BENEFITS FOR FILIPINO VETERANS

HEARING

BEFORE THE

COMMITTEE ON VETERANS' AFFAIRS

HOUSE OF REPRESENTATIVES

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BENEFITS FOR FILIPINO VETERANS

WEDNESDAY, JULY 22, 1998

HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 10 a.m., in room 334, Cannon House Office Building, Hon. Bob Stump (chairman of the committee) presiding.

Present: Stump, Quinn, Stearns, Cooksey, Evans, Kennedy, Filner, Gutierrez, Brown, and Doyle.

OPENING STATEMENT OF CHAIRMAN STUMP

The CHAIRMAN (presiding). The meeting will please come to order, and we may be a couple of minutes early here, I mean, from waiting for our caucus to break up, but we have to get started. A couple other people have markups.

The committee will come to order.

We are meeting today to hear testimony regarding the benefits currently provided to veterans of the Philippine armed forces by the Department of Veterans Affairs.

I want to welcome today's witnesses and express the appreciation of the entire committee for your contribution to this process.

We have many witnesses this morning, so I necessarily will have to insist on a strict 5 minutes on the rule. I'm speaking for both oral statements of the witnesses and members of the committee to ask questions of the various panels.

Veterans of the Philippine armed services believe that either President Roosevelt or General MacArthur promised them full U.S. veterans' benefits. However, we will hear today testimony from the Army historians and the Congressional Research Service who are unable to locate any documentation of such promises.

Members should also understand that this matter is not a simple issue. There are different categories of Filipino veterans, some of who receive full U.S. benefits, but most who don't. You have the material in your folders identifying these distinctions.

In my meetings with veterans of the Philippine armed services and representatives of their groups, it's been made clear to me that many Filipino veterans do not understand that most World War II veterans who served in the Philippines or other theaters and campaigns receive no payments from the VA.

Many also do not understand what benefits are already available to them in various categories for Filipino veterans.

As a result of our meetings, I corresponded last year with Secretary-Designate Gober requesting that the VA regional offices im-

prove their outreach efforts to veterans of the Philippine armed services to make sure that more of them became informed on what was already available to them.

For fiscal year 1998, the VA estimates payments to veterans of the Philippine armed forces and their survivors will total nearly $55 million. This includes disability compensation, clothing allowance, and dependency and indemnity compensation.

In terms of average annual income in the Philippines and the United States, Filipino veterans are treated better than most U.S. veterans. A Filipino veteran with only a 20 percent service-connected disability receives the equivalent of the average income for citizens of the Philippines. While an American veteran with a 20 percent disability receives compensation amounting to only about 8 percent of the average income. A 100 percent service-connected Filipino veteran receives about 11 times the Philippine annual income.

The Dependency and Indemnity Compensation Program, payments to survivors of Filipino veterans, is $416 a month, or about five times what the average income is in the Philippines.

Much is also made of the presumption that since the Philippines was a territory of the United States at the beginning of World War II, these veterans of the Philippine armed services must have been serving under the U.S. flag and deserve full U.S. veterans' benefits.

I don't know how this can be exactly true when the GI Bill, under the veterans' benefits, was not even established until the 1950's.

In 1934, the Commonwealth Army of the Philippines was established in preparation for Philippine independence. The Philippine Independence Act of 1934 also gave the President of the United States the authority to call the Philippine National Army into service under U.S. command, but that is not the same as serving in the U.S. Armed Forces. Soldiers of many World War II allied armies served under U.S. command but do not receive any benefit from the VA.

While Filipino forces fought bravely and certainly aided the U.S. in the war effort, in the end they fought for their own and soon to be independent Philippine nation.

It is also worth noting that since the end of World War II, Congress has enacted nearly 20 public laws affecting benefits for veterans of the Philippine armed forces, but had made no major change in the benefit structure now in place. The courts have upheld that basic benefit structure on at least two occasions.

However, Congress has passed provisions over the years to address the differences between economic conditions and living standards in the United States and in the Philippines.

The VA has a legislative proposal now that would change the service-connected compensation payments to veterans of the Philippine armed forces now living in the United States to bring these payments in line with payments to U.S. veterans.

We're going to look into that and into other affordable proposals and see what we may be able to re-justify.

Now I would recognize the ranking minority member, Mr. Evans, for any comments that he would like to make.

[The prepared statement of Chairman Stump appears on p. 129.]

OPENING STATEMENT OF HON. LANE EVANS

Mr. EVANS. Thank you, Mr. Chairman, for scheduling this very important hearing.

Today this committee will exercise its unique responsibility to review and evaluate actions taken over the past 50 years by the United States Government, actions which have profoundly affected the lives and destinies of hundreds of thousands of Filipino veterans of World War II and their families.

It is my belief that some decisions made by earlier Congresses regarding the status of Filipino veterans, men who fought valiantly and bravely, shoulder-to shoulder-with American forces, were to say the least, ill-advised. Particularly offensive to me, and I'm sure to the Filipino veterans of World War II, was the language in the Rescission Act of 1946 which said that service in the Philippine Forces was not to be considered active military service for the purposes of veterans' benefits.

This language must have shocked and puzzled the Filipino soldiers who had been called into the service of the Armed Forces of the United States in 1941 by President Roosevelt and who served under the direct command of General Douglas MacArthur. It surely must have shocked and puzzled the thousands of Filipinos who, along with their American comrades suffered brutality, starvation, and disease, at the hands of the Japanese during the Bataan Death March and afterwards in Camp O'Donnell, the prisoner of war camp.

As I said earlier, this is a very important hearing. There are wrongs to be righted, and I hope what we will hear today will help us determine how best to make those decisions and to correct those wrongs.

In conclusion, Mr. Chairman, let me say that much has been made about whether General MacArthur made a commitment regarding veterans' benefits to Filipino veterans.

Frankly, Mr. Chairman, with due respect to General MacArthur, what he said or didn't say is largely irrelevant. What is important is that the service rendered by Filipino veterans and our recognition of their service be approved at this time.

Thank you, Mr. Chairman, for the opportunity to speak.

The CHAIRMAN. Thank you, Mr. Evans.

The chair will deviate from normal procedure and allow the other members to make a short statement if they want to. But first I'd like to go to our Member witnesses. A couple of them have markups, and then I'll come back to that.

Mr. Gilman, I know you're senior and chairman, but if you would allow Mr. Cunningham to go first, he has a markup immediately after.

Mr. Cunningham, you're recognized.

Mr. GILMAN. I'd be pleased to yield to the gentleman.

STATEMENTS OF HON. RANDY "DUKE" CUNNINGHAM, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA; HON. BENJAMIN GILMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK; HON. NEIL ABERCROMBIE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF HAWAII; HON. PATSY MINK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF HAWAII, AND HON. NANCY PELOSI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

STATEMENT OF HON. RANDY "DUKE" CUNNINGHAM

Mr. CUNNINGHAM. Thank you, Mr. Gilman.

I've been asked to be very brief, and I'll make a brief statement and then leave because of the number of witnesses. But if I may stand and address the audience, Mr. Chairman, I'd say "Mohowi"—to the Filipinos—welcome. [Laughter.]

Mr. Chairman, I've spent a large portion of my life in the Philippines, and I've grown, you know, to love and cherish, not only the people in the Philippines but the Filipino people here in the United States.

General MacArthur was mentioned and he gave his word, but so did this country. And I would like to submit my statement for the record and rise in support of the legislation. They say there's a great expense, but it's not an area of expense; it's not an area of economics. It's an area of justice.

And with that I would submit my testimony for the record.

[The prepared statement of Congressman Cunningham appears on p. 170.]

The CHAIRMAN. Thank you, Mr. Cunningham. And all of your statements will be printed in the record in their entirety.

Mr. Gilman.

STATEMENT OF HON. BENJAMIN GILMAN

Mr. GILMAN. Thank you, Mr. Chairman, and I would thank our colleagues for this opportunity to try to address a very important issue, and I will submit the full statement for the record. I'll try to brief.

I want to thank the committee for taking a good, hard look at what we can do to reconcile this problem. I've long been an advocate of Filipino veterans in the Congress. And for the past several Congresses, I've introduced legislation, along with Congressman Filner, to provide members of the Philippine Commonwealth, Army veterans, and members of the Special Philippine Scouts by reason of service with the Armed Forces during World War II with full veterans' benefits.

In July of 1941, President Roosevelt issued a military order calling members of the Philippine Commonwealth Army into the service of the United States Forces in the Far East, under the command of Lieutenant General Douglas MacArthur.

For almost 4 years, over 100,000 Filipinos of the Philippine Commonwealth Army fought alongside our allies to reclaim the Philippine Islands from Japan. Regrettably in return, Congress enacted the Rescission Act of 1946. That measure limited veterans' eligibility for service-connected disabilities and death compensation,

and also denied the members of the Philippine Commonwealth Army the honor of being recognized as veterans of our Armed Forces.

These members of the Philippine Commonwealth Army and the Special Philippine Scouts served just as courageously as their American counterparts during the Pacific war. Their contributions helped to disrupt the initial Japanese offensive time table in 1942 at a point when the Japanese were expanding unchecked through the Western Pacific.

During the next 2 years, Filipino units conducted an ongoing campaign of guerilla warfare tying down precious Japanese resources. Then, in 1944, Filipino forces provided invaluable assistance in the liberation of the Philippine Islands, which in turn became an important base for taking the war to the Japanese homeland.

Without the assistance of Filipino units and guerilla forces, the liberation of the Philippine Island would have taken much longer and would have resulted in greater casualties to our own forces than those which occurred.

President Truman recognized that fact and sharply criticized the language of the Rescission Act in a letter to Congress dated May 16, 1947, in which he stated that he considered it a moral obligation of the United States to look after the welfare of the Filipino veterans.

Mr. Chairman, members of this committee, we all recognize that the current fiscal climate may preclude the awarding of full benefits at this time. The Philippine government and our veterans' groups are cognizant of this as well. However, it's our hope that this hearing will allow us to reach some type of workable solution which both offers the veterans the recognition of their sacrifice that they seek and provides some of the compensation that they have so valiantly earned.

As President Truman stated, we do have a moral obligation to look after their welfare.

Mr. Chairman, I thank you again for agreeing to hold this hearing. I'm certain that you'll hear plenty of pertinent testimony today from the various panels that will appear before you this morning. And I thank our colleagues for joining us in this testimony.

Thank you, Mr. Chairman.

[The prepared statement of Chairman Gilman appears on p. 171.]

The CHAIRMAN. Thank you Chairman Gilman.

Our next witness, the Honorable Neil Abercrombie, from the State of Hawaii.

STATEMENT OF HON. NEIL ABERCROMBIE

Mr. ABERCROMBIE. Thank you very much, Mr. Chairman, and Mr. Evans, committee members.

Mr. Chairman, with your permission, I would like to submit a statement for the record from the Governor of the State of Hawaii, the Honorable Benjamin Cayetano, who is the first Filipino-American to be elected to this high office in the United States.

The CHAIRMAN. Without objection

[The statement of Mr. Cayetano appears on p. 318.]

Mr. ABERCROMBIE. Thank you very much.

I would also at this time, Mr. Chairman, request permission to submit a statement by Mr. Eduardo Mina, who is the president and chair of the World War II Fil-Am Vets in the Hawaii Chapter, if that's all right?

The CHAIRMAN. Without objection.

[The statement of Mr. Mina appears on p. 319.]

Mr. ABERCROMBIE. Thank you, and I would like, Mr. Chairman, with your permission, to have Mr. Mina stand and be recognized by the committee. He is here with five Filipino-American veterans from Hawaii representing them and has come all this way for this hearing. This is a big day for these veterans, and we are all very grateful to you for holding the hearing. That's Mr. Mina right——

The CHAIRMAN. We welcome you, sir. And let me say that—for the benefit of others—we are just truly sorry we could not accommodate all of those that wanted to testify. The list is simply too great, and we tried to pick the various leaders of the various organizations.

Mr. ABERCROMBIE. Yes, and we're very grateful for that, Mr. Chairman, and thank you.

Mr. Chairman, I will not reiterate the succinct and pertinent testimony of Mr. Gilman, but I would like to emphasis a point or two in my testimony and request your permission to submit my whole statement for the record.

The CHAIRMAN. Certainly.

Mr. ABERCROMBIE. Once again then, Mr. Chairman, I thank you and the committee for holding this important hearing. I'm very proud to join my colleagues today to speak on behalf of these courageous and worthy individuals.

As Mr. Gilman has indicated, their sacrifice and loyalty were critical to the outcome of World War II and contributed significantly to our freedom.

Mr. Chairman, for purposes then of context, may I just remind the committee that during this grim time in our history, the United States—our Armed Forces were on the defensive everywhere. We now see films about the United States going on the offensive such as D-day and elsewhere—later this year, I expect there will be another film, "The Thin Red Line," which will go into the Pacific in James Jones' great book transposed to the screen, that's when we were on the offensive.

The military forces of the Commonwealth of the Philippines were drafted to serve in our Armed Forces by Executive Order of the President of the United States, Franklin Roosevelt.

Control of the Philippines was strategically important to the containment of the Japanese forces and ultimately in our efforts to win the war. When the attack came and Japan attacked the Philippines, American and Filipino soldiers fought side-by-side at every major battle including Bataan and Corregidor.

Because of their loyalty to America, the Filipino soldiers suffered the brutal rancor of the Japanese as depicted in the massacre of 400 troops of the 91st PA Division, the infamous Bataan Death March, and the brutal conditions of prison camps at O'Donnell, Capaz, and Tarlac. The U.S. forces principal mission to hold Ma-

nila Bay for 6 months could not have been accomplished without the efforts of the Philippine Army.

Therefore, Mr. Chairman, we need to recognize that soldiers who escaped capture joined forces with civilians to form guerilla units whose attacks against Japan thwarted the Japanese occupation. It gave the United States critical strategic time to defeat Japan and reclaim the Philippines. Through 3 long years that the Filipino guerilla soldiers kept faithful to America, they provided intelligence to American Forces in the southwest Pacific. They rescued downed American airmen and inhibited the enemy's full exploitation of the region.

Therefore, Mr. Chairman, I am a co-sponsor of the Filipino Veterans' Equity Act of 1995, introduced in both 1995 and 1997 to restore these veterans benefits and equity to the brave Filipino veterans who fought in World War II.

I am also a sponsor with Mrs. Mink and others of H.R. 4177, which I commend to your attention as well, to extend the Social Security Act for health care coverage to Filipino veterans under Medicare. And I commend that especially to your attention, Mr. Chairman, because you've indicated that you and the committee are willing to consider an array of possible alternatives, and I hope that this will be one of them.

The issue is of great importance obviously to the people of Hawaii and to me personally. As represented by Mr. Mina here today, Hawaii enjoys the residence of many of the Filipino veterans who would benefit.

Because then, in conclusion, Mr. Chairman, America stands for justice for all, we cannot turn our backs on these veterans who have waited for 52 years. The Rescission Act was already cited, and, we also have had cited to the committee the benefits that President Truman considered the veterans eligible for as a result of the moral obligation regarding the circumstances I've just outlined.

It is time then, Mr. Chairman, to right this injustice. We owe equal treatment to all who fought under our flag. These two bills that I've mentioned extend recognition for incomparable bravery and loyalty of the World War II Filipino veterans. It offers justice to the veterans in need and redeems a debt that has gone unpaid for far too long.

Mr. Chairman, with that I'll conclude. And thank you once again for your consideration.

[The prepared statement of Congressman Abercrombie appears on p. 175.]

The CHAIRMAN. Thank you, Mr. Abercrombie.

The chair is happy to recognize the Honorable Patsy Mink, representing the State of Hawaii.

STATEMENT OF HON. PATSY MINK

Mrs. MINK. Thank you, Mr. Chairman, and members of the committee.

We are extremely honored and pleased to have this opportunity to present this case, which has considerable meaning to many thousands of residents in my constituency and in Mr. Abercrombie's.

The issue is not, I think, a search for the historic quotes that we often hear about the President making the promise. The issue here is an obligation which I believe this country feels very deeply that these individuals who served side-by-side with our own forces in the Philippines, sacrificed tremendously, showed the total human capacity of courage that could be expected of anyone. And when they did this, they did this, of course, for the love of their own people, but because they felt they were part of the United States of America.

And so here we are today many, many years after the sacrifice in the Philippines, still discussing whether or not there is an obligation to these individuals.

The Filipino veterans are not asking for anything more than all the other thousands of veterans who served in World War II. All they want is equal status, whatever all the other veterans are entitled because of their service in World War II. They feel and I feel they ought to be given this recognition.

Much is made of the Rescission Act, but I think the message that the Rescission Act carries in its provisions is that precise recognition of these veterans because it affords them the benefits if they could show service-connected disabilities. Why else would they be included in this category of benefits if this country did not, in fact, recognize that their service was part of the service to this country?

So it seems to me that, first, this committee ought to take into consideration the administration's request of not 50 percent of the benefit of other veterans as service-connected veterans, but full, 100 percent. That was what is in the President's request as I understand it. So it seems to be that that's the first, because it is part of that initial recognition.

The second, it seems to me, if we're going to recognize those who were in the service and have service-connected disability, it seems absolutely logical that all other veterans serving side-by-side, regardless of whether they have service-connected injuries or not, ought to have the same recognition of all other veterans that served in the military.

And there are many veterans—my husband, one, served in World War II; he has no benefits. He's proud of service, and I'm sure there are thousands in the categories of Filipino World War II veterans similarly situated. But for those who would qualify for benefits as veterans of World War II, it seems to me it's time to bring equity to this situation and recognize the service of these individuals to our country. That is what this is all about.

We feel that time is running out for our friends and neighbors who live in our district. Many of them are passing into 70, 75 years of age. There is not much time for this Nation to recognize their service.

And all we are here for today is to say these individuals helped immeasurably in the success of the American effort in the Philippines, and they are deserved recognition as veterans in the service of this country that they love. They come here out of love, out of commitment. Many of them left the Philippines and are now residing in the United States. And we think that this committee ought to recognize that.

We have submitted other bills which we feel might close some of the gap that prevent them from this full status. And why we are here today in this committee is to ask you to consider the service they gave, the obligation that we ought to feel that they are entitled to this recognition, and to proceed to correct this longstanding error, and help the veterans finally to receive the honor and accord that this Nation promised they would get.

Thank you very much, Mr. Chairman.

[The prepared statement of Congresswoman Mink appears on p. 177.]

The CHAIRMAN. Thank you, Patsy.

Let me, if I may, try to clarify one point, perhaps I misunderstood you. Any Philippine person that fought in the war, unless they are new scouts that didn't come in until after the war was over in August of 1945, and has a service-connected disability is being compensated?

Mrs. MINK. Right.

The CHAIRMAN. Okay.

Mrs. MINK. That was my point. Because this country has recognized their service by giving them 50 percent, not 100 percent. And the administration is now saying give them the 100 percent. But because we have taken that step to recognize this service as indeed part of our whole commitment to veterans, we should not exclude the others who also performed similar service who do not today qualify for service-connected disability category.

The CHAIRMAN. Thank you.

Mrs. MINK. Thank you.

The CHAIRMAN. Our next witness, the Honorable Nancy Pelosi, from the State of California.

STATEMENT OF HON. NANCY PELOSI

Ms. PELOSI. Thank you very much, Mr. Chairmen, members of the committee, Ranking Member Evans. Thanks for the opportunity to be here.

I want to associate myself with the remarks of my colleagues here in support of this legislation. The chairman has been most kind in accommodating my request to testify. I promised him I would be brief because we want to make room for as many of our Filipino-American visitors as possible. But as you know, Mr. Chairman, I do want to, as I say, associate myself with their remarks, but I think some facts bear repeating.

The Philippines played a vital role in the outcome of the Second World War. The historians credit the battle for the liberation of the Philippine Islands as the beginning of Japanese's demise in the war. The courageous efforts of the Filipino soldiers, scouts, and guerillas were instrumental in that success.

As we all further know, in 1941 President Roosevelt, by order of an Executive Order, brought the Commonwealth Army of the Philippines under the command of the U.S. Armed Forces. Soldiers known as new or special scouts came under the U.S. military command because U.S. law at the time dictated that any person serving actively in the military and not dishonorably discharged would be considered a veteran for benefits purposes. These Filipinos

would have been eligible for full veterans' benefits. I hope that we can stipulate to that.

Shortly after the war, however, Congress rescinded that of the full benefits at eligibility of these soldiers. And I consider that Rescission Act really a scar on our historical record. We had made a certain representation and then rescinded it. I don't think that's fair. It was very important for us to have the Filipino and U.S. soldiers under one centralized command for the expeditious liberation of the Philippines. And I believe that saved many, many, many American lives.

But what we're discussing here today is that we must separate the benefits that the U.S. citizen receives from those that a U.S. military veteran is eligible for. And to that point I want to say that H.R.H. 36, which I hope that this committee will support, does not naturalize one Filipino into a U.S. citizen. It does not allow one Filipino to receive Social Security or any other Government aide that American citizens are eligible for.

What it does is provide that these Filipinos get the same assistance that retired U.S. soldiers receive. If we fail to do that, and as my colleague said, it has symmetry—nothing more, nothing different, but the same. If we fail to do this, I fear we send a message that the life of that of a foreigner is not as valuable as an American fighting in the same war, under the same command, and following that experience—statement by the President of the United States. I think that is a dangerous message.

I appreciate, though, my conversations with the chairman of the complexity of, and the resulting financial strain, of the Federal budget. As a result of the balanced budget agreement, we're required to find offsets to any additional costs with cuts in current programs. I do not believe cutting current programs to American veterans is the proper solution, of course.

I do believe, however, that a solution exists and that it's vital we work together to find that solution before more of these veterans pass away and then it's too late. I hope members of the committee will find the arguments of our visitors valid, compelling, and also not so overwhelming that we don't think that a financial solution is possible.

In closing, I'd like to urge the members of the committee to fulfill the commitment the United States made over half a century ago. On June 9, the body approved by voice vote H. Res. 404 commemorating 100 years of relations with the Philippines and pledging to work closely together as we begin a new era. We must follow in deed, what we said in word.

Thanks again, Mr. Chairman, for your conducting a hearing. I appreciate that very much, Mr. Evans, and for allowing me to make my presentation. Thank you, Mr. Chairman.

[The prepared statement of Congresswoman Pelosi appears on p. 180.]

The CHAIRMAN. Thank you, Nancy.

Mr. Campbell from California, I believe you'd asked unanimous consent to make a brief statement?

Mr. CAMPBELL. Mr. Chairman, thank you. Out of consideration of your kindness and to make time for the veteran witnesses, I

would simply ask that my statement be submitted. And I would ask to be associated with the remarks of my colleagues.

I particularly want to pay respect to my good friend and colleague, Mr. Filner, whose leadership in this area deserves credit.

Thank you, Mr. Chairman.

The CHAIRMAN. Certainly.

[The prepared statement of Congressman Campbell appears on p. 182.]

The CHAIRMAN. Mr. Evans.

Mr. EVANS. Thank you, Mr. Chairman. I'd ask unanimous consent that the hearing record be held open for 2 weeks so that all interested parties may submit testimony for the record?

The CHAIRMAN. Is there objection?

Without objection, so ordered.

Thank you witnesses.

Our second panel, if they would please come up. The Honorable Dave Pendleton, member of the House of Representatives from the State of Hawaii; General Nanadiego, Office of Affairs of the Embassy of the Philippines; Mr. Alex Esclamado, National Federation of Filipino-American Organizations; Mr. Patrick Ganio, American Coalition for Filipino Veterans; Colonel Emmanuel DeOcampo, of Veterans' Federations of the Philippines; and Lieutenant Colonel Edward P. Ramsey, U.S. Army, retired.

While the second panel is assuming their position there, I did say that I would deviate briefly if some of the members felt compelled to make a statement at this time. If it would be very brief, I'd be happy to recognize them.

Mr. Filner.

OPENING STATEMENT OF HON. BOB FILNER

Mr. FILNER. Good morning, Mr. Chairman, and good morning to everybody, and on behalf of the Filipino heroes of World War II, I thank you for holding this hearing this morning.

All of us, as you have heard, acknowledge the complexity of the issues we will be discussing. And we all believe that men and women of goodwill can and do disagree on how to respond to these matters, but after this hearing I believe that we will more clearly understand the views and concerns of our Filipino comrades-in-arms and, hopefully, come to a resolution.

I thank my colleagues for being here this morning. This is not just a normal oversight hearing, not an normal markup of an ordinary bill, but the culmination of more than 50 years of struggle for justice and honor.

Over 50 years ago, the brave Filipino soldiers of World War II, drafted into our Armed Forces by President Roosevelt, exhibiting great courage at the epic battles of Bataan and Corregidor, were unceremoniously deprived of all veterans' benefits due to them by the Congress of 1946. Less than 75,000 are still alive, and their last wish is the restoration of the honor and dignity due to them.

The distinguished chairman of the House International Relations Committee, Benjamin Gilman, whom you have just heard and I responded to this request in a bipartisan effort—and you have seen a sample of the bipartisan support in this Congress this morning.

With almost 200 co-sponsors, we have brought to this committee H.R. 836, the Filipino Veterans' Equity Act. At one level, this bill simply restores benefits that were denied in 1946. But at a deeper level, this bill says that we will restore dignity and honor to these proud veterans. We will remedy historical injustice. We will make good on the promise of America.

You have heard about President Truman's statement in 1946. When he signed the bill that had various other appropriations matters that included this infamous rescission of Filipino benefits, he said that there was injustice being done. I quote President Truman, "Filipino Army veterans are Nationals of the United States and will continue in that status until July 4, 1946. They fought as American Nationals under the American flag and under the direction of our military leaders. They fought with gallantry and courage under the most difficult conditions during the recent conflict. Their officers were commissioned by us. Their official organization, the Army of the Philippine Commonwealth, was taken into the Armed Forces of the United States by Executive Order of President Roosevelt. That order has never been revoked or amended. I consider it a moral obligation of the United States to look after the welfare of the Filipino Army veterans." This was President Truman. That moral obligation, Mr. Chairman, remains with us today.

The issue, in my opinion, is not just promises or arcane legalities. The Filipino soldiers were inducted into the U.S. Army by President Roosevelt in 1941. And if the question of their status as veterans and their entitlement to benefits was in doubt, why would the Congress in 1946 pass the Rescissions Act which declared that for legal purposes, not withstanding any historical facts, for legal purposes, these Filipino soldiers were not to be classified as in active military service?

So my colleagues, I ask you for the moment to put aside the issue of money and the issue of the budget. I want you to think of justice, of morality, of dignity, and honor. I have spoken to literally hundreds and hundreds of Filipinos involved in the war effort about these issues. I've been to the Philippines; I've celebrated Bataan Day on Mount Samat. I've visited the POW camp at Tarlac. There is scarcely a Filipino family alive today in either the United States or the Philippines that does not include a World War II veteran or a son or daughter of a veteran. Fifty years of injustice still burn in their hearts and in their memories. They want justice in their last years, and it is time that this country adequately recognize their contributions, recognize the injustice, and act to correct it. We must do this to establish our honor and the honor and dignity of these veterans.

To those who ask if we can afford to redeem this debt, I answer, "We can't afford not to." The historical record remains blotted until we recognize these veterans. So I'd ask the committee to look at these issues carefully.

I thank the chairman; I thank the committee for allowing us to focus on this. I hope the Congress, in the best American tradition of honor and justice, will appropriately and adequately honor these veterans. (Applause.)

The CHAIRMAN. Are there others?

Yes, Mr. Stearns?

OPENING STATEMENT OF HON. CLIFF STEARNS

Mr. STEARNS. Good morning and thank you, Mr. Chairman. I'm pleased to be here and to hear the testimony and to recognize the problem.

And I think many of us on the Veterans' Committee are very sympathetic and understand that something has to be done. And I think that's the first step that all of us feel that there is a marker that's been set down that this committee should look at proposals that have been offered by members on the committee. And the market has been set that we need to start moving.

And I know for many of you, it's been a very long time and a very arduous battle. And we recognize and empathize with that.

And I think Chairman Stump has offered an alternative plan in addition to the plan we have debated today. Perhaps a third alternative plan is for the United States to talk to the Filipino Government and ask that, in addition to what they're doing now, they provide additional services and care.

And in your testimony, I'm also interested to hear what your views are in terms of the Filipino Government, itself, stepping up to the plate in addition to the United States to participate in this.

So, Mr. Chairman, I commend you for having this hearing, and I look forward to the testimony.

The CHAIRMAN. Thank you, Mr. Stearns.

Ms. Brown, you're next. But if you would kindly defer to Mr. Reyes? He has a markup. Would that be all right with you to yield to him?

Mr. Reyes.

OPENING STATEMENT OF HON. SILVESTRE REYES

Mr. REYES. Thank you, Mr. Chairman, and I want to also thank you for holding this hearing and also to my colleagues. In particular, Mr. Filner, who has worked tirelessly for this hearing.

And I think as a veteran and as a representative who has over 60,000 veterans in my district, I hope that we are able to once and for all do the right thing for a group of veterans that stepped forward to help this country during one of the darkest periods of the history of this great Nation. And I think in doing so, we will put to rest a lot of the issues that have been clouding the relationship and the obligation that this country has.

And, Mr. Chairman, I have a statement for the record if I could introduce it?

The CHAIRMAN. Certainly. All statements will be printed in the record.

[The prepared statement of Congressman Reyes appears on p. 148.]

The CHAIRMAN. Ms. Brown.

OPENING STATEMENT OF HON. CORRINE BROWN

Ms. BROWN OF FLORIDA. Thank you, Mr. Chairman. I just really want my statement issued to the record. But I want to just make a brief remark.

I want to thank the Filipino veterans for coming here today. I want to say that I have a very large community in Florida, in Jack-

sonville, that are very active and have really educated me on this issue.

I think this is a real injustice that's gone on for over 50 years, and I'm looking forward to working with the committee and Congress to rectify it.

Thank you, Mr. Chairman.

[The prepared statement of Congresswoman Brown of Florida appears on p. 151.]

The CHAIRMAN. Are there others that would care to make a statement?

Mr. Doyle.

OPENING STATEMENT OF HON. MIKE DOYLE

Mr. DOYLE. Thank you, Mr. Chairman.

In the interest of time, I submit my statement for the record. But I want to thank you for providing the opportunity to discuss this issue. I also recognize Representative Filner, who has really been diligent on this effort. We wouldn't be here today without all of his hard work. So, thank you for holding this hearing today, Mr. Chairman.

And I submit my statement for the record.

[The prepared statement of Congressman Doyle appears on p. 154.]

The CHAIRMAN. Thank you, sir.

Others?

Mr. Mascara.

Mr. MASCARA. Good; thank you, Mr. Chairman. As you can tell, I'm suffering from laryngitis. But I'd like to thank you and Mr. Mr. Evans and Mr. Filner for holding this hearing on this long-overdue subject—benefits for Filipino World War II veterans.

I am a co-sponsor of the Filipino Veterans' Act, H.R. 836. And quite frankly I'm surprised that this injustice has been allowed to go on for so long without resolution.

The Philippines played a vital role in defeating the Japanese in World War II. If the bravery of both the American soldiers and the Filipino soldiers had not occurred, the Japanese would have spent less time in the island chain, and the outcome of World War II might have turned out differently. These veterans are heroes who fought side-by-side with American soldiers.

I'm glad to be here to listen to this important testimony which I hope will shed some light on this very important subject. Hopefully, we can resolve some of the long outstanding inequities as they relate to providing full benefits for Filipino veterans who fought and died for our freedom.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Mr. Mascara.

Ms. Carson, did you——

Ms. CARSON. Yes, Mr. Chairman, thank you very much. I, too, want to join my colleagues in extending my gratitude to you and certainly to Mr. Filner, Mr. Gilman and my ranking member, Mr. Lane Evans, for bringing this issue to the floor.

And I want to apologize for having to leave. I've got two other committees going on simultaneously, but I did want to very briefly say that when you accept the benefit of a useful or valiant service

of another, you incur some obligation. And these veterans, a special group of very unique and patriotic veterans, served boldly, bravely, and selflessly. They served America, and this late hour in their lives is no time to quarrel with their basic due.

Our work, more than many committees of this Congress, must be to see that our Nation's responsibilities are honored. When this Congress makes an error as it did in 1946 and we have a chance to correct it, the chance becomes our duty, our responsibility. Some speak to the cost. With the correct measure of moral might expressed here, we will find a way to fund.

I say thank you, again, to all of the Filipino veterans that are gathered here today and those that you represent. Mr. Chairman, again, thank you very much for allowing me the opportunity to state where I stand on this very important matter.

The CHAIRMAN. Mr. Rodriguez.

Mr. RODRIGUEZ. Mr. Chairman, and members, let me just go ahead and also just indicate that in all honestly I'm ashamed that it has gone this long. And it's unfortunate. And I'd like to at least feel that, hopefully, that—not hopefully—I would like to think that in the time that I served at least we will take some action today to try to resolve this issue.

I think one of the things that we sometimes look at is the money. But as Bob's already eloquently stated, I think we need to look also in the values in terms of our country's values in terms of equal treatment. It is not appropriate. We need to treat all our veterans, despite the fact that we have promised our other veterans a lot of things and we blew it not delivered on those promises either. The fact is that we need to begin to treat everyone in the same manner.

And so I feel very strongly that we need to take that action as quickly as possible.

Thank you.

The CHAIRMAN. Thank you, sir.

Mr. Gutierrez.

OPENING STATEMENT OF HON. LUIS V. GUTIERREZ

Mr. GUTIERREZ. Thank you very much, Mr. Chairman.

I ask unanimous consent that my complete statement be entered into the record.

The CHAIRMAN. Without objection.

Mr. GUTIERREZ. And I just want to say that I want to echo the statements of my other colleagues here.

I want to thank, specifically, the Filipino-Americans veterans in the city of Chicago for educating me and enlightening me on this issue. And I think that, you know, I cannot use this microphone and not express a huge sense of gratitude to Representative Filner for his tenacity and for his just willingness each and every year, each and every month, to continue to raise this issue, and to continue to raise it until today we finally have this hearing. And so I want to thank Congressman Filner for his hard work and his tenacity in raising this issue. We need people like him in Congress to take up issues which many times don't have a great breath of support or don't seem to be the issues of the day. So I want to thank you, Bob, very much for having done this.

And lastly, I want to say, Mr. Chairman, you know it seems as though we should really mark this up today and get it on the calendar as quickly as possible because July 25 marks the 100th-year anniversary of the invasion, at least in Puerto Rico of American troops in 100 years. In the Spanish-American War, when the Philippines and Cuba and Puerto Rico became part of the United States of America. And one of the promises we made back in 1898 was that we were going to bring freedom and liberty and we were going to lift the Philippines from tyranny——

(Applause.)

Mr. GUTIERREZ (continuing). And Puerto Rica and Cuba from tyranny from the Spanish tyranny of the Spanish imperialism.

And so I would just suggest that it has been 52 years since we revoked their rights, privileges, and prerogatives, and a 100 years since our troops militarily invaded these Islands, these countries. And it was in the spirit of bringing them, what? Freedom, justice, equality, 100 years ago. So I think we can complement historical facts by making sure that this Filner resolution is approved. (Applause.)

Thank you very much, Mr. Chairman.

[The prepared statement of Congressman Gutierrez appears on p. 155.]

The CHAIRMAN. Dr. Cooksey.

OPENING STATEMENT OF HON. JOHN COOKSEY

Mr. COOKSEY. Thank you, Mr. Chairman.

I don't really have an inspirational speech to give, but I would like to ask some questions.

When I was in the Air Force, the person living in the duplex next to me had lived in the Philippines as a child. His father was in business there, and his father worked in a guerilla operation during the war after the Japanese were controlling much of the Philippines. And I'd heard some harrowing stories about living in the jungle. When I was on my way back from southeast Asia in 1969, I spent about 3 or 4 days at Clark Air Force base. And I went back there 10 years ago as a civilian. So I'm familiar with the Philippines, and there is no question they made major contributions to World War II, to the success.

My question—and I'm trying to understand the legislation—there were approximately 200,000 Filipino vets, 93,000 surviving;—and I took this information from these papers; I'm just checking to see if my numbers are right—28,000 of the 93,000 are American citizens; 15,000 live in the United States. My first question is, of the 28,000 surviving Filipino veterans that are American citizens of the 28,000, does that mean that there are 13,000 American citizens who are Filipinos who are still living in the Philippines? And there are 15,000 here? Is that a correct number?

The CHAIRMAN. Are you directing that to staff, Doctor?

Mr. COOKSEY. Yes.

COUNSEL. Mr. Cooksey, I think it would be best—I think the VA has ample data on this kind of thing in terms of citizenship and how many are receiving benefits currently, both here in the U.S. and in the Philippines. And I would just suggest that we let the VA address that question.

Mr. COOKSEY. Okay, at a later panel?

COUNSEL. Yes, sir.

Mr. COOKSEY. Today?

COUNSEL. That's correct.

Mr. COOKSEY. Okay, because that's how I extrapolated this.

Okay, my next question, is the legislative—and this would go to Mr. Filner, I guess—is the legislation designed so that the benefits go to all surviving Filipino vets? Or does it go to the Filipino vets who are American citizens?

Mr. FILNER. The legislation in H.R. 836 applies to all veterans wherever they're living, whatever their nationality. And let me just make sure——

Mr. COOKSEY. What if they're ex-citizens?

Mr. FILNER (continuing). That it's clear for the record. It's their eligibility for benefits. Not everybody who is eligible for the benefits gets benefits. It's the eligibility that's at issue here. The status and dignity of having served in the Armed Forces and being recognized for that. The issue is not really even so much of money, but of status and honor.

The bill, as presently written, applies to all. There are discussions that we could have in the spirit that Mr. Stearns raised earlier, because of different standards of living, for example, different approaches can be made to those in different categories. But as the legislation stands, it is all those who served in the Armed Forces. And there is a list; there is a registry of such who are recognized who would be eligible for those benefits.

Mr. COOKSEY. Okay. Another number I extrapolated from these papers is $3.2 billion in cost. Is that an accurate number? Or is there a number out there?

Mr. FILNER. Well, there will be some testimony on that later. The VA made what I consider a fairly outlandish, worst-case scenario of benefits. They assumed every single person who is eligible would get benefits, would get the maximum benefits, and there would be no offsets for other benefits that they now get as living in this country. It's a very inflated figure. I think the figure is closer to several hundred million dollars. But even that figure, since we are writing the legislation, can be defined in a way that we can accommodate within a balanced budget.

The issue is not so much of money, let me repeat it's an issue of status and honor and dignity. The money has to be designed within the context of a balanced budget, and that's a commitment of all those who have supported this legislation.

Mr. COOKSEY. Okay. Well, and I would agree with the importance of the honor and the dignity because these people were fighting for their homeland and obviously fighting to get rid of a very aggressive oppressor of that time period.

Thank you, Mr. Chairman.

The CHAIRMAN. Mr. LaHood? Oh, I thought you had your hand up.

Are there others then?

Ms. McDonald, we had our schedule made up. If you would like to ask to revise and extend, the chair would recognize you for that purpose for a very, very brief statement.

Ms. MILLENDER-MCDONALD. Thank you, Mr. Chairman.

Mr. Chairman, my statement is not brief because I represent a very large contingent of Filipinos in my district, the 37th Congressional District in California. And so the statement is rather extensive because I did want to speak to this. If there is any way I can do that, perhaps after this panel, I will be most appreciative.

The CHAIRMAN. Ms. McDonald, we would be happy to recognize you at the end of this scheduled meeting if that would be okay.

Ms. MILLENDER-MCDONALD. Fine. Thank you so much, Mr. Chairman.

The CHAIRMAN. You're welcome.

All right. Our first witness—and let me remind the witnesses that we do have a 5-minute rule. Your statements will be printed in its entirety in the record.

Our first witness is the Honorable Dave Pendleton, member of the State House of Representatives in Hawaii.

Mr. Pendleton.

STATEMENTS OF HON. DAVID PENDLETON, A STATE REPRESENTATIVE FROM THE STATE OF HAWAII HOUSE OF REPRESENTATIVES; GENERAL TAGUMPAY NANADIEGO, OFFICE OF VETERANS' AFFAIRS, EMBASSY OF THE PHILIPPINES; ALEX A. ESCLAMADO, NATIONAL FEDERATION OF FILIPINO-AMERICAN ORGANIZATION; PATRICK GANIO, SR., AMERICAN COALITION FOR FILIPINO VETERANS; COL. EMMANUEL DEOCAMPO, VETERANS' FEDERATION OF THE PHILIPPINES, AND LT. COL. EDWIN RAMSEY, RETIRED, U.S. ARMY

STATEMENT OF HON. DAVID PENDLETON

Mr. PENDLETON. The honorable chairman, Bob Stump, honorable members of this distinguished committee.

My name is David A. Pendleton; I'm a State legislator from the State of Hawaii where I serve specifically in the House of Representatives where I am a Republican and serve the Republican caucus as Whip.

On behalf of the Hawaii State legislature, and particularly the Filipino caucus, we extend our gratitude and thank you for scheduling this hearing today. I also extend a sincere aloha from the thousands of Filipino residents in my district and throughout the State of Hawaii. We're very appreciative of this committee's looking at this issue.

There are hundreds, if not thousands, of Filipino veterans who would benefit from the various bills that have been introduced on this matter. And so it is of great importance to me and in Hawaii. And I believe here in Congress it is not a partisan issue, but is something that we can approach in a bipartisan fashion.

I believe that the committee setting aside time to look at this issue is a recognition of the important contribution that the Filipino veterans made to the World War II effort.

I have attached to my testimony, House Concurrent Resolution No. 90, which passed both chambers of the Hawaii State legislature. And so I will not go into detail of all the specifics there and the history and all the arguments of that document. I just would ask that you would refer to that.

Let me briefly just talk about why I am interested in this particular legislation. First of all, I am part Filipino myself. And I remember by late grandfather having served in the United States Navy. He was an enthusiastic patriot and very proud of the fact that he was an American citizen. He was glad to be a citizen of a Nation committed to high ideals—liberty, justice, equality under the law. And I still remember visiting with him while he was a civilian where he worked at Pearl Harbor. And in the morning while shaving before work he would whistle the National Anthem. He was very, very proud of being an American and having served.

He was also proud of his Filipino culture and heritage and did not see that there was a conflict between being proud of both of being a Filipino and an American citizen. He passed this on to his children and grandchildren.

He spoke often of World War II. Unfortunately, I did not master all of the details of the historical events and the things that happened. But I did gain an appreciation for the themes, the major events, and the contribution of the Filipino veterans. He hurried over some of the detail in sharing this with me as a grandchild. Some of those details had to do with the treatment the Filipino veterans following the war. His position, as I reflect upon it now, was that there were misunderstandings which occurred, that some unfairness took place, and that there were representations made which were not followed through on. But that was the past.

My grandfather was clear that legislators today could not bear the guilt of those who had gone before. Decision makers in the present are not responsible for what others did in the past.

My grandfather did teach me, however, that while we cannot be held responsible for other people's actions, we are responsible for what we do in the present and what we do in the future.

Perhaps what happened was technically legal. It was technically in compliance with the letter of the law. There are others here this morning and later today who will discuss these matters at great length. But even if we assume that what was done was technical legal, viewed in the broader context of history and viewed in the broader context of how we have treated others similarly situated, it is clear that there is not equity for Filipino veterans. Even if the present scheme is perfectly in keeping with the rules—and I don't hold that assumption—but even if the present scheme is perfectly in keeping with the rules, it falls far short of our American ideals.

I'm not interested in digging through the historical documents to see what exactly we must be committed to, what the least we can do and still be in compliance with the rules and regulations. I'm interested in looking at what we need to do to be in compliance with what is just and what is right.

And this is the difficult part. We can all agree that justice and equity are the goals. We can all agree that justice and equity may require us to do more than we are presently doing. But what are the precise and specific terms? What exactly should be done? What statutory language would effectuate our American ideals with respect to Filipino veterans? This is the difficult part, and I'm not going to attempt in the few minutes I have remaining to answer all of these questions.

I've written articles on this issue and thought a lot about the issue. I've attached two of the articles I've written to my testimony. I've also attached House Concurrent Resolution No. 90, which passed with no "no" votes in the Hawaii State legislature. Both the house Republican caucus and the Senate Republican caucus voted unanimously in support of this house resolution. That details I think some of the important points that need to be looked at.

My main purpose today is to convey my firm belief and that of the Hawaii State legislature that the present treatment of Filipino veterans does not afford them full equity. Let's illustrate this contention with just two brief points.

First, there is the issue of naturalization. During World War II, many non-American solders were involved in the great conflict fighting against the powers of conquest, namely, Japan and Nazi Germany. Among the military forces which opposed Japanese and German expansionism were allied troops from other countries. These troops, not unlike the Filipino veterans, fought in conjunction with American forces against a common enemy. They were subsequently afforded the right to naturalization. Beginning in 1943, naturalization officers were dispatched to foreign countries where they accepted applications for naturalization, where they performed naturalization ceremonies, and where they swore into American citizenship thousands of veterans from other countries.

In stark contrast, the great majority of Filipino soldiers who had fought under the command of American officers were not afforded similarly liberal naturalization policies. The United States withdrew its naturalization officer——

The CHAIRMAN. Is the gentleman about to conclude his statement?

Mr. PENDLETON. Yes, I have two more paragraphs, Mr. Chair.

The United States withdrew its naturalization officer from the Philippines for 9 months and then permitted the law to lapse in 1946.

The second issue has to do with the reasonable and appropriate form of payment of monetary veterans' benefits. Other individuals will discuss this.

I want to close by saying that the goal and purpose of the Department of Veterans Affairs was "to care for him who shall have borne the battle."

Today, Congress has that opportunity to make sure we provide full equity.

Thank you for permitting me to testify today.

[The prepared statement of Mr. Pendleton, with attachments, appears on p. 202.]

