF STATE

ating the exchange of official personnel under each others control. In addition, it was even more difficult to effect the release of the Marines while the U.S. and China were still at war with Japan.

Furthermore, the diplomatic status of the Marine guards at the Embassy was not generally recognized at that time. It was not until 1940 that U.S. legislation (now 10 U.S.C. 5983) authorized Naval and Marine personnel to serve as guards under the command of diplomatic officers. Thus, the diplomatic status of Marine guards was quite recent then even for the U.S. Government. Still today, some states refuse to accept Embassy Marine guards in the status of administrative and technical staff under the 1961 Vienna Convention on Diplomatic Relations.

With regard to the Boxer Protocol, the United States and Japan along with other foreign legations in China at the turn of the century exacted indemnification from the Imperial Chinese Government for losses suffered during the Boxer uprising. See Treaty Series 397, 1 Bevans 302. Although the Chinese Government acknowledged the right of foreign legations to maintain permanent guards to protect their legations from further uprisings, no special diplomatic status was thereby created for those guards. In any event, any obligations under the Boxer Protocol would have been China's, not Japan's, and therefore presumably unenforceable during the hostilities. By the 1940's, the Boxer Protocol was generally regarded as obsolete and was ultimately terminated by a treaty between the United States and China in 1943. See 57 Stat 767; Treaty Series 984, 2 Bevans 739.

Americans appreciate the sacrifices of these former Marines during World War II. However, their sacrifices do not appear to be attributable to the conduct of the Department of State nor of the U.S. Government in 1942.

Sincerely,

EW
J. Edward Fox
Acting Assistant Secretary
Legislative and Intergovernmental Affairs

Enclosure:

Correspondence returned.