The CHAIRMAN. Thank you, sir.

Our next witness, the General Nanadiego.

STATEMENT OF TAGUMPAY NANADIEGO

Mr. NANADIEGO. Mr. Chairman, and members of the committee, good morning. Thank you, Mr. Chairman, and members of the committee for inviting me to present my views.

I was an enlisted man. I was a buck private in the Philippine Army when I reported to active duty on December 16, 1941, pursuant to the military order of President Roosevelt.

Mr. Chairman, the views I'm going to present are not mine alone. They are also the views of thousands of Filipinos of my generation, who responded to the order of President Roosevelt. Armed only with infield rifles caliber 30, model 1917—we fought alongside with Americans and after 98 historic days, with valor unsurpassed in world history stood their grounds against mostly superior forces "in the gory fields of Bataan."

These are also the views of Filipinos like me, who in the agony of defeat, were formally surrendered to the Japanese Forces by General Edward King to General Homa's representative at the Lamao Agricultural Station in Bataan Peninsula on April 9, 1942. These are also the views, Mr. Chairman, of the Filipinos who walked the infamous 65 mile death march under a scorching April sun. These are also the views, Mr. Chairman, of the prisoners of war with whom I was with for 4 months in Camp O'Donnell, detained and maltreated in violation of the rules of land warfare and provisions of the Geneva Conventions on the treatment of prisoners of war.

They are also the views, Mr. Chairman, of Filipino veterans who enjoyed briefly-I use the word briefly advisedly-with the Americans in the thrill and joy of victory in 1944. I say briefly because the 79th Congress of the United States immediately thereafter disowned us when it mandated in the Rescission Act that our services in Bataan and Corregidor shall not be deemed as active device in the Armed Forces of the United States for purposes of benefits except for those who were killed in action, those who were maimed, or were separated, or for ailments which are service-connected.

1. We maintain, Mr. Chairman, that we Filipino veterans are American veterans and, therefore, are entitled to the benefits and rights administered by the Veterans' Administration. This conclusion springs from the constitution of the United States Armed Forces in the Far East (USAFFE), and later by United States Armed Forces in the Philippines (USFIP) when General Douglas MacArthur left the Philippines for Australia.

2. The United States Government committee in 1944 to extend to the Filipino veterans the benefits by the enactment of the GI Bill of Rights which simply required active service in the Army of the United States under the American flag as the measure of entitlement to benefits. It was active service in the Armed Forces of the United States which qualified citizens of the 66 countries to receive full benefits.

3. The Filipino veterans, Mr. Chairman, and members of the committee, have not been fairly treated as claimed by the enactment of the Rescission Act of 1946, the Filipino veterans' entitlement were limited to those who were killed in action or those who were maimed or who were separated for service-connected disability. And on top of that, the benefits were computed at a rate of 50 cents to the dollar. While those of the 66 countries all over the world were extended the long range of benefits under the GI Bill of Rights.

4. Mr. Chairman, and members of the committee, the United States of America today is the only super power in the world. And it is also the world's wealthiest country with the strongest robust

economy. It is also the country looked up to by countries big and small in political or financial turmoil.

We believe, Mr. Chairman and members of the committee that it is time for Congress to ponder seriously over the parting words of President Truman when he signed with reluctance, the Rescission Act of 1946. And I quote, "The Philippine Army veterans are nationals of the United States and will continue in that status until July 4 of 1946. They fought under the American flag and under the direction of our military leaders. They fought with gallantry and courage under the most difficult conditions during the recent conflict. Their official organization, the Army of the Philippines, was taken into the Armed Forces of the United States. That our order has never been revoked and amended. I consider it a moral obligation of the United States to look after the welfare of the Filipinos."

I hope, Mr. Chairman, those parting words will ring in the halls of Congress.

And Congress should harken also to the words of Congressman Gilman who said, "For years veterans have been fighting for the benefits they should justly deserve. In the war of conflict, they followed our President's command to fight for freedom the American way."

But are you aware that there is a group of veterans (referring to the Filipino veterans) who fought for the United States and are still fighting, not just for benefits but for the recognition that they are the Nation's veterans?

One sentence more.

The CHAIRMAN. The gentleman has 30 seconds to complete his sentence.

Mr. NANADIEGO. Okay.

"It is time for the United States Government to correct that injustice by letting them know that they are accepted as our Nation's veterans.

With your permission, Mr. Chairman, and members of the committee, let me close with this famous Irish toast: "May the road rise up to greet you. May the winds be always at your back. May the sun shine warm upon your face, and the rains fall softly upon your field, and until we meet again. May God hold you in the hollow of His hands."

Thank you.

[The prepared statement of Mr. Nanadiego appears on p. 213.]

The CHAIRMAN. Thank you, General. (Applause.)

Our next witness, Mr. Alex Esclamado.

STATEMENT OF ALEX A. ESCLAMADO

Mr. ESCLAMADO. It's a matter of honor!

Honorable Chairman, and members of the committee.

My name is Alex Esclamado, chairman of the National Federation of Filipino-American Associations. I'm the son of a guerilla mayor in a remote town of Padre Burgos, Southern Leyte, Philippines. And our family reared and supported five American guerillas in the Philippines who established Station TUT. It was the link between our guerillas and General MacArthur.

Today, Mr. Chairman, I thank you for creating this opportunity to present our side, but I'm saddened that the right side of this panel, the Republican side is almost empty. We wanted to show that this issue is not partisan; that this issue is an American issue. This issue is a matter of honor.

I speak in behalf of the leadership of our fast-growing Filipino-American community. We owe tremendously to our Filipino veterans, because before the war, Mr. Chairman, we were regarded as monkeys.

Because of these veterans' heroism in Bataan and Corregidor, every headline and news items published in America enhanced our image, and that image became transformed to that of a human being and finally of being brother American. Now we enjoy the respect, thanks to them.

We strongly support the veterans' vigorous effort to correct this injustice. They have suffered so long. To me, the vital issue to be determined here is whether or not the service of the Filipino soldiers was service in the Armed Forces of the United States. For all intents and purposes, the answer is certainly, yes. We have established through incontrovertible evidence and we have presented to your committee two volumes of this documentation (raising a blue handbook) to support that.

By service, Mr. Chairman, I mean that they actually took an oath of allegiance to the flag and the Constitution of the United States. That was the first thing they did when they were inducted into the service; it was a military procedure. Ask all the veterans who are here; they will confirm this fact.

But to me, the best test of allegiance to the Constitution of the United States, Mr. Chairman, distinguished members of this committee, is how much one risks in defense of that oath. History records that these Filipino soldiers have never been found wanting in gallantry and courage in the field of battle.

The second point I want to make here is this: that the Filipino soldiers fought as members of the U.S. Armed Forces for America's causes in America's war. Ask any of these soldiers present here if they were thinking of Philippine independence that was forthcoming while they were in battle. They could only think of survival and the debilitating effects of hunger, malnutrition, and disease.

Third, it is argued that the Filipino soldiers should look more to the Philippines for their benefits rather than to the U.S. alone. I wish to inform this committee that the Republic of the Philippines has been providing benefits to the limits of what it can afford. But what the Philippines gives does not remove the moral obligation of the U.S. to provide the benefits that are due them. President Truman said this during the signing of the infamous Rescission Act, itself.

Fourth, it is asked, should U.S. American veterans ask for benefits from the Philippines or any other country they liberated in World War II? Yes, if the U.S. veterans were conscripted into the Philippine Army by a General Order of a Philippine President. It would have been not a war of liberation; it would have been service in the Philippine Army. And I assure you, if such were the case, the Philippines would never, never have passed a Rescission Act

that would dishonor the service of U.S. Armed Forces serving the Philippines.

Finally, was there a promise of General MacArthur or President Roosevelt or anybody to give full benefits to these Filipino veterans? Of course, yes. The documentation is clear and unmistakable and is part of the package you have been given. The best proof is that through the representations by General MacArthur, Senate Bill No. 2387 was passed by the Senate on March 31, 1942, and was passed by the Military Affairs Committee of the House of Representatives on May 6, 1942, equalizing the pay of the soldiers under MacArthur's command. There was not only a promise, there was a congressional action.

The whole issue we face is this: was the service of the Filipino soldier service in the United States Armed Forces in the Far East to be considered as service in the United States Armed Forces for purposes of benefits? Why not?

This is the inequity of the Rescission Act which we should now correct. There is absolutely, absolutely no justification for depriving them of the benefits of being America's soldiers.

If we are worried about the cost, the U.S. has already saved $100 billion by perpetuating this injustice. Why can't the United States spend a couple of billion dollars for these veterans that they have long deserved? What America did instead was to deprive these soldiers of the their due and we have rehabilitated our former enemies using more billions of dollars for them—for our enemies, not for our soldiers or our friends.

Honorable Chairman and members of this committee, the Filipino community appeals to you for justice for these heroes. Repeal the Rescission Act by approving the Equity Act now before it's too late.

Let those who lay buried in the nameless graves of Bataan, Corregidor, and the concentration camps and elsewhere, finally rest in peace, Mr. Chairman.

Let the aging who are still living now enjoy whatever is left of their lives in dignity. Let those heroes die with honor. They have suffered too much for too long. Let us give them a life of dignity. Let us, at the very least, restore their honor.

President Roosevelt said in his historic remarks about what we were fighting for in World War II and I quote, "It is useless to win battles if the cause for which we fought these battles is lost. It is useless to win a war unless it stays won. Therefore, we fight for the restoration of, and perpetration of faith and hope." unquote.

These Filipino veterans here today are losing faith in the sense of fairness and justice of America. The 52 years of injustice and discrimination against them is too much to bear. And they are also losing hope that this injustice will ever be corrected.

I believe that it is within the power of this committee to restore their faith and their hope in America's sense of fairness and justice.

It's a matter of honor.

Thank you.

[The prepared statement of Mr. Esclamado, with attachments, appears on p. 218.]

The CHAIRMAN. Thank you, sir. (Applause.)

Let me please remind those that have not testified to try to limit their remarks to 5 minutes. The chair doesn't want to cut anyone off, but in all fairness to everybody—and we've had a lot of people that could not testify because we didn't have the time—please observe the 5-minute rule. Thank you.

Mr. Patrick Ganio.

STATEMENT OF PATRICK GANIO, SR.

Mr. GANIO. Mr. Chairman, honorable members of this committee, good morning.

My name is Patrick G. Ganio, a World War II veteran and a survivor from Bataan and Corregidor. I serve as president of the American Coalition for Filipino Veterans, as well as the American-Filipino war veterans based in Washington, DC. Both organizations are based here only to fight for the cause of our fellow veterans that fought with the American's military forces during the war.

We have the support of most of the 28,000 naturalized Filipino veterans here in the United States, and we have the support of the community that now are exposing and supporting our cause.

It is my great honor to testify before this committee on the long-standing claim for equal rights to full American benefits.

Before I proceed, however, Mr. Chairman, I wish to acknowledge the presence of my fellow comrades before you today. As a former prisoner of war and as a Purple Heart recipient I am proud that our sons and daughters have come to listen and to support us in our campaign for justice.

Mr. Chairman, we believe that we are entitled to the equal rights to full benefits on the following grounds:

We, Filipino soldiers, pledged our allegiance to the United States when we were inducted in Bataan. Our pledge was, as normally done to any public official or personnel in the U.S. Government, "I, Patrick Ganio, do solemnly swear that I'll bear true faith and allegiance to the United States of America. That I will serve honestly and faithfully against all the enemies whomsoever, and that I will obey the orders of the President of the United States and the orders of the officers appointed over me according to the rules and articles of war."

And I still remember, Mr. Chairman, that from day one to the last day of school I had before the war, we had been pledging day in and day out our pledge to the flag of America. Then, when I took my oath as a citizen of this country, a country that I learned to love, just like any Filipino veteran did, I said to myself, "This is my affirmation of my loyalty to the country I've learned to love."

Second, the Filipino soldiers were U.S. nationals; everybody knows we were a territory of the United States. We were not an independent nation. Therefore, we could not be considered as an ally of the United States only to relieve this Government of the obligation to pay benefits for the services rendered loyally and faithfully for America. We were drafted to serve; I remember President Roosevelt's message to us over the radio in December 1941, when we were in Corregidor, "I count on every Philippine man, woman, and child to do his duty. We will do ours."

And is America doing its duty now to us? We Filipinos over the years did serve loyally and faithfully.

As a personal example, I nearly died because of my wounds behind my head. I had a simple fracture, only to be awarded 10 percent disability. It hurts to be treated less than any other American veteran. I also spent 2 months of hard labor in Corregidor. I experienced being beaten by the Japanese with baseball bats. All of the men that I had under me in my barracks were beaten, and kicked, only because of simple mistake. And I had been in Camp O'Donnell, Capas, Tarlac, where I had seen for myself, and where I experienced the hunger, the disease; we hardly endured in the prison camp.

Third, General MacArthur told us that we were equals with all fellow Americans. As an example. When we were desperately defending Bataan and Corregidor, General MacArthur radioed his General Order No. 31. He said, "The scale of pay of American and the Filipino Army personnel and officers all differ. I recommend that all officers and soldiers inducted into the Armed Services receive for the duration of the war, the same pay received by American Army. The equalization of battle," he said, "on soldiery needs no further elaboration." For we are now American citizens because of our military service in the Armed Forces of the United States.

The 1990 Immigration Naturalization Act gave us the right to become Americans on the basis of our service. Mr. Chairman, your committee may answer the fundamental question, "why are we naturalized American veterans being denied our rights to the full veterans' benefits?"

Finally, Mr. Chairman, by our delaying actions in the defense of Bataan and Corregidor in the dark days of our battles in Bataan, we broke the Japanese offensive timetable and gave the United States the most precious time to rebuild and mount a more powerful counter-offensive force against the enemy. Otherwise, what does it mean if we were not able to delay the Japanese forces? The war might have reached the American shores. What we did was a feat in U.S. military history, as General MacArthur said, "The Army has done so much with so little."

The CHAIRMAN. The gentleman has 30 seconds to complete——

Mr. GANIO. Thank you, Mr. Chairman. (Applause.)

The CHAIRMAN. Finish your conclusion.

Mr. GANIO. What we did was a feat in U.S. military history. General MacArthur said, "No army has done so much with so little." We fought with indomitable spirit and unbreakable faith in America with almost super human endurance in those years that saved American's billions of dollars and thousands of American lives. We, Filipino-American veterans, demand—or rather ask no more than we deserve and earned by our service—in the American forces to be treated equally as Americans. We, therefore, need your moral and political will to give us justice after waiting for the past 52 years.

Mr. Chairman: Right is right, truth is truth, and justice is justice. Give us justice now, if you'd please.

Mr. Chairman, thank you very much. (Applause.)

[The prepared statement of Mr. Ganio appears on p. 228.]

The CHAIRMAN. Mr. Ganio, thank you for your fine statement.

Colonel DeOcampo.

STATEMENT OF EMMANUEL DEOCAMPO

Mr. DEOCAMPO. Thank you, Mr. Chairman, and the members of the committee, thank you. I would also thank you for this opportunity given us today because it has been a long wait, Mr. Chairman. For 52 years, this is the first hearing on this situation. So thank you again, Mr. Chairman, and members of this committee.

Much has been said about the service, but first I would like to introduce myself. I am the President of the Veterans' Federation of the Philippines, and I came here just to attend this meeting. By our laws I am legally the legal representative of all the Filipino veterans. (R.A. 2640)

Much has been said about Bataan and Corregidor and the battlefields of the Philippines, so much in fact, that I would not want to repeat there. The heroism in Bataan, Corregidor, and the battlefields, was just so much. Soon General King surrendered all the troops in Bataan, and General Wainwright later on surrendered the troops in Corregidor and all parts of the Philippine Islands. Evidently, the Japanese knew that there were surreptitious attempts, ordered by General MacArthur, to activate a lot of troops who were cut-off in the rear of the Japanese.

I was one of those. We were told to join the Manila garrison, but we were really—we were going to the mountains. We were very young, out of basic ROTC, military academy cadets, and some reservists, and we picked up along the way a lot of stragglers. We found out the stragglers were one of the most useful troops.

And while there was a war in Bataan, we were also ambushing the Japanese in the rear. Of course some of us, some of the units, did not have any communication with GHQ except one; that was the 14th infantry (NAKAR) which was composed mostly of my own townmates. This was a situation which perhaps, intended or unintended, caused the enemy so much headache.

After the surrender of Bataan, we found out that many American officers, had been injected behind the enemy lines. There was one, Colonel Hugh Straugn, who first formed the resistance movement about 30 miles outside of Manila. And we found out later on that there was Colonel Claude Thorpe, Captain Joseph Barker McKenzie. One of them is here now, Colonel Edwin Ramsey. We were in close contact. Later we found out there was Volkman in the north, who escaped from Bataan—so many American officers were now leading resistance troops and continued to fight. There was Moses, Praeger, Blackburn, Barnett, Lapham, Boon and a host of others in Luzon.

There were also American officers in Mindanao. There was a Colonel Wendell Fertig in Mindanao who organized the Mindanao Island into a big resistance movement in spite of the order to surrender. The Philippine contingent did not surrender. They continued to fight. This was the situation: and they accomplished their goals.

First, they pinned down a lot of enemy divisions which would have helped the advanced to Guadalcanal. For 3 years, the Japanese could not thin out their troops, because the resistance movement was in full control of the countryside and they had to protect the shipping lanes and the lines of communication. The guerillas denied them the full use of their resources. The continuous am-

bushes and the cutting of communication lines denied the enemy the full use of their facilities.

Mr. Chairman, and members of this committee, very soon a new operation was initiated. The guerillas had to spirit out a lot of American civilians from the Siliman University and many parts of the country sent by submarine which were in contact with us. Some were from Palawan were sent by sailboat to Australia. This activity culminated in the liberation of 2,200 Allied civilians in a combined operation with the 11th Airborne in 23 February 1994 and some 800 POW's in Cabanatuan Nueva Ecija.

The guerillas sanitized the landing beaches in many places. And these, Mr. Chairman, and members of the committee, are the services which were done under orders from General MacArthur. We were—given in fact, just before the landings, liaison officers who were sent to us. Assigned to our unit, was Colonel Jay Vanderpool. He was sent to us, and he was the one directing us because he was in continuous contact by wireless with Southwest Pacific Arena Command (SWPA).

I will not go into so much details on what we did, but my countrymen have told me, "Please, try to enlighten the Members of Congress about what we did. Approval of the equity bill will correct the past wrong perception, and once more, strengthen our belief in the American sense of justice and fair play. For us, the restoration of our honor and dignity as soldiers who served under the U.S. armed forces and flag is a moral concern."

Thank you, Mr. Chairman, and members of the committee.

[The prepared statement of Mr. DeOcampo appears on p. 235.]

The CHAIRMAN. Thank you, Colonel. (Applause.)

The next witness on the panel is Lieutenant Colonel Edwin Ramsey, Army of the United States, Retired.

STATEMENT OF EDWIN RAMSEY

Mr. RAMSEY. Thank you, Mr. Chairman.

Before I start, I would like to introduce to my rear here, retired General Royal Renolds, who was also fighting in Bataan with the 57th Infantry Regiment Philippine Scouts. He will be available for any questions later, since there wasn't sufficient time for him to make a speech.

The CHAIRMAN. Welcome, Mr. Ramsey.

Mr. RAMSEY. My name is Edwin Price Ramsey. I came from Los Angeles to attend this hearing, and I thank you for the opportunity to appear before you here today. I came in the hope that I can contribute, in some small way, to correcting a long-standing gross injustice toward the Filipino veterans of World War II. In order for me to do so, it is important that you'd be aware of my background and activities during that war.

At the beginning of the war, I was a First Lieutenant and a platoon leader with the 26th Calvary Regiment, Philippine Scouts, with whom I served through the fighting in Bataan until the surrender on April 9. We had been cut off on April 8 and didn't learn of the surrender until the 10th from troops who were escaping from Mariveles. At that time, the squadron commander gave those of us remaining the option of surrendering or trying to escape.

Captain Joseph R. Barker II, my troop commander, and I opted to try to escape with the objective of making our way to Australia. However, we were aware that in January, just prior to the Luzon forces withdrawing behind the main battle line in Bataan, General MacArthur had sent Lieutenant Colonel Claude Thorp, who had been Provost Marshal of Fort Stotsenburg, out of Bataan to establish resistance forces behind the enemy lines.

After escaping Bataan, we made contact with Colonel Thorp when passing near his headquarters on Mount Pinatubo. And then he convinced us to join him in building a resistance movement rather than trying for Australia. Thorp's command, which was the genesis of the USAFFE and American led guerilla forces, was entitled the USAFFE Luzon Guerilla Army Forces. Barker was designated by Thorp to organize and command the guerillas in central Luzon to be known as the East Central Luzon Guerillas Area, ECLGA, with me as his deputy. After the capture and later execution of both Thorp and Barker, I assumed command of ECLGA on February 1, 1943, and continued organizing and in command of that force until the liberation of Luzon in early 1945. At liberation, ECLGA was composed of 7 irregular divisions, organized in 6 central Luzon provinces and the City of Manila, with more than 40,000 officers and enlisted men who were attached during liberation to the U.S. 6th Army for operations. Should anybody be interested in further details of those activities, a soft-covered edition of my war years autobiography, Lieutenant Ramsey's War, published by Brassey's Inc., is still in print and available through bookstores or from the publisher.

After being repatriated to the U.S. and spending the better part of a year in the hospital, I was discharged in May and then recalled the following month, or the first of July, and asked to go back to the headquarters of the United States Army Forces of the Western Pacific in Manila to help reconstruct the guerilla records of ECLGA. After completing that effort and the issuance on 10 December 1946, of a General Order revising the rosters and recognition dates of ECLGA, I took my discharge in Manila and began a business career in Asia.

With that background, I would like to address the question of the status of Filipino veterans and their treatment, especially in respect to the Rescission Acts of 1946.

In July of 1941, President Roosevelt ordered the induction of the military forces of the Commonwealth of the Philippines into, and as part of, the United States Armed forces. The U.S. War Department implemented this Order by establishing the U.S. Army Forces in the Far East, USAFFE, into which the Philippine forces were incorporated, and General Douglas MacArthur was recalled to duty and placed in command. It's impossible for me to understand how these Philippine troops could be federalized in the USAFFE without swearing allegiance to the United States of America and being considered as part of the United States Army.

When Barker and I, under the authority of Thorp, inducted Filipinos into the guerilla forces, we required that they all swear an oath of allegiance to the United States of America and to the Commonwealth of the Philippines.

In that connection, I question why there was a difference in the treatment accorded to the 65,000 or so Commonwealth of Puerto Rico troops and those from Hawaii and elsewhere who served in the U.S. Armed Forces in World War II from that accorded to the Filipino veterans. It is my understanding that the Puerto Ricans and all other nationalities who fought as part of the American forces were treated in the same way as a native-born American for veterans' purposes.

When the Japanese attacked Pearl Harbor and the Philippine's short-wave broadcasts from U.S. were full of exhortations to all Filipinos, and particularly those serving in the USAFFE, to continue resisting the Japanese. Support and relief were promised constantly to the defenders of Bataan, although none arrived. And many experts credit the heroic defense of Bataan with disrupting the Japanese timetable and saving Australia. In this connection, it should be noted that when the war broke out, there were less than 32,000 American regular U.S. troops in the Philippines, which only a small percentage were ground combat units, and only two regiments of those were composed of American soldiers. Those front line combat units were the 31st American infantry, the 26th Cavalry Regiment, Philippine Scouts, and the 57th and 45th Infantry Regiments, Philippine Scouts, plus the 4th Marines who were stationed on Corregidor.

I see that my time is up, Mr. Chairman, I have my written testimony here. I'm only sorry that after coming this far, I'm unable to complete reading this, because I believe most of this has a distinct bearing on this deliberation.

The CHAIRMAN. Colonel, I show two and half pages yet to go and I'm afraid we can't do that in fairness to all the others that have to testify.

Mr. RAMSEY. That's fine.

The CHAIRMAN. We still have two panels to go through. It will be printed in the record in its entirety.

Mr. RAMSEY. All right. I thank you for your consideration.

[The prepared statement of Mr. Ramsey, with attachment, appears on p. 237.]

The CHAIRMAN. Thank you very much, Colonel. (Applause.)

Are there any questions?

Mr. Filner.

Mr. FILNER. Mr. Chairman, I deeply am appreciative of the testimony, and I know my colleagues learned a lot. You can see why I have called or others have called them the "forgotten heroes" of the war. Certainly their emotional testimony which is again only a small, small sample of the thousands of stories that we can hear, reenforces my commitment to this issue.

I think we have heard of how the American effort was granted time; we saved thousands of American lives. MacArthur estimated that billions of dollars were saved by the efforts of the units that were first regular and then irregular units, both holding the Japanese much longer than their timetable called for, and then, as you have heard, forcing them to devote incredible resources before they were able—or if they were ever able, to consolidate victory in the Philippines. So I think those issues are clear.

Colonel Ramsey, I just have one question for you. Is there any doubt in your mind that the men who were fighting under your command were in the active military service of the United States and, thus, entitled to any benefits that would accrue?

Mr. RAMSEY. None at all.

Mr. FILNER. I thank the gentleman.

Mr. Chairman, I again, I think all of us on the committee are proud to be associated with these veterans who represent thousands of others.

I would point out, again, only 75,000, Dr. Cooksey—I think there are even less now than those figures showed—are left alive. Their plea is very simple: justice, honor, and dignity. And I would hope that we can listen to this plea.

Mr. Chairman, with your permission, Rick Rocamora, a photographer who is exhibiting now in San Francisco, an exhibition called, "The Unfinished Mission: The American Journey of Filipino World War II Veterans," is documenting the way these soldiers are living now in the United States. I would just like to pass some of them around to the members. I know it's not within our rules to display posters, but if Mr. Esclamado could have one minute to just show you what he has brought just for the purpose of his testimony. He'll be very brief.

Mr. ESCLAMADO. Mr. Chairman, and members of the committee. We realize that most of the members of the House of Representatives and the Senate were born after the war and they never had an idea of what it was like to be at war. The Philippines was bombed twice by the Japanese and by the American soldiers. But every day, we had these headlines: (Mr. Esclamado presenting parties with headlines of new reports). "One Brigade Smashes Jap Bases," "Corregidor Shatters Invasion Forces," "Corregidor Holds But Capital Believes All of Bataan's Defenders are Trapped or Slain," "Attacks off Eastern Coast—Savage U.S. Counter-Attacks Holds Japs Back," "Japanese Held Back by MacArthur's Forces After 24-Hour Battles."

The only point, Mr. Chairman, is that we have presented here a history of the war so that the Members of Congress may realize how it was like to be at war.

Thank you very much.

The CHAIRMAN. Thank you, sir.

Mr. Filner?

Dr. Cooksey.

Mr. COOKSEY. Thank you, Mr. Chairman. Again, and I am somewhat of a student of history, and there is no question that the Filipinos made a major contribution to our war effort at that time in World War II. And they were brave men and did a great job. I would emphasize that Filipinos continued to contribute to our military. I was in the Air Force, not in the Navy, but it's my understanding that there were a lot of Filipinos that served in the Navy and on naval vessels.

During the few days I was in the Philippines at Clark Air Force Base in 1969, I knew the Nogritos were actually running the jungle survival school there at Clark Air Force Base. They also provided security against the Huks who were communists in 1969, when communism was still in vogue, and they were defending Clark Air

Force Base and did a great job of it. I understand the Huks were scared to death of the Nogritos. And the Nogritos were about this tall, and they were nice little people. So it is no question that the Filipinos have contributed to our military a lot.

A couple of questions. General Nanadiego?

Mr. NANADIEGO. Nanadiego.

Mr. COOKSEY. Approximately how many Japanese troops invaded the Philippines when they did invade? Do you have an idea?

Mr. NANADIEGO. Well, you know right now—I know I have the figures in the office, but I don't have it now.

Mr. COOKSEY. It was still an overwhelming force?

Mr. NANADIEGO. Yes.

Mr. COOKSEY. They outnumbered the Philippines and the Americans that were there?

Mr. NANADIEGO. Yes, sir. At the moment, really, I cannot come up with a figure.

Mr. COOKSEY. I'm not a good enough student of history, I was just—I do not know the answer.

Well, the thing that I would point out is that I feel that if there was a commitment made, there was certainly a commitment on the part of the Filipinos to contribute to this war effort. And I think it seems to be pretty good evidence that there was a commitment made by our leaders at the time, both General MacArthur and the President Roosevelt, that we had an obligation to the Filipinos. And I'm a great believer in honoring my word, my commitment. And I think that we should honor the commitments of our leaders, whatever they were.

I would point out that you were defending your homeland, as we had to defend our homeland against the British. We're on better terms today, fortunately. But in the late 1700's, the French assisted us in defending our homeland. And as late as the war of 1812, they continued to help us, but we've all had to defend our homeland; and you did a good job, and I'm glad we were able to help.

Over the years, though, we have put a lot of funding into the Philippines. At Clark Air Force Base, at Subic Bay in the Navy. We are no longer there and that was because of the will of the Filipino people, and I understand that. And I understand that the Navy has now based its operations not at Subic Bay but at Singapore.

The dilemma that we have though, as Members of Congress—and I'm a freshman; I'm an old freshman, but a freshman—is that our resources in this country are not infinite, they are finite. And it seems that everyone comes to us wanting more of the American taxpayers' dollars. I have to go back to my district, I have to face people that are working, young people that are working, that complain to me because they're paying a lot of taxes. And they complain about foreign aide, and the truth is, we don't spend a lot on foreign aide. But we're also caught in the dilemma of how much more can we produce or expect the American taxpayers to spend around the world?

And again, I would emphasize that I think we have an obligation here, and I think we should honor it.

The other concern that I have is how can we work this out, work it out through the legislative process? And that's what we ulti-

mately must do is work it out through the legislative process in a manner that will be fair to both those Filipino veterans and yet, at the same time, to the American taxpayer.

My personal feeling is that if we're going to do something, I feel more of an obligation to those Filipino veterans of World War II who are currently American citizens, than I feel obligated to make some payments to those Filipino veterans who are not American citizens.

Mr. KENNEDY. Would the gentleman yield, briefly?

Mr. COOKSEY. Yes.

Mr. KENNEDY. I just was a little confused, I think, Dr. Cooksey, about the point you were making regarding the fact that the Filipino people were defending their own homeland. Wasn't it true that the Japanese attacked the United States at Pearl Harbor?

Mr. COOKSEY. That's correct. I was alive then.

Mr. KENNEDY. Weren't we defending our own homeland as well?

And do you draw a difference between the Filipinos defending at the time it was a territory of the United States? Is there some—are you trying to insinuate that there is some difference between their obligation to fight with the United States against the Japanese in World War II versus our own obligation?

Mr. COOKSEY. I was pointing out a fact of history that is that we were all defending our homeland. They were defending it, and we were helping to defend their homeland against the Japanese.

Mr. KENNEDY. Well, isn't the——

The CHAIRMAN. Gentleman, please suspend. If you want to get your own time, sir, we have been adhering strictly to the 5 minutes—the doctor has the time.

Mr. KENNEDY. Excuse me, Mr. Chairman. I asked the gentleman to yield. The gentleman—no, wait a second.

The CHAIRMAN. No, I am saying he is——

Mr. KENNEDY. No, wait a second——

The CHAIRMAN (continuing). Not going to yield. You are not running this committee like that.

Mr. KENNEDY. You have no right to interrupt me if Mr. Cooksey has——

The CHAIRMAN. I have——

Mr. KENNEDY (continuing). Given me his 5 minutes. You have no right to do that, Mr. Chairman.

The CHAIRMAN. Gentleman's time has expired. The gentleman, Dr. Cooksey's time has expired.

Now we have adhered to this 5-minute rule——

Mr. KENNEDY. His time had not expired when he and I were conducting——

The CHAIRMAN. Mr. Kennedy, if you want to speak, you are free to ask for time in a moment.

Mr. KENNEDY. That's exactly right, and I asked Dr. Cooksey; he yielded to me. You have no right to interrupt me like that.

The CHAIRMAN. You have used all of the doctor's time.

Mr. ESCLAMADO. Mr. Chairman, can I try to reply to some of the questions that they asked?

The CHAIRMAN. You can respond to the question the doctor asked, Mr. Esclamado. Yes, sir.

Mr. ESCLAMADO. Yes?

The CHAIRMAN. Yes, respond to the question.

Mr. ESCLAMADO. There were 120,000 Filipino soldiers and 20,000 Americans, and they were out-numbered, 1 to 6, so at least half a million Japanese soldiers attacked Bataan alone. Okay?

I feel that the soldiers of the Philippines were not fighting for their homeland. They were fighting for the United States territory which happened to be the Philippines. So when you are a territory, you're on American soil.

Mr. RAMSEY. May I add to that?

The CHAIRMAN. The colonel is recognized.

Mr. RAMSEY. Yes. During the time—well, first off, I agree. The Philippines was part of America at that time, whether it was their homeland, it was also part of our homeland because it was part of our territory.

Second, I can't answer—I've forgotten the numbers of the invading forces when they came in, but during the time in central Luzon, the area that I commanded in the guerilla forces, there was never less than 125,000 to 150,000 Japanese. Because this was the reserve area for the Japanese southwest Pacific. So I would suspect that they had more often than not, over half a million men in the Philippines back and forth.

But I'm more concerned with the thought that we would try to consider that they were fighting for their homeland. They were fighting—probabilities are, had we not been in the war, and were that not a territory of the United States, the Philippines may not have been attacked, because the Japanese were not looking for other places to stir up trouble. And it wasn't a major source of raw materials, such as it was in Indonesia and so forth.

And the last point is, no other country in the world, as far as I know, and certainly not in Asia, did the subject people support their colonial masters as they did in the Philippines. The Indonesians turned on the Dutch; the Vietnamese turned on the French; the Malay and Burmese turned against the British. Only the Philippines were loyal to their masters. (Applause.)

Mr. ESCLAMADO. May I add, Mr. Chairman?

The CHAIRMAN. I didn't hear the gentleman.

Mr. ESCLAMADO. May I add to the point that was raised here?

The CHAIRMAN. And you answered him a while ago, I thought.

Mr. ESCLAMADO. There was something that really want to—

The CHAIRMAN. The gentleman is recognized for a brief statement.

Mr. ESCLAMADO. General MacArthur spoke before the Joint Session of Congress in 1951, and there was one reference he made about the Philippines. The Philippines was a territory of the United States, and they were fighting for the American territory. And may I say that it is correct that we were—the Americans were fighting on American soil! Had these hills of Bataan and Corregidor not won 5 whole months for America to rearm material and men, certainly, the bombs would have fallen in California and Hawaii, again, and who knows? Where else in the continental U.S.? Half the country could have fallen into Japanese hands. It's lucky for America to have not seen bombs falling onto their heads. But the Filipinos had that twice; the smaller bombs of the Japanese and the bigger bombs of the Americans. And the great unfortunate

thing that happened there was that America reneged again in its promise to pay fully Philippine war damage claims. That is the reason we used to celebrate July 4 jointly. July 4—the Philippines celebrated July 4 with America. But because of the disgust of the Philippine Congress and the Filipino people, it changed in protest, the celebration of July 4, from July 4 with Americans, to June 12 for Filipinos alone, in protest.

Thank you.

The CHAIRMAN. Thank you, sir.

Mr. COOKSEY. Over this one issue? Is that the reason they quit celebrating?

Mr. ESCLAMADO. Yes, on this one issue. And I know because my father-in-law, and my wife is here, can testify to that. It's because America reneged on its promise to pay all war damage claims. And these soldiers will remember that Roosevelt broadcast that every chicken, every dog that was killed will be fully compensated for. And that was not happening. That's why they protested and changed their Independence Day date to June 12.

The CHAIRMAN. Mr. Kennedy.

Mr. KENNEDY. Thank you very much, Mr. Chairman.

The CHAIRMAN. Yes.

Mr. KENNEDY. First of all, I didn't mean to cut off Dr. Cooksey, and I would happy to yield to him——

Mr. COOKSEY. Just don't worry——

Mr. KENNEDY (continuing). For whatever time he would choose to take.

Mr. COOKSEY (continuing). I'm not offended. I was only trying to get some history straight, and I've learned a lot. It's a great meeting. And I do salute you heroes, you veterans.

And thank you for the time; we're even now.

Mr. KENNEDY. I didn't mean to cut you off. And I think I was trying to deal with, what my perception, is the heart of the misperception about why this injustice has taken place. And that is that we have somehow found a way to differentiate between a Filipino veteran and a veteran of other territories. We differentiate between a Filipino veteran and a Puerto Rican veteran. We have in the past differentiated between black veterans. In my own State of Massachusetts, the 54th regiment in the Civil War went on strike and said they refused to take any pay despite the fact that they—because they were being paid a different wage than white veterans. And so my point to you, Doc—and I didn't mean to insinuate anything about your particular perspective other than that it seemed to heighten the injustice that I think that the Filipino people feel.

What I sensed was that somehow or another we could take the notion that they were defending their own homeland when, in fact, we didn't grant them independence until 1946. We, and the Filipino people, were defending our joint homeland in World War II, and that is what I think is at the heart of this issue. They have brown skin, but they have red blood. (Applause.)

And to me, this is not a matter of dollars and cents. It's just a matter of morality; it's just a matter of whether or not we're going to say, look the VA probably over-estimates how much money this

would cost. But however much money it costs, is how much we have to pay because that's our obligation——

(Applause.)

Mr. KENNEDY (continuing). And I'm not trying to lecture you, Doc, I'm trying to just let you, and let everybody, I guess, know what I believe is the sort of fundamental moral question at stake. And I don't think that your or my constituents, if they heard in fact all of the injustices, all of the courage, all of the sacrifice that the Filipino people have gone through and then to find out—I mean when Mr. Filner first brought this to my attention, indicating that we were treating veterans in such a subservient—Filipinos in such a subservient manner, I was just taken aback. I think all of us really owe a debt of gratitude to Bob Filner to be so dogged in his pursuit of this issue——

(Applause.)

The CHAIRMAN. The chair would ask the audience not to respond, please.

Mr. KENNEDY. But I do believe that this is a matter of our obligation to veterans who sacrificed for this country no matter what. And if we have to go back to the rest of the Congress and say, "Hey, guys, you know what? We owe another $3 billion." Then we got to go back and ask them for the $3 billion. And that there ought to be an extraordinary, you know, outlay of funds, a supplemental budget to pay for this, we ought to go back and ask for it. And I just think the American people, all those young families that are paying too much in taxes, they're paying too much in taxes, but they are safe and secure in the United States of America because all these veterans went out and fought for this country. And even if they don't recognize that obligation, they have it. All of us have it. And I know, Doc, I know you have that same sense of obligation. That's why you serve in the Congress; that's why you served your country in the military. That's why you care very deeply about your job. And I'm just trying to say that I think all of us have that same obligation to the veterans.

I apologize to the chairman for jumping back at him. I thought he was sort of, you know, trying to cut me off from what I thought was my reasonable time.

But I do believe that we have this obligation. I think that the Filipino people have demonstrated their love and fidelity to this country, and I think we ought to pay up what we're due.

Mr. ESCLAMADO. We appreciate the proposal, Mr. Chairman.

Mr. FILNER. Would the gentleman yield just for 30 seconds?

Mr. KENNEDY. I'd be happy to yield.

Mr. FILNER. I appreciate the words of Mr. Kennedy. I heard Dr. Cooksey as saying—I'm going to take him to represent, since he's the only one there beside the chair on the other side of the aisle—that there is an obligation here, that there are realities of the budget, and that we must work together—and I hope quickly—to find a resolution. And I know the chairman is committed to that, and I hope that since you have been here and listened very patiently, and I appreciate that very much, that we will work together to provide the honor within the constraints of our practical situation.

The CHAIRMAN. The chair recognizes Mr. Rodriguez.

Mr. RODRIGUEZ. I'm going to make it short again and not as eloquent as has already been stated. But we have the veterans that are here, and I see the Bronze star for valor in the war. And as we talk about these items, I can't think but recall a lot of the other situations where we've seen the President go to South Africa and apologize for past wrongs. And a lot of times we wait, and I can already see that, you know, that if we wait another 20 or 30 years, we're going to have a President go out there and apologize and after the fact.

And I think that we have, as very eloquently stated earlier, we might not have been the ones that did the thing, but we do have a responsibility. I think the whole committee has the responsibility to take some action, and if we don't, we're also responsible and partly responsible for not moving and not making things happen. So I really feel an obligation to do something about this issue. And I think you've indicated that we do have that obligation and we recognize that.

And too many times we look at that dollar, cent, without realizing—and we share our values much more. And we should recognize that equal treatment, at least in this country, is one of the most important values that we all recognize how critical that is. And when we treat individuals differently, and we recognize that, we need to take those actions.

And, Mr. Chairman, I ask that we take this very seriously and that we try to do whatever we can to try to correct that, not next year, now. Because I can already see the, you know, just holding on and holding on and not doing anything. And I know if we don't do something now, I know I feel bad as it is. And I'm going to keep pushing with Bob to make something happen in this area.

And I just want to thank all the Filipino people for sticking—and I would probably be angrier and protesting right now and doing other things probably that I shouldn't be doing. But I want to thank you for coming up here and sharing, you know, and educating us. And I know that for my part, I'm going to do whatever I can to make it happen now, and not 30 or 40 or 50 years from now. (Applause.)

Mr. ESCLAMADO. May I make a suggestion, Mr. Chairman?

The CHAIRMAN. Mr. Esclamado, you've had your say and we'd like to move on.

Mr. ESCLAMADO. Last one.

The CHAIRMAN. We have two more panels to go.

Mr. ESCLAMADO. Last one, Mr. Chairman, just one sentence?

The CHAIRMAN. Ten seconds.

Mr. ESCLAMADO. If this committee feels the burden of responsibility to take action on this, may we request that you share the responsibility with the whole House? After all, 191 co-sponsors have signed the bill. Why don't you let them share the responsibility of making this decision?

(Applause.)

Thank you.

The CHAIRMAN. Any other questions?

Gentleman, thank you.

I'll call up the second panel.

Since reference has been made to the GI Bill as far as benefits to the Filipino veterans, I feel compelled to put in some excerpts from a committee hearing that was held some 50 years ago. At that hearing, the chairman of the committee at that time, the Honorable Edith Rogers, and one of the senior Democrat members, Mr. Leonard Allen, had an exchange with a witness about this very subject. The witness, the Father James Haggerty, spent many years in the Philippines. Father Haggerty stated to the committee that the Philippine veterans believed that they were entitled to all of the benefits which American veterans were entitled to, including benefits under the 1944 GI Bill. Congressman Allen immediately contradicted him. Congressman Allen stated that he was one of three or four members present at the Veterans' Committee when the GI Bill in 1944 was written. Mr. Allen told Father Haggerty that the members never thought they were providing benefits to Filipino Army veterans. The chairman, Mrs. Rogers, who was also one of the authors of the 1944 GI Bill, confirmed Mr. Allen's statement and said the issue of providing benefits to Filipino veterans did not come up during their discussion. This contention of this very issue was debated when the committee was considering legislation proposed by the Truman administration. It should, also, be noted that the Truman administration proposal would have retroactively denied compensation benefits to many or most Filipino veterans who were receiving compensation at the time. Although many persons believe that the Truman administration intended to provide full benefits, you need to carefully examine what was actually proposed in 1946 and 1947.

(The information follows:)

EXCERPT FROM HEARINGS BEFORE THE COMMITTEE ON VETERANS' AFFAIRS ON BENEFITS RELATING TO SERVICE IN THE PHILIPPINES DURING WORLD WAR II—MAY 27 AND JUNE 10, 1948

BENEFITS RELATING TO SERVICE IN THE PHILIPPINES DURING WORLD WAR II

HEARINGS

BEFORE THE

COMMITTEE ON VETERANS' AFFAIRS
HOUSE OF REPRESENTATIVES

EIGHTIETH CONGRESS

SECOND SESSION

ON

H. R. 4073

A BILL TO PROVIDE A MORE SATISFACTORY PROGRAM OF BENEFITS RELATING TO ACTIVE SERVICE IN THE ARMED FORCES OF THE COMMONWEALTH OF THE PHILIPPINES DURING WORLD WAR II, AND FOR OTHER PURPOSES

MAY 27 AND JUNE 10, 1948

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[illegible] buildings once used by the Army. I cannot describe them to you, they are scattered throughout the islands, and they have practically no facilities. They have virtually no equipment. They are, as a rule, in such a condition that they would not be considered as fit for human habitation in this country. Yet they are used as hospitals for brave men who were disabled in serving as a part of the American Army.

Perhaps the largest and the best of the hospitals is the Victoriano Luna, which is near Manila. It is in the area formerly occupied by the 311 and 312 GH United States Army. There are usually about 1,500 patients at the hospital. I will show you pictures of it.

Members of the committee, I feel that not one day should be unnecessarily lost in acting upon the Rogers bill. Other matters can be delayed for further investigation, but these disabled soldiers of the American Army should be given hope immediately that a program of hospitalization, comfort, medical care, and treatment is actually on the way. It will bring hope to them and no doubt save the lives of many of them.

I have tried to furnish this information in a factual, logical way without too much emotion. I assure you it has been difficult. The destruction of Manila and of the Philippines is beyond our imagination, and you cannot view it without being deeply affected. But the ravages of war upon these soldiers of the American Army if seen causes you deeper emotion. It is difficult for them to understand why the conditions are as I have shown them to you. President Roxas closed his last speech to the veterans in March 1948 with this statement:

> Have faith in yourselves, have faith in your cause, have faith in your Government, and lastly I want you also to have faith in the sense of justice of the great people of the United States.

I cannot too strongly ask that this bill be acted upon promptly. As I say, it does not deal in astronomical figures. There are certain parts of it that will actually save money, in my opinion. I will not go into the psychology or the mental attitude of soldiers who have waited for something to be done for them. I will say to you that the Filipino soldier today thinks of America almost as though he is still a part of it, but he cannot understand why he has been overlooked, and President Roxas in his message the day he died testified to the fact that if America is ever in trouble the Philippines would be on our side again, fighting with us.

These were American soldiers. They were disabled as a result of their service, and I urge this committee that on this rather small bill, at least, immediate action be taken on hospitalization, that the word may go out to these disabled men that the Rogers bill will become law.

I thank the committee very much.

The CHAIRMAN. You said you felt that the part of the bill that provides for hospitalization is most important?

Mr. O'NEAL. That, to me, is the most important part of the bill by a large majority.

The CHAIRMAN. The appropriation of $22,500,000?

Mr. O'NEAL. $22,500,000 for construction, which ought to do the job for this group. Then there is $3,285,000, not over that, for maintenance. And this will cost not over that amount.

Mr. KEARNEY. That is in dollars?

Mr. O'NEAL. That is in dollars. Also the construction cost is in dollars.

Mr. KEARNEY. I realize, Madam Chairman, that the House convenes at 11 o'clock this morning. Like Mr. Allen, I would like to ask the Ambassador many questions about this, but I do not think that time will permit this morning.

Mr. O'NEAL. I will be happy to be available to the committee at any time.

Mr. KEARNEY. If there are other witnesses here who would like to make a statement, we could save the examination till later. That would be the best way, I think, in view of the fact that we have other witnesses here.

The CHAIRMAN. Father Haggerty, we would be very glad to hear you at this time if you wish to make a statement.

STATEMENT OF FATHER JAMES EDWARD HAGGERTY

Father HAGGERTY. Madam Chairman, I was never strictly in the Army. I was volunteer chaplain with General Sharpe until the Americans surrendered, and then later I became a liaison between the American Southwest Pacific Command and the Filipino Guerrillas in Mindanao. I have for the last 3 years been intimately connected with all the Philippine veterans all over the Philippines. I have no special interest. I am not at all concerned in that, but as Ambassador O'Neal said, there is a great deal of emotion in this as well as facts and I have seen so many cases of loyal Filipinos—well, pardon me, I would like to give first the background as I conceive it of the Philippine veteran at the present time. For 3 years he has not had hospitalization, and in their very loyal attitude to the United States they say it this way: "We have not received it, but America has always kept its promises to us, and we feel that, although delayed, it will continue to do so." I think they were definitely promised these benefits, those that were in the United States Army.

Mr. MATHEWS. Who promised it and when?

Father HAGGERTY. It was constantly promised, as the Ambassador mentioned, in radio broadcasts, official American broadcasts to the Philippines during the war. It was definitely promised by General MacArthur, General Wainwright, and also it has been acknowledged. I believe that the Filipino groups recognized the guerrillas, acting as members of the United States armed forces, were entitled at one time to the complete GI bill of rights; that is, they were included—I believe that is correct—and were later left out.

Mr. ALLEN. May I say there, Father, I know you are sincere about it, but I think you are in error there, because there are three or four of us here on the committee who were present when the GI bill was written, and I do not think this ever entered into it.

The CHAIRMAN. It did not come up.

Mr. ALLEN. The Filipinos never entered into it.

Father HAGGERTY. I am speaking of the impression that they all have.

Mr. ALLEN. We are not responsible for the impression, of course.

Father HAGGERTY. I would like to mention that these hospitals which the Ambassador mentioned are now being supported by the Philippine Government for these veterans. How many Philippine veterans are

The CHAIRMAN. Our next panel—if we can have a little order in the House, please. Thank you.

Our next panel, Mr. Joseph Thompson, Under Secretary of Benefits, the Department of Veterans Affairs. Mr. Thompson, I believe you have a couple of people with you, if you'd care to introduce them, you may do so.

STATEMENTS OF JOSEPH THOMPSON, UNDER SECRETARY FOR BENEFITS, DEPARTMENT OF VETERANS AFFAIRS ACCOMPANIED BY KENNETH CLARK, CHIEF NETWORK OFFICER, VETERANS' HEALTH ADMINISTRATION; AND ROBERT EPLEY, DIRECTOR OF COMPENSATION AND PENSION SERVICE; DENNIS SNOOK, SPECIALIST ON SOCIAL LEGISLATION, EDUCATION AND PUBLIC WELFARE DIVISION, CONGRESSIONAL RESEARCH SERVICE, LIBRARY OF CONGRESS; AND CLAYTON LAURIE, HISTORIAN, HISTORIES DIVISION, U.S. ARMY CENTER OF MILITARY HISTORY

STATEMENT OF JOSEPH THOMPSON

Mr. THOMPSON. Thank you, Mr. Chairman. On my immediate right is Robert Epley. He's the Director of the Compensation and Pension Service. And on his right is Ken Clark, who is the Chief Network Officer for the Veterans' Health Administration.

The CHAIRMAN. Thank you, sir. You may proceed. And let me remind you that your statements will be printed in their entirety in the record, and would ask that you'd summarize in a 5-minute period if you could.

Mr. THOMPSON. Thank you, Mr. Chairman.

I'm pleased to be here this morning to provide information regarding benefits the Department of Veterans Affairs provides to Filipino veterans.

For purposes of VA benefits and services, the service of members of the Philippine armed forces——

The CHAIRMAN. Mr. Thompson, would you pull the mic a little bit closer, please?

Mr. THOMPSON. Yes, sir. Is that better?

The CHAIRMAN. That's better.

Mr. THOMPSON. Okay.

For purposes of VA benefits and services, the service of members of the Philippine armed forces can be categorized as service in one of four groups: the Old Philippine Scouts, the New Philippine Scouts, the Philippine Commonwealth Army, and the recognized guerilla forces.

Service in the Old Philippine Scouts is considered to have been active service in the United States Armed Forces. Accordingly, those who served in the Old Philippine Scouts qualify for the full range of VA benefits and services at full benefit rates on the same basis as U.S. veterans.

Service in the New Philippine Scouts, the Commonwealth Army, and recognized guerilla forces limits eligibility to essentially compensation and dependency and indemnity compensation for survivors. Additionally, those who qualify for these benefits, are paid at the rate of 50 cents on the dollar.

History shows that the limitations on eligibility for U.S. benefits based on service in these Philippine forces were based on a carefully considered determination of the two government's responsibility towards them. The Philippines became a sovereign nation on July 4, 1946. U.S. laws passed in that year specifically limited the range of benefits available to those who served in the Commonwealth Army, the New Philippine Scouts, and the recognized guerilla forces.

The U.S. provided $200 million to the Philippine Army to help pay benefits to its soldiers as part of a comprehensive, economic, and political plan for allocating financial assistance to the Philippines. Other acts passed by Congress in 1947 and 1948 provided additional monetary assistance.

Within months of gaining its independence, the Republic of the Philippines enacted a GI Bill of Rights that provided a broad range of benefits to its veterans including compensation for service-connected death and disability, education benefits, reemployment rights, reference and public employment, home loans, hospitalization, tax exemptions, and more.

But further regard to the payment of monetary benefits, section 107(a) of title 38, U.S. code, provides that benefit payments based on service in the Philippine Commonwealth Army, including recognized guerilla units and the New Philippine Scouts, shall be made at the rate of 50 cents for each dollar authorized.

Mr. Chairman, we estimate the present population of Filipino veterans and survivors receiving compensation or DIC from VA to be approximately 6,250 veterans and 7,000 survivors. Approximately 1,250 Filipino veterans with service-connected disabilities reside in the United States. We estimate that compensation benefits paid to all Filipino veterans and their survivors in fiscal year 1998 will total $17.2 million and $37.8 million, respectfully, for a total of approximately $55 million. The average annual benefit paid to individual service-connected Filipino veterans is $2,745.

With regard to medical care for Filipino veterans, since World War II, the U.S. has provided assistance through the Philippines in a number of different ways in order to facilitate the provision of medical care to eligible veterans. This has been accomplished by the direct conveyance of facilities and equipment, as well as a series of grants and contracts to support Filipino veterans.

VA provides care in the Philippines to U.S. veterans only for their service-connected disabilities. The Manila VA Outpatient Clinic, in conjunction with the regional office, does provide compensation and pension examinations for certain Filipino veterans. The VA may, within the limits of VA facilities, provide hospital and nursing home care and medical services to Commonwealth Army veterans and New Philippine Scouts only for treatment of service-connected disabilities. Contacts with VA staffs on some of our West Coast facilities indicate that VA does generally provide treatment for the service-connected conditions of these Filipino veterans. Total expenditures for VHA in the Philippines in fiscal year 1997 were $3.2 million.

Mr. Chairman, on June 17 of this year, VA submitted a legislative proposal to remove the current 50 cent on the dollar limitation in the cases of certain Filipinos who reside in the United States.

The limitation on benefit payments to these beneficiaries was intended to reflect differing economic conditions in the Philippines and the United States. Although these limitations were not made contingent, in any respect, on the place of residence of the beneficiary, at the time the limitations were established, the great majority of affected individuals did reside in the Philippines. Through the years, numerous Filipino veterans and their dependents and survivors have immigrated to this country, and many have become permanent residents or citizens. Policy considerations underlying the current restrictions on payments of compensation and DIC to the affected individuals are no longer relevant in the case of those who reside in the United States. Filipino beneficiaries residing in the U.S. face living expenses comparable to U.S. veterans. Therefore, we believe a change in law is warranted in the case of compensation and DIC benefits payable to U.S. residents based on service in the Philippine Commonwealth Army, including recognized guerilla units or the New Philippine Scouts. Thus, we propose 50 cents on the dollar limitation be eliminated in the case of these beneficiaries.

Mr. Chairman, that concludes my statement.

[The prepared statement of Mr. Thompson, with attachment, appears on p. 246.]

The CHAIRMAN. Thank you, Mr. Thompson.

Are there questions of Mr. Thompson?

Mr. FILNER. Just briefly.

The CHAIRMAN. Well, perhaps you would rather hear the whole panel?

Mr. FILNER. I'll be glad to wait, Mr. Chairman.

The CHAIRMAN. I'm sorry?

Mr. FILNER. Yes.

The CHAIRMAN. Okay. Let's do that then.

Mr. Thompson, did you intend for the other two that are with you to make a statement?

Mr. THOMPSON. No, Mr. Chairman.

The CHAIRMAN. Thank you.

Mr. THOMPSON. That will suffice.

The CHAIRMAN. Our next witness, Dr. Dennis Snook, Specialist on Social Legislation, Education and Public Welfare Division, Congressional Research Service, is from the Library of Congress.

Dr. Snook.

STATEMENT OF DENNIS SNOOK

Mr. SNOOK. Thank you, Mr. Chairman.

My name is Dennis Snook of the Congressional Research Service. It's a honor to appear before the committee this morning and especially in the presence of so many heroes who fought so hard and suffered so much.

As part of the act establishing the interim rules under which the Commonwealth proceeded towards independence, the U.S. authorized the formation of Commonwealth military forces, retaining the right to place those forces under U.S. command if, in the view of the U.S., such a move was warranted by a security threat. No mention is made of individual soldiers; insofar as they were citizens of the Commonwealth or officers of its government, they were re-

quired to accept the supreme authority of the United States during the interim period.

While the act eventually caused individual soldiers to become subject to the command of U.S. military leaders, the U.S. neither initiated their initial conscription or enlistment, and the U.S. did not specify the terms of their individual obligations to the Commonwealth other than that the units were under U.S. command.

For that matter, actual membership in the Commonwealth Army was in large part determined by the Commonwealth government, even while those units were under U.S. command. While the President of Philippine's Executive Order No. 21 making recognized guerillas members of the Commonwealth Army was seemingly approved by General Douglas MacArthur, that order was not an order from the U.S. War Department, but by the Commonwealth government.

Indeed, while the U.S. Army assumed the costs of the Philippine Army, including pay, supply, and training, considerable latitude was granted to the Commonwealth government to set the level of that pay. Only upon examination, internal deliberation, and decision did the War Department force the rescinding of the pay raise granted in Executive Order No. 22 which was issued on that same day in 1944 and would have raised the pay of Commonwealth Army enlisted men to that of U.S. Army personnel.

There were efforts to equalize pay initiated by the War Department earlier in the war, and while they received support in Congress, the efforts were ultimately abandoned as combined U.S. Filipino forces began to surrender their positions in the Philippines. Perhaps support for this pay equalization plan, along with the end of that support, can in part be understood as a recognition of the shared hardships the embattled forces were suffering, but also as an earnest attempt to stiffen resolve by a defense establishment reluctant to accept the inevitability of surrender of our Philippine forces.

Many Filipino soldiers apparently believe that their service was a basis for becoming entitled to whatever benefits might be given to U.S. military personnel. In part, this belief could have been based on ill-advised promises made by U.S. officers. No U.S. official was authorized by law to make such promises, and no evidence has been uncovered which suggests that such promises were made whether or not such authority existed to make them.

Statements about what should take place were commonly made by a number of leaders. Presidents Roosevelt and Truman, among other, spoke of U.S. obligation to Filipino soldiers, sometimes accompanied by qualifiers as to the difficulties in properly administering and designing such benefits.

Until Congress enacted special provisions governing benefits for Filipino veterans of World War II, officials of the then Veterans' Administration believed that Filipino service met the definition of active duty in the U.S. Armed Forces. At that time, Congress concluded that the soon-to-be independent Republic of the Philippines could ill afford the immense costs of maintaining Commonwealth Army soldiers at pay levels given U.S. soldiers. It also concluded that benefits paid at U.S. veteran levels would also be an unwise expenditure.

But as the War Department arguments about pay equalization show, such pay or benefit levels would have provided a standard of living to recipients well beyond the reach of most Philippine private workers and public officials, creating an economically advantaged class of war veterans that could not be supported by the new government, and who would be entirely dependent upon the departing sovereign power of the United States. In fact, one of the Filipino military units, the Philippine Scouts recruited under a 1945 congressional act, would have constituted a relatively highly compensated military elite of Filipino citizens that would remain in the command structure of the United States Army, certainly, an unattractive situation for an emerging nation.

If the full benefits had been reserved only for veterans residing in the United States, the higher compensation rates would have constituted a transparent inducement for such veterans to immigrate to the United States if at all possible, also an unattractive signal for a country attempting to recover and rebuild from the ashes of war and to establish its independence from the U.S. In fact the Philippine government asked that we suspend accepting applications for special naturalization benefits that would have allowed these Filipino veterans to easily immigrate to the United States, and we complied in a decision ultimately repudiated by U.S. courts.

Finally, the issue is sometimes posed as one of U.S. obligations to particular members of its Armed Forces that were unfairly denied. How this claim is evaluated depends to a large extent on the view taken toward participation of these soldiers. Clearly, U.S. strategic policy before and during World War II assumed that defense of the Philippine Islands was in the national interest of the United States and committed U.S. military might to achieve our strategic objectives in the archipelago.

Yet just as clearly, units of Filipino soldiers brought into the U.S. force structure were initially formed for the defense of the archipelago against foreign invasion and internal disorder, especially given the anticipated independence from U.S. sovereignty, and with that independence, a potential diminishing American commitment to Philippine military security. Throughout the war, Filipino soldiers fought valiantly for that future independence.

Practical administrative difficulties, as well as serious political implications, prevented simply granting full benefits to persons in the Philippines. Congress concluded that for the U.S. to provide equivalent benefits to Filipino citizens could create problems for the new nation as it sought to develop its independence from the United States.

Mr. Chairman, that concludes my oral testimony.

[The prepared statement of Mr. Snook appears on p. 271.]

The CHAIRMAN. Thank you, Doctor.

Our next witness, Dr. Clayton Laurie, Historian, Histories Division, U.S. Army Center for Military History.

Dr. Laurie.

STATEMENT OF CLAYTON LAURIE

Mr. LAURIE. Thank you, Mr. Chairman. I have submitted a brief statement for insertion into the record.

I appreciate this opportunity to appear before the committee today. I am Dr. Clayton Laurie, Historian, Histories Division, United States Army Center of Military History. My purpose in testifying here today is to respond to the committee's request that a representative from the Army Historical Center testify as to whether our records contain statements by General MacArthur supporting full postwar benefits for Filipino veterans.

The U.S. Army Center for Military History examined its holdings on General MacArthur and found no reference by this wartime leader to postwar benefits for Filipino veterans. We previously responded to your committee with this information, suggesting that records might be available from the following organizations: the MacArthur Memorial Library and Archives, the Franklin D. Roosevelt Library, and the National Archives.

We understand that your committee formally contacted both the MacArthur Memorial Library and the Franklin D. Roosevelt Library and their responses were similar to ours. Yesterday we received an additional request from your committee asking that the Center of Military History send a representative to the National Archives to determine if their records contain information responsive to the question of whether General MacArthur made statements supporting full postwar benefits for Filipino veterans.

I personally visited the National Archives yesterday, examined a small portion of War Department records dealing with benefit matters regarding Filipino servicemen, and found no records by General MacArthur making such statements.

I understand that in March of 1998, the Army provided your committee with a 1973 report entitled, "The Status of Members of Philippine Military Forces During World War II," which was prepared by the Office of the Chief of Military History, the current Center of Military History.

Our review indicates this report was prepared from the research conducted in the same group of War Department records that I inspected at the National Archives. That report contains no indication of any statement by General MacArthur supporting postwar benefits for Filipino veterans. Based upon the Army's extensive search of its records at the Center of Military History, both recently and in 1973, the Center is certain that no other relevant documents exist in the Center's archives.

In addition to our search of Center records, the U.S. Army Reserve Personnel Command also examined its records and indicated that any documentation that they may have had has now been transferred to the National Archives. I understand this information was also conveyed to your committee this past March.

We were also asked yesterday to explain whether other relevant documents should be examined. The National Archives does hold extensive U.S. Army records from World War II. I do not know whether an extensive search of these records by private researchers, the Congressional Research Service, or the Department of Veterans Affairs has been completed. Such a search may provide relevant information.

Thank you, Mr. Chairman. That concludes my statement.

[The prepared statement of Mr. Laurie appears on p. 289.]

The CHAIRMAN. Thank you, Doctor.

Are there questions?

Mr. Filner.

Mr. FILNER. I thank the chairman, and I thank the panel for being here.

For a minute I'm going to put on my hat that I wore before I was a Congressman, which was a professor of history for 20 years, so I think I have some experience in reading documents and making conclusions.

I think the committee's question to you about promises, perhaps, was a little off target. Whether there were or were not promises, let's not argue, because I could bring up 50 of the people in the audience, and they will say they heard such promises. But that's not the issue, because it doesn't matter who did or did not make any promises. Anybody who goes to the Armed Forces today gets what is entitled to them by law, whatever representations were made by the recruitment officer. In fact, many veterans complain today that they are not getting the health services that they were promised. And that's a whole other issue that this committee ought to be taking up.

But the issue is whether who ever has the status of a veteran gets what is legally due them. Right?

Now, if that's the case, Dr. Snook, in your testimony you went back and forth but you end up by saying the United States District Court concluded in cases that were filed that Filipino soldiers under U.S. command as a result of the Presidential Order of July 6, 1941, were, and I quote, "in active service of the land or naval forces of the United States, that is, for the purposes of veterans' benefits." That's conclusive; it doesn't matter if you can find any promises or not. A court found that they were in the active service. That is why the Rescissions Act was passed.

Why, by the way, if I can ask two historians, why would the Rescissions Act be needed if the Filipino soldiers were not entitled to benefits under the law? Why would the Congress have to say, "We don't care what you did or who you were, under the law, you were not deemed to be in the active service."

Why was that law passed if there was not a necessity for it?

Mr. SNOOK. I don't think I, at any point, concluded that there was never a time in which these men met the definition that was in the law as to being veterans of the U.S. armed services.

Mr. FILNER. They did meet the definition.

Mr. SNOOK. I agree.

Mr. FILNER. Thank you.

Mr. SNOOK. They did meet the definition. However, as——

Mr. FILNER. We changed the definition.

Mr. SNOOK. As you point out, the term "entitled," means from the law. At the point at which the law was changed, then they no longer had that.

Mr. FILNER. I understand but——

Mr. SNOOK. I think——

Mr. FILNER (continuing). The whole point is the law changed.

Mr. SNOOK. The law——

Mr. FILNER. And it changed because they were entitled, and the law probably changed because it cost money, because there was

independence, and it was easier for the Congress at that time not to have to deal with that issue so they just passed the law.

Mr. SNOOK. I examined that question at great length. Why would Congress have done this? Certainly, the initial presumption would be that they did it to save money. But I found that a very difficult presumption to pursue——

Mr. FILNER. I don't mean to interrupt, Dr. Snook. It doesn't matter why they passed it. It's a law that took away the benefits. My only point was, the law was necessary because there was a presumption that they had benefits. That's my only point, and I think the courts decided that. The VA Administrator at the time, General Bradley, admitted it. The law was legal. We're trying to change the law right now, at least I am. So, all I want to do is make that point.

Second, for Mr. Thompson and for the committee staff here, I assume the press got this handout called, "Types of Filipino Veterans."

(The information follows:)

Types of Filipino Veterans

Full Benefits at the Full Rate.

• Regular Philippine Scouts (Old Scouts) - Enlisted in the US armed forces before October 6, 1945. Includes Insular Forces of the USN, Samoan Native Guard and Band.

Limited Benefits at the One-Half Rate.

• Commonwealth Army of the Philippines - The Philippine Army was established in 1935 as part of the preparation for Philippine independence. Ordered to serve under US control by President Roosevelt in July, 1941 through June 30, 1946.

• Special Philippine Scouts (New Scouts) - Served under US control after October 6, 1945. Used as occupation troops throughout SE Asia.

• Recognized Guerrillas - Declared to be part of the "organized forces of the Philippines" by the Philippine President in 1944. Composed of members of recognized guerrilla units operating from April 20, 1942 through June 30, 1946. The US Army reconstructed the rosters of these units and closed the rosters to new additions in 1949.

US Benefits for Filipino Vets

FULL

LIMITED

	Comp	Pension	Clothing Allowance	Survivors' Comp or DIC	Survivors' Pension	Burial Allowance	Flag
U.S. Armed Forces	Yes - full rate	Yes - full rate	Yes - full rate	Yes - full rate	Yes - full rate	Yes - full rate	Yes
Regular Philippine Scouts - Enlisted prior to 10/6/45 and Insular Force of the USN	Yes - full rate	Yes - full rate	Yes - full rate	Yes - full rate	Yes - full rate	Yes - full rate	Yes
Special Philippine Scouts - Enlisted 10/6/45 and 6/30/47, PL 79-190	Yes - since 5/27/46 half rate	No	Yes - half rate	Yes - since 5/27/46 half rate	No	No	No
Commonwealth Army of the Philippines while in the Armed Forces of the U.S. 7/41 - 6/46	Yes - authorized since 2/18/46 half rate	No	Yes - half rate	Yes - since 2/18/46 half rate	No	Yes - since 4/25/51 half rate	Yes - since 4/25/51
Guerrilla Service prior to 7/1/46 (reconstructed roster closed 6/30/48)	Yes - since 2/18/46 half rate	No	Yes - half rate	Yes - since 2/18/46 half rate	No	Yes - since 4/25/51 half rate	Yes - since 4/25/51

- **US provides about $55 Million+ / year to Filipino veterans and survivors**

House Veterans Affairs Committee

U.S. Half-Rate Disability Payments Exceed Filipino Per Capita Income

	Disability Rating									
	10%	20%	30%	40%	50%	60%	70%	80%	90%	100%
US Vet (monthly) (year)	$94 $1,128	$179 $2,148	$274 $3,288	$391 $4,692	$558 $6,696	$703 $8,436	$887 $10,644	$1,028 $12,336	$1,157 $13,884	$1,924 $23,088
Per Capita $17,730 / yr	← Less than U.S. per capita →									
Filipino Vet (monthly) (year)	$47 $564	$89 $1068	$137 $1,644	$195 $2,340	$279 $3,348	$351 $4,212	$443 $5,316	$514 $6,168	$578 6,936	$962 $11,544
Per Capita $1,080 / yr		← Equal to or greater than Philippine per capita →								

Philippine Gov't. Benefits

Currently available to Filipino WW II veterans
(*if not receiving U.S. benefits*)

- Disability pension of 1,000 to 1,700 pesos / month ($35 - $60)
  (equivalent to U.S. disability compensation program)
- Death pension for surviving spouse of 1,000 pesos / month
- Burial assistance of 10,000 pesos ($352)
- Old age pension beginning at age 65
  - 2,500 pesos ($88) / month
  - 5,000 pesos ($166) / month by age 70

Mr. FILNER. Mr. Chairman, I just want to point out that the benefits at the one-half rate for these categories apply only, as I understand it, to service-connected. It's not everybody who has served in these capacities who gets benefits. It's only those who have service-connected disabilities. Is that correct? That's not said here.

And there is only approximately, according Mr. Thompson's testimony, about 6,000, a little more than 6,000 of those who get service-connected benefits. So I just want to point out to those who have this handout, we're talking about 10 percent of the veterans who are left alive get disability payments because they were service-connected. Is that correct, Mr. Thompson?

Mr. THOMPSON. There are 81,000 left alive; 6,250 of them are receiving disability compensation.

Mr. FILNER. Okay. And that 6,000, by the way gets, according to your testimony, about $17 million dollars?

Mr. THOMPSON. $17.2 million.

Mr. FILNER. Right.

Mr. THOMPSON. There are an additional 7,500 survivors.

Mr. FILNER. I understand the survivors.

Mr. THOMPSON. Okay.

Mr. FILNER. But if we were talking about a non-service-connected pension for the 90 percent—I don't see how the estimate of the VA came about. If $17 million represents the payment around 10 percent of the population, then 10 times that is no where near $1.6 billion. It's near $170 million, and that's the framework in which we should be talking about, not this other category. I don't understand how that other figure came about, because if this is what we're paying for 10 percent, then multiply that by 10 and you get a figure.

So I hope, as I talked to you privately—that the VA will work with us with constructive solutions to this with the criteria. We don't want to take a cent from any existing program. I know the chair would not allow that to occur, and this committee would not vote for that. But without taking a cent from present-day programs, can we find the money to do honor to these veterans? That's the issue, and I hope the VA will work with us on that. And I hope the chair will do that, also.

I see the chairman of the Benefits Committee here. I hope he will be involved with that, obviously.

Mr. QUINN. We will absolutely work with you on that.

Mr. FILNER. I appreciate that, sir.

The CHAIRMAN. And I thank the gentleman.

Mr. Quinn.

Mr. QUINN. I have no questions for the committee, Mr. Chairman. I wanted to thank you for holding the hearing and to pledge my support to Mr. Filner, as he and I have worked together on so many projects. This is another in a long list that I'm ready, willing, and able to help in any way I can.

The CHAIRMAN. I have some questions I'd like to ask. I may have to submit some for the record and stay in my 5-minute time limit.

First off, Dr. Snook, would you finish answering the question in regard to the changing of the law as far as the Filipino veterans are concerned?

Mr. SNOOK. As I was saying, I think there's no question that the law before the Rescission Act provided no distinction within the definition of "armed service." At the same time, though, I think that it was not yet fully contemplated what that might mean. The passage of the GI Bill in 1944 completely changed the package of benefits that were available to veterans. Up until that time, the primary obligation of the Government towards veterans was to care for them in hospitals and to provide them with some compensation if they were injured in the line of service.

But readjustment was a two-way street. It was not only for the benefit of the veterans, but it was for the benefit of our economy that was going to be facing massive demobilization of American troops.

To take that same concept and to apply it to the Philippine Islands of 1946 was to call into question the very idea of Philippine independence. I think that while certainly Congress always considers the cost of something, I think to not take under consideration the very clear deliberations of the committee responsible and how it went about making its decision about what was best, not only for Filipino veterans but for the new emerging Commonwealth of the Philippines, I think is to not pay close historical sense to what was done at the time.

The CHAIRMAN. Thank you, sir.

Mr. Thompson, is the CBO estimate of $5 billion in direct spending over 5 years generally consistent with the VA's estimate of the cost of legislation providing all Filipino veterans with the same benefit as American veterans?

Mr. THOMPSON. Yes. Yes, it is, Mr. Chairman. Our estimate last year was approximately $6 billion over 6 years. And the CBO estimate I believe is approximately $5 billion over 5 years. There may have been some high-side estimates on that, but the two estimates do equate.

The CHAIRMAN. Would you please comment on some subsidiary costs that the VA may incur in processing all these claims, and give us an estimate as to that cost if you could.

Mr. THOMPSON. I'm going to ask Mr. Epley, if I could, since the Compensation and Pension Service is responsible for the processing of claims. I'm going to ask him to speak to that if I may.

The CHAIRMAN. Mr. Epley.

Mr. EPLEY. Sir, the administrative costs associated with that would clearly be involved in the additional number of claims that we would anticipate receiving for pension. It would require additional manpower to handle those claims. The types of claims that we're doing now in the Manila regional office do require somewhat different and special procedures to verify service. There are other procedures regarding field review and verification of evidence that would have to be pursued.

The CHAIRMAN. How many FTE's would that be, Mr. Epley?

Mr. EPLEY. Our estimate is about 127 FTEs——

(Subsequently, the Department of Veterans provided the following information:)

Our estimate is about 127 FTEs. (full time employees). In addition, we also need to include overtime funds to complete the workload which cannot be completed by the adjudication staff in Manila. The development of these cases is more complex

and takes additional time to initially process. Overtime costs would decline as the claims were worked.

The CHAIRMAN. One hundred and twenty-seven?

Mr. Thompson, in a written response about the question of fraudulent residency if, in fact, that we were able to increase the pay for those living in the United States, how in the world do you police that?

Mr. THOMPSON. I didn't hear the last part, Mr. Chairman.

The CHAIRMAN. If, in fact, we propose to increase the payment on the same level as an American GI gets of those that have now moved and are residents of the United States, not the 50 percent that they get in the Philippines. It seems to me that there's a lot of room for a lot of fraud there. How would the VA go about policing that?

Mr. THOMPSON. That's something that's under review right now, and it would depend on how the law is written and what the requirements are. We are in contact with the Immigration Naturalization Service. Some of the issues about whether if they're a citizen, they're different from being a resident alien. That's something we're pursuing right now so I don't have a definitive answer at this time, but we expect to have one in the not-to-distant future.

The CHAIRMAN. If you would submit an answer to that for the record, we would appreciate it and as expeditiously as possible and with as much detail as possible, sir.

Mr. THOMPSON. We will do, Mr. Chairman.

The CHAIRMAN. Mr. Snook, you covered under your comments, I think, the Filipino veterans were promised pensions during the war. Would you comment—would you expand on that a little bit? Is that——

Mr. SNOOK. Well, we looked in all records that were available to us to see if there was a promise documented, and could find none. It's easy to imagine promises being made by any number of people in the field. And certainly, the history of recruiting officers making promises that aren't then backed up by the law is clear. However, there were no promises made by anyone in the position to make such promises. And had there been promises made, they would have still required congressional endorsement. And Congress would have had to deliberate such a move rather carefully, I think.

The CHAIRMAN. Thank you.

I do have three letters, without objection, that I'd like to insert in the record. And that is the letter from the Department of the Army, and a letter from the Franklin D. Roosevelt Library, and also another one from the Army entitled, "Status of Members of Filipino Military Forces During World War II." And I would like to submit those for the record. It deals with the history of whether that promise was made or not, of these three letters. Without objection.

(The information follows:)

DEPARTMENT OF THE ARMY
OFFICE OF THE CHIEF OF LEGISLATIVE LIAISON
1600 ARMY PENTAGON
WASHINGTON DC 20310-1600

REPLY TO
ATTENTION OF

March 11, 1998

Honorable Bob Stump
Chairman
Committee on Veterans' Affairs
House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

This responds to your letter of January 9, 1998, requesting an analysis by the Department of the Army as to whether General Douglas MacArthur or President Franklin D. Roosevelt ever made a formal promise of postwar benefits for Filipino veterans equal to benefits granted to American veterans.

The U.S. Army Center of Military History (CMH) examined its holdings on General MacArthur and President Roosevelt and found no reference by either of these wartime leaders to postwar benefits for Filipino veterans. CMH suggests that you solicit assistance from the following organizations: the MacArthur Memorial Library and Archives, 1 MacArthur Square, Norfolk, Virginia 23510, telephone 804-441-2965; and the Franklin D. Roosevelt Library, Hyde Park, New York 12538, telephone 914-229-8114. The U.S. Army Reserve Personnel Command, St. Louis, Missouri, also examined its records. They indicate that any documentation they would have had has now been transferred to the National Archives in Washington, D.C.

We regret that the Department of Army cannot help you directly, but trust this information is helpful.

Sincerely,

Gary J. Brockington
Lieutenant Colonel, U.S. Army
Legislative Counsel

Printed on Recycled Paper

Franklin D. Roosevelt Library

259 Albany Post Road Hyde Park, New York 12538

March 25, 1998

Congressman Bob Stump
US House of Representatives
Committee on Veterans Affairs
335 Cannon House Office Building
Washington, DC 20515

Dear Congressman Stump:

In response to your letter of March 19, 1998, we have researched the papers of Franklin D. Roosevelt regarding Douglas MacArthur and the Philippines. We found no reference to postwar benefits for Filipino veterans in our materials.

I am sorry we could not be of more assistance.

Sincerely,

RAYMOND TEICHMAN
Supervisory Archivist

Department of Civic Facilities

March 26, 1998

Representative Bob Stump
Chair, Committee on Veterans' Affairs
U. S. House of Representatives
335 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Stump:

I received your March 19, 1998 letter requesting information about General MacArthur's statement concerning equal postwar benefits. I have researched this subject here for many others who made the same request, but I have never found such a statement. What I have found is that on February 22, 1942, MacArthur sent a message to the War Department saying that the pay of U.S. and Filipino soldiers should be equal. MacArthur, however, also issued this message as a General Order to the troops. I believe that this is what caused all the fuss. After the war, there were questions about raising new Filipino scout units. MacArthur said again that he believed that they should receive equal pay.

I have never seen any statement by MacArthur concerning postwar benefits. I photocopied all of our information on this topic last September and sent it to Bill Krouse at the Congressional Research Service. He can be reached at:

Bill Krouse
Library of Congress
Congressional Research Service
101 Independence Avenue, S. E.
Washington, D.C. 20540-7440
Telephone (202) 707-2225
Fax (202) 707-7338

Let me know if you need anything else.

Sincerely,

James W. Zobel
Archivist

MacArthur Memorial / MacArthur Square / Norfolk, VA 23510 / (757) 441-2965 / FAX: (757) 441-5389

THE STATUS OF MEMBERS OF PHILIPPINE MILITARY FORCES DURING WORLD WAR II

OCMH DA Study for TJAG DA
June 1973

OFFICE OF THE CHIEF OF MILITARY HISTORY (OCMH)
DEPARTMENT OF THE ARMY (DA)
THE JUDGE ADVOCATE GENERAL (TJAG)

PART I

CATEGORIES OF PHILIPPINE PERSONNEL

Basic to any consideration of Philippine veterans' claims is an examination of the various categories of Filipinos concerned. The following listing may not be all-inclusive, but it covers the major categories discovered during the rather brief research time allowed for this study.

1. Members of the Philippine Army (PA) and Philippine Constabulary (PC) called into the service of the U.S. Armed Forces in accordance with President Roosevelt's Military Order of 26 July 1941 and released from such service in accordance with President Truman's Military Order of 29 June 1946 (effective 2400 30 June 1946)

2. Members of the PA and PC who transferred into the Army of the United States (AUS) in accordance with the authority contained in Section II, War Department Circular 220, 7 July 1942. (No specific rescission of this authority has been found).

3. Philippine nationals (apparently almost entirely civilians) who enlisted in the AUS in accordance with the authority contained in Paragraph 6c, AR 600-750, 30 September 1942. (No specific rescission of this authority has been found). At least two sub-categories exist for this group:

a. Members of the 1st Filipino Regiment (AUS) and the 2d Filipino Battalion (AUS). These two units were raised in CONUS during World War II and were largely composed of Philippine nationals resident in CONUS.

The pay scale of these two units was the same as for other AUS personnel.

b. Philippine civilian nationals who enlisted in other AUS units in CONUS or overseas (as in Australia) during World War II.

4. Filipino members of the Philippine Scouts raised in accordance with pre-war regulations. Such Filipinos broke down into two sub-categories, those of Philippine citizenship and those of U.S. citizenship. The Philippine Scouts raised in accordance with pre-war regulations (just short of 12,000 at the outbreak of World War II) were members of the U.S. Regular Army. For further information on the Scouts, see Part V of this study.

5. Members of the pre-war Philippine Scouts (PS) who transferred into the AUS during World War II in accordance with the authority contained in War Department Radio No. 227, 27 July 1942.

6. Members of the pre-war PS recovered after the U.S. re-entry into the Philippines in October 1944 who, taking a discharge from the PS, re-enlisted in the AUS in accordance with the authority contained in War Department Radio No. W-50829, 27 October 1944. According to CINCAFPAC (MacArthur) Radio No. C-32593, 11 August 1945, over 6,700 Scouts were in this category as of August 1945.

7. Members of the PS raised in accordance with the 1945 PS program under the provisions of the Armed Forces Voluntary Recruitment Act of 6 October 1945 -- PL 190, 79th Congress. (This authority rescinded by War Department Radio (number unknown) 13 October 1948. Reference is made to this radio in G-1 War Department File CSGPA 312 P.S. (31 August 1948). National Archives). A number of complex sub-categories exist

for the "new" PS, depending upon whether the "new" PS are to be considered as AUS, U.S. Regular Army, or some other category:

a. Members of the pre-war PS who did not take a discharge from the pre-war PS and who did not transfer to the AUS before the initiation of the 1945 PS program.

b. Members of the pre-war PS who, having transferred into the AUS in accordance with WD Radio No. W-50829, 27 October 1944, transferred back into the "new" PS.

c. Former members of the PA and PC who transferred to the "new" PS, in two sub-categories:

(i) PA and PC personnel who transferred into the AUS during World War II in accordance with previously cited authority.

(ii) Personnel of the PA as reconstituted in accordance with Commonwealth President Osmeña's Executive Order No. 21 of 28 October 194

d. Philippine civilian nationals without any prior military service of any kind who joined the "new" PS under the 1945 program.

8. Members of the PA as reconstituted in accordance with President Osmeña's Executive Order No. 21 of 28 October 1944, published "for the information and guidance of all concerned" by United States Army Forces in the Far East (USAFFE, General Douglas MacArthur) Circular No. 100, 17 November 1944. This group also involves some complex sub-categories:

a. Osmeña Executive Order No. 21 stated that "All persons, of any nationality or citizenship, who are actively serving in recognized military forces in the Philippines, are hereby considered to be on acti

service in the Philippine Army." "Recognized military forces" were those guerrilla organizations recognized by CINCSWPA/CINCAFPAC (General MacArthur) both by 28 October 1944 as well as subsequently. No record has been found of any objection to the Osmeña Executive Order No. 21 on the part of the War Department or any other U.S. agency.

b. Members of the reconstituted PA who were called into the service of the U.S. Armed Forces after U.S. re-entry into the Philippines, under the continuing authority of President Roosevelt's Military Order of 26 July 1941.

c. Members of units of the reconstituted PA that were not called into the service of the U.S. Armed Forces during the 1944 - 1946 period. From available evidence it is not clear that any such units existed -- if they did, records available to OCMH indicate that such units must have been few in number.

9. Members of the PA Offshore Patrol. This small element of the Philippine Army appears to have been under the operational control of the U.S. Navy -- specifically the 16th Naval District -- during the 1st Philippine Campaign, 1941 - 1942. Accordingly, it would be appropriate to consult the U.S. Navy for further information about the status of the Offshore Patrol. But it should be noted that GO 71, 3 July 1942, of HQ United States Army Forces in Australia (USAFIA), assigns a detachment of the Offshore Patrol, PA, to Ship and Gun Crew Command No. 1. The latter operated under the direct control of the Chief of Transportation Service, USAFIA, which clearly places the PA Offshore Patrol detachment under U.S. Army command. The date of USAFIA

GO 71 is before the effective date of WD Circular 220, 7 July 1942, authorizing members of the PA to transfer to the AUS. It is presumed that members of the PA Offshore Patrol detachment mentioned in USAFIA GO 71 transferred to the AUS after publication of WD Circular 220.

PART II

THE CHARACTER OF THE PHILIPPINE ARMY

The Philippine Army (PA) came into being with the passage of Philippine Commonwealth Act No. 1, 21 December 1935.* This act provided

*The general sources for this part of the study are: (1) Dr. Louis Morton, The Fall of the Philippines, in the series U.S. ARMY IN WORLD WAR II, (Washington, D.C.: OCMH DA, 1953). Long time member of OCMH, Dr. Morton is the author of two volumes on the Pacific War in the U.S. ARMY IN WORLD WAR II series. He is presently head of the History Department, Dartmouth College. (2) Dr. Stanley L. Falk, Bataan: The March of Death (New York: W.W. Norton, Inc., 1962). Author of other works on the Pacific War, Dr. Falk started his career in OCMH as research assistant for Dr. Morton. Dr. Falk is presently a GS-15 on the staff of ICAF. (3) Philippine Research and Information Section, Advance Echelon HQ USAFFE, "The Philippine Army: Its Establishment, Organization, and Legal Basis," MS dated 26 January 1945. (4) Order of Battle Branch, OCMH DA, "Order of Battle, U.S. Army in World War II, The War Against Japan, Command, Administrative, and Supply Organization," Ch. II, "First Philippine Campaign." MS prepared in 1949-1950.

for a Philippine Regular Army of 10,000 troops, who would include the cadre of the 1st Regular Division, the Philippine Army Air Corps (about 500 troops in 1941), the PA Offshore Patrol (strength unknown), the already-established Philippine Constabulary (PC) of about 6,000 men, and various overhead units. In addition, the 1935 act provided for a PA Reserve Force that was to reach a total of 400,000 by mid-1946, when, in accordance with the Tydings-MacDuffie Act of 24 March 1934 (and subsequent legislation), the Philippine Commonwealth would achieve full independence.

Like the President of the United States, the President of the Philippine Commonwealth was Commander-in-Chief of Philippine armed forces.

At the top of the hierarchy of the PA stood Headquarters, Philippine Army. Headquarters consisted of a Chief of Staff, a Deputy Chief of Staff, and a Central General Staff of five staff divisions. This small general staff was modeled after that of the U.S. Army's general staff of the 1935 period.

The next step down the echelon of PA command were ten (10) Military Districts into which the Philippine Islands were divided. These Military Districts had missions and functions comparable to those of the pre-World War II Corps Area commands (later Service Commands) of the U.S. Army. Initially, each Military District was to raise and train one PA Reserve Division and, ultimately, each was to provide a total of three PA Reserve Divisions.

In peacetime each Military District was responsible for training, district military administration, and the distribution and maintenance of district military supplies and equipment. The Military District commanders were also responsible for preparation of defense plans and, in time of war, for executing those plans. However, civilian provincial (state) governors were responsible for the enforcement of mobilization laws and regulations.

Actually, the headquarters of the ten Military Districts were never adequately manned by sufficient experienced and knowledgeable officers to undertake all the functions assigned them. For example, although the Military District commanders were responsible for defense planning, the Office of the Military Advisor to the Commonwealth Government (Maj. Gen. Douglas MacArthur) actually prepared the defense plans for all the

major islands and many of the smaller ones. Then, after war broke out in December 1941, the headquarters of the Military Districts ceased to exist for all practical purposes and their personnel were absorbed into various other units.

The Philippine Army was organized into arms (Infantry, Artillery) and services (Quartermaster, Ordnance) paralleling those of the U.S. Army. Similarly, the tactical units of the Philippine Army were organized along U.S. Army lines, albeit on a much smaller scale. Thus, PA triangular infantry divisions of the 1941 period numbered some 7,500 troops as opposed to over 15,000 in a U.S. Army triangular infantry division of the same period. Infantry rifle companies of the Philippine Army numbered about 100 troops, constrasting to the nearly 225 of a 1941 U.S. Army rifle company. The PA divisions were, in essence, to be "light infantry" divisions, with equipment and armament of a "type suitable to the economy and terrain" of the islands. By the same token, it was not envisaged that the PA would have the extensive support system the U.S. Army boasted. Rather, support services of all types were to be provided on a minimal basis.

Over the long run, both American and Filipino planners intended that the equipment of the PA would be modernized -- as the Commonwealth could so afford -- beyond that supplied from American resources at the inception of the Philippine Army. Some efforts were made in this direction, especially after July 1941, but little had actually been accomplished by the outbreak of World War II. Take, for example, the 31st Division, PA. The division's basic weapon was the U.S. Army's World War I Enfield rifle, which had a stock too long for most Filipinos

to handle easily and which had a tendency to snap shell ejectors, which were in short supply. Divisional artillery consisted of a few British World War I 75-mm. weapons. Mortars were the World War I 3-inch type, and most of the shells for these mortars proved duds. The division's rifle companies had one Browning Automatic Rifle (BAR) per company, in contrast to eight BAR's in a U.S. Army rifle company. A few PA units had Springfield '03 rifles — superior to the Enfield — but none were issued the Garand M-1 rifle, mainstay of U.S. Army infantry during WW II. Another indication of shortages was the fact that shortly before WW II broke out the entire PA possessed only 48 75-mm. artillery weapons, the heaviest artillery within a PA division. At least 240 such artillery pieces were needed for the artillery of the 10 Reserve Divisions alone, while another 36 were required for field artillery training centers. In brief, at the outbreak of WW II, all PA units were seriously deficient in all types of arms and equipment.

Peacetime training of the PA was based upon a modified UMT concept, with all male Filipinos between the ages of 21 and 50 liable for military service. Training of the PA began on 1 January 1937, when an initial group of 20,000 men were called up. Plans called for two classes of 20,000 each year, basic training to extend over a period of 5 1/2 months. After this 5 1/2 months the trainees reverted to Reserve status. Training instructors were drawn largely from the para-military Philippine Constabulary* and were themselves trained by

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* A rather militarized national police force founded in 1901, the Constabulary (PC) was part of the PA from 1935 to 1938. The two then separated, but as the armed forces of the Philippines were

called into the service of the U.S. Armed Forces beginning in July 1941, PC units again reverted to PA command and control. A few senior officers of the PC were detailed from the U.S. Army.

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members of the U.S. Army's Philippine Scouts (PS) and specially detailed U.S. Army officers.

Throughout the peacetime training period -- i.e., to July 1941 -- the major problem for the PA was creation of an adequate officer corps. Some officers of the Philippine Constabulary (PC) transferred to the PA and proved generally well-qualified for their new roles. Some of the best officers of the nascent PA came from among Filipino junior officers and senior NCO's of the U.S. Army's Philippine Scouts. Such men usually rose rapidly to senior officer rank in the building PA. Yet, obtaining qualified junior officers and NCO's for the PA remained a constant problem. To help overcome the problem, the most promising men of each 5 1/2-month Reserve training classes were selected for an additional 6-month training for NCO status, and the best of the latter were then chosen for officer training and, upon graduation from OCS, were commissioned 3d Lieutenants in the PA. Other 3d Lieutenants came from ROTC units established at Philippine universities and colleges. Whatever the source, the PA Reserve, by late 1940, numbered approximately 4,800 officers and 104,000 EM.

At best, all training of the PA, either Reserve or Regular, was sketchy. Inadequate equipment and inadequate training facilities told part of the story, while an insufficient number of qualified instructors told the rest. In short, the PA faced far more serious training problems than did the U.S. Army during the 1939 - 1941 period, when even the

U.S. Army was often reduced to such training expedients as dropping tin cans down a stovepipe to simulate mortar fire.

President Roosevelt's Military Order of 26 July 1941 called the PA and PC into the service of the U.S. Armed Forces. The training and induction system, until then a basic responsibility of the PA, changed rapidly. Under the direction of the newly-formed Headquarters, United States Army in the Far East (USAFFE, General MacArthur in command), the U.S. Army Philippine Department * prepared training circulars and programs

* Until the establishment of USAFFE the Philippine Department was the highest ranking U.S. Army headquarters in the Far East.

for PA units inducted into USAFFE.

It was intended that the integration of the PA into USAFFE would take place in increments, with the first increment of the ten PA Reserve Divisions to be inducted on 1 September 1941. Mobilization of the entire PA (including PC) was to be completed by 15 December 1941.

Under the new training programs, each PA Reserve Division was to have about 40 U.S. Army officers and 20 U.S. Army (including PS) NCO's as instructors. This broke down further to two U.S. Army officers to each PA battalion and one U.S. Army NCO per PA company. As best it could, the U.S. Army's Philippine Department supplied the instructors from U.S. Army (including PS) units already in the Philippines, but a sizeable number of instructors, the bulk of them U.S. Army Reservists, came from officers shipped out to the Philippines beginning in July 1941. Whatever the source of the U.S. Army instructors for the accelerated PA training program, these instructors imposed a yet stronger patina of

the U.S. Army upon the PA.

In addition, the Philippine Department established special training schools. One, patterned after the Command and General Staff College at Ft. Leavenworth, trained U.S. Army and PA field grade officers for command and staff positions in PA divisions. Likewise, schools for the training of PA infantry cadres were established in each Military District, with U.S. Army personnel serving as instructors. Coast Artillery, Field Artillery, Engineer, Signal, Medical, and Quartermaster schools were also set up, with instructors coming from U.S. Army (including PS) units. Insofar as possible, given insufficient training personnel and aids, such schools followed U.S. Army programs.

Before induction into USAFFE, PA units were paid and supplied through Philippine Commonwealth sources. As elements of the PA (and PC) were inducted into USAFFE, the U.S. Army's Philippine Department took over responsibility for pay and supply, with the PA retaining those responsibilities for units and personnel not yet inducted into USAFFE. On or about 8 December 1941, the Philippine Department (under USAFFE) took over all responsibility for the pay and supply of all PA units and personnel. But actually, after the outbreak of World War II, PA units secured supplies wherever, however, and whenever they could.

The initial costs of mobilization, training, equipment, and pay of the Philippine Army after being called into the service of the U.S. Armed Forces came from a 10 million dollar allotment from President Roosevelt's Emergency Fund. Later, in December 1941, the U.S. Congress appropriated 269 million dollars for such purposes, to be made available to the Philippine Commonwealth Government as authorized by CG USAFFE

(MacArthur). (See Third Supplemental National Defense Appropriation Act, 1942 — PL 353, 77th Congress).

Upon the outbreak of war the PA was not completely mobilized nor was the Constabulary (which passed to PA control upon induction into USAFFE). Thus, some PA units were not formally inducted into USAFFE until the publication of USAFFE GO 46 of 18 December 1941, ten days after the war began in the Philippines. As of the latter date the strength of the PA (including the PC, the Philippine Army Air Corps, and the Offshore Patrol) stood at approximately 120,000 officers and EM. Roughly, 76,750 of these troops were on Luzon Island; the other 43,250 were stationed on the islands to the south of Luzon.

After the bulk of USAFFE units on Luzon withdrew into the Bataan Peninsula, a movement completed in early January 1942, peak USAFFE strength on Bataan numbered approximately 85,000 troops, of whom about 63,750 were members of the Philippine Army. As of early April 1942, when the last battle was joined, USAFFE strength on Bataan stood at approximately 78,100. While exact figures are not available (and never will be), this total may reasonably be broken down as follows:

Philippine Army	60,000
Philippine Scouts	6,300
Americans	11,800*

* The bulk of the 11,800 Americans were of the U.S. Army and U.S. Army Air Corps, but the figure also includes small contingents of the U.S. Marine Corps and U.S. Navy.

In addition to the foregoing, USAFFE, in April 1942, employed about 6,000 Filipino civilians on Bataan and provided what food and

other care it could to some 20,000 Filipino civilian refugees. It appears that many of the latter refugees were dependents of PA personnel.

After the withdrawal into Bataan in January 1942 there were nine PA divisions deployed on the peninsula, while other Philippine Army personnel were to be found in non-divisional PA units and in various USAFFE overhead and service units. None of the PA divisions that were deployed on Bataan were up to their authorized strength of some 7,500 when they reached Bataan. At least two of the PA divisions lacked one of their three infantry regiments and at least two others lacked their field artillery regiments. In many of the divisions the field artillery, lacking artillery pieces, was "retreaded" and employed as light infantry. By early April 1942 the strongest PA division on Bataan, the 31st, had about 6,400 troops; the 71st PA Division was down to 2,500 troops; the 51st PA Division had been reorganized into a single regimental combat team of some 2,000 troops. All the other divisions were well under 6,000 men each.

In addition to the PA forces on Bataan, the USAFFE garrison included the U.S. Army's Philippine Division, built around one U.S. Army infantry regiment (the 31st Infantry) and two Philippine Scout infantry regiments (the 45th and 57th). Two other Philippine Scout regiments, both considerably understrength, were also on Bataan -- the 26th Cavalry and 43d Infantry. Other U.S. Army forces on Bataan included artillery units, a provisional tank group of two light tank battalions, provisional infantry units formed largely from Air Corps personnel, and

finally technical service units. There was also a provisional infantry battalion made up of U.S. Navy and U.S. Marine Corps personnel.

From the inception of the battle for Bataan in January 1942, USAFFE foresaw that food would probably be the most immediately serious problem in sustaining the troops on the peninsula against the Japanese offensive. Accordingly, on 5 January 1942 General MacArthur decreed that all troops on Bataan would have to go on half rations. Theoretically, this half ration would provide an American soldier with 36 ounces of food per day and a Filipino soldier with 32 ounces. But conditions steadily worsened and by mid-February 1942 both American and Filipino troops on Bataan were being issued only 27.7 ounces of food per day; by 5 March the daily issue had been reduced to less than 15 ounces. On 25 March the Bataan ration, in ounces per day was as follows: *

	Americans	Filipinos
Rice	8.5	10.00
Flour	1.44	0.0
Canned Meat	1.22	1.22
Milk	1.30	1.30
Salt	1.60	1.60
Sugar	.48	.48
TOTAL	14.54	14.60

* In the event fresh meat was available, 6 ounces of fresh meat would be substituted for the 1.22 ounces of canned meat for both American and Filipino personnel.

Clothing was another matter of concern. U.S. Army (including PS) units arrived on Bataan were reasonsbly well off for clothing initially. but PA units reached Bataan with only the scantiest clothing supplies.

A large portion of the PA forces had no raincoats, blankets, or shelter halves, and there were virtually none for issue. For example, as early as 13 January 1942 the American commander of the 91st PA Division reported that most of his EM had no uniforms other than well worn blue denim fatigues.

Both the food and clothing problems helped lead to serious health problems, complicated by the malaria-infested nature of the Bataan ecology. Malnutrition, vatimin deficiency, malaria, dysentery, and dengue fever affected both PA and U.S. Army units equally. By the time the final battle began in April, almost all PA and U.S. Army units were down to less than 25 percent of combat efficiency. Even the U.S. Army 31st Infantry, which had done less fighting than most other units on Bataan, had to leave one-third of its men behind when it was committed to battle on 4 April 1942, while the combat efficiency of the regiment's troops who moved into defensive lines that day was estimated at less than 50 percent.

With the preponderant strength on Bataan, the Philippine Army undertook the preponderant burden of the fighting and suffered the preponderant number of casualties, both from combat and disease. This is not to say that all the undertrained and underequipped PA units fought well -- in fact, some units performed rather poorly. But in general the PA obtained its combat training and learned its combat lessons the hard way -- in the crucible of combat itself. As far as the fighting and other military operations on Bataan were concerned, the PA units were doing exactly the same thing as were

the U.S. Army (including the Philippine Scouts) units on the peninsula.

The defense of Bataan Peninsula lasted from 7 January to 9 April 1942. The Japanese plans envisaged that Luzon would be secured within 50 days after the start of war on 8 December 1941. Instead, USAFFE forces on the mainland of Luzon held out for 122 days, while USAFFE forces on the fortified islands in Manila Bay -- 90 percent American troops -- held out until 6 May, another 27 days. The last "formal" surrenders of USAFFE forces in the islands south of Luzon -- also defended by a preponderantly PA force -- did not come until 9 June. General Homma, commanding Japanese Army forces in the Philippines, had firmly expected the Philippines to be well in hand by mid-February 1942. His miscalculation led to his relief from his command and from active duty.

USAFFE's principal mission had been to hold Manila Bay for six months, and this mission USAFFE accomplished almost to the day. This mission could not have been accomplished without the efforts of the Philippine Army, especially during the withdrawal into Bataan and the defense of that peninsula. Certainly, the less than 20,000 Americans and Philippine Scouts on Bataan could not have long held the peninsula against the equivalent of three divisions, with major air and artillery support, that General Homma brought to bear. Homma, indeed, had expected only weak opposition on Bataan and initially considered the operation a pursuit rather than a siege. He believed that there were only 45,000 American troops on Bataan, including

about 10,000 PA troops. Again he was wide of the mark.

Certainly, the PA units on Bataan could not have done the job by themselves, and American leadership, artillery, tank and other support played a major role in shaping the performance of the Philippine Army on Bataan. The wonder is not that the PA divisions on Bataan did not perform at the level one would expect of U.S. Army division. Rather, the wonder is that the poorly trained, poorly equipped, poorly supplied, and, at the lower levels of command, poorly led PA units did as well as they did.

In recognition of the fact that the PA was doing the same thing as U.S. Army troops in the Philippines, General MacArthur, on 22 February 1942, recommended equalization of PA scales to the U.S. Army rate. MacArthur stated in part: "The equalization of battle on soldiering needs no further elaboration of argument to support such action."* No action seems to have been taken immediately, but MacArthur

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* Radio RN-3, MacArthur to War Department, 22 February 1942. A copy of this message is to be found in OPD WD File, OPD 240 (3-25-42), National Archives.

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made a similar recommendation on 9 March 1942.* This second message

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* Radio No. 435, MacArthur to AGO WD, 9 March 1942, copy in OPD WD File, OPD 240 (3-25-42), National Archives.

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resulted in a memorandum of 10 March 1942 from General Marshall, Chief of Staff of the Army, to President Roosevelt recommending that the War Department initiate action to equalize PA pay with that of the U.S. Army. General Marshall stated in part:

"At the present time there is no question of different standards of living as they are fighting together on a common basis of rations and equipment and everything else. It would therefore, appear in the interests of morale that General MacArthur's request should be granted, that is, we should endeavor to secure the necessary authority — I presume legislative — to permit the payment of the Filipino soldier on a U.S. standard." *

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* Memorandum (no subject), General Marshall to President Roosevelt, 10 March 1942, copy in OPD file, OPD 240 (3-25-42), National Archives.

Just what action President Roosevelt took is unknown, but he must have agreed with the Marshall and MacArthur arguments, for relevant legislation was introduced into Congress. S.2387, "An Act to Equalize the Pay of all Personnel in the U.S. Army, the Navy, and the Philippine Scouts, and the Philippine Commonwealth Army." passed the Senate on 30 March 1942 and was reported out favorably by the House Military Affairs Committee on 7 May 1942. However, with the surrender in the Philippines, the subject became rather moot, and no further action ensued. On the other hand, the affair apparently led more or less directly to Section II, WD Circular 220, 7 July 1942, which authorized members of the PA and PC to transfer into the AUS. (For additional information on pay scales and pay actions see Part IV of this study).

The story of the Philippine Army's role in the defense of Luzon does not end with the surrender on Bataan -- more horror stories followed. In brief, the Japanese were generally enraged by the fact that the people of the Philippines, and the PA especially, had not fallen for the propoganda baits of the "Greater East Asia Co-Prosperity Sphere" and "Asia for the Asiatics." Japanese hostility toward the PA was intense, and was first evidenced by the deliberate massacre of about

400 troops of the 91st PA Division on 12 April 1942. This atrocity was followed by the notorious Death March from Bataan to the POW compound at Camp O'Donnell, during which Japanese brutality toward Filipino prisoners far exceeded that meted out to American prisoners. Of some 60,000 Filipinos (including members of the U.S. Army's Philippine Scouts) who began the Death March from Bataan between 5,000 and 10,000 lost their lives during the trek. Of some 9,925 Americans who participated in the march, approximately 625 lost their lives. At Camp O'Donnell the Japanese separated the Filipinos and the Americans, and made every effort to prevent contact between the two groups. Again the treatment differed. In the first six or seven weeks at Camp O'Donnell some 1,600 Americans died, while at least ten times that number of Filipinos succumbed to deliberate brutality, starvation, and disease.

There was yet a sequel. Finding that their hostility toward Filipino POW's served largely to alienate all Filipinos, the Japanese occupation authorities reversed their attitude toward those POW's. The Japanese decided to release the Filipino POW's and for this purpose organized a rehabilitation and indoctrination program. But the program generally failed, and most of the released POW's soon joined an anti-Japanese guerrilla movement, either covertly or overtly.*

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* For further information on Filipino POW's see the work of another recognized expert: David Joel Steinberg, Philippine Collaboration in World War II, (Ann Arbor: The University of Michigan Press, 1967), pp. 55 - 56. For further information on the guerrilla movement, see Part VI of this study.

The USAFFE forces on the islands south of Luzon were composed almost entirely of PA troops (including a PC regiment). Other than commanders and staff officers, the major U.S. Army force on the southern islands consisted of two companies of the 43d Infantry, Philippine Scouts. The untrained PA troops lacked personal and organizational equipment of all types. Artillery was in especially short supply and consisted, for the equivalent of four PA divisions, of only eight World War I type 2.95-inch mountain guns. Little sustained fighting took place in the southern islands except on Mindanao, where, in a brief campaign lasting from 29 April through 9 May 1942, the Japanese gained control of the island.

PART III

COMMAND AND CONTROL OF THE PHILIPPINE ARMY

1. The Position of General MacArthur.

General MacArthur, who was about to retire after service as Chief of Staff, U.S. Army, became the Military Advisor to the Government of the Philippine Commonwealth, with his appointment dating to 18 September 1935. The next year, on 19 June 1936, President Quezon of the Philippine Commonwealth, appointed General MacArthur Field Marshal of the Philippine Army. While this latter appointment was largely symbolic in nature, it technically gave MacArthur a degree of command and control over the Philippine Army second only to that of President Quezon, constitutionally commander-in-chief of Philippine armed forces. In effect, his position as Field Marshal of the PA had MacArthur outranking the Chief of Staff of the PA, MG Basilio J. Valdes (PA). However, there is no indication that MacArthur ever exercised his potential authority as Field Marshal of the PA -- he adhered instead, to the symbolic nature of the position.

Then, on 26 July 1941, MacArthur was recalled to active duty in the U.S. Army (initially as a major general but promoted to lieutenant general on 27 July) and placed in command of the newly-formed United States Army Forces in the Far East (USAFFE). This command consisted of the U.S. Army Philippine Department (before July 1941 the senior U.S. Army headquarters in the Far East) and those military forces of the Philippine Commonwealth called into the services of the U.S. Armed Forces.

Next, on 23 October 1941, General MacArthur also became commander of the Philippine Department. MacArthur did not actively exercise this additional command, but appointed a deputy, BG Allan C. McBride, to run the Philippine Department. After the outbreak of war the HQ Philippine Department ceased to exist (except on paper, for various legal reasons) and evolved into the USAFFE Service Command on Bataan.

Thus, when World War II came to the Philippines General MacArthur held the following positions:

a. Military Advisor to the Philippine Government. To all intents and purposes the Office of the Military Advisor closed out by 8 December 1941, and most of its personnel were transferred into the new HQ USAFFE.

b. Field Marshal of the Philippine Army. A largely symbolic position (from which derived the "scrambled eggs" on MacArthur's hat), but one of considerable potential significance.

c. Commanding General, USAFFE, in which capacity he had command over U.S. Army forces in the Philippines (and later throughout the Southwest Pacific Area) as well as command over Philippine Army forces called into the active service of the U.S. Armed Forces.

d. Commanding General, Philippine Department (U.S. Army), in which capacity he had administrative and logistical command over U.S. Army forces in the Philippines and, after the induction of PA forces into USAFFE, supply responsibility for PA forces.

2. <u>The Organization of USAFFE.</u>

During the 1st Philippine Campaign (until mid-March 1942) HQ USAFFE operated in much the same manner as the headquarters of a field army,

first in Manila and then on Corregidor Island in Manila Bay, off Bataan. Under USAFFE were three corps-level combat headquarters, North Luzon Force (which on Bataan became I Philippine Corps), South Luzon Force (which became II Philippine Corps), and the Visayan-Mindanao Force. All three of these corps-level headquarters were commanded by U.S. Army general officers. An earlier corps-level command, also under a U.S. Army general officer, was the Bataan Defense Force. This command, fleshed out by people from the more or less defunct HQ Philippine Department, envolved into the Service Command on Bataan, under a U.S. Army general officer. Also under a U.S. Army general officer were the Harbor Defenses of Manila Bay, numbering about 15,000 troops and including some 1,800 PA soldiers.

I Philippine Corps, II Philippine Corps, the Visayan-Mindanao Force, the Service Command, and the Harbor Defenses contained all the PA and U.S. Army (including the PS) troops available to MacArthur except for the USAFFE Reserve, the composition of which changed from time to time.* MacArthur did not have direct command of U.S. Navy

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* The PA Offshore Patrol was probably excepted also.

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and U.S. Marine Corps troops, but most of such troops the 16th Naval District (a U.S. Navy command) were placed at MacArthur's disposal.

General MacArthur left the Philippines for Australia on 12 March 1942, taking most of the senior staff officers of HQ USAFFE with him. The command replacing HQ USAFFE on Corregidor was HQ United States Forces in the Philippines (USFIP), under LTG Jonathan Wainwright.

This was a joint command, with command over all American and Filipino forces. About the same time, a new army-level command, Luzon Force, under a U.S. Army general, came into being on Bataan, with control over I Philippine Corps, II Philippine Corps, and the Service Command. Temporarily the Visayan-Mindanao Force was split into two commands, both under U.S. Army general officers, but was reconstituted as a single command at the end of the campaign.

3. The Status of the Philippine Army.

Ostensibly, the Philippine Army, after induction into USAFFE, was to retain its national integrity, with its own uniforms, its own scale of pay, its own promotion list, its own rations, and its own code of military law, with Philippine Army headquarters theoretically being responsible for discipline and punishment. But as the campaign wore on, such distinctions tended to disappear. For example, as has already been pointed out, the rations of PA and U.S. Army troops on Bataan evolved into being remarkably similar. Again, as has been noted, the U.S. Army took over responsibility for supply and pay of the PA as PA units were inducted into USAFFE.

Another problem is the status of HQ Philippine Army. A skeletonized headquarters of the PA withdrew to Corregidor, but during the night of 20/21 February 1942, MG Basilio J. Valdes (PA), Chief of Staff of the Philippine Army, left Corregidor with President Quezon. After spending some time in the Visayan Islands — whence communication with Corregidor and Bataan could only be classified as poor — General Valdes moved on to Australia in March 1942 and ultimately accompanied Quezon to CONUS. His departure from Corregidor left the PA without

an effective headquarters in the combat area.

In the field, as the combat developed, discipline had to be handled on an ad hoc basis. Examplary is the statement of COL Russell W. Volckmann (U.S. Army), sometime commander of the 11th Infantry, 11th PA Division, during the withdrawal into Bataan. The chronological context is 25 December 1941:

> "I halted the regiment in an assembly area in the bamboo thickets near the [Agno] river and ordered the units to feed their men. After chow, as I was studying my map and the orders assigning to the 11th Infantry a defensive sector along the south bank of the Agno, an automatic weapon suddenly blurted from the general direction of the river. Within a few seconds I witnessed what every military commander fears most: the heretofore orderly units of the 11th Infantry became a band of maniacs rushing about like so many leaves driven by a high wind. I drew my revolver and shouted to the American officers within hearing to drive every [Filipino] officer and man back into position along the river bank. . . . I then found a bugler and ordered Officers' Call sounded. When all were assembled, I informed them in no uncertain terms that this was the first and last time that men of this regiment would retreat without orders. I further emphasized that if ever again I saw an officer running to the rear or failing to do his utmost to stop his men from retreating without orders, I would shoot him on the spot." *

*COL Russell W. Volckman, We Remained: Three Years Behind the Enemy Lines in the Philippines, (New York: W.W. Norton & Company, Inc., 1954, p. 16. A graduate of the USMA, Class of 1934, Volckmann, as a U.S. Army captain and major, served as XO of the 11th Infantry, 11th PA Division, Acting Commander of the 11th Infantry, and G-2 of the 11 PA Division. He escaped from Bataan and came to command the most effective guerrilla unit on Luzon, the United States Army Forces in the Philippines (Northern Luzon); short title USAFIP(NL).

Of 13 PA divisions formed during the 1941 - 1942 period, only four (4) were commanded by PA officers. As Table I shows, not only were most of the PA divisions commanded by U.S. Army officers but also many of the infantry regiments and infantry battalions, along with

many of the field artillery units. In addition, many of the PA units retained their U.S. Army instructors (advisors in the Vietnam War context) during the campaign, and in many cases these instructors/advisors exercised the effective command and control over the PA units to which they were attached. Moreover, even within the PA divisions commanded by PA officers, U.S. Army personnel were to be found in various staff and command positions. Check, for instance, the regimental commanders of the 1st PA Division, the 2d PA Division, and the 21st PA Division as set forth in Table I.

Without a considerable more amount of time for basic research, it is impossible to tell how many more U.S. Army officers and NCO's held command and staff positions with the PA divisions. However, even with the limited numbers of such officers as shown in Table I, it would appear most difficult to make any generalized differentiation between PA and U.S. Army units except as was concerned unit strength and equipment. As pointed out in Part II of this study all the troops, whether U.S. Army or PA, were doing essentially the same thing.

Nor did the PA actually have a separate system of military law. A single citation is sufficient to prove the point:

> "The military code of the United States produced a salutary effect in the system of military justice in the Philippines. In fact, the first military law enacted by the National Assembly of the Philippines (Commonwealth Act No. 408) approved on September 14, 1938, and consisting of one hundred and twenty articles, is essentially American. It is a counterpart of the American Code of 1928. The only difference is the omission of the American article (A.W. 28) referring to certain acts constituting desertion, in the Philippine Articles of War. . . . The influence of the American code is still predominant." *

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Claro C. Gloria, Philippine Military Law, Annotated, (Quezon City, P.I.: Capitol Publishing House, Inc., 1956), p. 9. At the time he prepared this book, Gloria was a major in the Office of the JAG, Armed Forces of the Philippines. Gloria has an AB, BSE, and LLB from Philippine universities, an LLM from Indiana, and an LLM from Harvard. (Underlining in the quotation supplied by the arthur of this study.)

TABLE I

COMMAND IN PHILIPPINE ARMY UNITS DURING THE FIRST PHILIPPINE CAMPAIGN

(NOTE: This listing has been compiled from readily available sources and is only as accurate as those sources permit. It is also obvious that the listings are incomplete. The abbreviation PA is used only for PA officers — all others listed are U.S. Army).

1st Division	BG F.V. Sequndo (PA)
1st Infantry	MAJ A.M. Santos (PA); MAJ McCullom; COL K.L. Berry
2nd Infantry	COL C. Duque (PA)
3d Infantry	COL K.L. Berry
2nd Division	MG G.B. Francisco (PA)
1st PC Regiment	LTC I. Alexander
2d PC Regiment	
4th PC Regiment	
11th Division	BG W.E. Brougher
11th Infantry	COL G.R. Townsend; MAJ R.W. Volckmann (Acting)
2/11	MAJ H.J. Duisterhof
3/11	MAJ W.J. Lage
12th Infantry	COL M. Moses
13th Infantry	COL A.K. Noble
21st Division	BG M. Capinpin (PA)
21st Infantry	LTC W.A. Wappenstein
22d Infantry	
23d Infantry	
21st Field Artillery	LTC N. Calalan (PA)
31st Division	BG C. Bluemel
31st Infantry	COL J.W. Irwin; LTC J.E. Brady
32d Infantry	LTC E.N. Johnson
33d Infantry	MAJ S. Holmes
3/33	CAPT R.M. Chapman
31st Field Artillery	MAJ H.J. Harper
41st Division	BG V. Lim (PA)
41st Infantry	
42d Infantry	
3/42	MAJ A.B. Magtoto (PA)
43d Infantry	

51st Division	BG A.M. Jones
51st Infantry	LTC L.P. Stewart
52d Infantry	LTC V.N. Cordero (PA?)
53d Infantry	COL J.R. Boatwright
51st Field Artillery (Inf)	COL H.F. Searight
Provisional Battalion	CAPT G.R. Myers
51st Combat Team	COL Young (The final organization of the division)
61st Division	BG B.G. Chynoweth
61st Infantry	COL E.H. Mitchell
2/61	CAPT Childress
62d Infantry	LTC A. Thayer
63d Infantry	COL A. Christie; CAPT Fitzpatrick
71st Division	COL C.A. Selleck; BG C.A. Pierce
71st Infantry	LTC D.V. Bonnett
72d Infantry	
73d Infantry	LTC R.H. Vesey
71st Field Artillery	LTC H.C. Fowler
81st Division	BG G.O. Fort; COL I.C. Scudder
81st Infantry	LTC Boellner; LTC W.S. van Norstrand
1/81	CAPT Miner
2/81	CAPT Stensland
3/81	CAPT Utke
82d Infantry	LTC David
83d Infantry	MAJ W. Rogers
1/83	CAPT L. Hardin; MAJ W. McLeannahan
2/83	LT. Johnson
3/83	CAPT M. Sharp; LTC A.J. Grimes
91st Division	BG L. Stevens
91st Infantry	
92 Infantry	LTC J.H. Rodman
2/92	MAJ J.B. Crow
93d Infantry	MAJ J.C. Goldtrap
1/93	MAJ Hoyt
2/93	CAPT Finigan
3/93	CAPT Burlands

101st Division	BG J.P. Vachon
101st Infantry	LTC R.J. Nelson; LTC J.H. McGee
2/101	LTC R.B. Hilsman
102d Infantry	
2/102	LTC R. Graves; MAJ W. Baldwin
103d Infantry	MAJ J.R. Webb
101st FA (Infantry)	LTC R. Graves
102d Division	COL W.P. Morse
61st FA (Infantry)	COL H.W. Tarkington
81st FA (Infantry)	LTC J.P. Woodbridge
103d Infantry	MAJ J.R. Webb
84th Infantry (non-divisional)	
2/84	CAPT Childress
3/84	MAJ McLish
301st FA Regiment (Sep)	COL A.S. Quintard
Cebu MP Regiment	LTC H.J. Edmands

PART IV

THE PAY OF THE PHILIPPINE ARMY

At the outbreak of war in the Philippines there were four (4) widely varying rates of pay for EM in the islands; EM of the U.S. Army, EM of the U.S. Army's Philippine Scouts, EM of the Philippine Army Air Corps, and EM of the rest of the Philippine Army.* (See Table II).

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* Pay rates for PA EM were fixed by Philippine Commonwealth Act No. 569, 23 July 1938, and published in the Office of the Chief of Finance (USA), War Department Services of Supply, Finance Bulletin No. 104, 3 September 1942.

Pay of PA officers was roughly half that of U.S. Army officers.*

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* Pay rates for PA officers were fixed by President Quezon's Executive Order No. 155, 23 July 1938, also published in Finance Bulletin No. 104.

The basic rationale for the low pay of the PA was the low standard of living and lower cost of living in the Philippines. This rationale attains considerable validity, but close scrutiny of the rationale raises some questions. For instance why was one group of Filipinos, the U.S. Army's Scouts, paid more than another group, the PA? Logic would have it that both groups had about the same standard and cost of living. Also, if the cost of living in the islands was so low, why were not U.S. Army troops stationed in the islands paid at a reduced rate? To extend an analogy, why was the U.S. Army's 65th Infantry Regiment, stationed on Puerto Rico, paid the same rate as other U.S. Army units? -- the 65th Infantry was largely composed of native

TABLE II

BASE PAY RATES OF EM IN THE PHILIPPINES UPON OUTBREAK OF WORLD WAR II
(All in terms of Dollars per month)

	U.S. Army	Philippine Scouts	Philippine Army**	Philippine Air Corps
Master Sergeant	$126.00	$43.00	$22.50	$42.50
First Sergeant	84.00	35.00	21.25	40.00
Technical Sergeant	84.00	35.00	20.25	32.50
Staff Sergeant (T/3)	72.00	30.00	18.00	21.00
Sergeant (T/4)	60.00	25.50	15.00	18.00
Corporal (T/5)	54.00	18.50	11.00	13.50
Private First Class	36.00	11.00	8.50	11.00
Private	30.00*	9.00	7.00	8.50

(*$21.00 for first 4 months)

(**Some minor differences existed between these pay rates and those of the Medical Service:

Medical Sergeant	$18.00
Medical Corporal	14.00
Medical Private	11.00

Note: Above does not consider longevity pay, nor specialist pay. Members of the Philippine Army (but not Air Corps) could receive specialist pay ranging from $1.50 to $30.00 per month extra. Also, all EM of the Philippine Army and Air Corps could receive a quarters and subsistence allowance not to exceed $.50 per day (roughly $15.00 per month).

Puerto Rican EM, whose standard of living and cost of living was lower than that on the mainland. Even in a country -- the Philippines -- where the average farming peasant had a cash income of only $85.00 per year, the pay scale of the PA was still low before World War II. Like the U.S. Army private who could not possibly live and raise a family on $21.00 a month, a PA private could not possibly live and raise a family on $7.00 a month.

As has been described previously in this study, General MacArthur, in late February 1942, recommended to the War Department that PA pay scales be raised to U.S. Army levels, repeating this recommendation early in March 1942. At the same time President Quezon was preparing to take unilateral action to equalize the pay rate of the PA. Quezon obviously had MacArthur's approval for this step, for in his March radio to the War Department MacArthur told General Marshall that he -- MacArthur -- had pursuaded Quezon not to equalize the PA EM pay scale to the U.S. Scale but rather to the scale of the U.S. Army's Philippine Scouts. This, MacArthur stated, was to avoid having the PA EM paid at a higher rate than the PS EM. (When General MacArthur sent his 9 March 1942 message to the War Department he was on the eve of his departure from the Philippines. At the same time, he obviously knew that only the Secretary of the Army could change the pay scale of the PS EM, and that it might take some time to obtain such a change. This combination of circumstances probably influenced his decision not to try to get the PS EM pay scale changed and to have the new pay scale of PA EM brought into line with the PS EM).

By an unnumbered Executive Order of 10 March 1942, effective on 15 March 1942, President Quezon raised the PA pay scales. For the EM, the effect of the order was to bring the pay of the PA EM in line with that of the PS EM, while at the same time ending the earlier sharp distinction in pay between the EM of the bulk of the Philippine Army and that of the EM of the Philippine Army Air Corps. (Table III).

No indication has been found that any U.S. Government agency objected to Quezon's unilateral action. To the contrary, as a result of MacArthur's recommendation legislation was introduced into Congress to formally equalize the pay of the PA and the U.S. Army. As stated previously in this study, such legislation passed the U.S. Senate, but "died" in the U.S. House of Representatives, largely because the whole subject became rather moot after the surrender of the Philippines. In any case, that no U.S. Government agency raised serious objections to the Quezon-directed pay raises for the PA is evidenced by the fact that the U.S. Army Chief of Finance published the new Quezon pay rates in November 1942 "for the information and guidance of all Finance Officers."*

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* Office of the Chief of Finance, Services of Supply, U.S. War Department, Finance Bulletin No. 136, 25 November 1942.

During most of the rest of World War II, some sporadic efforts were made by various agencies and VIP's to have a blanket equalization of PA and PS pay with that of the U.S. Army, but nothing really happened. Instead, came the various authorities, cited previously in this study, to permit PA, PS, and Filipino civilians to be appointed

TABLE III

QUEZON-DIRECTED PAY SCALES, 15 MARCH 1942
(Dollars per month)

Philippine Army		Philippine Air Corps
Master Sergeant	$43.00	$43.00
First Sergeant	35.00	40.00
Technical Sergeant	35.00	32.50
Staff Sergeant	30.00	30.00
Sergeant	25.50	25.50
Corporal	18.50	18.50
Private First Class	11:00	11.00
Private	9.00	9.00

or enlisted in the AUS. Such authority apparently extended only to PA, PS, and Filipino civilians outside the Philippine Islands and was conferred largely to permit the three groups to maintain a decent standard of living in such areas as CONUS and Australia. Meanwhile, during the course of the war, the pay of AUS EM increased, and the PA, PS, and Filipino civilian nationals who enlisted in the AUS under the authorities previously cited obtained such pay increases. (There were no major changes in the pay of AUS officers during the war).

Then, on 28 October 1944, just after the American re-entry into the Philippines, President Osmeña * issued Executive Order No. 22, which equalized the pay of the PA to that of the U.S. Army to include all units and personnel — members of recognized guerrilla forces — he had "converted" into the active service of the reconstituted PA in accordance with his Executive Order No. 21, also 28 October 1944. The two acts must have had the approval of General MacArthur, for both Executive Orders were published over MacArthur's command line in HQ USAFFE Circular No. 100, 17 November 1944. In sum, Executive Order No. 22 made little change in the officer pay for the reconstituted PA, but did make considerable changes in the EM pay, (See Table IV), putting that on a par with AUS EM pay as set forth in AR 35-2340, 31 August 1942.

Executive Order No. 22 soon caused considerable concern at the War Department and other U.S. Government agencies. From early 1942 to

* Osmeña, Quezon's vice president, succeeded Quezon in the presidency when the latter died.

TABLE IV

PAY OF ENLISTED MEN OF THE PHILIPPINE ARMY
(Dollars per month)

Quezon Pay Scale of 15 March 1942		Osmena Pay Scale of 28 October 1944
Master Sergeant	$43.00	$138.00
First Sergeant	35.00	138.00
Technical Sergeant	35.00	114.00
Staff Sergeant	30.00	96.00
Sergeant	25.50	78.00
Corporal	18.50	66.00
Private First Class	11.00	54.00
Private	9.00	50.00

October 1944 the U.S. Government had been willing to permit the few hundred PA and PS personnel outside the Philippine Islands to be appointed or enlisted in the AUS so as to maintain a decent standard of living.* But the prospect of having to pay about 120,000 PA veterans

* This leaves out of consideration the Filipino nationals who were members of the 1st Filipino Regiment and 2d Filipino Battalion, who were AUS to begin with.

on the AUS scale, including back pay and possibly all U.S. Army veterans' benefits as well, was a bit much. Equally depressing from a financial point of view was the fact that plans were already being implemented to rebuild a Philippine Army substantially larger than that raised before World War II. As long as the "new" PA remained in the service of the U.S. Armed Forces (as it did until 30 June 1946), the U.S. Army would be responsible for the pay of the "new" PA. If that pay were to be at the Osmeña-decreed rate for EM of the PA, the added expense would be enormous.

Hurriedly, the War Department studied the problem, reaching the conclusion that it would not and could not approve the Osmeña pay rates.* The Secretary of War radioed MacArthur the War Department's

* See, for example Memorandum, Director, Budget Division, WD for the Chief of Staff, 30 November 1944, copy in G-1 WD File WDGAP 240 (6-10-42), National Archives.

objections and Executive Order No. 22 was rescinded, the PA pay rates for EM reverted to the scale of the 10 March 1942 Quezon Executive Order.*

* MS, "History of the United States Army Forces in the Far East,

1943 - 1945," in OCMH files, pp. 152 - 53.

At the same time, the Secretary of War authorized MacArthur to work out percentage increases in PA EM pay proportionate to those received by U.S. Army personnel during the war. Available sources do not indicate that any such percentage raises took place. Whatever the case, the War Department had completely reversed its early 1942 position, when it had urged Congress to pass legislation to bring PA pay scales into parity with those of the U.S. Army. The 1944 decision also let rest an anomaly -- PA officers were paid essentially on the same scale as U.S. Army officers, but PA EM pay was much lower than that of U.S. Army EM.

Thus, until 30 June 1946, when the PA was released from service in the U.S. Armed Forces and reverted to the Commonwealth, the pay of EM of the PA and the PS remained essentially the same. However, on 1 June 1946, the Secretary of War raised the pay of PS EM to half the rate of U.S. Army EM -- there was no corresponding raise in the pay of PA EM.

The rationale the War Department used in reaching its late 1944 decision to have Osmeña's Executive Order No. 22 rescinded was based largely on the following points: the pay raise would be highly inflationary; it would put the pay of PA EM substantially above that of many appointed or elected provincial and munincipal officials; it would put the pay of PA EM quite out of line with the salaries of average workers in the islands; and the Commonwealth Government would not have the wherewithal to continue paying the PA EM at U.S.

Army rates after the PA reverted to Commonwealth control. All these attained considerable validity except, perhaps, for the inflationary reason. Actually, inflation and black-marketing were rampant in the Philippines following the end of hostilities and the PA EM had a very difficult time under the March 1942 pay scale.

PART V

THE PHILIPPINE SCOUTS (PS)

On 1 September 1899 a company of "Macabebe Scouts," the "informal" predecessor of the Philippine Scouts, was organized. These early PS troops (officered by U.S. Army officers) were paid by the Bureau of Insular Affairs of the War Department.* By Section 36, 31 Stat L 757,

* The Bureau of Insular Affairs of the War Department was transferred to the Department of the Interior, effective 1 July 1939.

2 February 1901, the Scouts were transferred into the regular (RA) establishment of the U.S. Army, and were paid thereafter through direct U.S. Army funds. Initially, the Philippine Scouts (both U.S. Army officers as well as Filipino EM) were considered a branch of the RA, in the same status as Infantry or Artillery. In 1920, however, the branch distinction was removed from the PS, and officers and men of the PS became members of the other RA branches, such as Infantry or Field Artillery.

The initial (1901) authorization for the PS considered a total of 12,000 troops, but budgetary considerations held down the PS to a strength of about 6,000 until a few months before the outbreak of World War II. Then, recruitment was reinstituted until, by 8 December 1941, the PS numbered just under the 12,000 authorization. There was little difficulty in recruiting new members of the PS, for the Filipinos considered the PS elite troops. Moreover, until March 1942, the PS EM pay scale was considerably higher than that of the PA EM, although not up to that of U.S. Army EM. The PS units were well trained and well

equipped (especially in comparison to the Philippine Army) and generally did an outstanding job during the 1st Philippine Campaign.

There seems to be no difficulty about the Philippine Scouts raised in accordance with pre-World War II regulations. Obviously, such troops *

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* Most of the nearly 12,000 EM of the PS raised before WW II were Filipino nationals, but a substantial number (exact figures are not presently available) were U.S. citizens with Philippine residence. Although the bulk of the EM were Filipinos (of whatever citizenship), most of the officers were U.S. Army RA. However, about 35 officers -- the total runs from 31 to 37, according to the sources consulted -- were Filipinos, of a total of about 685 officers assigned to the PS.

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were members of the U.S. Army RA, and as such (according to at least three U.S. Army JAG findings) were entitled to all the benefits accrued to other members of the U.S. Army who served during World War II.

The problem with the PS lies in the post-hostilities PS. First, by WD Radio No. 227, 27 July 1942, the War Department authorized General MacArthur to discharge EM of the PS "for convenience of the government" and re-enlist them in the AUS in commensurate grades. This authority applied to PS EM who were out of the Philippines when the Philippines surrendered, or who subsequently escaped from the Philippines. Manifestly, the intent of the authority was to permit the PS EM to draw sufficient pay -- the AUS scale -- to live in a decent style outside the Philippines.

By radio C-19543 of 15 October 1944 to the War Department, General MacArthur asked if the authority of WD Radio 227 of 27 July 1942 to transfer EM of the PS into the AUS still existed. MacArthur wished to transfer PS EM recovered in the Philippines (after the American re-entry)

into the AUS. The reasons for this request are not clear from readily available sources, but they probably entailed a MacArthur desire to have the recovered PS EM paid on U.S. Army scales rather than that of the pre-war scale for PS EM. This would be in accord with MacArthur's other attempts in 1942 and 1944 to have all PA and PS EM pay equated with that of EM of the U.S. Army. Whatever the case, WD Radio No. WAR-50829 of 18 October 1944 informed MacArthur that the authority of the July 1942 radio to re-enlist PS EM into the AUS still existed. MacArthur immediately undertook to put into effect his program of discharging former PS EM from the PS and re-enlisting them into the AUS. By August 1945 approximately 6,700 former PS EM had been re-enlisted into the AUS.

By radio W-50126, 15 August 1945, the War Department asked MacArthur about continued recruitment of PA, PS, and Filipino civilians into the AUS. By radio C-35968 of 23 August 1945 MacArthur informed the War Department that he agreed to termination of authority to appoint or enlist PA and Filipino civilians into the AUS, noting that he was undertaking no such appointments or enlistments and did not contemplate any further such action. However, MacArthur asked that authority to enlist recovered PS EM into the AUS be continued until 31 December 1945, noting that many such EM were still coming in from remote areas of the islands, where they had been until recently engaged in guerrilla warfare. By radio CM-OUT-~~50126~~ of ~~25~~ August 1945 the War Department agreed to MacArthur's request.*

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* All the radios cited in the foregoing two paragraphs are to be found OPD file, OPD 240 (7-10-42), National Archives.

Meanwhile, other events were underway to somewhat becloud things. The U.S. Armed Forces Recruitment Act of 1945 -- PL 190, 79th Congress -- contained authority to raise 50,000 "new" Philippine Scouts, the "new" PS to be restricted to Philippine citizens (except, of course, for U.S. Army officers). This paragraph of PL 190 was originally submitted as an amendment to the Act by Senator Carl Hayden of Arizona, but time does not permit further search to ascertain more background.

During the preparation of Section 14 of the Act, considerable correspondence took place between the War Department and Senator Hayden (see Legislative History, Second Supplemental Appropriations Bill, 1946). Shortly after the enactment of PL 190, Senator Hayden asked the War Department for a statement about the PS. This statement (which appears in the Legislative History but in undated and unsigned form), has the War Department take the position that the PS -- in the context of the 50,000 of PL 190 -- were members of the U.S. Regular Army and would therefore be eligible to receive most of the benefits, including those of the GI Bill of Rights, made available to the rest of the U.S. Army. Also, by radio WARX-75609 of 13 October 1945, the War Department informed MacArthur that the EM of the "new" PS were entitled to all benefits, including the GI Bill of Rights and VA benefits.*

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* A copy of WARX-75609 is to be found in WD OPD File, OPD 336.2 P.I., Sec. III, National Archives.

If the "new" PS EM were indeed members of the RA, and entitled to all benefits, as the War Department apparently presumed in late 1945, then sub-paragraph b of 38 USC 107 raises some questions, basic among which is:

how can one segment of the U.S. Regular Army -- the pre-war PS EM recovered in 1944 - 45 -- be eligible for benefits and another segment of the RA -- the "new" PS of the 1945 authorization -- be ineligible? At the very least, it would appear that EM of the "new" PS who enlisted before 31 December 1946 -- the Veteran's Administration cut-off date for most World War II benefits -- would be eligible for most benefits accruing to U.S. Army personnel, whether RA or AUS.

Initial enlistments in the "new" PS were quite slow, largely because of the pay scale offered. EM of the Philippine Army had no real incentive to transfer to the new PS, for the pay of the PA EM was already the same as that of the PS EM. And the 6,700 or more EM of the old PS were certainly not going to transfer back into the new PS, for they were receiving AUS pay.

Then, in April 1946, the enlistment rate into the new Scouts shot sharply upward. The circumstances evidently influencing the change:

a. Rumors to the effect that PS EM pay was to be raised (as it actually was on 1 June 1946);

b. The reduction in strength of the reconstituted Philippine Army (Plans to raise a PA substantially larger than that which existed at the outbreak of World War II were abandoned after the unexpectedly early surrender of Japan. Knowing that the Philippine Republic, to be established in mid-1946, could not support the expense of the PA contemplated in 1944 - 1945 planning, both the U.S. Government and the Commonwealth Government agreed to drastically reduce the strength of the Philippine Armed Forces).

Insofar as can be ascertained, the 50,000 goal of the "new" PS was

never achieved, and the peak EM strength of the "new" PS was approximately 30,550 (as of June 1947). The changing situation in the Pacific, plus budgetary considerations, made reconsideration of the 1945 50,000 program necessary. On 18 June 1947 President Truman approved a recommendation of the U.S. State-War-Navy Coordinating Committee that the "new" PS be disbanded through gradual reduction in strength. MacArthur, sometime (probably September) in 1948, recommended that enlistment of PS EM be terminated by 30 September 1949, and the strength of the PS would be reduced to about 5,000 by the end of June 1949. DA was to offer enlistments in the U.S. Regular Army to some 1,500 PS EM of the "old" PS who were American citizens and about 700 PS EM who were not American citizens but who had long service in the U.S. Army. The remainder of the PS EM, roughly 25,000, would be released without the privilege of re-enlisting in the U.S. Regular Army.* Further information about the

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* Letter, Secretary of the Army to Secretary of State, (no subject), 22 September 1948; with attached Summary Sheet, 15 September 1948, Personnel and Administration, DA. Copies of both in P&A Directorate File GSGPA 200.8, Phil Scouts (14 Jun 46), National Archives.

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execution of this approved program is not presently available. Whatever the case, miscellaneous source material in OCMH files indicates that as of 28 February 1950 there were approximately 375 PS EM still in the U.S. Army, mainly hospitalized EM who were awaiting discharge or retirement.

PART VI

GUERRILLAS, THE JAPANESE, AND THE PHILIPPINE ARMY

The guerrilla resistance movement in the Philippines began even before the 1st Philippine Campaign was over.* On Luzon, guerrilla activity

*General sources for this part are: (1) GHQ AFPAC, Volume I, Intelligence Series, "The Guerrilla Resistance Movement in the Philippines," 1 March 1948, copy in OCMH files. (2) Japanese Monograph No. 3, "Philippine Operations Record, Phase II, December 1942 - June 1944." This monograph was prepared under the direction of G-2 AFPAC by former Japanese Army officers.

began with units and personnel (AUS, PA, and PS) cut off by the rapid advance of the Japanese invaders to Manila and in front of Bataan. In the southern islands, where the Japanese initially landed only light forces, preparations for guerrilla warfare were well along when the surrender came. At the time of the surrender, most American officers and EM in the islands became prisoners, but a number melted into the hills, excaped from Bataan or the Death March, or later escaped from POW camps. A very large proportion of the PA, both officers and EM, did likewise and formed the nucleus of many guerrilla organizations. A substantial number of additional recruits came to the guerrillas when the Japanese reversed their policy of brutal treatment of Filipino POW's and released the survivors from POW camps.

During much of 1942 and early 1943 organizational and supply problems, coupled with overly-aggressive moves against Japanese forces, hampered the development of an effective guerrilla movement. The too-overt guerrilla operations brought down Japanese retaliation that resulted in

the disorganization of many guerrilla units and the capture of many of the earlier guerrilla leaders. Then, in March 1943, General MacArthur, from GHQ SWPA in Australia, forwarded instructions to the guerrillas to limit combat contact with the Japanese to the minimum necessary for self-protection of the guerrilla units. The guerrillas, MacArthur's policy statement continued, should concentrate on perfecting organization and on obtaining intelligence information to be forwarded to GHQ SWPA. Serious combat offensives against Japanese forces would have to wait until GHQ SWPA could send into the islands the necessary arms, ammunition, and other supplies. *

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* Such a radio is cited in Volckmann, op. cit., pp. 120 - 21. So far, OCMH has been unable to find a copy of the radio.

Table V summarizes the command and control of most of the major and most effective guerrilla units as of approximately mid-1944. * Many

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* Table V is summary in nature and does not reflect all the information available to OCMH concerning the command of guerrilla units.

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of the more effective units were commanded by U.S. Army officers. Indeed, during the latter phases of the 2d Philippine Campaign, in 1945, Colonel Volckmann's USAFIP(NL), with limited U.S. Army artillery and air support, virtually assumed the role of an additional U.S. Army division. The action of this guerrilla force saved time, and doubtedlessly many American casualties, during the reconquest of northern Luzon. Likewise, the effectiveness of Colonel Fertig's organization on Mindanao could well

TABLE V

COMMAND OF MAJOR GUERRILLA UNITS IN THE PHILIPPINES

Layte Area Command (92d Division)

CO Col. R.K. Kangleon (PA)
- CO 94th Infantry — Maj. P. Jain (PA)
- CO 95th Infantry — LTC A. Balderian (PA)

Samar Area Command (93d Division)

CO Lt. Col. C.M. Smith (AUS)
- CO Northern Samar — Capt. P.V. Merritt (PA)
- CO Southern Samar — LTC. J. Causing (PA)

Central Luzon

East Central Luzon Guerilla Area (ECLGA)

CO Maj. E.P. Ramsey (AUS)

West Luzon Guerilla Force

CO LTC G. Merrill (AUS)
XO LTC P.D. Calyer (AUS)

Boone Guerillas

CO Capt. J. Boone (AUS)

Anderson Guerillas

CO Maj. B. Anderson (AUS)
CO Ball Military Area Maj. A. Santos (AUS)
CO Ohio Military Area Maj. R. Barros (AUS)
CO Texas Military District ?
CO Salt Military Area Ponciano Redor (PA)

Cebu Island (85th Division)

CO LTC J.M. Cushing (AUS)
- CO 85th Infantry Maj. R. Espiritu (PA)
- CO 86th Infantry Maj. M. Albenda (PA)
- CO 87th Infantry Maj. A.F. Trazon (PA)
- CO 88th Infantry Maj. B. Hale (AUS)

Northern Luzon

United States Army Forces in the Philippines (NL) (USAFIP (NL))

CO Col. R.W. Vockmann (USA)
XO Maj. P. Calvert (USA)
G-1 Maj. F. Maglaya (PA-AUS)
G-2 Maj. A. Murphy (AUS)
G-4 Maj. B. Dangua (PA)
CO 43d Infantry Maj. P. Calvert (USA)
CO 121st Infantry Maj. G. Barnett (USA)

Maharlika Guerillas

CO LTC F. Marcos (PA) (Now President of the Philippines)

Lapham Guerillas

CO Capt. R.B. Lapham (AUS)
Capt. A.S. Hendrickson (AUS)
Capt. R. Hunt (AUS)

Panay Island (6th Military District; 61st Division)

CO Col. Macario Peralta (PA)
XO LTC L.R. Relunia (PA)
AG LTC F. Montinola (PA)
CO 1st Combat Team LTC C.B. Garcia (PA)
CO 2nd Combat Team LTC P. Serran (PA)

Negros Island (7th Military District; 71st Division)

CO LTC S. Abcede (PA)

Bohol Island

CO Maj. I.P. Ingeniero (PA)

Mindanao Island (10th Military District)

CO 10th Md Col. W.W. Fertig (AUS)
CofS LTC. S.J. Wilson (USNR)
DCS Maj. M.M. Wheeler (USNR)
G-1 Maj. F.W. Lagman (AUS)
G-2 Maj. H.A. Rosequist (AUS)
G-3 Maj. P. Destajo (PA)
G-4 Maj. O. Hipe (PA)
Eng Maj. N. Capistrano (PA)

Mindanao Island (continued)

QM 1Lt R. Crump (AUS)
SigO Capt. J. Garland (AUS)
CO 105th Division LTC H. Garma (PA)
CO 121st Separate Regiment Lt. D. LeCouvre (AUS)
CO 107th Regiment LTC J. Teano (PA)
CO 108th Division LTC C. Hedges (USAR)
CO 124th Regiment CPT M. Arumpac (PA)
CO 108th Regiment Maj. F.P. Quejada (PC)
CO 120th Regiment CPT P. Andres (PA)
CO 109th Division LTC J. Grinstead (AUS)
CO 109th Regiment Maj. Laplap (PA)
CO 111th Regiment CPT J.S. Cruz (PA)
CO 112th Regiment CPT W. McLaughlin (AUS)
CO 110th Division LTC E.E. McClish (AUS)
CO 110th Regiment Maj. R.P. Dongallo (PA)
CO 114th Regiment Capt. P.H. Marshall (AUS)
CO 107th Division LTC C. Laureta (PA)
CO 130th Regiment LTC C. Laureta (PA)
CO 111th Battalion LT. O.P. Wilson (AUS)
CO 112th Battalion LT. A. Haratik (AUS)

be equated to that of a U.S. Army division, once Fertig received sufficient supplies. This is not, however, to imply that only the U.S. Army led guerrilla units were effective. Two particularly good guerrilla units, on Panay and Negros Islands, were led by PA officers. It should also be noted that within many guerrilla units command was mixed among U.S. Army and PA officers - particularly illustrative of this sort of arrangement was Colonel Fertig's Mindanao command.

No guerrilla movement can operate entirely within the restrictions of the Articles of War, the Geneva Conventions, or the Rules of Land Warfare, and the World War II guerrilla movement in the Philippines was no exception to this generalization. Colonel Volckmann throws some light on this subject:

> "Each district commander was charged with the responsibility of obtaining and maintaining civilian support in his district. The greatest menace to this program was not the Japanese but rather the spies, informers, and collaborators operating for them. . . . Those who were spying for the Japs were apprehended and eliminated; every effort was made to find the kingpins in every spy net that was uncovered. . . . Our secret agents eventually caught up with many of these people. . . . For instance, during the course of our counterespionage campaign a number of Filipino agents working for the Japanese took refuge in the town of Cervantes in Ilocos Sur. A unit of the First District raided the town at night, pinned the Japs in their foxholes, and then set fire to a building into which all the spies had fled." *

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* Volckmann, op. cit., pp. 125 - 26

The nature and impact of the guerrilla movement is demonstrated by the words of another expert in the field:

> "The innumerable guerrilla sagas, which are now told and retold, have emerged primarily because the nation [the Commonwealth of the Philippines]

felt at the time that this guerrilla resistance was one of the finest hours for the Philippine people. The universality of the movements and the mass participation in them was tangible proof that the initial decision to fight against the Japanese and for the Americans was a commitment of the people. Filipinos continued the fight as staunchly after the formal surrender as before. The nation felt itself part of the front line. This will of the people was virtually an insurmountable obstacle to the Japanese planners."

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* Extracted from Steinberg, op. cit., pp. 55 - 60.

From the same source comes the following impact statements:

"The resistance to the Japanese effectively continued even after General Wainwright ordered as surrender of all-Fil-American troops. This continuing military effort, waged by pockets of Filipinos in the face of tremendous hazards, was one of the critical factors of the war years. It forced the Japanese to maintain vigilance, casting them in the role of military conquerors just when they were attempting to win Filipino loyalty. Every Japanese decision was directly or indirectly influenced by this fact of continuing belligerency, and the dilemmas posed were enormous. . . . Armed guerrilla resistance exacerbated an endemic military problem for the Japanese, who were eager to dispatch the maximum number of troops to the combat zone as soon as possible, and it created as well a political alternative to the Japanese-sponsored government in Manila. The Japanese army was unable to pacify the Philippines, with the result that in the political sphere the struggle for the nation's allegiance continued unabated. Since guerrilla groups made clandestine but direct contact with MacArthur's headquarters, they kept the issue of dual government alive implicitly. The fragmentary quality of the initial guerrilla movement evolved into a sophisticated network of guerrilla operations which received coordinated orders from MacArthur's staff. These ubiquitous guerrilla organizations, which managed to broaden the Commonwealth allegiance of the people to include themselves, developed civilian as well as military functions. Each competed directly with the local or provincial governments established by the Japanese and the [Japanese-appointed] Executive Commission. Each sapped the authority of these local governments to the extent that Japanese-backed governments existed only where the Japanese garrisons were large enough to force compliance."

From May 1942 (when the final USAFFE surrender came) until May 1944 (when the Japanese started building up their forces in the Philippines against the obviously-coming Allied re-entry) the Japanese maintained in

the islands a permanently "assigned" garrison of 24 infantry battalions, supported by artillery units, intelligence and MP units, various technical service support units, and military government administrative units. This hardly tells the whole story, however. For example, the 65th Brigade, which had participated in the Bataan Campaign, did not leave the islands until November 1942, and even then left behind its 122d Infantry, which did not depart until August 1943. The last elements of the 4th Infantry Division did not leave until the latter half of CY 1943, while the 2d Infantry Division, which had not participated in the 1st Philippine Campaign, spent some months in the islands during 1943. Finally, the 16th Infantry Division, which had played a major role in the Bataan Campaign, never left the Philippines during the war. Instead, that division engaged in rebuilding and training activities and furnished cadres for other Japanese Army units. Whatever the case, all such units outside the "assigned" garrision certainly undertook anti-guerrilla operations as part of their training and rebuilding.

The build-up of Japanese forces in the Philippines beginning in May 1944 (and lasting until November 1944) did little to help reduce the guerrillas. During the period May 1942 to May 1944 the Japanese could maintain control only over the major cities and towns, leaving the countryside to the guerrillas, a failure of domination that the average Filipino was quick to notice. Then, after the build-up started in May 1944, Japanese preoccupation lay largely with preparing defensive positions. The additional strength the Japanese poured into the Philippines beginning in May 1944, they thought, would be sufficient to

reduce the guerrilla threat to a mere nuisance, but this did not prove to be the case. Instead, with an obvious Allied invasion of the Philippines becoming more and more imminent, additional thousands of Filipinos flocked to overt guerrilla forces. At the same time, MacArthur's headquarters stepped up the pace of supplying the guerrillas with necessary equipment, mainly by submarine but also, especially after the invasion of Leyte in October 1944, by aircraft. In other words, as Japanese strength grew beginning in May 1944 so did that of the guerrillas. This is not to say that wherever the Japanese determined they had to, they could not concentrate sufficient strength to disperse guerrilla forces in a given locality. But as the Japanese reported (in the chronological context of August 1944):

> "Importance was attached to the districts in which a state of order was necessary for the execution of the [defensive] operations and the collection of information, and it was planned to improve the situation by the end of August. However, the guerrillas, supplied with arms, ammunition, and clothing by the American Forces, anticipating them to attack the Philippines in the near future, were very active and carried out well planned raids. The guerrillas rose up against our forces everywhere and even attacked our garrisons. . . ."*

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* Japanese Monograph No. 3, p. 56.

On 28 October 1944 President Osmena issued Executive Order No. 21, designating all "recognized" guerrilla units and personnel as part of the PA. By this time, MacArthur's "recognition" program was already well along -- Volckmann and Fertig, for example, had already been "recognized" -- and the pace of such recognitions speeded as MacArthur's forces gained

control over more areas of the Philippines. As the 2d Philippine Campaign progressed, MacArthur called into the service of the U.S. Armed Forces most (if not all) of the "recognized" guerrilla units, in accordance with the continuing authority of President Roosevelt's Military Order of 26 July 1941. *

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* That this authority continued is evidenced in Memo, JAG to OPD, 23 January 1945, subj: Status of persons "conceded" by President of Philippines to be on active service in the Philippine Army. JAG File SPJCA 1944/13110, copy in WD OPD File, OPD 336.2, Section II, National Archives.

Thus, by President Osmena's Executive Order No. 21 and MacArthur's directives, the bulk of the guerrilla organizations became organic elements of the PA in the service of the U.S. Armed Forces. Many of the guerrilla organizations retained their guerrilla designations until disbanded; others were redesignated as TOE elements of the rebuilding "regular" PA -- for example, Volckmann's USAFIP(NL) ultimately evolved into the 2d PA Division. *

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* Recognition was not extended to a large Communist guerrilla group, the HUKBALAHAP, nor to a number of small so-called guerrilla groups who were clearly only a collection of bandits. If memory serves, in a few cases recognition, once extended, was rescinded.

In addition to the effective combat roles played during the 2d Philippine Campaign by some guerrilla forces -- Volckmann, Fertig, and Anderson, among others -- the guerrilla forces called into the PA and the service of the U.S. Armed Forces effected huge savings of U.S. Army manpower during the reoccupation period. Such guerrilla units furnished

guides; supplemented the efforts of U.S. Army supply agencies; provided guards for roads, bridges, and all types of U.S. Army installations; and formed the nucleus of the USAFFE MP Command, established to maintain law and order in the Philippines during the difficult transition period to Philippine independence in 1946. Without the combat and support contributions of the guerrilla forces, both before and after the re-entry into the Philippines in October 1944, the task of reoccupying the Philippines would have been vastly more costly to the United States in terms of time, money, manpower, and casualties.

ADDENDUM TO OCMH STUDY 94, "THE STATUS OF MEMBERS OF PHILIPPINE MILITARY FORCES DURING WORLD WAR II."

PART V, "THE PHILIPPINE SCOUTS (PS).

Add after the last textual sentence on p. 44 (as previously corrected):

By Radio Z-26511, 25 March 1946, MacArthur requested from the War Department permission to extend the authority of WAR-58078 from 31 December 1945 to 30 June 1946. He stated that there were approximately 150 known cases of "old" PS EM who were unable to report for processing into the AUS by 31 December 1945, because of sickness, transportation problems, or other causes. By Radio WDL-28796 of 27 March 1946, the War Department pointed out to MacArthur that the extension granted by WAR-58078 of 31 August 1945 had been granted before the passage of PL 190, 79th Congress, authorizing the "new" PS of 50,000 troops. The War Department felt that in view of the difficulties encountered in raising the "new" PS, MacArthur's request was inappropriate. Accordingly, WDL-28796 turned down MacArthur's requested extension.

Supporting papers are attached.

ROBERT R. SMITH
Chief, General History Branch
25 July 1973

The CHAIRMAN. Mr. Filner?

Mr. FILNER. Just very briefly, Mr. Chairman. I know by your questions, your duty to get at the cost. I just hope you weren't implying that any fraud or deceit would be special to this situation, as opposed to any other situation that might occur. And I'm sure the VA has to deal with that question on all issues.

Just for the record—Mr. Thompson is relatively new in his position and he has promised me a conversation on this issue, but I have long conversations with the VA staff on the assumptions they used that came up with their cost estimate which included, again, the worst case scenario of every possible situation. That every possible person would get the maximum benefits without taking any account of any probabilities in this regard, and also assuming that the legislation would have to have the same provision for payment whether one lived in a country of high standard of living or low standard of living, and also not taking into account that pensions received might give vast savings in other payments that the Government is making through SSI and other programs.

So I think the cost estimate, which we must have to fulfill our responsibilities, Mr. Chairman, should be refined—more than refined—and also in an atmosphere of, here are certain options. That if you did this with the legislation, here's what it would cost. If you did that, it would cost less. Rather than try to shoot down the legislation by saying it cost too much, give us some ways that we might honor our obligations, as most of the folks who are on the committee said here today. Thank you.

The CHAIRMAN. Gentlemen, thank you very much. I've discussed this with Mr. Filner and it is the intention of the chair to go ahead and complete our agenda. We have an opportunity because of the 4-hour debate going on on the floor, and we want to take advantage of that so that we would not be disrupted or interrupted.

I would like for panel four to come up if they would please.

Mr. Manhan, Mr. Williams, and Mr. Zweiman.

Gentlemen, thank you for taking the time to be with us. We appreciate it very much. We'll proceed as rapidly as possible. I'll remind you that your entire statements will be printed in the record. And if you'd care to summarize, we'd appreciate it.

First, Mr. Bob Manhan, assistant director, National Legislative Service, from the Veterans of Foreign Wars.

STATEMENTS OF BOB MANHAN, ASSISTANT DIRECTOR, NATIONAL LEGISLATIVE SERVICE, VETERANS OF FOREIGN WARS; CARROLL WILLIAMS, DIRECTOR FOR VETERANS; AFFAIRS AND REHABILITATION COMMISSION, THE AMERICAN LEGION, AND ROBERT ZWEIMAN, INTERNATIONAL LIAISON, JEWISH WAR VETERANS OF THE UNITED STATES OF AMERICA

STATEMENT OF BOB MANHAN

Mr. MANHAN. Thank you, Mr. Chairman, and members of the committee, for inviting the VFW to participate in this very complex hearing this morning.

Mr. FILNER. Sir, can you bring the microphone right up to you?

Mr. MANHAN. Yes, sir.

Mr. FILNER. Thank you very much.

Mr. MANHAN. The VFW presented a very brief written statement that was primarily a snapshot of American and Filipino military actions during the years 1939 to 1946, and we attempted to suggest that most reasonable people would accept the fact that those Filipinos, for all practical purposes, served in the same capacity as American military persons. And then we make the assumption that they therefore should be entitled to all VA benefits.

We concluded our testimony by offering a VFW Resolution No. 620, which is almost identical to House Bill H.R. 836 which would extend all VA entitlements that American servicemen presently have to the World War II Filipino veterans. The VFW statement ends with a compromise position to work with others to get some legislation passed this session that may not include all benefits for all Filipino veterans. However, the VFW would want full veteran benefits for Filipino veterans who presently have American citizenship.

I think this is a fair summary of our position.

Thank you, Mr. Chairman. I'll be glad to answer any questions.

[The prepared statement of Mr. Manhan appears on p. 291.]

The CHAIRMAN. Thank you, Mr. Manhan.

Mr. Williams, director of Veterans' Affairs and Rehabilitation Commission, the American Legion.

STATEMENT OF CARROLL WILLIAMS

Mr. WILLIAMS. Thank you very much, Mr. Chairman, and members of the committee.

It's a pleasure to be here to present the American Legion's views on this significant issue.

As most of you are aware, Mr. Chairman, throughout the great World War II, the men of the Commonwealth Army, including those recognized guerillas, served under the same command and banner as other members of the United States Armed Forces. They fought bravely at Bataan and Corregidor and in many battles to liberate the Philippines from the Japanese Imperial government.

The American Legion believes that it has been an injustice to continue to deny these veterans and their survivors the same benefits as authorized for other U.S. veterans who fought in the very same battles.

At the 1996 National Convention, delegates representing all 56 departments of the American Legion, including the Department of the Philippines, adopted resolutions in support of Philippine veterans. Resolution No. 97 called for legislation that would provide equal benefits to naturalized Filipino veterans and their survivors. Resolution No. 98 supports legislation to amend title 38, United States Code, section 107, which would recognize the status of Philippine veterans of World War II. The American Legion continues to advocate both resolutions.

The President's fiscal year 1999 budget request for VA included a legislative proposal to pay those Philippine veterans currently in receipt of VA disability compensation who reside in the United States at the full benefit rate. The estimated additional cost was $25 million over 5 years. Funding for this, as well as several other proposed benefit improvements, was to come from projected savings

of $17 billion resulting from the enactment of restriction on tobacco-related disease claims.

The American Legion vigorously opposed this effort to take away veterans' historic right to compensation for diseases which are related to their military service, including those related to the use of tobacco products while on active duty. Unfortunately, Members of Congress enacted the Transportation Equity Act for the 21st Century, public law 105–178 which prohibited compensation of tobacco-related claims. The American Legion is continuing to work to have this provision of the law repealed and the necessary funding restored to VA.

The increased benefit rates for certain Philippine veterans proposed in the President's budget request, in our opinion, is inadequate. It failed to redress the payment limitations which would still apply to those Philippine veterans in receipt of VA benefits who live outside of the United States. Moreover, the American Legion strongly opposed the idea and reality of taking away for one group of service-disabled veterans to pay benefits to another group of equally deserving service-disabled veterans.

Mr. Chairman, the American Legion is very cognizant of the realities and limitations of the budget process which requires that funds be identified for such additional benefits. The American Legion believes it would be manifestly unfair to attempt to remedy one injustice by creating another injustice. Therefore, the American Legion strongly urges the Congress to act forthrightly to appropriate sufficient funds to VA to cover the increased benefit and workload costs associated with this legislation. Congress must also ensure that such action will not have any negative or detrimental effect on funding for current VA benefits.

Critics and opponents of H.R. 836 have cited the possible cost and budget impact of such initiatives as reasons to defeat any such legislation, In addressing the real problem of funding for H.R. 836, the American Legion suggests that the Congress seriously consider utilizing funds from the projected surplus in the fiscal year 1999 Federal budget. Provisions could be made to allocate needed funds to VA to pay for the expanded benefit. There are, however, widely varying estimates as to total cost involved. In order for the Congress to make a fair and accurate assessment of the level of funding required to implement this legislation, caseload and benefit cost estimate must be based on realistic assumptions and accurate data, including information on the differences in the cost of living in the United States and the Republic of the Philippines, as well as projected offsets to Federal benefits currently being paid to Philippine veterans residing in the United States, and other factors.

In conclusion, the Philippine veterans have been denied benefits for far too long. For this reason, the American Legion is asking this committee and Congress to give favorable consideration to H.R. 836.

Mr. Chairman, that concludes my testimony, and thank you very much.

[The prepared statement of Mr. Williams appears on p. 298.]

The CHAIRMAN. Thank you, Mr. Williams. (Applause.)

The CHAIRMAN. Mr. Zweiman, International Liaison for the Jewish War Veterans of the United States.

STATEMENT OF ROBERT ZWEIMAN

Mr. ZWEIMAN. Mr. Chairman, members of the committee, I am Bob Zweiman. I'm a past national commander of the Jewish War Veterans, and I appreciate the opportunity that you have afforded us to speak at this issue, especially since it is an issue which the chairman, himself, according to all the papers, is not supporting. This shows a democracy in action which can only be to our benefit where the chairman of the committee will go ahead with the hearing on an issue he disagrees with and which we hope will be passed by this Congress. And for that, Mr. Chairman, we appreciate it as we appreciated your actions during spina bifida and in many other issues that you have supported——

The CHAIRMAN. Thank you.

Mr. ZWEIMAN (continuing). The Veterans' Committee.

One of the things—I was in the Philippines, and I also returned back to the Philippines back in 1987. There was one overriding condition that existed which we found both when we worked side-by-side to accomplish a purpose, and then when we went back to see that the purpose was accomplished.

We, of the United States, have had allies. Many of these allies are specious allies, as we saw in the Gulf conflict. The Filipinos, however, were not allies. They never were allies. They were our comrades in arms; they fought with us, along side us, sustaining the same injuries, the same blood, and hoping for the same result—a democratization of the Middle East. And in this respect, they deserve both our attention, and they deserve our honor. To go through as the gentleman before us did to say it ain't in writing so, therefore, it ain't going to be taken care of is an insult to the integrity and the honor of the United States of America in the fulfillment of its commitment and a commitment it, in fact, was.

We speak very strongly about costs. Costs causing the nonemployment of this, and yet at the same time, we allow the Government to steal $15 to $17 billion out of the American health care so that they can build roads to pork farms. We allow them to put in moratoriums without indexing and promise us Medicate subvention and then totally ignore it. We see them firing 28,000 American personnel from health services and then closing down over 22,000 beds because they don't have the people qualified to take care of it.

We now talk of a surplus, a surplus to be used for tax benefits, while a number of our veterans are among those hundreds of thousands of veterans who have been thrown off their jobs, fired out of their jobs, finding themselves homeless, and looking to support from the VSO's. We consist of approximately one-third to 40 percent of those homeless are veterans of the United States who served their Nation, who are entitled, frankly, as are the Filipinos to a recognition—and not merely a recognition, an assistance to do that.

Our honor and our integrity is being employed 50 years too late. We should have done it before; it was our obligation to do it before. We're down to 75,000—I think the number used. How many others have gone the way of being treated as bums because we did not have the honor to treat them as human beings.

We, of the veterans' community, more particularly, the Jewish War Veterans, look at this possibly in a convoluted fashion. We look at the treatment afforded to our Philippine brothers and sisters as auguring the type of treatment which we, as American veterans, may see our Government bestowing upon us, not by way of rescission of the fact that we are actively engaged, but due to some sort of a budgetary difference to the obligation of this Nation to those who have provided its defense and who, after providing its defense, have gone into the hospitals and into the work fields and said to our fellow veterans, "You have served this Nation; you have served it well. We are here to support you in what you do. You will not be forgotten; you will not be ignored. You will not be demeaned, but that you are going to be held high." And that's what should be done to the Philippine veterans and what should have been to them for the past 50 years. (Applause.)

And it's something that we, ourselves, cannot allow to happen to the 27 million present American veterans. They deserve better, and they're entitled to be treated as human beings. We may have outlived our time and lived longer than you anticipated; but live it we will, enjoy it we shall. We look to you to help do that.

If there's any other questions you may have for the Jewish Veterans, I'll be more than happy to answer them.

Thank you very much. (Applause.)

[The prepared statement of Mr. Zweiman appears on p. 303.]

The CHAIRMAN. Thank you, sir.

Mr. Filner.

Mr. FILNER. Just briefly, I appreciate the testimony today, and we've had submitted testimony from other VSO's, Veterans' Service Organizations.

I really admire your being here. I suspect there was not a grassroots, you know, revolution saying, "Come and testify here today." You did it out of the fact that you care for veterans and as we heard in the last testimony, you understand that—if I can quote you, sir—a budgetary indifference to a benefit for one group is going to affect everybody. I really am grateful for your understanding of the broader ramifications of this for all veterans who are your membership, and we're all in this together.

Mr. ZWEIMAN. Thank you.

Mr. FILNER. And I really appreciate your eloquent testimony.

Mr. Williams, did you want to——

Mr. WILLIAMS. Well, I'd just like to thank you for your efforts on behalf of the veterans of World War II, specifically, the Philippine veterans. But as far as we're concerned, a veteran is a veteran is a veteran, and that's important.

Thank you.

Mr. FILNER. Thank you, sir.

Thank you, Mr. Chairman.

The CHAIRMAN. Bob, you indicated that the VFW passed a resolution supporting this proposal?

Mr. MANHAN. Yes, Mr. Chairman.

The CHAIRMAN. And your group is a member that prepares the Independent Budget each year. What I find surprising is looking back over the last 10 or 12 years, that there's no mention of it ever

in the Independent Budget. How would you characterize that or the work the VFW is doing on this issue then?

Mr. MANHAN. Your statement is absolutely correct, Mr. Chairman. VFW is one of a total of about 55 different veterans' service organizations, agencies, or activities that have a vested interest in how well, or how not so well, the Department of Veterans Affairs functions.

Having said that, our Independent Budget—which you see every year in this committee—is an alternate budget to the Administration's Budget, where we ask Congress to give VA more money so they may better perform their missions, such as to improve their adjudication system. Another example is to have more money go into the VA's medical system.

We feel the VA isn't really doing everything very well at this time.

The CHAIRMAN. Pardon me?

Mr. MANHAN. I mean the Independent Budget is not designed to add more requirements onto the VA. And I must say, also, that very few of the 55 agencies, activities, or other veteran organizations have a resolution pertaining to the Filipinos who fought with the United States Armed Forces during World War II.

Mr. FILNER. If the chairman would yield for one minute?

The CHAIRMAN. Let me make one statement from that——

Mr. FILNER. I'm sorry.

The CHAIRMAN (continuing). One statement and I'll be glad to.

I always thought the Independent Budget was a consensus of all of those veterans' organizations that participated, at least, a high priority, and you mentioned health care, and indeed it is, but the reason I guess I find some conflict in this your high priority and then not mentioning this over the past 10 years or so.

Mr. MANHAN. Again, your assessment is absolutely accurate, Mr. Chairman. We reached that high priority out of a consensus of 55 different activities. And each activity has one vote; it is not based on membership numbers.

The CHAIRMAN. Mr. Filner.

Mr. FILNER. Mr. Chairman, I think all the VSO's and everybody who has signed on to H.R. 836 understands that there is no chance that this legislation would pass or that any of us would support it, if it was an infringement on any of the programs that——

Mr. MANHAN. Absolutely.

Mr. FILNER (continuing). Are serving veterans now. We are committed to finding, and we would not ask you to even act on anything, unless there was additional appropriated funds for this purpose. That's our job, as those who advocate for this legislation, to find, but we would never propose one that did not have this additional appropriation over and above what is now—I think we all agree—is not enough to handle the programs now. We would commit to finding new money for this legislation.

The CHAIRMAN. Mr. Zweiman.

Mr. ZWEIMAN. If I may, Bob, in part, expressed an opinion which is universally, generally, correct, except for the fact that there were a few organizations—my own, included—that did not quite agree with the total concept of the unified budget condition, namely, with the degree to which it moratoriumized VA funds and sought to

bring in third-party payments to compensate for that differential without having a true examination of its fact. The fact that it would not increase the cost of living, the indexing of the amount, and the fact that those subvention was promised with Medicare that did not exist. So that while we look at it as a budgetary matter, to the degree that it in part sterilized the forward movement of the VA and of the health system of the VA, we could not fully and totally agree with it.

We do not feel that it's necessary that we continually trade off one against another, as Congressman Filner indicated, but that this obligation exists. And that, for example, the surplus that exists for taxes—there's not something merely to turn back to those who are capable of working, but you also take account to those who have been put in a very uncomfortable and tenable position as a result of having lost their work while they spent many years fighting for this Government.

The CHAIRMAN. I know this completes our regular agenda, but if you'd remain in seats, please, for about 5 minutes. The gentlelady from California, Ms. McDonald, has asked to make a statement and is recognized for 5 minutes.

Ms. McDonald.

OPENING STATEMENT OF HON. JUANITA MILLENDER-MCDONALD, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Ms. MILLENDER-MCDONALD. Thank you so much, Mr. Chairman.

I would like to thank you because I had a testimony this morning at another committee that circumvented my coming in to testify at the time the other Members of Congress was here. But I do not want you to think for one moment that I do not see this as a very important issue in my district, in the 37th Congressional District, in California.

I would like to thank the gentleman, my colleague from California, the ranking member on the Subcommittee on Benefits, Mr. Bob Filner, for his diligence and dedication to this issue that affects Filipino-Americans in both of our congressional districts.

And to the Chairman Stump, for allowing me to participate in this morning's hearing on this very important bill, the Filipino Veterans' Equity Act.

The committee could not have chosen a more appropriate time to discuss this piece of legislation. It seems that our Nation is again reflecting on past wars and the veterans of those wars, those brave men and women who fought so that our families and future generations could live under the big tent of democracy. Why, just this week, the Washington Post ran a series highlighting one veteran's attempt to reconcile his feelings about the Vietnam War. Hollywood is releasing a new film which highlights the events surrounding our invasion at Normandy, "Saving Private Ryan." And earlier this week, color footage of World War II was discovered and shown to the American people for the first time, allowing us to put that war into greater perspective and to further realize that 50 years is not so ancient history.

While we are focusing on past wars and those veterans of those wars, we must not forget the soldiers who fought and died on for-

eign soil so that future sons and daughters of this country might live. As we drive past Arlington Cemetery, we should recognize that each one of those markers represent more than just a white stone placed on a hillside. Those stones represent the young lives that were lost for freedom—many of whom never saw a day past 18 or 19. While we remember those brave young men and women, let us not forget that there are similar cemeteries in the Philippines with similar markers. Let us not forget the Filipino soldiers who fought and died for this country, and let us remedy our neglect of those who fought and still live.

Filipino veterans have had to suffer over 50 years without the benefits and service that we provide for all of our other service personnel, and I am committed to ensuring that this injustice is corrected by continuing to fight to have H.R. 836 signed into law. (Applause.)

If the Filipino Equity Act is passed, it will provide disabled veterans' benefits to the surviving Filipino veterans who, as U.S. nationals, were conscripted into the United States Army by President Roosevelt in 1931. President Truman promised these soldiers veterans' benefits. However, the 1946 Rescissions Act denied them their benefits, and today they are forced to depend upon Supplemental Security Income, food stamps, and Medicaid as a means of survival.

For these veterans now in their 70's and 80's, H.R. 836 asks for $120 million—one-third of one percent of the annual VA budget—and that's not asking for too much—and would make these Filipino veterans eligible for full U.S. veterans' benefits—something that they deserve.

Despite 186 co-sponsors of which I am, progress on the Filipino Veterans' Equity Act has been delayed due to budgetary concerns. Despite these concerns, I think it is only fair that our Filipino veterans who fought alongside of our other brave soldiers and contributed to the freedom of this great country be eligible to receive the benefits that they deserve.

Mr. Chairman, I urge you to pass this bill out of this committee onto the floor so that it can be signed by the President. (Applause.)

These veterans deserve no little.

Thank you so much, Mr. Chairman. (Applause.)

The CHAIRMAN. Thank you. Thank you, Ms. McDonald.

Let me thank all of you for taking the time to take part in this process. I know many of you came a great distance to be here with us today and we appreciate that. We appreciate the patience of those that had to wait until last to testify. And thanks to all of you for your input.

The chair would like to thank Mr. Mike Brinck, our counsel. Actually, Mike has moved on and we prevailed upon him to stay through this issue because he had done most of the work on it. And I want you to know, Mike, we wish you the very best and we appreciate your staying around to help us out so that we didn't have to get someone else. (Applause.)

The CHAIRMAN. Mr. Filner, you have some closing remarks?

Mr. FILNER. I thank the chairman, and I want to echo the comments of Mr. Zweiman, who earlier said, it's a tribute to Democracy that the chair has held this hearing. And I think it was a very good

learning experience for everyone on both sides or all sides of the issue, and I thank you for it.

I thank, as you did, the folks who came from all over the country to be here. Many of those from the Los Angeles area have spent almost a whole year camping out in what was called Equity Village in MacArthur Park in Los Angeles to dramatize their plight. And last year, a dozen of those gentlemen, in fact, felt compelled to chain themselves to the White House gates as a plea to the American people for justice.

I think this Congress must answer these pleas, and I think most of the folks who are here today, committee members, do agree that there is an obligation to right a wrong. Everybody, I think, committed themselves to working together, whether it was the Republicans or the Democrats, the VA, the VSO's, the veterans themselves, and certainly the chairman, to try to find a way in which we can grant the honor and dignity that is necessary within the practical realities. I know I recommit myself to finding that solution, Mr. Chairman. I don't think any of us are going away; we know you're not and we're not, so let's find a way to make something happen for these brave soldiers.

And, again, I thank them so much. (Applause.)

The CHAIRMAN. Thank you, Mr. Filner. (Applause.)

[The statement of Congressman McDermott appears on p. 165.]

[The statement of Mr. Rhea appears on p. 310.]

[The statement of Senator Inouye, with attachments, appears on p. 183.]

The CHAIRMAN. No other business? No other questions?

The meeting stands adjourned. Thank you very much.

[Whereupon, at 1:11 p.m., the committee adjourned subject to the call of the chair.]

APPENDIX

CHAIRMAN BOB STUMP
FULL COMMITTEE HEARING
BENEFITS FOR FILIPINO VETERANS
JULY 22, 1998

THE COMMITTEE WILL COME TO ORDER.

WE ARE MEETING TODAY TO HEAR TESTIMONY REGARDING THE BENEFITS CURRENTLY PROVIDED TO VETERANS OF THE PHILIPPINE ARMED FORCES BY THE DEPARTMENT OF VETERANS' AFFAIRS.

I WANT TO WELCOME TODAY'S WITNESSES AND EXPRESS THE APPRECIATION OF THE ENTIRE COMMITTEE FOR YOUR CONTRIBUTION TO OUR PROCEEDINGS.

WE HAVE MANY WITNESSES THIS MORNING, SO I WILL INSIST ON ADHERENCE TO THE FIVE-MINUTE RULE BOTH FOR ORAL STATEMENTS BY OUR WITNESSES AND MEMBERS OF THE COMMITTEE AS WE ASK QUESTIONS OF THE VARIOUS PANELS.

AT THE OUTSET, I WOULD LIKE TO MAKE SOME OBSERVATIONS REGARDING THE ISSUES WE WILL HEAR ABOUT TODAY.

VETERANS OF THE PHILIPPINE ARMED FORCES BELIEVE THAT EITHER PRESIDENT ROOSEVELT OR GENERAL MACARTHUR PROMISED THEM FULL U.S. VETERAN'S BENEFITS.

HOWEVER, WE WILL HEAR TESTIMONY FROM U.S. ARMY HISTORIANS AND THE CONGRESSIONAL RESEARCH SERVICE, WHO ARE UNABLE TO LOCATE ANY DOCUMENTATION OF SUCH PROMISES.

MEMBERS SHOULD ALSO UNDERSTAND THAT THIS MATTER IS NOT A SIMPLE ISSUE.

THERE ARE DIFFERENT CATEGORIES OF FILIPINO VETERANS, SOME OF WHO RECEIVE FULL U.S. VETERAN'S BENEFITS BUT MOST OF WHO DON'T.

YOU HAVE MATERIAL IN YOUR FOLDERS IDENTIFYING THESE DISTINCTIONS.

MY MEETINGS WITH VETERANS OF THE PHILIPPINE ARMED FORCES AND REPRESENTATIVES OF THEIR GROUPS HAVE MADE IT CLEAR TO ME THAT MANY FILIPINO VETERANS DO NOT UNDERSTAND THAT MOST U.S. WWII VETERANS, WHO SERVED IN THE PHILIPPINES OR OTHER THEATERS AND CAMPAIGNS, RECEIVE NO PAYMENTS FROM THE VA NOW.

MANY ALSO DO NOT UNDERSTAND WHAT BENEFITS ARE ALREADY AVAILABLE TO THE VARIOUS CATEGORIES OF FILIPINO VETERANS.

AS A RESULT OF MY MEETINGS, I CORRESPONDED LAST YEAR WITH SECRETARY-DESIGNATE GOBER REQUESTING THAT THE VA REGIONAL OFFICES IMPROVE THEIR OUTREACH EFFORTS TO VETERANS OF THE PHILIPPINE ARMED FORCES TO MAKE SURE THAT MORE OF THEM BECOME INFORMED ABOUT WHAT IS ALREADY AVAILABLE TO THEM.

FOR FISCAL YEAR 1998 THE VA ESTIMATES PAYMENTS TO VETERANS OF THE PHILIPPINE ARMED FORCES AND THEIR SURVIVORS WILL TOTAL NEARLY $55 MILLION.

THIS INCLUDES DISABILITY COMPENSATION, CLOTHING ALLOWANCE, AND DEPENDENCY AND INDEMNITY COMPENSATION.

IN TERMS OF AVERAGE ANNUAL INCOME IN THE PHILIPPINES AND UNITED STATES, FILIPINO VETERANS ARE TREATED BETTER THAN U.S. VETERANS.

A FILIPINO VETERAN WITH ONLY A 20 PERCENT SERVICE-CONNECTED DISABILITY RECEIVES THE EQUIVALENT OF

THE AVERAGE ANNUAL INCOME FOR CITIZENS OF THE PHILIPPINES.

AN AMERICAN VETERAN WITH A 20 PERCENT DISABILITY RECEIVES COMPENSATION AMOUNTING TO ABOUT ONLY 8 PERCENT OF U.S. AVERAGE ANNUAL INCOME.

A 100 PERCENT SERVICE-CONNECTED FILIPINO VETERANS RECEIVES ABOUT 11 TIMES THE PHILIPPINE AVERAGE ANNUAL INCOME.

I WISH WE COULD DO THAT WELL FOR AMERICAN VETERANS.

IN ORDER TO RECEIVE THE SAME RELATIVE AVERAGE ANNUAL INCOME, AN AMERICAN VETERAN WITH A 100 PERCENT SERVICE-CONNECTED DISABILITY WOULD HAVE TO BE PROVIDED ABOUT $256,000 PER YEAR INSTEAD OF THE $23,000 THEY NOW RECEIVE.

THE DEPENDENCY AND INDEMNITY COMPENSATION (DIC) PAYMENT TO SURVIVORS OF FILIPINO VETERANS IS $416 PER MONTH, OR ABOUT FIVE TIMES THE AVERAGE INCOME IN THE PHILIPPINES.

IF A U.S. D-I-C RECIPIENT WERE TO RECEIVE PAYMENTS EQUAL TO FIVE TIMES U.S. AVERAGE ANNUAL INCOME, IT WOULD BE NEARLY $128,000 PER YEAR INSTEAD OF THE ROUGHLY $10,000 THEY NOW RECEIVE.

MUCH IS ALSO MADE OF THE PRESUMPTION THAT SINCE THE PHILIPPINES WAS A TERRITORY OF THE UNITED STATES AT THE BEGINNING OF WWII, THEN VETERANS OF THE PHILIPPINE ARMED FORCES MUST HAVE BEEN SERVING UNDER THE U.S. FLAG AND DESERVE FULL U.S. VETERANS' BENEFITS.

BUT IN 1934 THE COMMONWEALTH ARMY OF THE PHILIPPINES WAS ESTABLISHED IN PREPARATION FOR PHILIPPINE INDEPENDENCE.

THE PHILIPPINE INDEPENDENCE ACT OF 1934 ALSO GAVE THE PRESIDENT OF THE UNITED STATES THE AUTHORITY TO CALL THE PHILIPPINE NATIONAL ARMY INTO SERVICE UNDER U.S. COMMAND BUT THIS IS NOT THE SAME AS SERVING IN THE U.S. ARMED FORCES.

SOLDIERS FROM MANY WWII ALLIED ARMIES SERVED UNDER U.S. COMMAND BUT DO NOT RECEIVE ANY BENEFITS FROM THE VA.

WHILE FILIPINO FORCES FOUGHT BRAVELY AND CERTAINLY AIDED THE U.S. WAR EFFORT, IN THE END THEY FOUGHT FOR THEIR OWN, SOON TO BE INDEPENDENT PHILIPPINE NATION.

IT IS ALSO WORTH NOTING THAT SINCE THE END OF WWII, CONGRESS HAS ENACTED NEARLY 20 PUBLIC LAWS AFFECTING BENEFITS FOR VETERANS OF THE PHILIPPINE ARMED FORCES BUT MADE NO MAJOR CHANGE TO THE BENEFIT STRUCTURE NOW IN PLACE.

THE COURTS HAVE UPHELD THAT BASIC BENEFIT STRUCTURE ON AT LEAST TWO OCCASIONS.

HOWEVER, CONGRESS HAS PASSED PROVISIONS OVER THE YEARS TO ADDRESS THE DIFFERENCES BETWEEN ECONOMIC CONDITIONS AND LIVING STANDARDS IN THE UNITED STATES AND THE PHILIPPINES.

THE VA HAS A LEGISLATIVE PROPOSAL THAT WOULD CHANGE THE SERVICE-CONNECTED COMPENSATION PAYMENTS TO VETERANS OF THE PHILIPPINE ARMED FORCES NOW LIVING IN THE UNITED STATES, TO BRING THOSE PAYMENTS IN LINE WITH PAYMENTS TO U.S. VETERANS.

WE WILL LOOK AT THAT AND OTHER AFFORDABLE PROPOSALS AND SEE WHAT MAY BE JUSTIFIABLE.

OUR USUAL PRACTICE HAS BEEN TO GO STRAIGHT TO OUR WITNESSES AT THIS POINT IN THE INTEREST OF TIME.

HOWEVER, I WOULD ASK IF ANY MEMBER OF THE COMMITTEE WANTED TO MAKE BRIEF OPENING REMARKS BUT HOPE WE COULD AVOID EVERYONE TAKING A FULL FIVE MINUTES.

WE HAVE MEMBERS TESTIFYING AND SOME OF OUR WITNESSES HAVE TRAVELED LONG DISTANCES TO BE HERE TODAY.

OUR FIRST PANEL INCLUDES DISTINGUISHED HOUSE MEMBERS – BEN GILMAN, DUKE CUNNINGHAM, NEIL ABERCROMBIE, PATSY MINK, AND NANCY PELOSI.

OUR SECOND PANEL CONSISTS OF:

- HONORABLE DAVID PENDLETON, MEMBER OF HAWAII HOUSE OF REPRESENTATIVES;

- GENERAL TAGUMPAY NANADIEGO, OF THE PHILIPPINE EMBASSY;

- MR. ALEX ESCLAMADO;

- MR. PATRICK GANIO;

- COLONEL EMMANUEL DEOCAMPO; FILIPINO VETERANS AND REPRESENTATIVES OF THEIR ORGANIZATIONS; AS WELL AS

- EDWIN P. RAMSEY, LIEUTENANT COLONEL, U.S. ARMY (RETIRED).

OUR NEXT PANEL IS MADE UP OF VA, CONGRESSIONAL RESEARCH SERVICE AND DOD PARTICIPANTS:

- MR. JOE THOMPSON, UNDER SECRETARY FOR BENEFITS AT THE VA;

- DR. DENNIS SNOOK, SPECIALIST IN SOCIAL LEGISLATION AT CRS; AND

- DR. CLAYTON LAURIE, HISTORIAN, U.S. ARMY CENTER OF MILITARY HISTORY.

OUR FINAL PANEL IS MADE UP OF VETERANS SERVICE ORGANIZATIONS:

- MR. BOB MANHAN, ASSISTANT DIRECTOR, NATIONAL LEGISLATIVE SERVICE, VETERANS OF FOREIGN WARS

- MR. CARROLL WILLIAMS, DIRECTOR FOR VETERANS AFFAIRS AND REHABILITATION COMMISSION, THE AMERICAN LEGION; AND

- MR. ROBERT M. ZWEIMAN, INTERNATIONAL LIAISON, JEWISH WAR VETERNS OF THE U.S.A.

ONCE AGAIN, I WOULD LIKE TO THANK ALL OF THE WITNESSES HERE TODAY FOR PARTICIPATING IN THIS HEARING.

IF THERE IS NO FURTHER BUSINESS, THIS HEARING IS ADJOURNED.

Remarks of The Honorable Lane Evans
Full Committee Hearing
July 22, 1998

Thank you, Mr. Chairman, for scheduling this very important hearing. Today, this Committee will exercise its unique responsibility to review and evaluate actions taken over the past fifty years by the United States government -- actions which have profoundly affected the lives and destinies of hundreds of thousands of Filipino veterans of World War II and their families.

It is my belief that some decisions made by earlier Congresses regarding the status of Filipino veterans -- men who fought valiantly and bravely, shoulder-to-shoulder with American forces -- were, to say the least, ill-advised. Particularly offensive to me – and, I'm sure, to the Filipino veterans of World War II -- was the language in the Rescissions Act of 1946 which said that service in the Philippine forces was not to be considered *active military service* for the purposes of veterans' benefits.

This language must have shocked and puzzled the Filipino soldiers who had been called into the service *of the Armed Forces of the United States* in 1941 by President Franklin Roosevelt and who served under the direct command of General Douglas MacArthur. It surely must have shocked and puzzled the thousands of Filipinos who, along with their American comrades, suffered brutality, starvation, and disease at the hands of the Japanese during the Bataan Death March and afterward in Camp O'Donnell, the prisoner-of-war camp.

As I said earlier, this is a very important hearing. There are wrongs to be righted, and I hope that what we hear today will help us determine how best to right those wrongs.

In conclusion, Mr. Chairman, let me say much has been made about whether General MacArthur made a commitment regarding veterans benefits to Filipino veterans. Frankly, Mr. Chairman what General MacArthur

said or may have said is irrelevant. What is important is the service rendered by Filipino veterans and our recognition and treatment of this service.

Thank you, Mr. Chairman.

1945 radio message from the War Department informing General MacArthur that New Philippine Scouts were eligible for all VA benefits.

Combined Routing - Information - Filing Form CONFIDENTIAL

Operations Division

10-10/375

Decimal Classification: OPD 336.2 Philippines (22 Sept 45)

x 323.3 FTG
x 092 Philippines
x 324.71

THIS COPY OF ROUTING FORM TO BE REMOVED ONLY BY OPD RECORD SECTION

SUBSEQUENT DATE: 15 Oct 45

Subject: Request Information Concerning Philippine Scouts. **Date** 22 Sept 45 **Origin** Manila

Digest: Radio from Manila, 22 Sept 45, No C 15037, (CM-IN-18370).

Action: Cable to CINCAFPAC replying to their queries.

CM OUT 75609 DATE 13 Oct 45 Troop Control Section

To
- ☐ Asiatic
- ☐ European
- ☐ Liaison
- ☐ Pacific
- ☒ ~~Troop Control~~
- ☐ Operational
- ☐ Projected
- ☐ Strategy
- ☐ Policy
- ☐ Strategic Policy
- ☐ Coord. & Reports
- ☐ Projects
- ☐ Planning
- ☐ Operating
- ☐ Reg. Doc.
- ☐

☐ ~~Theaters~~
☐ Logistics
☐ Strategy & Policy See M/R.
☐ Current See M/R.
☐ Pan-American

Comments: Gen Ferenbaugh has approved this cable draft form.

Recommendation: Dispatch

for Section Chief [signature] Date 12 Oct 45
Group Chief [signature] Date 12 OCT 1945

Concurrence: 1210 13 OCT 1945

[signature]

☒ Executive, OPD
☐ Deputy A.C. of Staff, OPD
☐ A.C. of Staff, OPD

Original Date Received ~~10 Oct 45~~

☒ Dispatch ☐ File

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Authority NND 740112
BY 7EN NARS, Date 7/20/98
Declassified in 1974

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CONFIDENTIAL

:lin
Date 12 October 1945

25-08797-100M

CONFIDENTIAL

OPD 336.2 Philippines (22 Sep 45) 12 October 1945

Clear Copy

Commander-in-Chief, Army Forces, Pacific, Command, Manila, P. I.

1. Recruiting of Philippine Scouts, replying to your C 15037 of 22 September 1945 and your C 16993 of 8 October 1945, is the subject (signed WARCOS cite WDOPD) and answers to your queries are as follows:

a. Pay of enlisted Philippine Scouts, until directed otherwise, is as prescribed by AR 35-2720 dated 4 August 1945 rather than 22 October 1928, date furnished in WARX 73129 dated 3 October 1945 and in paragraph 2 f of WARX 75334 of 12 October 1945.

b. Replying to your second query, Section XIV of Armed Forces Voluntary Recruitment Act of 1945, Public Law 190, approved 6 October 1945, provides, "Section XIV. The Secretary of War, with the approval of the Philippine Government, is hereby authorized to enlist in the Philippine Scouts, with pay and allowances authorized under existing law, 50,000 men for service in the Philippine Islands, in the occupation of Japan and of lands now or formerly subject to Japan, and elsewhere in the Far East. Such enlistments shall be for three years unless sooner terminated and citizens of the Philippine Islands shall be eligible to volunteer for such service." In this regard, enlistments thereunder may continue for three years notwithstanding full independence of Philippine Islands, provided approval of Philippine Government is secured. You are advised that steps are under consideration here to initiate procurement of this approval and you will be advised earliest. In the meantime, you may enlist up to 12,000 in the Philippine Scouts, at pay scale prescribed in para a above. Upon receipt of formal approval under Section XIV of Public Law 190 by Philippine Government as discussed above, men so enlisted will be included within the 50,000 provided for in the new subject act.

c. Replying to your third query, men enlisted in Philippine Scouts may count prior service in scouts and/or AUS for retirement, longevity pay, and mustering-out payment. Philippine Scouts, if otherwise eligible, are entitled to:

(1) Provisions of National Service Life Insurance Act of 1940.

(2) Continuance of pay and initiation or continuance of allotments under the Missing Persons Act.

(3) Re-employment rights under Section VIII of the Selective Service and Training Act of 1940 as extended by Section VII of Service Extension Act.

(4) Mustering-out payments under the Mustering-Out Payment Act of 1944. Section VII of Armed Forces Volunteer Recruitment Act of 1945 authorizes mustering-out payment at time of discharge for purpose of re-enlistment at option of enlisted man.

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(5) Death gratuity payments pursuant to the act of December 17, 1919.

(6) Relief provided by the Soldiers and Sailors Civil Relief Act of 1940.

(7) Benefits provided by the Servicemen's Readjustment Act of 1944, G I Bill of Rights.

(8) Pensions, rehabilitation, hospitalization, domiciliary care, and other benefits provided by laws administered by the Veterans Administration.

2. You were informed further in WARX 75334 of 12 October 1945 regarding act quoted in paragraph 1 b above and your views requested on its implementation.

C 15037 is CM IN 18370 (22 Sep 45)
C 16993 is CM IN 3905 (8 Oct 45)

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BY 7EN NARS, Date 1/20/98
Declassified in 1974

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Statement of Edward ''Eddie'' Fisher, Past Commander, Western States Chapter, American Defenders of Bataan and Corregidor

Mr. Chairman and Distinguished Members of the Veteran's Affairs Committee:

My name is Edward Albert Fisher. I am 80 years of age, and a Veteran of Bataan. I was a participant in the infamous Bataan Death March, and spent many years as a P.O.W. I also am the recipient of two Purple Hearts and other Medals for Valor. I am Past Commander of the American Defenders of Bataan and Corregidor – Western States Chapters.

My appearance here today is to appeal to you for the passage of HR 836, which also has the blessing of the American Defenders of Bataan and Corregidor, American Legion, Veterans of Foreign Wars, Amvest, and Disabled American Veterans.

The late General King describing the Filipino Soldier said, "Courage is a quality God has given fit to dispense with utmost care. He limits it to his special favorites, and he knows they will reward him well using the power with dignity, strength and distinction. The men of Bataan were his chosen favorites. They walked through unbearable hell and labored on under conditions history has never recorded. When they were supposed to be dead, these men of great honor rose again to battle a cruel enemy with this intangible weapon. Yes, these Filipinos served God and America well with dignity, strength and distinction."

The renowned Military Author and Historian, John Toland, in "Gods of War", his recent book, published by Doubleday, declared.

"Unfortunately, the important part played by Filipinos, not only in the gallant defense of Bataan, but in the liberation of the Philippines, is not widely enough known. How few know of those brave men and women who secretly brought food and medicine to American Prisoners of War. How few know of the years of danger spent by Guerrillas harassing the Japanese and sustaining the hope through the Islands, that General MacArthur would keep his promise and return to the Philippines.

I have often wondered, without the American Commonwealth Soldier, would there have been the magnificent Bataan stand? Could 9,000 American Native Troops stop 200,000 Japanese Troops? I think not. Without the Commonwealth Army, the Philippines would have fallen in two weeks, and Australia would have soon suffered the same fate.

Mr. Chairman, the Filipino Nation and people sacrificed so much for America in her hour of despair, and provided the United States and its allies with valuable time to prepare their armed forces for a counter offensive campaign against Imperial Japan, only to be betrayed by the 79th Congress, when they created the notorious Rescission Act, PL79-301. Mr. Chairman, there is another Battle the Filipino must win, and that is the destruction of the vile Rescission Act, and that battle can only be won when the 95th Congress passes HR 836. PL79-301 not only took away the benefits Filipinos won on

the Battlefield, but it also destroyed his honor and manhood. Today, America's honor is in question. Will America honor its promise given to the Filipinos fifty-seven years ago?

What makes the dastardly act of the 79th Congress more painful is the fact that the White House occupant who signed that bill into law, President Harry S. Truman, had earlier told the United States Senate when he was still a member of that chamber, and I quote him:

"Philippine veterans are nationals of the United States and continued in that status until July 4, 1946. They fought, as American Nationals, under the American Flag, and under the direction of our military leaders. They fought with gallantry and courage under the most difficult conditions during the recent (World War II) conflict. Their officers were commissioned by us. Their official organization, the Army of the Commonwealth, was taken into the Armed Forces of the United States by Executive Order was never revoked or amended. I consider it a moral obligation of the United States to look after the welfare of the Philippine Army Veterans."

Mr. Chairman, there has never been a doubt in my mind that the Filipino Soldier was not only an American Soldier, but that he also was an American National. He was awarded the same Medals that I earned on the same Battlefield of Bataan. The American Defense Medal with 1 Battle Star shouts loud and clear. He defended American soil and territories. He also earned the Asiatic Pacific Medal with 2 Battle Stars, 3 Presidential Unit Citations, Good Conduct Medals, U.S. Victory Medals, American Prisoner of War Medals. Many Filipino U.S.A.F.F.E. Soldiers were awarded one Congressional Medal of Honor, Distinguished Service Crosses, Silver Stars, Bronze Stars, and Purple Hearts. What more proof does the Filipino have to present to the Congress to prove not only that he was an American National, but that he was a courageous American Soldier.

I end my remarks with the following. "A promise made is a debt owed." Fifty-seven years ago, we gave the Filipino an I.O.U. America's honor is on the line. We must pick up that I.O.U. now.

The Honorable Bob Filner – Closing Remarks
July 22, 1998

I want to again thank you, Chairman Stump, for holding today's hearing. I also want to thank our many witnesses for their dramatic and powerful statements. You have instructed us, you have educated us, and you have moved us.

After listening to today's extraordinary testimony, I believe most of us agree that, for more than 50 years, a wrong has existed that must be righted. I personally commit to doing everything I can to persuade the President to provide the new funds necessary to restore the rights of Filipino veterans that were eliminated so many years ago – and to restore our national honor. Additionally, Mr. Chairman, I hope that all of us can work together to continue to work on legislation that demonstrates our deep respect for the Filipino veterans of World War II. The VA's technical assistance will be important to this effort, as will be the contributions of the VSOs and the Filipino veterans groups.

Again, this has been a remarkable and important hearing – and I am grateful to all of you for making it possible.

Statement of Congressman Reyes

H. R. 836: Filipino Veterans Equity Act Hearing

Wednesday July 22, 1998

House Veterans' Affairs Committee, 334 Cannon HOB

- Good morning Ladies and Gentlemen, Chairman Stump, Congressman Evans, Congressman Filner, and fellow colleagues. I would like to begin by commending Chairman Stump for his leadership in bringing foward this hearing. It is definitely a significant step in dealing with an issue of tremendous importance, the status of World War II Filipino Veterans. This hearing will be a great an opportunity to review and acknowledge the important role these war veterans played in American history and examine the commitment our nation made for their sacrifice.
- Also, I want to specifically take this opportunity to applaud the efforts of Mr. Gilman and Mr. Filner to address the issue of Filipino veterans through H.R. 836, the *Filipino Veterans Equity Act.* Both of these gentlemen have worked hard to draft legislation which if passed would provide full veteran's benefits to members of the Philippines Commonwealth Army and Special Philippine Scout veterans. These veterans served under American command with distinction during one of the darkest times in history, the War supposed to have ended all Wars - World War II.
- In addition, I would like to thank all of 189 members of congress and my colleagues on the committee who are co-sponsoring this significant piece of legislation. As members of the Veterans committee, we are granted the responsibility to closely examine issues relating to all veterans and carefully deliberate public policy affecting these men and women. This bill sets out a method to provide anticipated benefits and honors those Filipino soldiers who had a consequential role in our success during the war. It is without a doubt a critical issue that has been put aside for decades, but now can finally receive the attention it deserves.
- Almost fifty years ago, President Roosevelt drafted into our armed forces more than

200,000 Filipinos to fight along side with our American soldiers. These soldiers were dedicated, courageous, and honorable soldiers who valiantly fought to defend their countrymen and stood together with America in the fight in the Pacific. They were promised full veteran's services, but in 1946 Congress deprived them of all benefits. Now, less than 75,000 of them are still alive, a living testament to bravery of the highest order, fighting to regain their honor and dignity.

In my district, El Paso, Texas, I represent over 60,000 veterans, many of whom are Filipinos. I look forward to today's testimony, so that we may fairly and appropriately consider the debt owed by our to country to these veterans and ensure they receive what they deserve. These were men who fought with their blood and sweat to protect the sanctity of our American flag at a time of tremendous hardship. This hearing is an excellent opportunity to consider all aspects concerning this issue. I look forward to the opportunity to listen to the testimony by the Veteran Service Organizations, and my fellow colleagues.

Again, Mr. Chairman, I applaud your decision to hold this important hearing. Thank you, and let this hearing begin the ultimate process of resolving our nation's commitment to the Filipino veterans.

Thank you.

Statement for the Record
July 22, 1998
Rep. Vic Snyder
VA Committee Hearing on Filipino Veterans

I would like to that Chairman Stump for holding this hearing. I can think of few matters more important for this committee to consider. For before us today is really the question of whether or not the United States is going to fulfill its obligations. I cannot think of any way to improve on the statement by President Truman contained in his letter to General Bradley on February 12, 1946:

> It seems to me inconceivable that the United States, which benefitted (sic) so directly from the struggles and sacrifices of the heroic legions of the Philippine fighting men during the war, should now be so callous as to withdraw without qualification most of the benefits being extended to American war veterans. The Philippine veterans are and will be, until July 4 [1946], nationals of the United States. They saved us, through their sacrifices, thousands of American lives and billions of American dollars. They are our truest friends in the Orient. They proved it.

Mr. Chairman, I would like to extend my thanks, from one veteran to another, to the Filipino veterans who served in the US forces in World War II. While some may quibble over the extent of what we owe them, I do not think that any should doubt that it is a large debt.

Statement of Rep. Corrine Brown
VA Cmtte Hearing 7/22/98

Thank you Mr. Chairman.

I would like to welcome today's panelists to this hearing. I would also like to welcome and thank the Filipino Veterans and their families for coming here today and for their brave and honorable service to this nation.

I want to thank Congressmen Filner and Gilman for bringing this long awaited legislation to the forefront.

This is a matter of honor not only for our Filipino Veterans, but for America as well.

The Filipino veterans that battled the Japanese in WW II wore U.S. issued uniforms, were under the direct command of U.S. generals, swore an oath to "defend and protect the Constitution of the United States", and fought and died side by side with American soldiers.

We must fulfill the promises this government made to Filipino soldiers during World War II and give these veterans the honor and respect they earned fighting for our freedom on the Pacific battlefield.

Again, I thank all our guests and look forward to working to rectifying this 52 year old injustice.

STATEMENT OF THE HONORABLE MIKE DOYLE (PA-18)

Committee on Veterans' Affairs

Hearing on benefits for Filipino Veterans of World War II

July 22, 1998

I want to thank Chairman Stump for providing this opportunity to further discuss the issue of benefits for veterans who served in the Philippine Commonwealth Army and the Special Philippine Scouts. I also want to recognize my colleague, Representative Filner, for his diligence in raising awareness about this issue. In addition, I want to welcome those who are here to testify on the subject, as well as the many Filipino veterans who have traveled a great distance to be here today.

We are all aware that the history of our country's policy towards these Filipino veterans has varied considerably, to the point of outright contradiction. As a direct result of President Roosevelt's actions in 1941, which brought the Philippine Commonwealth Army into the service of the U.S. Army Forces of the Far East (USAFFE), the U.S. Veterans Administration determined that the Commonwealth veterans were indeed eligible for benefits. In 1946 however, limitations were placed on benefits of both the Commonwealth and Special Scout veterans.

Upon review of the wealth of information that documents the relationship between the United States and the Philippines, it is clear that the U.S. Army knowingly and deliberately took responsibility for the supply and pay of Filipino soldiers. It is also equally unambiguous that these soldiers valiantly came to the aid of our country in thwarting the Japanese military. Who of us can say what might have occurred without their service. Let us not forget that the Philippines became a U.S. possession in 1898 and remained so until 1946.

The crux of this matter is not a question of service or responsibility, but of finding a way to meet the costs. As a strong advocate of a balanced budget, I too have concerns about spending additional revenue. But just as we would never turn a blind eye to our service men and women, we cannot in good conscience stall on the matter of Filipino benefits any longer.

While I am a cosponsor of Representative Filner's proposal, H.R. 836, I am open to other viable alternatives. It is my hope that today's discussion will result in positive and progressive developments that address the concerns of all those involved.

Statement by Rep. Luis V. Gutierrez
Committee on Veterans' Affairs
July 22, 1998

Thank you Mr. Chairman.

I commend you for convening this very important hearing.

I would also like to thank Congressman Filner for his tireless advocacy on behalf of Filipino Veterans.

Your work truly honors their great sacrifices for liberty.

I have always believed that promises made should be promises kept.

While the issue before us remains disputed, I believe that our government made promises to members of the Phillipines Commonwealth Army and the Phillipines Scouts about their treatment after the conclusion of World War Two.

I feel strongly that our government must honor this debt to these brave veterans by passing legislation to provide for their full and just compensation.

As members of this committee, we have all met with veterans who fought to protect our freedom and way of life during the second world war.

We have heard their stories, their triumphs and fears.

Through their courage we come to better understand what it means to risk everything for our country.

The members of the Phillipines Commonwealth Army could share similar stories of the past.

Our victories were their victories.

Our defeats their defeats.

As part of the same army during the horrible battles of Bataan and Corregidor they fought and died with our troops for the freedom of their land but also for our freedoms as well.

The record shows that our government intended to treat the soldiers of the Commonwealth Army as veterans of the U.S. Army.

They were to be paid the same wage and receive the same benefits as their American counterparts when the war was resolved and peace restored.

This is the record. Sadly, this has not been the practice.

Our failure to honor our debts to these brave veterans demonstrates a marked failure to reconcile our past and move forward to the future.

It has been forty years.

Forty years too many.

I urge my colleagues to pass HR 836 and make this the last year we fail to fully honor these veterans.

Thank you.

THE HONORABLE JOSEPH P. KENNEDY II
Opening Statement
Oversight Hearing - Benefits for Filipino Veterans
July 22, 1998

Thank you, Mr. Chairman. We've heard lot of hemming and hawing over the years from bureaucrats in defense of a fundamental injustice - the denial of full veterans' benefits to the brave men and women of the Philippines who fought and died under the stars and stripes in World War II. No less an authority on the sacrifices of our armed forces than President Harry S. Truman wrote in 1946: "I consider it a moral obligation of the United States to look after the welfare of Philippine army veterans." For 50 years the men of the Philippine Army who were drafted by executive order to fight under U.S. command have been treated as second-class soldiers. Veterans from other territories and commonwealths of the United States - such as Puerto Rico and the Virgin Islands - have received full benefits in recognition of their service. It is only the Filipino veterans who have suffered what I would call discriminatory and biased treatment. I received a fax yesterday from the daughter of a Filipino veteran who

said her father was denied veterans' benefits because his skin is brown.

The 79th Congress denied benefits to the Filipino veterans in the "Rescissions Act of 1946." Congress did this because they decided that service in the Philippine Commonwealth Army was not considered to be "active military service" for purposes of receiving American veterans' benefits. If fighting and dying isn't "active military service," then I don't know what is. Discrimination is shameful and it is not how we choose to pass laws in this country. But that bad law was passed 52 years ago, and it is an injustice that we must rectify.

Mr. Chairman, we've seen this shameful treatment before in U.S. history. During the Civil War the first black regiment was raised in Massachusetts - the Fighting 54th, made famous by the movie "Glory" and most recently commemorated with a statue on the Mall. The men of the 54th refused to accept the War Department's offer of less pay than white soldiers and in fact, served without pay until our country rectified the insult. It is disgraceful that 135 years after the 54th's

valiant assault on Fort Wagner, we are still engaged in a debate over the worth of our fighting men. Their blood was as red as any soldier's and it's worth the same gold.

I want to thank my friend and colleague, Bob Filner from California, for introducing HR 836, the "Filipino Veterans Equity Act" with Mr. Gilman of New York and I am proud to be a co-sponsor. It is time we mark it up and send it to the House Floor for a vote. It will amend our federal laws in order to provide benefits to these Filipino veterans we see here today.

Mr. Chairman, we do not ask to give Filipino veterans retroactive benefits for the past 52 years. We do ask that they be given benefits from now on. They are in the twilight of their lives. I ask that we give them benefits, and let them live out their lives in dignity. Thank You, Mr. Chairman.

Statement of Representative Chris Smith

Mr. Chairman, I want to thank you for holding this hearing on the important question of equity for Filipino veterans of the United States war effort in the Pacific.

The Philippines is perhaps our most important ally in the Asia-Pacific region, a nation whose troops fought beside ours in World War II and Vietnam and whose government and people have consistently shown that they share our fundamental values. Filipino-Americans have also contributed mightily to the economic and cultural life of the United States. Like so many other immigrants, they personify the American values of hard work, commitment to family, and devotion to God.

Even more to the point for the purposes of today's hearing, for almost fifty years the Philippines were a territory of the United States. So while it is true that the Filipino soldiers who fought shoulder-to-shoulder with Americans in World War II were fighting for their own country, it is important to remember that at that

time their country was part of our own. The subsequent decision to pay them only partial veterans' pensions could be explained in light of the disparity between the cost of living in the United States and in the Philippines, but even then it was inconsistent with the treatment of other veterans, who are not paid less just because they live in less expensive areas of the United States.

I understand that the principal objection to providing full equity for all Filipino veterans is that it would cost too much. In order to meet this objection, perhaps it will be possible to adopt a phased-in or incremental approach to the problem. At the very least, however, we should address immediately the situation of those veterans who live in the United States and who therefore pay the same taxes and the same other expenses as the rest of us. The logic of providing a lower pension payment for those whose cost of living is lower obviously does not apply to these veterans. Rectifying this problem is consistent with sound foreign policy, with good economic policy, and also with simple justice.

THE FILIPINO VETERANS EQUALITY ACT
Hearing Before the House Veterans Affairs Committee
July 22, 1998 10:00 A.M.

Mrs. Boxer. First, I want to thank Chairman Stump for calling this important hearing on restoring benefits to Filipino veterans who served our country during World War II. As a cosponsor of the Filipino Veterans Equality Act, I believe that now is the time to make amends for the injustice that has been imposed on Filipino veterans -- an injustice that has lasted for 52 years.

I want to extend my deepest appreciation to the sponsors of this legislation, the Senator from Hawaii, Senator Inouye, and the Chairman of the House International Relations Committee, Representative Gilman. I also want to thank my good friend from California, Representative Filner, for his tireless work on behalf of Filipino veterans. As always, he is providing great leadership and it is my privilege to be working with him on this important issue.

Mr. Chairman, more than 100,000 Filipino soldiers dutifully served this country during World War II. These troops fought side by side with Americans during our campaign in the Pacific, bravely defending our democratic ideals.

Commanded by General MacArthur, our Filipino allies fought in some of the toughest battles of World War II. They marched along side American soldiers during the infamous Bataan death march, a journey that claimed tens of thousands of casualties.

The Philippine Commonwealth Army was called up by President Roosevelt in July of 1941. Under this order, Commonwealth Army forces were eligible for full U.S. veterans' benefits.

After the war, however, Congress overturned President Roosevelt's order by passing the Rescissions Act, which stripped away many of the benefits and recognition that these soldiers earned and deserve. The limitation of benefits was later extended to New Philippine Scouts, units enlisted mainly as an occupation force following the war. This bill would correct that inequity by restoring full veterans' benefits to members of the Philippine Commonwealth Army and the Philippine Scouts.

Two years ago, in Los Angeles, President Clinton signed a historic proclamation recognizing and honoring Filipino veterans who served in World War II. Now, we must take the next step and restore full veterans' benefits for these men who so bravely served our country.

For many years, the Filipino community has cried out for this injustice to be corrected. I hope this is the year that we can finally honor these veterans and pass the Filipino Veterans Equality Act. America owes them a huge debt and we should show them our gratitude.

Thank you Mr. Chairman.

STATEMENT OF THE HONORABLE ENI F.H. FALEOMAVAEGA
BEFORE THE COMMITTEE ON VETERANS AFFAIRS
FILIPINO VETERANS EQUITY ACT (H.R. 836)
July 22, 1998

Mr. Chairman:

Thank you for the opportunity to submit this statement in strong support of H.R. 836, the Filipino Veterans Equity Act.

There was a period during World War II during which no one knew who would win the war in the Pacific. Japan had struck a significant blow at Pearl Harbor and the Japanese forces were advancing on several fronts. The horrors of that war are still being told by the survivors on Guam, the Philippine Islands, and other locations throughout the Pacific.

It was during this time that the United States asked the residents of the Philippines to enlist in the U.S. armed forces -- and enlist they did, with all their heart. In defense of their own country and as part of the U.S. military forces, they fought the enemy when attacked and continued the battle through counterinsurgency during the occupation. They defended the American flag in the battles of Bataan and Corregidor, and thousands died in the 65-mile Bataan death march.

Mr. Chairman, these World War II veterans fought in defense of the American flag and paid a severe price because of their determination. Our government told these veterans we would treat them as other veterans, but then shortly after we won the war, in the Recision Act of 1946, we took those benefits away. This was an injustice, and since that time this injustice has continued. Fifty-two years is a long time, and many of the vets are now deceased. It is past time to recognize these veterans, both deceased and alive.

In 1996, both the U.S. House and Senate passed resolutions recognizing and thanking the Filipino World War II veterans, and President Clinton issued a proclamation noting the loyalty of these veterans. This year we should take the next step and provide them the benefits to which they are entitled. I urge my colleagues to support H.R. 836.

Statement by Congressman Jim McDermott
To the Veterans Committee
In Support of The Filipino Veterans Equity Act

July 22, 1998

Thank you Mr. Chairman for allowing me to voice my strong and continuing support for HR 836, The Filipino Veterans Equity Act, sponsored by Representatives Gilman and Filner, which would grant VA benefits and compensation to veterans of the Philippine Commonwealth Army and the Special Philippine Scouts, who fought beside U.S. troops during WWII. The valiant sacrifice of these brave soldiers delayed the advancement of the Japanese military through the Western Pacific. These wartime efforts gained time for the Allies to regroup and launch a counter-offensive that ultimately led to the surrender of Japan. For this reason, I have consistently co-sponsored The Filipino Veterans Equity Act in past and current Congresses.

This bi-partisan bill is about fairness, it is about promises broken and justice denied. This legislation will honor the promise made to Filipinos, when President Franklin Roosevelt issued the Executive Order of July 26, 1941, that exercised America's right to call into the service of the U.S. Armed Forces all military forces organized by the Commonwealth of the Philippines. Unfortunately, President Roosevelt died and was unable to ensure that Filipino veterans were treated fairly.

The U.S. Veterans Administration initially determined that Commonwealth Army veterans were eligible for U.S. veteran benefits. Unfortunately, Public Law 79-301 enacted in 1946 restricted these benefits to the Commonwealth Army veterans, and PL 79-391 set similar limitations upon the New Scouts. The Congress was wrong then, and it is wrong now.

Now is the time to correct an injustice created over 50 years ago by the U.S. government. Many of us know of Filipino veterans, who have died without receiving due compensation for their service with the U.S. Army Forces of the Far East. We have shared the heartache of their widows and children, who watched their husbands and fathers pass away without being accorded the honor of veteran status. It is time to end this injustice. I strongly support passage of HR 836, and urge my colleagues in Congress to vote in favor of this long overdue legislation.

Congresswoman Lucille Roybal-Allard
Statement on Restoring Veteran Benefits to Filipino Veterans of World War II
Filipino Veterans Hearing
Full Committee on Veterans Affairs
July 22, 1998

I would like to thank Chairman Stump for holding this important hearing and commend Congressman Filner for his leadership in tirelessly working to defend the rights of the Filipino veterans.

After 52 years of turning our backs on Filipino World War II veterans, we must at last recognize their heroic contribution and sacrifice in defense of our country by honoring the promises made to them by our nation.

Honoring those promises is more than just providing monetary compensation for Filipino World War II veterans. It is about honor, dignity, and respect for their sacrifices.

It is about the moral obligation of our government to live up to the promises made over 50 years ago when President Roosevelt, following the Japanese occupation of the Philippines, called upon Filipino soldiers and civilians to join U.S. forces in retaking their homeland.

During the most intense and strategically important phases of World War II, more than 200,000 Filipinos fought side-by-side with allied forces for almost four years and willingly sacrificed their lives in defense of freedom. These courageous men fought for the freedom of the Filipino people from Japanese forces and helped the United States win the war.

In exchange for their military service, these brave men were promised pay and benefits equal to those provided to American troops who fought in defense of our country.

To the shame of our nation, none of these promises were honored. In 1946, Congress passed legislation severely restricting the benefits these veterans were able to receive. Ever since then, Filipino veterans and their survivors have fought an uphill battle to restore these hard-earned benefits.

I am proud to be a cosponsor of H.R. 836, a bipartisan bill introduced by Representatives Bob Filner and Ben Gilman to extend full veterans' benefits to these veterans, and I support the immediate passage of this important bill.

I am also pleased the President's budget included five million dollars to provide pensions for some Filipino veterans, but I am deeply disappointed this modest request was not included in this year's VA-HUD appropriations bill.

Clearly, Filipino veterans who fought, bled, and suffered alongside American troops deserve the recognition and compensation they were promised and then denied for over fifty years.

Congress must erase the black mark on our country's history and provide the Filipino veterans with the benefits they have so valiantly earned. I look forward to our continued work together to correct this injustice.

Thank you, Mr. Chairman.

Congressman Robert A. Underwood
Statement on H.R. 836
The Filipino Veterans Equity Act
July 22, 1998

Ever since Thomas Jefferson first framed these words together -- All men are created equal -- men and women of all shapes, sizes, shades and statures have repeatedly maintained, declared, claimed and even believed that this nation is truly "dedicated to the proposition that all men are created equal." Unfortunately, even the most rudimentary historical research would reveal a less favorable assessment on this claim and aspiration of ours. These United States face daily challenges to live up to the Jeffersonian precept that "All men are indeed created equal" and, as in the past it seems we still are not doing what we should. As a second-class American citizen, a delegate, not quite a full Member of Congress hailing from an unincorporated territory with an unresolved political status, I am all too familiar with our nation's failure to live to the true meaning of this declaration and our democratic creed. In light of the situation, we, on Guam, greatly sympathize with others who are in a similar situation, especially second-class veterans.

In addition to being the congressional district geographically situated closest to the Republic of the Philippines, Guam and its people share deep cultural and historic ties with the Philippines. The people of Guam, as with Filipinos, have, for hundreds of years, endured occupation, colonialism and second-class treatment by others who were not indigenous to their homeland. Having also suffered through three long years of painful and brutal occupation under the Japanese, we, the people of Guam, understand and appreciate the sacrifices and plight of Filipino World War II veterans.

General Douglas MacArthur, referring to the defenders of Bataan and Corregidor, claimed that "no army has ever done so much with so little." Many of us take this as words of commendation meant for American forces defending the Philippines. However, we must not overlook the fact that a substantial portion of this defense force was composed of Filipinos fighting under the American flag.

Comprised mainly of Filipino volunteers and recruits augmented by American soldiers, the defenders of Bataan and Corregidor delayed the Japanese effort to conquer the Western Pacific. This enabled U.S. forces to adequately prepare and launch the campaign to finally secure victory in the Pacific theater of World War II. Filipino veterans swore allegiance to the same flag, wore the same uniforms, fought, bled and died in the same battlefields alongside American comrades but were never afforded equal status. Prior to mass discharges and disbanding of their units in 1949, these veterans were paid only a third of what regular service members received at the time. Underpaid, having been denied benefits they were promised, and lacking proper recognition, General MacArthur's words truly depict the plight of the remaining Filipino veterans today as they did half a century ago.

H.R. 836, the Filipino Veterans Equity Act, would restore benefits that had been denied by Congress to Filipino veterans who fought under the American flag during World War II. In the past, this country has considered Filipinos as "little brown brothers." Let us take an extra step and go a long way towards recognizing them as equals by recognizing their service. Let us vote for the passage of H.R. 836. Our "little brown brothers" were full partners in the struggle against Japan. Let them be full partners in the distribution of benefits.

# # #

STATEMENT OF SENATOR HARRY REID
BEFORE THE HOUSE COMMITTEE ON VETERANS AFFAIRS
HEARING ON H.R. 836, THE FILIPINO VETERANS EQUITY ACT
JULY 22,1998

Mr. Chairman and Members of the Committee:

I am pleased to submit this testimony before the House Committee on Veterans Affairs. I would like to submit this statement in strong support of H. R. 836, the Filipino Veterans Equity Act. This act will enable us to provide fair and equitable treatment to those who fought so valiantly and remained so loyal to the United States during a crucial period of time in our history, the Filipino veterans of World War II.

For over 100 years the Philippine Islands have had strong ties to the United States, beginning as a possession, established as a Commonwealth, and finally attaining independence. Before final independence was attained, however, President Roosevelt issued an Executive Order on July 26, 1941 calling into service all military forces organized by the Commonwealth government to serve in the United States Armed Forces of the Far East. With this order, more than 100,00 Filipinos volunteered for the Philippine Commonwealth Army and fought alongside the United States armed forces and were entitled to full veterans benefits.

These loyal and valiant men first fought on the front lines delaying the Japanese, then forced to walk in the Bataan Death March, and finally waging a brutal guerilla war against the Japanese, often fighting and dying under the same commander as other members of the United States armed forces.

Under the command of General Douglas MacArthur, Filipinos fought to reclaim control of the entire Western Pacific, remaining loyal to the United States during the occupation of the Japanese in the Philippines. Yet, on February 18, 1946 the Congress declared the service of those in the Philippine Commonwealth Army was not "active service", and denied several benefits these loyal Americans were entitled to.

Not long after the Japanese surrendered, Congress passed the Armed Forces Voluntary Recruitment Act of 1945. Its purpose was to send American troops to occupy enemy lands, and to oversee military installations at various overseas locations. A provision call for the enlistment of Philippine citizens to form a new unit of Philippine Scouts. Although, hostilities were over, the wartime service of the Philippine Scouts continued under the law until it was disestablished in 1950. Once again, however, Congress included provisions in the Second Supplemental Surplus Appropriation Rescission Act of May 27, 1946 to limit benefits.

Time and again, Congress has called upon Filipinos to serve as members of the armed forces while denying them the benefits they so honestly deserve. Although Congress has attempted to rectify the wrongs committed to Filipino veterans of World War II, each time the efforts have fallen short. The sacrifices of these brave men should not be discounted. We must see that they, like all our other veterans, are recognized for the duty they performed so valiantly when our country needed them. To continue to do less now only perpetuates the injustices they have suffered under for so long.

Written Statement of Representative Randy "Duke" Cunningham
before the Committee on Veterans' Affairs
August 11, 1998
Filipino Veterans Equity Act (H.R. 836)

Chairman Stump and distinguished members of the Veterans' Affairs Committee:

I appreciate the opportunity to speak on behalf of this very important bill, H.R. 836, the Filipino Veterans Equity Act.

As you well know, H.R. 836 administers to the military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts of WWII benefits and programs governed by the Secretary of Veterans Affairs. I was one of the first to sign on as a supporter of this bill, and there are currently 189 co-sponsors. This bill seeks to officially recognize the military service in the Philippine Commonwealth Armed Services and Scouts to qualify for VA. benefits.

Introduced by every Congress since 1987, there has been over eleven years of attempted legislation. Mr. chairman and the committee are commended for taking such a strong interest in rectifying a wrong committed over half a century ago.

As a commonwealth of the US during WWII, the Philippines provided nearly 400,000 brave and patriotic men to fight along side US service men and women. These service men were called onto active duty by the US government and placed under the direct command of US Army general officers. These 400,000 were certified by the Secretary of the Army as members of the US Armed Forces or the Philippine Scout. They defended democracy with honor and courage. They answered the call of duty and we cannot act as if their service was not in response to the US government's actions and explicit request.

But following V-J day on September 2, 1945 the 79th Congress enacted legislation which summarily concluded that military service of the Philippine Commonwealth Army and the new Philippine Scouts was not an active part of the US Armed Forces. This legislative rider of 1945 appears contrary to earlier opinions from the US Attorney General who believed that their assistance "qualified for active service" and was worthy of the VA. benefits.

Critics have focused almost all of their comments on the expense of implementation for this legislation. Providing compensatory benefits for Filipino military active duty is matter of "justice", not economics. There are approximately 70,000 survivors who are presently in their 70's. Approximately 24,000 of these survivors reside in the United States as naturalized citizens, and many of them suffer from debilitating illnesses, solely dependent on Social Security income.

Our government made a commitment to these dedicated veterans. We must be as honorable to these men as they were for the United States. I still believe that "Your word is your bond." General MacArthur did not renege on his word when he promised the Filipino people that he would return: the US government cannot go back on theirs.

STATEMENT OF REP. BENJAMIN A. GILMAN
July 22, 1998

TESTIMONY BEFORE THE HOUSE COMMITTEE ON VETERANS AFFAIRS
FILIPINO VETERANS BENEFITS

MR CHAIRMAN, I WANT TO THANK YOU AND THE MEMBERS OF THE COMMITTEE ON VETERANS AFFAIRS FOR HOLDING THIS OVERSIGHT HEARING ON BENEFITS FOR FILIPINO WORLD WAR II VETERANS. I WOULD FURTHER LIKE TO EXPRESS MY GRATITUDE TO YOU FOR THE OPPORTUNITY TO TESTIFY ON THIS PANEL.

AS MANY OF YOU MAY KNOW, I HAVE LONG BEEN AN ADVOCATE OF FILIPINO VETERANS IN THE CONGRESS. FOR THE PAST SEVERAL CONGRESSES, I HAVE INTRODUCED LEGISLATION TO PROVIDE MEMBERS OF THE PHILIPPINE COMMONWEALTH ARMY VETERANS AND MEMBERS OF THE SPECIAL PHILIPPINE SCOUTS -- BY REASON OF SERVICE WITH THE ARMED FORCES DURING WORLD WAR II -- WITH FULL VETERANS BENEFITS.

ON JULY 26, 1941, PRESIDENT ROOSEVELT ISSUED A MILITARY ORDER, CALLING MEMBERS OF THE PHILIPPINE COMMONWEALTH ARMY INTO THE SERVICE OF THE UNITED STATES FORCES OF THE FAR EAST, UNDER THE COMMAND OF LT. GENERAL DOUGLAS MacARTHUR.

FOR ALMOST FOUR YEARS, OVER ONE HUNDRED THOUSAND FILIPINOS, OF THE PHILIPPINE COMMONWEALTH ARMY FOUGHT ALONGSIDE THE ALLIES TO RECLAIM THE PHILIPPINE ISLANDS FROM JAPAN. REGRETTABLY, IN RETURN, CONGRESS ENACTED THE RESCISSION ACT OF 1946. THIS MEASURE LIMITED VETERANS ELIGIBILITY FOR SERVICE-CONNECTED DISABILITIES AND DEATH COMPENSATION AND ALSO DENIED THE MEMBERS OF THE PHILIPPINE COMMONWEALTH ARMY THE HONOR OF BEING RECOGNIZED AS VETERANS OF THE UNITED STATES ARMED FORCES.

THESE MEMBERS OF THE PHILIPPINE COMMONWEALTH ARMY AND THE SPECIAL PHILIPPINE SCOUTS SERVED JUST AS COURAGEOUSLY AS THEIR AMERICAN COUNTERPARTS DURING THE PACIFIC WAR. THEIR CONTRIBUTIONS HELPED TO DISRUPT THE INITIAL JAPANESE OFFENSIVE'S TIMETABLE IN 1942, AT A POINT WHEN THE JAPANESE WERE EXPANDING UNCHECKED THROUGH THE WESTERN PACIFIC.

I BELIEVE THAT IT IS IMPORTANT TO NOTE THAT THE ALLIED FORCES IN THE PHILIPPINES WERE FIGHTING FORM A NEARLY UNTENABLE POSITION. WHILE MUCH OF THE ALLIED COMBAT EQUIPMENT, PARTICULARLY AIRCRAFT WAS DESTROYED IN THE FIRST SEVERAL DAYS OF THE JAPANESE ATTACK, BOTH FILIPINO AND AMERICAN FORCES STUBBORNLY HELD OUT FOR AS LONG AS POSSIBLE. IN DOING SO, THEY GAVE A FAR GREATER ACCOUNTING OF THEMSELVES THAN THEIR BRITISH COUNTERPARTS IN SINGAPORE.

THIS DELAY IN THE JAPANESE PLANS HELPED TO BUY VALUABLE TIME FOR THE SCATTERED ALLIED FORCES TO REGROUP, REORGANIZE AND PREPARE FOR CHECKING THE JAPANESE ADVANCE IN THE BATTLES OF THE CORAL SEA AND MIDWAY. MANY HAVE FORGOTTEN HOW DARK THOSE DAYS BEFORE THE VICTORY AT MIDWAY REALLY WERE.

THEIR COURAGEOUS ACTIONS ALSO EARNED THE FILIPINO SOLDERS THE WRATH OF THEIR JAPANESE CAPTORS. AS A RESULT, MANY OF THEM WERE FORCED TO JOIN THEIR AMERICAN ALLIES IN THE BATAAN DEATH MARCH, SUFFERING INHUMANE TREATMENT WHICH REDEFINED THE LIMITS OF HUMAN DEPRAVITY.

DURING THE NEXT TWO YEARS, FILIPINO UNITS CONDUCTED AN ONGOING CAMPAIGN OF GUERILLA WARFARE, TYING DOWN PRECIOUS JAPANESE RESOURCES AND MANPOWER.

IN 1944, FILIPINO FORCES PROVIDED VALUABLE ASSISTANCE IN THE LIBERATION OF THE PHILIPPINE ISLANDS WHICH IN TURN BECAME AN IMPORTANT BASE FOR TAKING THE WAR TO THE JAPANESE HOMELAND. WITHOUT THE ASSISTANCE OF FILIPINO UNITS AND GUERRILLA FORCES, THE LIBERATION OF THE PHILIPPINE ISLANDS WOULD HAVE TAKEN MUCH LONGER AND RESULTED IN GREATER CASUALTIES THAN THOSE WHICH OCCURRED.

PRESIDENT TRUMAN RECOGNIZED THIS FACT, AND SHARPLY CRITICIZED THE LANGUAGE OF THE RECISSION ACT IN A LETTER TO CONGRESS DATED MAY 16, 1946. THE PRESIDENT SAID: "THE PHILIPPINE ARMY VETERANS ARE NATIONALS OF THE UNITED STATES AND WILL CONTINUE IN THAT STATUS AFTER JULY 4, 1946. THEY FOUGHT UNDER THE AMERICAN FLAG AND UNDER THE DIRECTION OF OUR MILITARY LEADERS. THEY FOUGHT WITH GALLANTRY AND COURAGE UNDER THE MOST DIFFICULT CONDITIONS DURING THE RECENT CONFLICT. THEY WERE COMMISSIONED BY US, THEIR OFFICIAL ORGANIZATION, THE ARMY OF ITS PHILIPPINE COMMONWEALTH WAS TAKEN INTO THE ARMED FORCES OF THE UNITED STATES ON JULY 26, 1941. THAT ORDER HAS NEVER BEEN REVOKED AND AMENDED. I CONSIDER IT A MORAL OBLIGATION OF THE UNITED STATES TO LOOK AFTER THE WELFARE OF THE FILIPINO VETERANS."

MR. CHAIRMAN, I REALIZE THAT THE CURRENT FISCAL CLIMATE MAY PRECLUDE THE AWARDING OF FULL BENEFITS. THE FILIPINO GOVERNMENT AND THE VARIOUS VETERANS GROUPS ARE COGNIZANT OF THIS AS WELL. HOWEVER, IT IS MY HOPE THAT THIS HEARING WILL ALLOW US TO REACH SOME TYPE OF WORKABLE SOLUTION WHICH BOTH OFFERS THE VETERANS THE RECOGNITION OF THEIR SACRIFICE THAT THEY SEEK, AND PROVIDES SOME OF THE COMPENSATION THAT THEY HAVE SO VALIANTLY EARNED. AS PRESIDENT TRUMAN STATED, WE HAVE A MORAL OBLIGATION TO LOOK AFTER THE VETERANS OF THE PHILIPPINES.

I WOULD ALSO LIKE TO MAKE TWO OBSERVATIONS. THE FIRST ADDRESSES THE ISSUE OF FILIPINO COMMONWEALTH SOLDIERS BEING PART OF THE U.S. ARMED FORCES. THE SITUATION WITH THE FILIPINO FORCES WAS NOT THE SAME AS THAT OF THE ALLIES IN EUROPE. WHILE GENERAL EISENHOWER WAS THE THEATER COMMANDER IN EUROPE, THE OTHER ALLIES DID HAVE THEIR OWN REPRESENTATIVES ON HIS COMMAND STAFF. MOREOVER, THE BRITISH ALSO CONDUCTED THEIR OWN INDEPENDENT OPERATIONS.

IN THE PHILIPPINES, GENERAL MacARTHUR WAS THE SUPREME COMMANDER OF ALL FORCES IN THE PHILIPPINES. THERE WAS NO INDEPENDENT COMMAND ELEMENT OF THE PHILIPPINE COMMONWEALTH FORCES AFTER THE PRESIDENT'S EXECUTIVE ORDER. FILIPINO SOLDIERS, WITH THE EXCEPTION OF SOME OF THE GUERILLA FORCES, TOOK THEIR ORDERS FROM AMERICAN COMMANDERS AND FOLLOWED AMERICAN LEADS IN DEVELOPING STRATEGY. THE FILIPINO MILITARY WAS TREATED MORE LIKE A NATIONAL GUARD UNIT THAT HAD BEEN FEDERALIZED RATHER THAN AN EQUAL ALLY.

SECONDLY, THE WAR DEPARTMENT'S POSITION VIS-A-VIS THE FILIPINO VETERANS CHANGED OVER TIME. IN THE DARK DAYS OF 1942, THE SECRETARY OF WAR REQUESTED THAT CONGRESS PASS LEGISLATION PROVIDING EQUAL PAY FOR FILIPINO AND AMERICAN SOLDIERS. THIS WAS PASSED OVERWHELMINGLY BY THE SENATE, BUT WAS NOT ACTED UPON BY THE FULL HOUSE BEFORE THE ISLANDS SURRENDERED. YET TWO YEARS LATER, THE WAR DEPARTMENT COMPLETELY REVERSED ITSELF WHEN IT ORDERED GENERAL MacARTHUR TO RESCIND AN EQUAL PAY EXECUTIVE ORDER ISSUED BY THE PRESIDENT OF THE PHILIPPINES. THE ONLY EXPLANATION THAT I CAN SURMISE IS THAT BY 1944, THE ALLIED CAUSE WAS NOT SO DESPERATE AS IT HAD BEEN EARLIER, AND THE FILIPINO SOLDIERS HAD WORN OUT THEIR USEFULNESS.

DESPITE THIS, FOR ALL INTENSIVE PURPOSES, THE PHILIPPINE COMMONWEALTH ARMY SERVED AS A COMPONENT OF U.S. FORCES IN THE FAR EAST. THE RECESSION ACT CREATED A LEGAL FICTION LONG AFTER THE FACT AND REWROTE HISTORY WITH THE STROKE OF A PEN. YET, WHILE THE U.S. BORE THE BRUNT OF SMASHING THE JAPANESE WAR MACHINE, IN TERMS OF RESOURCES AND LIVES COMMITTED, THE FILIPINO PEOPLE PROVIDED THEIR OWN SIGNIFICANT AND VALUABLE CONTRIBUTION TO THE

WAR EFFORT. WHILE CONGRESS HAD THE LEGAL RIGHT TO PASS THE RECESSION ACT, IT CAN NOW UNDUE THE SHAMEFUL LEGACY OF THAT LEGISLATION.

MR CHAIRMAN, THANK YOU FOR AGREEING TO HOLD THIS HEARING TODAY, AND FOR PERMITTING ME TO TESTIFY. I AM SURE THAT YOU WILL HEAR PLENTY OF INTERESTING TESTIMONY FROM THE VARIOUS PANELS THAT WILL APPEAR BEFORE YOU THIS MORNING.

NEIL ABERCROMBIE
1ST DISTRICT, HAWAII
WHIP-AT-LARGE

COMMITTEE ON
NATIONAL SECURITY
COMMITTEE ON
RESOURCES

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

Honorable Neil Abercrombie
Member of Congress
Testimony Before
House Veterans' Affairs Committee
Oversight Hearing Regarding
U.S. Benefits to Filipino Veterans of World War II
July 22, 1998

Mr. Chairman,

Thank you for holding this important hearing on World War II Filipino Veterans, I am proud to join my colleagues today to speak on behalf of these courageous and worthy individuals. Their sacrifice and loyalty was critical to the outcome of World War II and contributed significantly to our freedom.

During that dark time in the history of the United States our armed forces were on the defensive everywhere. The military forces of the Commonwealth cf the Philippines were drafted to serve in our armed forces by Executive Order of the President of the United States. Control of the Philippines was stragetically important to the containment of the Japanese forces and ultimately in our efforts to win the war.

When Japan attacked the Philippines in 1941, American and Filipino soldiers fought side by side at every major battle including Bataan and Corregidor. In these fierce battles approximately 200,000 Filipino soldiers under the command of General Douglas MacArthur displayed loyalty and courage. During this bleak time there was a shortage of food, medical supplies and ammunition. Sea and air links were severed with little hope for resupply, reinforcement or escape, yet the Filipino soldiers continued to fight valiantly along side his American counterparts. Because of their loyalty to America (Nationalism), the Filipino soldiers suffered the brutal rancor of the Japanese as depicted in the massacre of 400 troops of the 91st PA Division, the infamous Bataan Death March, and brutal conditions in the prison camps of O'Donnell, Capaz, and Tarlac. The U.S. force's principal mission to hold Manilla Bay for six months could not have been accomplished without the efforts of the Philippine Army. The sacrifices of the Filipino veterans continued even after the U.S. forces were driven from the Philippines in 1942. Soldiers who escaped capture, joined forces with civilians to form the guerrilla units whose attacks against Japan thwarted the Japanese occupation, giving the United States critical strategic time to defeat Japan and reclaim the Philippines. Their bravery earned the admiration of freedom loving people throughout the world. Through three long years, these Filipino guerilla soldiers kept faith with America, providing valuable intelligence to General MacArthur's forces in the southwest Pacific, rescuing downed American airmen and inhibiting the enemy's full exploitation of the region.

The Filipino veterans joined forces with the U.S., fighting side by side against the same enemy, in the same battles, suffering the same privation, shedding their blood as profusely as their American comrades in the defense of freedom.

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Despite their service under the call of the U.S., these veterans do not enjoy equal benefits with the American troops with whom they fought. The estimated 60,000 to 80,000 surviving Filipino veterans who are now in their seventies are barred from the full range of veteran benefits available to the Americans with whom they served. This violates the fundamental concept of fairness which our country strives to protect.

I am a co-sponsor of the Filipino Veterans Equity Act of 1995 introduced in both 1995 and 1997 to restore full veterans benefits and equity to the brave Filipino veterans who fought in World War II. I am also a sponsor of H.R. 4177 to amend the Social Security Act to extend health care coverage to the Filipino veterans under Medicare. This issue is of great importance to the people of Hawaii and to me personally. Last year I was a member of a panel which convened in Hawaii to explore the topic, and the public response was overwhelmingly positive.

Because America stands for justice for all, we cannot turn our backs on these veterans who have been denied their due for 52 years. The Filipinos were stripped of many of their veterans benefits in 1946 after President Harry S. Truman signed the "Rescission Act" that excluded benefits for Commonwealth Army and New Scouts. The legislation was enacted in spite of the fact that these Filipino veterans were drafted into the U.S. Army in 1941 by President Roosevelt and promised benefits by President Truman who considered the welfare of Philippine Army veterans "a moral obligation..."

It is time to right this injustice. We owe equal treatment to all who fought under our flag. These two bills extend recognition for the incomparable bravery and loyalty of the World War II Filipino veterans. It offers justice to veterans in need and redeems a debt that has gone unpaid for far too long.

PATSY T. MINK
SECOND DISTRICT, HAWAII

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Congress of the United States
House of Representatives
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STATEMENT OF CONGRESSWOMAN PATSY T. MINK
CONCERNING MILITARY BENEFITS OF FILIPINO VETERANS
BEFORE THE COMMITTEE ON VETERANS' AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
JULY 22, 1998

Mr. Chairman

On July 26, 1941, five months before the Japanese attack on Pearl Harbor catapulted the United States into World War II, President Roosevelt issued an executive order calling the Philippine Commonwealth Army into the service of the U.S. Army Forces of the Far East (USAFFE). Filipino soldiers complied without hesitation, due in part because the Philippines had been a possession of the United States for 42 years. Two generations of Filipinos had grown up under U.S. rule and to them, the U.S. government was their government.

The fundamental distinctions between Filipino Veterans and others who fought with the U.S. during WW II are that: the Philippines was a U.S. possession before and throughout the war; and Filipino soldiers were drafted by the U.S. and under U.S. command. Filipinos soldiers fought under the U.S. flag and took oaths of allegiance swearing to "bear true faith and allegiance to the United States of America . . . and to obey the orders of the President of the United States. . .

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Filipino Veterans contributed much to the war effort. During Japanese occupation of the Philippines, Filipino soldiers who escaped capture launched guerilla attacks on the Japanese and thwarted their plans to rapidly take over the region. The attacks slowed the Japanese advance providing valuable time for the U.S. to rebuild its Pacific Fleet.

After the Japanese were driven out of the Philippines, and throughout the war Filipino Soldiers went to battle side by side with U.S. Soldiers; they were captured and imprisoned side by side with U.S. soldiers; and they were killed side by side with U.S. soldiers.

Despite their heroism and sacrifices, soon after the war ended, the United States turned its back on Filipino Veterans. In 1946 Congress passed the Rescissions Act which limited benefits these Philippine Soldiers could receive, reneging on commitments to these servicemen. Despite their sacrifices and exemplary service, these Philippine soldiers were subjected to "lesser" status previously assured them by the United States. Although these veterans faced the same hardships and risks as their American counterparts, the passage of the 1946 Rescissions Act stripped these veterans of recognition they rightfully deserved.

Today, the Congressional Budget Office estimates that there are at least 28,000 out of 93,000 surviving veterans of the Commonwealth Army and Philippine Scouts are U.S. citizens. According to the INS, about 15,000 live in the U.S. and became citizens. About 11,000 veterans who live in the Philippines were successfully nationalized

between 1991 and 1995. The VA estimates that the average age of surviving Filipino WWII veterans is between 70 and 74. For the aging Filipino WWII veterans there is precious little time for the United States and Congress to live up to the original promises made to these soldiers. Many have already died without the recognition from the U.S. that they deserve.

The U.S. Government compensates veterans with certain benefits for their service to the country. Filipino soldiers served the U.S. under U.S. command but are not considered U.S. veterans. How can soldiers be drafted by a country but later be found not to be soldiers of that country? Filipino Veterans earned their benefits when they went to battle for the U.S. Yet, fifty seven years after President Roosevlet's Executive Order drafted the Philippine Commonwealth Army into the U.S. Army Forces of the Far East, Filipino Veterans have yet to receive the honor and respect they deserve. Many gave their lives for the U.S. Providing those who survived with VA benefits is the least we can do to show our appreciation. Continuing to neglect them is a disgrace for our Country.

Mr. Chairman, I respectfully urge you to immediately pass legislation to provide these WWII Filipino veterans the benefits, the compensation and the recognition that they have earned.

Rep. Nancy Pelosi
Filipino Veterans Benefits Testimony Before House Veterans' Affairs Committee
July 22, 1998

Mr. Chairman,

Thank you for holding these important hearings on providing veterans benefits to certain Filipino World War II veterans. I appreciate your decision and the opportunity to testify before the committee.

As you know Mr. Chairman, the Philippines played a vital role in the outcome of the second world war. Fighting a ruthless Japanese enemy, which at one point controlled most of East Asia, countless Americans and Filipinos sacrificed their lives for their democratic beliefs. Historians credit the battle for the liberation of the Philippine Islands as the beginning of Japan's demise in the war. Central to allied victory in the Philippines, and therefore in the Pacific theater, were the courageous efforts of Filipino soldiers, scouts and guerillas. Because my colleagues have already expanded on this history, I do not wish to be repetitive, but, I believe one can not over emphasize the crucial role Filipinos played in the war.

We are here today because of two unresolved issues surrounding H.R. 836, the Filipino Veterans Equity Act of 1995. The first is whether these veterans deserve full benefits and the second is the source of funds to implement the legislation.

In 1941, President Roosevelt, by way of an executive order, brought the Commonwealth Army of the Philippines under the command of the U.S. Armed Forces. In addition, soldiers known as new or special scouts came under U.S. military command in 1945. Because U.S. law at the time dictated that any person serving actively in the military and not dishonorably discharged would be considered a veteran for benefits purposes, these Filipinos would have been eligible for full veterans benefits. Shortly after the war however, Congress passed the Rescission Act of 1946, which revoked the full benefits eligibility of these soldiers, even though over Filipino soldiers who they fought side by side with, eventually became eligible.

I consider the Rescission Act to be a scar on the historical record of the United States. In a time of war, we asked for and received the commitment of these Filipino soldiers to serve under U.S. authority. While they were fighting for their country, they were also fighting for the United States. Having U.S. and Filipino soldiers under one centralized command structure was vital to the expeditious liberation of the Philippines and saved the lives of American soldiers.

Opponents of H.R. 836 have questioned whether serving under the command of the United States military is equivalent to committing oneself to the U.S. Constitution. I agree with them that it is not and therefore, that a non-citizen should not receive the full benefits that an American citizen receives. But that is not what we are discussing today and we must separate the benefits a U.S. citizen receives from those a U.S. military veteran is eligible for. H.R. 836 does not naturalize

one Filipino into a U.S. citizen. It does not allow one Filipino to receive social security or any other government aid that American citizens are eligible for. What it does is provide these Filipinos with the same assistance that retired U.S. soldiers receive. If we fail to do this, I fear we are sending a message to the world that the life and blood of a foreigner is not as valuable as the life and blood of an American fighting in the same war. That is a dangerous message.

It should therefore be clear that this is a moral issue and an equity issue, I believe passage of H.R. 836 is the just action to take. However, I also appreciate the complexity of the resulting financial strain on the federal budget. As a result of the balanced budget agreement, we are required to offset any additional costs with cuts in current programs. I do not believe cutting current services to American veterans is the proper solution. However, I do believe a solution exists and that it is vital that we work together to find that solution before more of these veterans pass away and it is too late. I hope that members of the committee will find that these arguments are valid, compelling and not so overwhelming that a financial solution is unattainable.

In closing, I would like to urge members of the Committee to fulfill the commitment the United States made over half a century ago. On June 9, this body approved by voice vote H.Res. 404, commemorating 100 years of relations with the Philippines and pledging to work closely together as we begin a new era. We must follow in deed as we do in word.

Thank you for conducting this important hearing today. I hope you will support giving these Filipino veterans the benefits that they deserve.

Statement by Congressman Tom Campbell Before the House Committee on Veterans' Affairs July 22, 1998

Honorable Chairman Bob Stump, Members of the House Veterans Committee, it is an honor this morning to join my colleagues, Chairman of the House International Relations Committee Benjamin Gilman, Representatives Bob Filner, Patsy Mink, and Neil Abercrombie, to voice my strong support for The Filipino Veterans Equity Act, (HR 836).

The Filipino Veterans Equity Act is an effort to preserve our national honor by restoring our commitment to recognize the contribution of the thousands of brave Filipinos who served in the United States Armed Forces during World War II. Commonwealth Army Veterans (CAVS) are former members of the Philippine Commonwealth Army who served in the U.S. Armed Forces during the War, while Special Philippine Scouts enlisted in the U.S. Armed Forces between 1945 and 1947 to assist in occupation duty in the Pacific theater of the war. According to the Department of Veterans Affairs (VA), approximately 100,000 Commonwealth Army veterans and Special Scouts survive today.

In the initial stages of World War Two, President Franklin Delano Roosevelt issued an Executive Order drafting the soldiers of the Philippine Commonwealth Army to serve in the United States Armed Forces. Filipino personnel served with great distinction and honor under the American flag in the hard-fought battles of Bataan and Corregidor. Alongside their American comrades, thousands of Filipino soldiers valiantly gave their lives in battle and as prisoners of war during the brutal occupation of the Philippine Islands by the Imperial Japanese Army.

After the liberation of the Philippine Islands by U.S. Armed Forces, dedicated Fillipino personnel continued their service including Special Philippine Scouts who enlisted in the U.S. Armed Forces between 1945 and 1947 to assist in occupation duty throughout the Pacific.

Despite their distinguished record of brave service during and after World War Two, and despite the assurances of our government to the contrary, the 79th Congress in 1946 voted to deny full veterans benefits to Filipino personnel serving in the U.S. Armed Forces. Over fifty years have passed, but it is not too late to correct this injustice.

The Filipino Veterans Equity Act would rightly entitle Commonwealth Army Veterans and Special Scouts to full veterans benefits, including the National Service Life Insurance program, medical care through all Veterans' Administration facilities, including the Veterans Memorial Medical Center in Manila in the Phillippines, and veterans' compensation. Survivors would be eligible for full dependency and indemnity compensation (DIC) benefits. Currently, compensation and DIC paid to Commonwealth Army Veterans, Special Scouts, and survivors are half the rate paid to veterans and survivors in the United States.

In recognition of the bravery, honor, and distinguished service of the Filipino men and women who served during and after World War Two, I am pleased to be a cosponsor of this important legislation. Prompt passage of the Filipino Veterans Equity Act would be a long over-due step in restoring our honor as a nation in a small but significant way. Thank you so much for your kind attention this morning.

DANIEL K. INOUYE
HAWAII

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COMMERCE, SCIENCE, AND TRANSPORTATION
Subcommittee on Surface Transportation
and Merchant Marine

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July 22, 1998

The Honorable Bob Stump
Chairman
Committee on Veterans' Affairs
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I deeply regret my schedule precludes me from testifying before your committee. I personally wanted to present my strong support for H.R. 836, the Filipino Veterans Equity Act. I am the sponsor of the Senate companion measure, S. 623. Enclosed is my formal testimony which I request be made a part of the hearing record.

Also enclosed for your review and consideration is "discussion draft" legislation, which I have been circulating as a possible alternative to S. 623. The proposed alternative would provide pension and health care benefits to Filipino veterans who are United States citizens. To date, the proposed alternative has engendered much interest. The Congressional Budget Office has estimated the total cost to be $528 million over a 5-year period (Fiscal Years 1998 to 2002). This is much less than the $1.6 billion projected cost for S. 623.

I will be the first to admit that the proposed alternative is not without much controversy. The measure differentiates between Filipino veterans who became U.S. citizens and reside in the United States versus Filipino veterans who became U.S. citizens and reside in the Philippines. I am doing this out of shear desperation. These men are rapidly dwindling with each passing day. At this rate, it will not be long before we begin to memorialize these veterans. Keep in mind the average age of a Filipino World War II veteran is 78 years old.

The Honorable Bob Stump
July 22, 1998
Page 2

Anyone who is knowledgeable of the history behind the events during World War II should agree that a very sacred commitment was made to these veterans. I believe we should honor and live up to our promise. Thank you for the opportunity to present my views and support for the Filipino Veterans Equity Act.

Aloha,

DANIEL K. INOUYE
United States Senator

DKI:mcb
Enclosures

Dan Inouye
U.S. SENATOR FROM HAWAII

STATEMENT OF SENATOR DANIEL K. INOUYE
BEFORE THE HOUSE COMMITTEE ON VETERANS AFFAIRS
HEARING ON H.R. 836, THE FILIPINO VETERANS EQUITY ACT

JULY 22, 1998

Mr. Chairman and Members of the Committee:

I deeply regret my schedule precludes me from testifying before the House Committee on Veterans Affairs in support of H.R. 836, the Filipino Veterans Equity Act. I introduced the Senate companion bill to H.R. 836 for the last four Congresses to right a wrong that has been committed and to provide fair and equitable treatment to Filipino veterans of World War II.

The Philippine Islands became a United States possession in 1898 when they were ceded from Spain following the Spanish-American War. The Islands remained a possession of the United States until 1946. In 1934, the Congress enacted the Philippine Independence Act (Public Law 73-127) which provided a 10-year time frame for the independence of the Philippines and, in the interim, established a Commonwealth of the Philippines with certain powers over its internal affairs. Full independence was delayed for two years due to the Japanese occupation of the Islands during 1942 to 1945. Between 1934 and final independence in 1946, the United States retained certain sovereign powers over the Philippines, including the right, upon order of the President of the United States, to call into the service of the United States armed forces all military forces organized by the Commonwealth government.

On July 26, 1941, President Roosevelt issued an Executive Order calling members of the Philippine Commonwealth Army into the service of the United States Armed Forces of the Far East. Under this order, Filipinos were entitled to full veterans benefits. More than 100,000 Filipinos volunteered for the Philippine Commonwealth Army and fought alongside the United States armed forces.

The United States Armed Forces of the Far East fought to reclaim control, not only of the Philippine Islands, but also of the entire Western Pacific. During this crucial effort to oust our wartime enemy from United States territory, Filipinos fought under the command of General Douglas MacArthur. Filipinos were on the front lines of the battle of Corregidor, fought at Bataan, walked in what became known as the Bataan Death March, and were held and tortured as prisoners of war. These men remained loyal to the United States during the Japanese occupation of the Philippines. They fought valiantly for the allies in the Pacific, waging a guerilla war against the Japanese and helping to delay the Japanese advance across the Pacific. These loyal and valiant men fought, suffered, and, in many instances, died in the same manner and under the same commander as other members of the United States armed forces during World War II. Yet, on February 18, 1946, the Congress betrayed Filipino veterans by enacting the Rescission Act of 1946. The Congress declared the service performed by the Philippine Commonwealth Army veterans was not "active service," thus denying many benefits to which these veterans were entitled. In practice, benefits for Filipino veterans covered under the 1946 Act have been limited to little more than service-connected disability or death benefits, and those benefits are limited to 50 percent of the amounts to which they are otherwise entitled.

Shortly after the Japanese surrender, the Congress enacted the Armed Forces Voluntary Recruitment Act of 1945 for the purpose of sending American troops to occupy enemy lands, and to oversee military installations at various overseas locations. A provision included in the Recruitment Act called for the enlistment of Philippine citizens to constitute a new body of Philippine Scouts. The New Scouts were authorized to receive pay and allowances for services performed in the Philippine Islands, Japan, and elsewhere in the Far East. Although hostilities had ceased, wartime service of the New Philippine Scouts continued as a matter of law until the end of 1946. The force gradually disbanded and was disestablished in 1950.

Shortly after passage of the Recruitment Act, the War Department took the position that the New Philippine Scouts were members of the regular army and, therefore, entitled to veterans benefits on the same basis as the Old Philippine Scouts, which were considered part of the United States armed forces. However, on May 27, 1946, the Congress enacted the Second Supplemental Surplus Appropriation Rescission Act, which included a provision to limit benefits. This provision essentially duplicated the

language which limited benefits under the First Rescission Act, and made it applicable to veterans of the New Philippine Scouts. Congress took this action despite the fact that Filipino veterans in our armed forces rendered services identical to those rendered by other, non-Filipino soldiers who were American nationals or who held United States citizenship. Thus, the Filipino veterans who fought in the service of the United States during World War II are precluded from receiving most veterans benefits which were available to them before 1946, and which are available to all other veterans of our armed forces regardless of race, national origin, or citizenship status.

The Congress has tried to rectify the wrong committed to Filipino veterans of World War II. More than 50 years ago, the Congress amended the Nationality Act of 1940, and granted our Filipino allies the privilege of becoming United States citizens for having served in the United States Armed Forces of the Far East.

The law expired at the end of 1946, but not before the United States withdrew the naturalization examiner from the Philippines for a nine-month period. This effectively denied Filipino veterans the opportunity to become citizens. Forty-five years later, under the Immigration Act of 1990, certain Filipino veterans who served during World War II became eligible for United States citizenship. Between November 1990 and February 1995, approximately 24,000 veterans took advantage of this provision and became United States citizens. However, this law did not confer veterans benefits on these American citizens.

On October 7, 1997, the Senate Veterans Affairs Committee marked up and favorably reported an amended version of S. 623. Much to my disappointment, the amended bill provides only full burial benefits for service and non-service connected Filipino World War II veterans, who are citizens and residing in the United States. I realize there are budget concerns associated with H.R. 836 and S. 623. I am confident this Committee will do what is best and try to reach a compromise. For many years, Filipino veterans of World War II, who are now in their twilight years, have sought to correct the injustice by seeking equal treatment for their valiant military service in our armed forces. We must not ignore the recognition they duly deserve as United States veterans.

105TH CONGRESS
1ST SESSION

S. _____

IN THE SENATE OF THE UNITED STATES

Mr. INOUYE introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend section 107 of title 38, United States Code, to make certain veterans of the Philippine Commonwealth Army and the Philippine Scouts eligible for pension and health-care benefits.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Philippine Veterans' Benefits Eligibility Expansion Act of 1997".

SEC. 2. FINDINGS.

Congress makes the following findings:

1 (1) The Commonwealth of the Philippines was
2 strategically located and thus vital to the defense of
3 the United States during World War II.
4 (2) The military forces of the Commonwealth of
5 the Philippines were called into the United States
6 Armed Forces during World War II by Executive
7 order and were put under the command of General
8 Douglas MacArthur.
9 (3) The participation of the military forces of
10 the Commonwealth of the Philippines in the battles
11 of Bataan and Corregidor and in other smaller skir-
12 mishes delayed and disrupted the initial Japanese ef-
13 fort to conquer the Western Pacific.
14 (4) That delay and disruption allowed the Unit-
15 ed States the vital time to prepare the forces which
16 were needed to drive the Japanese from the Western
17 Pacific and to defeat Japan.
18 (5) After the recovery of the Philippine Islands
19 from Japan, the United States was able to use the
20 strategically located Commonwealth of the Phil-
21 ippines as a base from which to launch the final ef-
22 forts to defeat Japan.
23 (6) Every American deserves to know the im-
24 portant contribution that the military forces of the

1 Commonwealth of the Philippines made to the out-
2 come of World War II.
3 (7) The Filipino World War II veterans deserve
4 recognition and honor for their important contribu-
5 tion to the outcome of World War II.

6 **SEC. 3. ELIGIBILITY OF CERTAIN FILIPINO WORLD WAR II**
7 **VETERANS FOR ADDITIONAL VETERANS BEN-**
8 **EFITS.**

9 (a) ELIGIBILITY FOR ADDITIONAL BENEFITS.—Sec-
10 tion 107 of title 38, United States Code, is amended by
11 adding at the end the following:
12 "(c)(1) Subject to paragraph (3), service referred to
13 in subsections (a) and (b) shall be deemed to have been
14 active military, naval, or air service for the purposes of
15 the provisions of law referred to in paragraph (2) if the
16 person who performed such service is a United States citi-
17 zen.
18 "(2) The provisions of law referred to in paragraph
19 (1) are the following:
20 "(A) Chapter 15 of this title (other than sub-
21 chapter III of this title).
22 "(B) Chapter 17 of this title (other than sec-
23 tion 1713 of this title).
24 "(3)(A) Payments under chapter 15 shall be made
25 at a rate of $1.00 for each dollar authorized in the case

1 of a person residing in the United States and at a rate
2 of $0.50 for each dollar authorized in the case of a person
3 not residing in the United States.

4 "(B) Where annual income is a factor in entitlement
5 to benefits under a provision of law referred to in para-
6 graph (2), the dollar limitations in the law specifying such
7 annual income shall apply at a rate of $1.00 for each dol-
8 lar in the case of a person residing in the United States
9 and at a rate of $0.50 for each dollar in the case of a
10 person not residing in the United States.

11 "(C) The amount of any copayment required of a per-
12 son under section 1722A of this title by reason of this
13 subsection shall be equal to one half the amount otherwise
14 required of the person under such section if the person
15 does not reside in the United States.".

16 (b) APPLICABILITY.—No benefit may be paid or pro-
17 vided by reason of the amendment made by subsection (a)
18 for any period before the date of enactment of this Act.

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Memorandum April 21, 1997

TO : Honorable Daniel K. Inouye
Attention: Marie Blanco

FROM : Dennis W. Snook
Specialist in Social Legislation
Education and Public Welfare Division

SUBJECT : Philippine Veterans Benefits Improvements Act

You have asked for an assessment of the effects of a proposed bill (not yet introduced) that would expand benefits available to certain categories of Filipino veterans who served with United States Armed Forces during World War II. You asked that this proposal be discussed in the context of two other bills, S. 96 and S. 118, that Senator Inouye has introduced that bear directly on the population affected by the proposed bill. This memorandum was prepared in response to your request.

Summary

The proposed *Philippine Veterans' Benefits Eligibility Expansion Act of 1997* would make an estimated 28,000 naturalized citizens who are Filipino veterans of World War II service under U.S. Armed Forces command eligible for medical care and means-tested pensions. About 17,000 of the veterans live in the United States. The remainder are in the Philippines and the proposed act would limit their pensions to $.50 for each dollar a U.S. resident would receive. The proposed bill would also reduce income limitations that are used in the computation of the pensions to one/half existing levels for residents of the Philippines. The income threshold for free, nonservice-connected medical care for residents of the Philippines would also be reduced by one/half, as would any copayments or deductibles applied to services for them. According to the Congressional Budget Office (CBO), these expanded benefits would increase outlays of the Department of Veterans Affairs (VA) by $118 million in FY1998, and would total $528 million over the 5-year period FY1998-2002.[1]

The proposed bill would amend, but not repeal Section 107 of Title 38, which restricts the extent to which the Filipino veterans meet the definition of veteran for purposes of benefits provided through VA. In contrast to other benefits available to veterans, including the benefits currently available to these veterans, the proposed bill would make eligibility for

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[1] Estimates of the costs of the proposal and of the affected population were taken from a March 21, 1997 Congressional Budget Office memorandum to Senator Inouye's office.

the additional benefits contingent on U.S. citizenship. The proposal would specifically exclude any dependent and/or survivor benefits that are available to other veterans under either the pension or medical benefit programs. The proposed bill would limit benefits for veterans to the date of enactment; no provision is made for retroactive application.

Although the proposed bill is generally a liberalization of benefits, it could raise issues in terms of who gets benefits, and how they compare with benefits available to others. For instance, the proposed changes to Section 107 would not increase service-connected compensation payments for any Filipino veteran eligible to receive them, and the $.50 per dollar limitation would continue to apply to them regardless of their citizenship or residency. The proposed bill also would not address claims by some Filipino veterans that their service in guerilla units during World War II should be recognized as meeting the definition of veteran within the meaning of Section 107, thereby making them eligible for the benefits specified by that section.

There are drafting issues that may be of some interest. The benefit reduction and income limitations that would be applied to benefits for the newly eligible veterans residing in the Philippines could interact, in some cases, to provide more reduction than intended. On the other hand, if only the benefit of Philippine residents were to be reduced by one/half, in many cases the objective underlying the $.50 per dollar formula may not be achieved. One alternative would be for the income limitations to be reduced by one/half, and allow the pension benefits to be paid at the full level. Finally, the technical change in language governing access to VA medical facilities may not actually change the access of either veterans currently eligible for medical care, or those who would be made eligible as a result of enactment of the proposed bill.

Background

In the late 1930s, impending Philippine independence prompted the formation of armed forces units that would serve the Commonwealth of the Philippines. These Commonwealth Army forces were to replace the Philippine units of the U.S. Army, called Philippine Scouts, that had secured the islands since they became a U.S. territory in 1901. However, Japanese military expansion in the region caused the Commonwealth Army units to be brought under U.S. Armed Forces command in 1941. These units remained under U.S. command through the duration of World War II, until authority over them was returned to the Commonwealth at its independence in 1946.

During Japanese occupation of the Philippines, some Filipino soldiers and local militia who remained free of captivity continued to engage in operations against Japanese forces, and these guerrilla fighters were officially proclaimed to be soldiers of the Commonwealth Army, even though no administrative authority existed that could maintain an authoritative account of their activities or a complete roster of their membership. Also, to further buttress U.S. forces, and in anticipation of the need for local occupational forces after the war's end, in 1945 Congress authorized the recruitment of new Philippine Scout units of the U.S. Army.

Veteran Status and Benefits for Filipino Service. Section 101 of Title 38, which governs veterans benefits, defines "veteran" as *"a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable."* Military service in the U.S. Armed Forces as defined by Section 101,

must be recognized as such by the Department of Defense or one of the service branches. For example, Philippine Scouts who served in Filipino units of the regular U.S. Armed Forces before October 6, 1945 are recognized as meeting the definition of veteran contained in Section 101.

Section 107, provides that service in the armed forces of the Commonwealth of the Philippines, or in the Philippine Scouts recruited as the result of the Armed Forces Voluntary Recruitment Act of 1945, *"...shall not be deemed to be or to have been service [in U.S. Armed Forces] for the purposes of any law...."* However, Section 107 specifies certain benefits for service-connected disabilities that will be given for recognized veterans of Philippine service in these units.

Any cash compensation payable to Filipino veterans (and their dependents and survivors) under Section 107 is paid at the rate of $.50 per dollar awarded under normal program provisions, to reflect the differences in costs and standards of living between the Philippine and U.S. economies. This lower payment schedule is linked to the service as defined by Section 107, regardless of whether these veterans subsequently became naturalized U.S. citizens, or whether they came to reside in the United States.

Section 107 divides Filipino veterans into two groups.

New Philippine Scouts. These soldiers enlisted between October 6, 1945, and June 30, 1947, under provisions of the Armed Forces Voluntary Recruitment Act of 1945 (P.L. 79-192), which authorized the U.S. Secretary of War to enlist 50,000 such Scouts *"for service in the Philippine Islands, in the occupation of Japan and of lands ... subject to Japan, and elsewhere in the Far East."* Scouts recruited as a result of P.L. 79-192 are referred to as "new" Scouts because of the enactment of Section 107. Benefits based on service as a New Scout is limited to medical treatment and compensation for service-connected disabilities, and their qualified survivors are eligible for benefits for service-connected deaths.

Members of the Commonwealth Army of the Philippines. These soldiers enlisted in military service units organized by the Commonwealth of the Philippines, under provisions of the 1934 Philippine Independence Act. Under provisions of that Act, President Roosevelt called these units into the service of the U.S. Armed Forces on July 26, 1941 (5 months before the attack on Pearl Harbor). Section 107 also includes veterans of recognized guerilla resistance forces as Commonwealth Army veterans. Commonwealth Army soldiers are also eligible for the service-connected benefits available to New Scouts. In addition, these veterans are entitled to burial benefits if they die from service-connected conditions.

Members of recognized guerrilla resistance units. In 1944, the Philippine government conveyed Commonwealth Army status on guerrilla soldiers who fought against Japanese occupation. By a process that depended on incomplete or inconclusive evidence (which inevitably led to charges of erroneous determinations), from October 28, 1944 until June 30, 1948 the U.S. Army sought to determine which organizations and individuals were members of legitimate guerrilla activities and deserved to be "recognized" for their contributions to the war effort -- and thereby made eligible for benefits as Commonwealth Army veterans.

Unrecognized guerilla units. From time-to-time, various groups and individuals have come forward claiming to have performed service that met the definition for recognized guerrilla service. When the Guerrilla Recognition Program terminated (June 30, 1948), all

claims for recognition were deemed to have been settled, and attempts to reopen the determination process have been consistently resisted. However, *The Immigration Act of 1990* permitted other evidence to be presented by veterans claiming that unrecognized guerilla service should be recognized for purposes of the special naturalization provisions of that Act. Recognition for purposes of satisfying that requirement does not further cause these persons to be recognized as veterans for purposes of eligibility for VA benefits.

Over the years, three issues have continued to draw congressional interest:

- Should service in these units affect application for U.S. citizenship?
- How should service in these units be verified?
- Should benefits for Filipino service be liberalized?

The Proposed Philippine Veterans' Benefits Eligibility Expansion Act of 1997

Filipino veterans advocates have often called for repeal of Section 107, which would make recognized Filipino veterans eligible for all benefits available to other veterans. The proposed bill does not repeal Section 107, but amends it by expanding the list of specific benefits for which Filipino veterans as defined by that section are eligible. The proposed bill would not address outstanding claims by Filipinos that their service in guerilla units should be recognized for the purpose of attaining veterans status as defined by Section 107.

Pensions for wartime veterans who are totally-disabled and poor. The VA administers a pension for totally-disabled veterans of wartime service whose income and assets fall below certain levels. After adjustments for income, certain expenses, level of disability, and number of dependents, payments are provided to bring the veteran's income up to specified annual targets. In 1997, the basic annual level for a single veteran is $8,486, rising to $16,201 for a veteran in need of regular aid and attendance, and who has one dependent. Each additional dependent adds $1,445.

The proposed bill would make Filipino veterans eligible for these pensions only if they are U.S. citizens. Application for benefits would be prospective; the proposal prohibits payment for months before enactment. The bill would not provide supplements for dependents, but would provide the other enhancements that are tied to the severity of an eligible veteran's disability.

Medical services for nonservice-connected conditions. Veterans are eligible for medical benefits, with access governed by a priority system that gives highest priority to service-connected conditions. Veterans may also be treated for nonservice-connected conditions, with high priority given to veterans whose incomes and assets are below specified thresholds. Dependents of veterans with severe, service-connected disabilities are also eligible for medical services.

Although VA medical services are not entitlements, the combination of appropriated resources and the priority placement of applicants for treatment, means most of the services VA provides through its facilities are given to veterans with incomes below the threshold. In 1997, the income level at which copayments and deductibles begin is $21,610 for single veterans, $25,935 for veterans with one dependent, and $1,445 for each additional dependent.

Copayments and deductibles for inpatient care are equal to similar charges under Medicare; the VA outpatient care charge is adjusted annually ($41 per visit in 1997).

Access to medical care. The proposed bill would expand Filipino veterans' eligibility for medical services to include care for nonservice-connected conditions if they are U.S. citizens; the care would be provided through the same priority structure governing care for other veterans. For residents in the U.S., Filipino veterans who meet all criteria could probably receive care in most facilities, as most have resources sufficient to serve all veterans whose income and assets are below the income threshold for free care.

Eligible veterans who remain in the Philippines may not have much access to care for nonservice-connected conditions. Although Congress provided funds for the construction of a hospital in Manila to serve Filipino veterans eligible under current law, funds are no longer granted to that hospital because of substandard conditions.[2] At present, veterans in the Philippines eligible for VA health care are provided such care through contracts with local providers that meet VA medical standards. The proposed bill could raise pressure on Congress to authorize and appropriate funds for a VA medical facility in the Philippines, or to restore the existing Philippine facility to VA standards.

Language to increase medical care priority for Filipino veterans in the U.S. The bill would substitute *"shall furnish"* for *"may furnish"* in Section 1734, which specifies the conditions under which VA grants *"hospital and nursing home and medical services"* for service-connected conditions for Filipino veterans residing in the United States. Similar language applying to other veterans uses the construction *"shall furnish hospital care, and may furnish nursing home care...[and] shall furnish ...medical services..."* to all veterans when necessary for the treatment of service-connected conditions. Given that all nursing home care is provided according to a priority system that incorporates medical judgements within the management of available resources, it is uncertain what effect the substitution of "shall for "may" would have.

Lower benefits, income limitations, and copayments for Philippine residency. The proposed bill would provide full pensions to eligible veterans living in the U.S; veterans residing in the Philippines would be given payments at one/half the U.S. residency rate. In addition, the income limitations that determine pension amounts would be reduced by one/half for Philippine residents, as would the income threshold at which medical copayments and deductibles became applicable. The copayments and deductibles would also be set at one/half of the level applicable to U.S. residents.

Existing law presumes that $.50 per dollar is a rough approximation of the difference in monetary values between the two economies. This analysis does not examine whether Filipino citizens have equivalent standards of living with U.S. residents with incomes twice as high, with respect to either absolute comparisons or to relative positions of various income levels within each economy. If the assumption is valid, then its application to the income threshold for free care, and to any required copayments or deductibles payments is also valid. While those payments would be applied to Philippine residents with income one/half as high

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[2] Appropriations ended with FY1995. Outlays of previous obligations for FY1996 ($377 million) and FY1997 ($152 million, estimated) continued, but no outlays are estimated for FY1998.

as their U.S. counterparts, they would be only one/half as great, and the application of the reductions would be consistent with the $.50 per dollar assumption.

However, there may be unintended consequences in the application of the reduction factor to both pension benefits and to the income limitations used for the computation of those benefits. In the VA pension program, income limitations are target levels to be met with a combination of pension benefits and other income. To achieve the target levels, pension benefits are offset dollar-for-dollar by other income. Thus, veterans with no other income, veterans with other income below target levels, and veterans with other income equal to target levels would all have the same total income, but with different combinations of benefits and other income. By reducing benefits that would otherwise bring incomes to target levels one/half as high, the proposed bill results in combined incomes lower than the reduced target levels in all cases in which the veterans have other income.

On the other hand, if the target levels were to be unreduced, but benefits reduced by one/half, beneficiaries in the Philippines with incomes below the levels would have greater total incomes than implied by the presumption that monetary values are one/half those in the U.S. In these cases, the higher target levels would permit veterans to retain all of their incomes, even if the combination of income and benefits caused the total to exceed one/half of the target. If the purpose is to match the presumption of $.50 per dollar equivalence, then that objective is reached by reducing the income targets by one/half, while paying any pension benefits at the full rate. Under that approach, combinations of benefits and income would equal the reduced targets. Individuals with incomes above the targets would receive no benefits.

Other Related Bills

Two other bills introduced by Senator Inouye bear directly on the population that would be affected by this proposed bill to expand benefits. S. 96 would require the Secretary of the Army to determine the validity of claims by certain Filipinos that they performed services on behalf of the United States during World War II. Validation *(recognition)* of those claims would make those Filipinos eligible for veterans benefits due recognized members of the Philippine Commonwealth Army, and could also facilitate the processing of their naturalization applications. S. 118 would authorize the completion of the expedited naturalization process for recognized Filipino veterans established by *The Immigration Act of 1990* (P.L. 101-649) and, according to CBO, would permit 12,000 pending cases to reach citizenship. Passage of either of these two bills would increase the number of veterans made eligible were this proposed bill to also reach enactment.

If I can answer any questions, please call on 7-7314.

March 21, 1997

MEMORANDUM

TO: Marie Blanco
Senator Inouye's Office

FROM: Mary Helen Petros and Shawn Bishop
Congressional Budget Office

SUBJECT: Philippine Veterans' Benefits Eligibility Act of 1997

The Philippine Veterans' Benefits Eligibility Act of 1997 would make World War II veterans of the Philippine Commonwealth Army and the Philippine Scouts eligible for veterans' pension and health care benefits if they are U.S. citizens. Filipino veterans living in the United States would be paid at the full dollar rate, while those living in the Philippines would be paid at the peso rate, or about 50 cents on the dollar. The bill would cost about $118 million in 1998 and $87 million in 2002 as shown in the table.

Eligible Population

Based on data from the Department of Veterans Affairs (VA), CBO estimates that at least 28,000 out of 93,000 surviving veterans of the Commonwealth Army and Philippine Scouts are U.S. citizens. According to information from the Immigration and Naturalization Service (INS), about 15,000 live in the United States and became citizens between 1991 and 1995 under the authority of the Immigration Act of 1990 (Public Law 101-649). Between 1991 and 1995, about 11,000 veterans who live in the Philippines were successfully naturalized. About 12,000 naturalization cases in the Philippines are still pending, but they won't be processed unless naturalization authority under Public Law 101-649 is extended.

	By Fiscal Year, in Millions of Dollars				
	1998	1999	2000	2001	2002
DIRECT SPENDING					
Veterans' Pension					
Budget Authority	66	66	47	38	31
Estimated Outlays	60	57	51	35	32
DISCRETIONARY SPENDING					
Medical Benefits					
Authorization Level	64	62	60	58	56
Estimated Outlays	58	62	60	58	55

A certain number of Filipino veterans became U.S. citizens before INS began counting them in 1991. Because about 4 percent of the population in the Philippines who are over 65 are Filipino veterans, CBO assumes that 4 percent, or about 2,400, of all Filipinos over 65 in the U. S. who became citizens before 1990 are Filipino veterans.

Pension

To be eligible for pension benefits a veteran must have an income less than about $8,500 and must be 100 percent disabled. Because the average per capita income in the Philippines is only about $850.00, CBO estimates that all Filipino veterans in the Philippines would qualify for pension based on need. Because incomes of recent immigrants are generally low, especially for older populations, the same is assumed for the recent citizens who live in the United States. Based on the population of U.S. veterans, CBO estimates that in 1998 about 40 percent would qualify based on disability, or about 5,600 Filipino veterans in the United States and about 3,500 in the Philippines. This caseload is projected in the estimate with an expected mortality rate that reflects age and disability. The estimate assumes that Filipino veterans would receive the maximum pension rate for a single veteran, which in 1997 is $8,486, or $4,243 in pesos.

Medical Care

Under the bill, all Filipino veterans who are U.S. citizens would be eligible for the full range of VA medical benefits, with exception of survivor benefits which are excluded in the bill.

Given the low per capita income in the Philippines, CBO assumes that all veterans affected by the bill and living overseas would qualify for medical care based on their income. VA's standard criteria for eligibility and priority status would apply in the Philippines; that is, veterans with service-connected disabilities of at least 10 percent and veterans with income below $19,000 (for single and no dependents) qualify for priority medical care. The income threshold increases by $1,150 for each dependent. But not all of the eligible veterans would seek care from the VA. There is currently only one VA access point in the Philippines--an outpatient clinic located in Manila. (Inpatient hospitalizations are treated in contract hospitals with VA funding.) Travel to the clinic would discourage some veterans from seeking VA-funded care. Thus, CBO assumes that 65 percent of eligible veterans living in the Philippines would use the VA health system.

CBO assumes that all eligible veterans living in the United States would be given priority status for medical care based on their income. Although these veterans would have access to a greater number of VA facilities compared to the Philippines, a portion of them probably have other sources of health care coverage, such as Medicare, Medicaid, or retiree health insurance. Veterans who have access to other sources of care would not rely as much on the VA health system. Hence, CBO assumes that 65 percent of eligible Filipino veterans living in the United States would use the VA health system, which is the same utilization rate of all World War II veterans who live in the United States.

CBO distinguishes between the costs of patients who would require relatively routine health care services (e.g., mainly primary care) from the cost of chronically ill patients who would require more intensive services that are integral to rehabilitation or functional maintenance. As a proxy for cost, CBO relies on the amounts that VA allocates to these two groups of patients in its budget for fiscal year 1997. The budget allocation or "cost" to the VA is approximately $3,200 for each routine care patient and $37,000 for each chronically ill patient per year. Total VA medical care costs in the Philippines are adjusted to reflect lower labor costs outside of the United States.

The VA has identified that 96 percent of its patient load requires routine care, while the remaining 4 percent receive chronic care or specialized services. This estimate assumes that those proportions apply to veterans affected by this bill. In total, the cost of providing medical benefits to eligible Filipino veterans would be about $58 million in 1998 and about $55 million in 2002.

TESTIMONY REGARDING FILIPINO VETERANS OF
WORLD WAR II
Offered by State Representative David A. Pendleton

Before the
Veterans' Affairs Committee
House of Representatives
United States Congress

The Honorable Chairman Bob Stump and
Honorable Members of this Distinguished Committee:

My name is David A. Pendleton. I am a state legislator from Hawaii. More specifically, I am a Republican member of the Hawaii House of Representatives, where I serve in the Republican Caucus as Whip.

On behalf of the Hawaii State Legislature, and particularly the Filipino Caucus and the Republican Caucus of the Hawaii House of Representatives, aloha and thank you for inviting me to testify today. I also extend the sincere appreciation of thousands of Filipinos from my home state of Hawaii for this Committee's gracious scheduling of this important oversight hearing. It is clear that there are many pressing issues before the House Veterans' Affairs Committee, and so your committing time to this issue evidences a recognition of the important contribution of the Filipino veterans of World War II. It is hoped that this hearing will be the first of several significant steps toward genuine equity for our Filipino veterans.

Distinguished members of this Committee, my interest in Filipino veterans' issues derives partly from the fact that I am part Filipino. My late grandfather served in the United States Navy. He was enthusiastically patriotic, not just on the Fourth of July but throughout the year. He was proud to be an American, proud of the fact that he was a citizen of a Nation committed to high ideals -- liberty, justice, equality before the law. I still remember visiting grandfather and hearing him whistle the National Anthem while he shaved in the morning before going to work at Pearl Harbor. He was a civilian by that time, but you'd never know it.

He was also proud of his Filipino heritage and culture. He passed this on to his children and grandchildren. He spoke often of World War II and was ever grateful for General Douglas MacArthur's bravery. My uncle is named Douglas, after the legendary general. I never mastered the details of World War II military history, but I grasped the themes, the major events, and acquired a sense of the times from my grandfather's account. He hurried over many of the details. Some of these details had to do with the treatment of Filipino veterans immediately following the war. His position -- as I now reflect upon what he said -- was that some misunderstandings occurred, some unfairness took place, and some representations were made which were not lived up to. But that was the past.

My grandfather was clear that today's leaders could not rightly bear the guilt of those who had gone before. Decision makers in the present are not responsible for what others did or did not do.

My grandfather did teach me, however, that while we cannot be held responsible for what others have done in the past, we are responsible for what we do in the present and in the future. Perhaps what happened was perfectly legal in terms of technical compliance with the letter of the law. There are others here much more versed in these matters who will discuss this issue. But even if we assume that what was done was technically legal, viewed in the broader context of history and how we have treated others similarly situated, it is clear that there is not equity for Filipino veterans. Even if the present scheme is perfectly in keeping with the rules, it falls far short of our American ideals.

And this is the difficult part. We can all agree that justice and equity are the goals. We can all agree that justice and equity may require that we do more than we are presently doing, but what are the precise or specific terms? What exactly should be done? What statutory language would effectuate our American ideals with respect to Filipino veterans?

I will not attempt to answer all of these questions during the next few minutes. I have written articles on this issue -- two of which are attached to my written testimony. I implore you to review these attachments. I also had a hand in House Concurrent Resolution Number 90, which was approved by both the House and the Senate of the Hawaii State Legislature earlier this year and which was unanimously supported by the House Republican Caucus and the Senate Republican Caucus of the Hawaii State Legislature. A copy of this document is attached as well.

My main purpose today is to convey to you my firm belief -- and that of the Hawaii State Legislature -- that the present treatment of Filipino veterans does not afford them full equity. Let me illustrate this contention with two brief points.

First, there is the issue of naturalization. During World War II, many non-American soldiers were involved in this great conflict, fighting against the powers of conquest, namely, Japan and Nazi Germany. Among the military forces which opposed Japanese and German expansionism were allied troops from other countries. These troops, not unlike the Filipino veterans, fought in conjunction with American forces against a common enemy. They were subsequently afforded the right to naturalization. Beginning in 1943, naturalization officers were dispatched to foreign countries where they accepted applications for naturalization, performed naturalization ceremonies, and swore into American citizenship thousands of veterans from other countries.

In contrast, the great majority of Filipino soldiers who had fought under the command of American officers were not afforded similarly liberal naturalization policies. The United States withdrew its naturalization officer from the Philippines for nine months and then permitted the law to lapse in 1946, resulting in severely limiting the number of Filipino veterans able to exercise their rights in a timely fashion.

Second, there is the issue of the reasonable and appropriate form of payment of monetary veterans' benefits. While other veterans of World War II (who presently reside outside of the United States and served in a similar capacity as the Filipino veterans) receive the full equivalent value of their veterans' benefits in their home currency, such is not the case for many Filipino veterans. Instead, Filipino veterans receive the equivalent of only half of the dollar value, regardless of whether the recipient resides in the Philippines or elsewhere.

I could discuss many other issues, but there are others here who will discourse upon such matters at length. Permit me to close by reminding us all of the purpose and goal of the Department of Veterans Affairs: "to care for him who shall have borne the battle...."

The United States Congress has an opportunity to effectuate genuine equity for Filipino veterans. Let us today begin the arduous but necessary task of crafting legislation which will assure equity for Filipino veterans. Let us care for those who have borne the battle.

Thank you for this opportunity to testify.

David A. Pendleton
Representative
Hawaii State Legislature
July 22, 1998

HOUSE OF REPRESENTATIVES
NINETEENTH LEGISLATURE, 1998
STATE OF HAWAII

H.C.R. NO. 90 H.D. 1 S.D. 1

HOUSE CONCURRENT RESOLUTION

REQUESTING CONTINUED SUPPORT BY HAWAII'S CONGRESSIONAL DELEGATION TO PROVIDE FILIPINO-AMERICAN VETERANS WHO SERVED HONORABLY IN ACTIVE-DUTY STATUS UNDER USAFFE, OR WITHIN THE PHILIPPINE ARMY, THE PHILIPPINE SCOUTS, OR RECOGNIZED GUERRILLA UNITS BETWEEN SEPTEMBER 1, 1939 AND DECEMBER 31, 1946, WITH THE SAME VETERANS BENEFITS AS PERSONS WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES OR JOINED THE PHILIPPINE SCOUTS BEFORE OCTOBER 6, 1945.

WHEREAS, on July 26, 1941, President Franklin Roosevelt called back to active duty Lieutenant General Douglas MacArthur, who was then serving as military adviser to the Commonwealth government in the Philippines. President Roosevelt appointed General MacArthur to command the newly formed United States Armed Forces in the Far East (USAFFE); and

WHEREAS, General MacArthur mobilized the entire Philippine Commonwealth Army, consisting of approximately 212,000 soldiers, into the USAFFE and reinforced approximately 10,000 American soldiers, including the 10,000-strong Philippine Scouts (who were the Filipino regulars in the American army) and the 6,000-strong Philippine Constabulary, under the command of American military forces; and

WHEREAS, with the destruction of the United States fleet at Pearl Harbor and the United States Air Force at Clark Field, and with the withdrawal of United States naval forces to Java, the USAFFE lost its naval and air support in the first few days of the war in the Pacific; and

WHEREAS, within days, Japanese troops landed in Aparri and Vigan, in Legazpi and Davao, in Lingayen, Atimonan, and Mauban, while their planes bombed military objectives and government centers. Within a few weeks, the American and Filipino forces defending Luzon were in full retreat to the stronghold where General MacArthur proposed to make a last stand--the peninsula of Bataan and the island fortress of Corregidor; and

WHEREAS, in the ensuing months Japanese Imperial Forces in the Philippines focused all their military might against the USAFFE in Bataan and Corregidor; and

WHEREAS, on February 20, 1942, President Manuel Quezon and Vice President Sergio Osmena of the Philippine Commonwealth left Corregidor for the United States to form a government in exile. On March 11, 1942, General MacArthur left Corregidor for Australia to take over the defense of the southern Pacific area. It was upon his arrival in Melbourne that he issued his famous pledge, "I shall return"; and

WHEREAS, Hong Kong, Singapore, and the East Indies (Indonesia) fell before the fierce Japanese advance in the week following the attack on Pearl Harbor. The soldiers in the Philippines, under the command of Lieutenant General Jonathan Wainright, fought on. Their valiant struggle, the only Allied resistance in East Asia during the winter and spring of 1942, slowed down the enemy and gave Australia more time to strengthen its defenses; and

WHEREAS, thousands of Japanese infantrymen, supported by artillery barrages and tank fire power, pounded the Filipino-American lines. Overhead, Japan's air corps soared and bombed the foxholes, hospitals, and ammunition dumps of Bataan. From the sea the enemy warships poured lethal shells on the defenders' positions. Bataan was doomed. The defenders, weakened by hunger, disease, and fatigue, fought fiercely and many died as heroes; and

WHEREAS, Bataan fell on April 9, 1942. Corregidor's Voice of Freedom radio station announced, "Bataan has fallen, but the spirit that made it stand--a beacon to all the liberty-loving peoples of the world--cannot fall". As many as 36,000 Filipino and American soldiers were captured by the victorious Japanese. Forced to set out on the infamous "Death March" to San Fernando, tens of thousands died from hunger, thirst, disease, and exhaustion. Survivors were crammed into boxcars and shipped to imprisonment in Capas; and

WHEREAS, General Wainwright and the 12,000 Filipino and American soldiers manning the rocky fortress of Corregidor

continued to fight, but after the fall of Bataan, the end was in sight for them as well. On May 6, 1942, Major General William Sharp was ordered to stop future useless sacrifice of human life in the Fortified Islands, and to surrender all troops under his command in the Visayan Islands and Mindanao. Corregidor fell almost five months to the day after the attack on Pearl Harbor. Organized military resistance to the invasion of the Philippines ended that day; and

WHEREAS, many Filipino officers and men refused to heed the order to surrender. They fled to the hills with their arms and, with the help of the civilian population, waged a relentless guerrilla war against the invaders. The guerillas, almost without arms at the beginning, hungry, and unclothed, gave battle to the enemy from every nook and corner of the land. For three seemingly interminable years and despite unbelievable hardships, they carried the torch of freedom; and

WHEREAS, it was against the backdrop of Bataan, Corregidor, and other theaters of battle, where alien soldiers under the United States flag fought bravely and fiercely, that the United States Congress amended the naturalization provisions of the Nationality Act of 1940; and

WHEREAS, in 1942, Congress reestablished the policy it had set forth during the first World War by providing for the naturalization of aliens honorably serving in the armed forces of the United States during the war. As part of the second War Powers Act, Congress waived the requirements of residence, literacy, and education for alien soldiers. The law allowed any alien who was inducted or who enlisted into the United States Army, Navy, or Air Force during World War II to become a United States citizen; and

WHEREAS, even while the war was raging, alien soldiers in England, Iceland, and North Africa, who served in American military forces, could be naturalized as United States citizens. This naturalization was made possible because beginning in January 1943, naturalization officers were dispatched to foreign countries where they accepted applications, performed naturalization ceremonies, and swore into American citizenship thousands of alien soldiers; and

WHEREAS, while the Philippines was under Japanese occupation, approximately 7,000 Filipino soldiers were naturalized outside the Philippines. The great majority of Filipino soldiers in the country, however, were not even aware of these liberal naturalization benefits. The United States withdrew its naturalization officer from the Philippines for nine months and then allowed the law to lapse in 1946, so few Filipino veterans were able to exercise their rights in a timely manner--rights that had been supposedly earned on the battlefield for a lifetime; and

WHEREAS, although the Immigration Act of 1990 rectified this foreclosure of rights by permitting Filipino veterans of World War II to apply for naturalization and to receive benefits after May 1, 1991, it did not remedy the betrayal of Filipino veterans orchestrated forty-five years earlier by a cost-conscious country through the Rescission Act of 1946 and the Second Supplemental Surplus Appropriation Rescission Act (1946), which declared that the service performed by many Filipino veterans was not "active service" and denied them their veterans benefits after the fact; and

WHEREAS, while Filipino-American veterans who served honorably in an active-duty status under the command of the USAFFE or within the Philippine Army, the Philippine Scouts, or recognized guerrilla units, between September 1, 1939, and December 31, 1946, braved the same dangers and were entitled to apply for naturalization, only those persons who served in the armed forces of the United States or joined the Philippine Scouts before October 6, 1945, currently are entitled to the full-range of veterans benefits; and

WHEREAS, it should be the right of every Filipino-American veteran of World War II, who served honorably in an active-duty status under the command of the USAFFE or within the Philippine Army, the Philippine Scouts, or recognized guerrilla units, to receive the full-range of veterans benefits, including, but not limited to, a nonservice disability burial allowance and pension, treatment for nonservice connected disabilities at Veterans Hospitals in the United States, home loan guarantees, burial in a national or state veterans cemetery and headstones,

contract national service life insurance and educational assistance for spouses and surviving spouses; and

WHEREAS, only those who served in the armed forces of the United States or Philippine Scouts that enlisted prior to October 6, 1945, are eligible for full veteran's benefits, but others can only receive partial benefits. Those with limited benefits include veterans of the Philippine Scouts enlisted after October 6, 1945, Commonwealth Army of Philippines enlisted between July 26, 1941 and June 30, 1946, and recognized guerillas with service between April 20, 1942 and June 30, 1946. For these groups, monetary benefits are received in pesos in an amount equivalent to only half of the dollar value, regardless of whether the recipient resides in the Philippines or the United States; and

WHEREAS, Philippine veterans with military service with the Special Philippine Scouts who enlisted between October 6, 1945 and June 30, 1947, under Public Law 190, 79th Congress ("New Scouts") are not entitled to full Veterans Administration benefits. They are only entitled to service-connected disability benefits. This is payable to a veteran if he is presently suffering from a disability which the Department of Veterans Affairs determined to be the result of a disease or injury incurred in or aggravated during military service. The disability must have been rated by the Department of Veterans Affairs as ten per cent or more disabling to be compensable. (No compensation may be paid for a service-connected disability rated less than ten per cent disabling.) Medical treatment is only provided for their service-connected disabilities; and

WHEREAS, Philippine veterans with military service in the Commonwealth Army of the Philippines and recognized guerrillas are entitled to service-connected disability benefits only if they are presently suffering from a disability which the Department of Veterans Affairs determines to be the result of disease or injury incurred in or aggravated during military service. The disability must have been rated by the Department of Veterans Affairs as ten per cent or more to be compensable. No compensation may be paid for a service-connected disability rated less than ten per cent disabling. Benefits are payable in Philippine pesos. Medical treatment is provided only for

their service-connected disabilities; and

WHEREAS, there is no greater duty for a nation of free men and women than the care of former soldiers and their dependents, no greater honor for a former soldier than to be laid to rest next to the soldier's comrades-in-arms, no greater act of respect that a grateful country can show a former soldier than to inter the soldier's remains on hallowed ground, and no greater tribute that future generations of freedom-loving Americans can visit upon a former soldier than to remember those sacrifices made by the soldier on the battlefield; and

WHEREAS, in the words of President Abraham Lincoln, upon the establishment of the Veterans Administration (now the United States Department of Veterans Affairs), this country has a sacred duty "to care for him who shall have borne the battle, and for his widow and his orphan"; and awarding the full-range of veterans benefits to former soldiers is the very least that a grateful nation can do for those persons who placed themselves in harm's way to protect the United States from its enemies; now, therefore,

BE IT RESOLVED by the House of Representatives of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, the Senate concurring, that Hawaii's congressional delegation is again requested to continue its support for legislation and other action to ensure that Filipino-American veterans who served honorably in an active-duty status under the command of the USAFFE or within the Philippine Army, the Philippine Scouts, or recognized guerrilla units, between September 1, 1939, and December 31, 1946, are granted the full range of veterans benefits that they were promised, that they are entitled to and that is provided to other veterans recognized by the Department of Veterans Affairs; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Secretary of Veterans Affairs, the members of Hawaii's congressional delegation, and the Adjutant General.

Related to Cover Story

In Fairness to Filipino Veterans

BY REP. DAVID A. PENDLETON

There is movement in the present Congress to extend fairness and justice to Filipinos who fought and died for the United States during World War II.

Specifically, efforts are being made to amend Title 38 of the United States Code so that certain active-duty service in the organized military of the Government of the Commonwealth of the Philippines and the Philippine Scouts is considered and will be accounted as active duty service, for the purposes of receiving certain Veterans Administration benefits, as service rendered to and for the United States of America.

The net effect of such a change in the United States Code will be the receipt of greater benefits for those Filipino veterans who served the United States during World War II. This does not mean that they will receive special privileges. Rather, it will mean that they receive what they were led to believe they would receive, namely, equal and equitable benefits for service rendered in wartime.

The truth is that Filipinos fought, bled, and died furthering the interests of the United States and under unique circumstances where for all practical purposes they were fighting for the United States. Numbering approximately 200,000 during World War II, these Filipino soldiers fought under American military commanders and were led to believe that they would participate in and receive equal military benefits and that the process of granting of United States citizenship would take into account their valiant service.

For a time it appeared that the United States would live up to the expectations it had fostered in the minds of Filipinos who had served in the U.S. military. But these expectations were dashed by the passage of the infamous Rescission Act of 1946.

To fully understand the impact and arguably disparate treatment resulting from the Rescission Act and other laws of its ilk, it is important to remember that there are four categories of Filipino veterans who served the U.S. military during World War II. These four groups are the Filipinos who served in the regular components of the U.S. military, regular Philippine Scouts who enlisted in the U.S. Army prior to October 6, 1945, special Philippine Scouts who enlisted in the U.S. military after October 6, 1945 but before June 30, 1947, and, finally, those in the Philippine Commonwealth military called into service on July 26, 1941 by President Franklin D. Roosevelt per executive order.

The array or range of veteran benefits provided is determined on the basis of which group a Filipino veteran falls into. Generally, Filipinos who served in the regular components of the U.S. military and regular Philippine Scouts receive more benefits than the other two groups. The other two groups receive some benefits, and even then often at reduced rates. For example, with respect to certain benefits Filipino veterans who served the United States pursuant to President Roosevelt's executive order of 1941 or as New Scouts are extended benefits in peso value of 50 cents on the U.S. dollar, pursuant to Public Law 89-640 which passed the United States Congress in 1966.

Apparently it was felt that the exchange rate ought to be taken into account. Yet it is not clear that the exchange rate is taken into account when benefits are dispersed to veterans from or residing in other foreign countries.

Why the disparate treatment? The standard answer is that these categories were carefully constructed and appropriately delineate the types of service rendered and the circumstances under which such service was rendered. The benefits, then, so goes the standard answer, are accorded to individuals not with the intention of discriminating between servicemen but with the intention of recognizing that service was rendered at different times and in varying ways.

The errors of such reasoning are exposed, however, upon closer reflection. The indisputable fact remains that Filipino veterans, regardless of which artificial category they may fall in, served this country, and in many cases were wounded, maimed, and killed. Even if they were fortunate enough to emerge from the conflict unscathed, as it were, they certainly had placed themselves in harms way for the cause and purpose of the United States. Accordingly, it would make more sense to provide benefits in a more equal and equitable manner than the current system affords.

This bill, then, does not create special privileges for those who do not deserve privileges. Rather, this bill recognizes and finally acknowledges the reality that these Filipinos – regardless of when they were enlisted or with which unit they served – fought side by side with American military personnel for the United States, thereby rendering invaluable service to our country, and all the while displaying selfless courage and valor.

As a State legislator, I lend my strong support to this important federal legislation not because I am half-Filipino but because it is just and good. In Hawaiian we might call it "pono." What better reason to support legislation.

At the time of this writing, this legislation is sponsored and co-sponsored by 136 members of the United States House of Representatives. A similar proposal has been introduced in the United States Senate. If you agree that it is time we pass a law which will effect and bring about fairness for Filipino veterans, please write your member of Congress and give voice to what we know is right. You can reference this bill as H.R. 836 or as the Proposed Filipino Veterans Equity Act of 1995.

(Rep. David A. Pendleton, one of six Filipino State Legislators, is an attorney and sits on the Board of Directors of the Filipino Chamber of Commerce of Hawaii.)

COMMENTARY

Equity for Filipino Veterans

by Rep. David A. Pendleton

Recently I have been asked a number of times to speak to Filipino groups on the issue of equity for Filipino veterans. I suppose I am asked because I am an attorney who serves on the Judiciary Committee and I am also of Filipino descent. Whatever the reason, these invitations have provided an opportunity to study the history of Filipino-American relations during the 20th century. In preparing my remarks and researching the history behind the current inequities against Filipino veterans, I came across an inspiring speech by a little-known congressman from the Mainland. I do not know what State he represented, his ethnic background, or his party affiliation. I do know, however, that he was a man with firmly-held beliefs. This is apparent from his words. He was willing to side with the powerless and to speak in favor of what is right and against what was wrong. He spoke eloquently and powerfully against discriminating against veterans on the basis of residency or ethnic background. Whatever his ethnicity, he certainly had a Filipino heart — a heart for the plight of the Filipino veterans.

His speech was delivered in the chamber of the United States House of Representatives, Washington, D.C., on September 19, 1966. He spoke with such conviction and moral fervor that I wish I had been there to hear his words in person. I do not know what became of him, but I do know that he deserves our thanks and our gratitude. His name was Congressman Saylor, and I offer his remarks here in its entirety because I believe that his words are as true today as they were back in1966:

"Mr. Saylor: Mr. Speaker, if there was ever any bill that has come before the Congress in which they tried to correct an injustice, it is this bill. But, unfortunately, the administration is only willing to make half a correction. What we must look at are certain facts affecting the Veterans' Administration. The question is whether or not veterans' benefits are given to the men and women who served in the Armed Forces of the United States on the basis of their service, or their place of residence after service. If the benefit is based on military service, then these Filipino veterans are entitled to full benefits.

"That is the rule in 66 countries around the world. In 66 countries around the world, men and women who served in the armed forces of the United States are sent checks on the first of every month by the Veterans' Administration in dollars. But if you happen to be a poor veteran who served with the Army, the Navy, or the Air Force of the United States and you live in the Philippines, the Veterans' Administration's rules and regulations do not apply to you. A different set of half standards applied. If you lost an arm, a leg, or you were wounded in the defense of the flag of the United States and you live in the Philippines, you receive only half of the compensation paid to servicemen in the United States.

"Certain Members of Congress in bygone days picked on these people who lived in the Philippines. They did not give them all their benefits. It has been a source of irritation in the Philippines from that day until now.

"President Marcos of the Republic of the Philippines and President Johnson appointed a commission to look into this and to try to solve these inequities. All the people of the Philippines who visited our country recently, or who were hosts when our people went over to the Philippines, all they asked was that if a veteran served in the military forces of the United States, if he was a Filipino, he would be treated like every other veteran.

"The committee then reported this half measure-because that is just what this is. This is a half measure. They say, "We will not give you a check in dollars like we do to everyone else, we will just give you half as much as we give everybody else."

"It is not a case of what a peso will buy or a dollar will buy in the form of pesos in the Philippines. Does anybody ask how many lira it will buy in Italy? Does anybody care how much it will buy in Greece? Does anybody care how much it will buy in Iceland? "Does anyone ask how much it will buy anywhere in North Africa, Canada, Mexico, South America, or anywhere else? The Australians who fought with us get paid in dollars. Why not the Filipinos?

"Do not forget that when this happened, it was not the independent Republic of the Philippines. When these men were taken into the Army of the United States, the Philippine Commonwealth was a territory of the United States of America. They belonged to the United States following the Spanish-American War, and remained ours until July 4, 1946. All the injuries which they are complaining about are rightfully our responsibility and all they are trying to do is to get equal treatment.

"If this bill represents equity, if the United States is trying to look around the world and to do things that are right, then it is about time we did the right thing by giving Filipino veteran who served in the U.S. Armed Forces the benefits given to Americans.

"Do not forget that many of the people taken into the service in Europe, in Italy and in Greece, were not American citizens. If you were living in this country and you were taken into the service, you are entitled to your benefits because you served the United States. If we do no make any other exception among the 66 nations, why do we do so in the Philippines? Why do half way? Why not give to the Filipinos, those brave men who served in our armies, the same benefits?"

Well said, Congressman Saylor. Your words need to be heard again today in 1997. For surely an injustice against any group is an injustice to us all.

Rep. David Pendleton, one of six Filipino legislators, serves on the House Judiciary Committee and on the Board of Directors of the Filipino Chamber of Commerce of Hawaii.

"In 66 countries around the world, men and women who served in the Armed Forces of the United States are sent checks on the first of every month by the Veterans' Administration in dollars. But if you happen to be a veteran who served with the Army, the Navy, or the Air Force of the United States and you live in the Philippines, the Veterans' Administration's rules and regulations do not apply to you."

HOUSE OF REPRESENTATIVES
STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

July 15, 1998

The Honorable Robert Stump
and Committee Members
Veterans' Affairs Committee
United States House of Representatives
Washington D.C. 20515

Dear Chairman Stump and Honorable Members:

On behalf of the Republican Caucus of the Hawaii House of Representatives we are writing in strong support of Filipino veterans of World War II. More specifically, we urge Congress to take steps to assure equity for Filipino veterans.

As we all know, Filipino veterans fought for the United States in the Pacific Theater during World War II. They were assured by various officials that their service would result in equal military benefits, among other things. Unfortunately, whatever hopes these Filipino veterans had about equal treatment were dashed by the federal Rescission Act of 1946.

The Rescission Act was preceded by President Franklin D. Roosevelt's Executive Order of 1941 and continued in Public Law 89-640, which passed the United States Congress in 1966. The policy had the effect, for example, of taking into consideration the currency exchange rate when paying benefits. The United States has veterans in many countries, but only when it comes to veterans in the Philippines does the U.S. take into account currency exchange rates.

This is but one example of the apparent lack of equity with respect to our Filipino veterans. Accordingly, we urge Congress to carefully review the House Concurrent Resolution Number 90, which the Republican Caucus unanimously supported and which is being delivered to you along with this letter. The Resolution sets forth a clear and compelling case for equity for our Filipino veterans of World War II.

Very truly yours,

Quentin K. Kawananakoa
Republican Leader

Barbara Marumoto
Republican Floor Leader

David A. Pendleton
Republican Whip

Statement of General Tagumpay Nanadiego, Office of Veterans' Affairs, Embassy of the Philippines

EQUITY FOR FILIPINO WORLD WAR II VETERANS

HISTORICAL BACKGROUND OF PHILIPPINE-AMERICAN RELATIONS:

The Philippines was ceded by Spain to the United States upon the conclusion of the Spanish-American War, by virtue of the Treaty of a Paris on December 10, 1898. Under the terms of said treaty and subsequent laws enacted by the US Congress, the Filipinos were nationals of the United States and entitled to the protection of their basic civil rights under the Constitution.

This concept is relevant when President William McKinley, upon instituting civil government in the Philippines said, "***The Philippines are ours not to exploit, but to develop, to educate and to train in the science of self-government...The main purpose of the American government is the welfare and advancement of the Philippine people...to extend to them the constitutional guarantee of their civil rights to the fullest extent.***"

Accordingly, the Philippine Commonwealth Government was placed under the jurisdiction of the US Government, with the constitutions of both governments expressly designating the President of the United States as the Commander-in-Chief of the army and navy of both countries during periods of existing emergency.

PRESIDENT ROOSEVELT'S MILITARY ORDER.

When war between United States and Japan became imminent President Roosevelt, by virtue of the authority vested upon him by the Constitution and by Sec. 2 (a) (12) of the Philippine Independence Act, issued a military order on July 26, 1941, calling into the active service of the Armed Forces of the United States for the period of existing emergency all of the organized military forces of the Commonwealth of the Philippines.

Pursuant to said Military Order, the War Department immediately constituted the United States Army Forces in the Far East (USAFFE) consisting of the US-Philippine Department, forces of the Philippine Commonwealth Army and such other forces as may be designated, with General Douglas MacArthur as the Commanding General.

USAFFE GENERAL ORDERS NO. 46.

To implement said Military Order, USAFFE General Orders No. 46 was issued providing that,

"All the personnel of the Philippine Army on active duty and all active units of the Philippine Army, less personnel and units already accepted for service with the United States Army Forces, are hereby called into the service of the Armed Forces of the United States in the Philippines, effective on the day of acceptance for the period of existing emergency, and will be accepted for such service by the officer in the service of the United States Army Forces in the Philippines".

In January 1942, after the bulk of the USAFFE units in Luzon moved into the Bataan Peninsula, the USAFFE strength was estimated to be around 85,000 troops - 63,750 of whom were members of the Philippine Commonwealth Army. When the last battle was fought in the early part of the April 1942, the strength of the USAFFE in Bataan was 78,000 broken down as follows:

Philippine Commonwealth Army	60,000
Philippine Scouts	6,300
American Servicemen	11,800

Upon their induction into the USAFFE, the US Army's Philippine Department took over all the responsibility for the pay, allowances of all Philippine Army units inducted into the service. Their mobilization and training expense came from the $10 million allotment from President Roosevelt's emergency fund and in late December 1941 Congress appropriated $269 million for such purposes, to be made available to the Philippine Commonwealth, as authorized by the Commanding General.

There was no statement at that time by the President or law of Congress that suggested even faintly that Filipino servicemen were NOT soldiers of the United States Army. On the contrary they were made to understand that they were a part and parcel of the US Army, fighting side by side with their American counterparts in defense of freedom and democracy. It was only on June 30, 1946 that they were released from American military authority by another order of President Truman.

It shall be noted that from the date the Military Order was issued and before the enactment of the Rescission Act there were administrative decisions and legislation affirming that these Filipino servicemen have been found to be in the active military service and thus entitled to same veteran benefits as their American and other national counterparts who fought during world War II.

A. SENATE BILL 2387

Cognizant of the courage and valor demonstrated by the Filipino soldiers, Gen MacArthur, in late February 1942, recommended to the War Department that the Philippine Army pay scale be raised to US Army levels.

As a result of MacArthur's recommendation, S. Bill 2387 was introduced in Congress to formally equalize the pay of the Philippine Army with the US Army. Said legislation passed the US Senate but "*died*" in the US House of Representatives, largely because the whole subject became moot and academic with the surrender of the Philippines to the Japanese Imperial Forces.

B. AMENDMENT OF THE NATIONALITY ACT OF 1940

On March 27, 1942, the US Congress amended the Nationality Act of 1940 providing for the privilege of citizenship to Filipino servicemen. The authority to naturalize was delegated to the US Deputy Consul General George C. Ennis of the US Embassy in Manila on August 26, 1945 and revoked a month later on September 26, 1945—thus enabling only a handful few to obtain their citizenship.

As succinctly stated in an internal memorandum of Edward J. Shaughnessy, Special Assistant to the Commissioner, dated October 19, 1945 - *"the revocation of Vice Consul's naturalization authority created the rather anomalous situation that while we recognize in law the legal right of these persons to the benefits under the Act we have from administrative standpoint, made it impossible for such persons to acquire these benefits"*.

C. NATIONAL SERVICE LIFE INSURANCE LAW

In an opinion (40 Op. 185, 1942) of the Solicitor of the Veterans Administration (Case No. 491 of May 22, 1942 and approved by the VA Administrator, Filipino servicemen were entitled to insurance benefits under the National Service Life Insurance law for active service rendered in the US Armed Forces.

D. MISSING PERSONS ACT OF 1942

A similar decision was upheld in the opinion of the Attorney General (40 Op. 281, 1943) for Filipinos to be entitled to benefits under the Missing Persons Act of 1942.

E. GI BILL OF RIGHTS

On June 22, 1944 the US Congress enacted the Servicemen's Readjustment Act, otherwise known as the GI Bill of Rights. This Act mandated the Federal Government to extend aid and assistance for the readjustment to civilian life of returning WWII veterans. It was never contemplated that Filipino veterans were to b excluded as beneficiaries to the said Act since the basis for eligibility entitlement is past active service in the US Armed Forces.

THE RESCISSION ACT:

Prior to United States' granting independence to the Philippines, on July 4, 1946, the Chairman of the Senate Sub-Committee On Appropriation on August 27, 1945 requested the Administrator of the Veterans Administration to inform Congress as to the amount the Federal Government had to appropriate for the benefits due to Filipino WWII veterans and their dependents.

On October 26, 1945 the Veterans Administration reported that the estimated amount will be $3.2 billion dollars. Because of the enormous amount involved Congress, during the deliberation on the Surplus Appropriation bill conceived an idea to exclude the Filipino WWII veterans from getting equal benefits as their American and other national counterparts. Congress considered it unthinkable to include the large number of Filipinos to fall within the meaning of term "in the active service" to receive compensation benefits that run to billion of dollars. As a consequence Congress chose to set aside prior VA Case No. 491 of May 22, 1942 (benefits under the National Service Life Insurance Law) and others despite the corroboration of Solicitor General L. Paul Winning on February 5, 1945; Director of Research and Educational Services Harry B. Hazard on February 7, 1945; and Assistant Solicitor General Hugh B. Cox on June 23, 1945 - that service of Philippine Army Forces called and ordered pursuant to the Military Order of July 26, 1941 of the President of the United States is valid service in the Armed Forces of the United States to serve as the basis of entitlement to benefits and privileges.

To circumvent the aforementioned opinions and for purely economic reasons, Congress enacted Public Law-79-301 known as the First Supplemental Surplus Appropriation Rescission Act. This Act included, among other things, the release by the US Government the sum of $200 million dollars to the Philippine Government but subject to a RIDER which provides in part that –

"Service in the organized military forces of the Government of the Commonwealth of the Philippines while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, shall NOT be deemed to be or to have been service in the military or naval forces of the United States for purposes of conferring rights, privileges or benefits under any laws of the United States."

The statute provides compensations only to those with service-connected disability, and to surviving heirs of deceased servicemen with service-related causes. Payments for such benefits were made at the rate of 50 cents for every dollar paid to other American recipients.

Three months thereafter the same congress enacted Pub.Law.79-391 known as the Second Supplemental Surplus Appropriation Rescission Act. This Act provided the same statutory limitations to the New Philippine Scouts recruited into the service pursuant to the Armed Forces Voluntary Recruitment Act of October 1945.

These above-mentioned legislation were codified as Title 38, Sec 107 USC, now the subject of a repeal/amendment by S.623 and H.R. 836 pending in the 105th US Congress. The terms of Sec. 107, Title 38, USC expressly discriminate against Filipino servicemen because they were singled out to be treated differently, in the administration of veterans benefits while those similarly situated - the Old Philippine Scouts and 116,000 foreign nationals who served in the US Armed Forces during the war, received full veterans benefits. This is a clear and deliberate violation of the constitutional guarantee of the equal protection of the laws provided in the 14th Amendment of the US Constitution which states that *"no person or class of persons shall be denied the same protection of the laws which are enjoyed by other persons or other classes in like circumstances in their lives, liberty, property and in their pursuit of happiness."* (People v. Jacob 27 Cal. App. 3d., 246, 103 Cal Rptr. 536; 14th Amend US Const.) This doctrine asserted that similarly situated person must receive similar treatment under the law (Dorsey v. Solomon D.C. Md., 435 F. Supp. 725, 733)

No less that President Truman, recognizing the indefensible character of the legislative rider, said

"We as a nation have a moral obligation to look after the welfare of the Philippine Army veterans. That moral obligation is no less a legal one, enforceable pursuant to our Constitution and the right to equal protection of the laws embodied in the Due Process Clause of the 5th Amendment"

CONCLUSION:

In view of the foregoing Presidential Orders, Administrative Decisions and Congressional Legislations, it is very clear that the Philippine Commonwealth Army (in short, the

Filipino World War II veterans) were legally in the active service of the USAFFE and, therefore, entitled to the same benefits as their American and other national counterparts. The Rescission Act has no legal basis at all - it was enacted to absolve the United States of its moral and legal obligations to the Filipino veterans whose heroic exploits in defense of Bataan and Corregidor with their American counterparts has become a legend, exalted by no less than Prime Minister Churchill when he said - ***"No army has done so great with so little."***

It has been fifty one years since then and less than 20 % of said "disrecognized" Filipino veterans are alive, mostly in their late 70's. In the name of those who gave up their lives in the battlefield, died in the concentration camps and survivors who died while fighting and waiting for EQUITY, can't the United States live up to her image as the bulwark of democracy, equality, and justice and grant what is long overdue benefits to the Filipino WWII veterans?

Written testimony of:

BGen Tagumpay A. Nanadiego AFP(Ret) before the House Veterans Affairs Committee in Room 334 Cannon House, Office Building - July 22, 1998

It's a matter of honor...

STATEMENT
of
Alex A. Esclamado
National Chairman
National Federation of Filipino American Associations (NaFFAA)
Before the
House Veterans Affairs Committee
U. S House of Representatives
July 22, 1998

"When the smoke of war had cleared and victory was won, the services of the Filipino World War II veterans appeared to be remembered only in word and not in deed." – *President Corazon C. Aquino*
(In her speech delivered at Mount Samat, Bataan on April 9, 1992, commemorating the 50th anniversary of World War II)

".....Great nations, like great men, must keep their word. When America says something, America means it, whether a treaty or an argument or a vow made on marble steps.....- *President George Bush (Inaugural Address)*

"The Philippine Army Veterans are nationals of the United States and will continue in that status until July 4, 1946. They fought as Americans, as American nationals, under the American Flag, and under the direction of our military leaders. They fought with gallantry and courage under the most difficult conditions during the recent conflict. Their officers were commissioned by us. Their official organization, the Army of the Philippine Commonwealth, was taken into the Armed Forces of the United States by executive order of the President of the United States on July 26, 1946. .....However, the passage and approval of this legislation (Rescission Act of 1946) do not release the United States from the moral obligation to provide for the heroic Philippine veterans who sacrificed so much for the common cause during the war."
- *President Harry S. Truman*
(Upon signing the Rescission Act)

"Of our former ward, the Philippines, we can look forward in confidence...that a strong and healthy nation will grow in the longer aftermath of war's terrible destructiveness. We must be patient and understanding and never fail them as in our hour of need they did not fail us."
General Douglas MacArthur
(Joint Meeting of Congress, April 19, 1951)

Mr. Chairman, Honorable Members of this Committee:

My name is Alex A. Esclamado, son of Teodorico P. Esclamado, a Guerrilla Mayor of a remote seaside village named Padre Burgos in Southern Leyte. During World War II our family supported five American Guerrillas who operated ***Station "TUT"*** on our land. Their activities on Leyte Island were made basis for a movie entitled ***"The American Guerrillas in the Philippines."***

The station was a vital communications link between the Philippine Resistance Movement and General Douglas MacArthur's Headquarters in Australia. The Guerrilla chief in Leyte was my uncle, Colonel Ruperto Kangleon who became Secretary of National Defense after the war. Station "TUT also provided intelligence reports needed during the preparation for the landing of the Liberation Forces on Leyte on October 20, 1944.

I was only fourteen years old then. My brother, Filomeno and I were shot at by a Japanese officer who was arresting our father on suspicion of being a guerrilla leader. We were lucky. The officer was a poor shot. I have first-hand knowledge of the vital role played by the American and Filipino guerrillas during the war. They prevented the Japanese from controlling the entire Philippines most of which remained loyal to America.

THE FILIPINO AMERICAN COMMUNITY

Now, I am privileged to be here as Chairman of the *National Federation of Filipino American Associations (NaFFAA),* the organization presently establishing an infrastructure to mobilize some 3,000 Filipino American organizations throughout the country for their empowerment. The first agenda of NaFFAA is all-out support for the passage of the Equity Act of 1995.

The Filipino American community is now the largest Asian group in California and the second-largest immigrant group to the U. S., second only to the Mexicans. Our present population is estimated to be 3 million and growing at the rate of 100,00 every year by legal immigration and family growth. The Filipino family household income is the highest among all groupings. A high percentage of Filipino-Americans are professionals.

Our youth has great promise. A significant number of them do well in the leading universities in the country. While we are not yet represented in Congress, more and more Filipino Americans are being elected to public office. Representative David Pendleton here is among our four promising State Legislators. There is Delegate David Valderrama of the State Legislature of Maryland, Rep. Vilma Veloria of Washington State's Legislature and Delegate Jon Amores of West Virginia's House of Delegates.

Of course we have Governor Ben Cayetano of Hawaii and several other legislators there. We have Mayors and Council Members in various cities. Many more are members of various Boards and Commissions in all levels of government.

DEBT OF GRATITUDE OF FILIPINO AMERICANS TO VETERANS

The Filipino American community is greatly indebted to the Filipino World War II veterans. Before the war, the Filipinos in the U. S. were mostly farm workers of Hawaii and California and cannery workers in Alaska. They were considered second or third class residents. Many were looked down upon as "monkeys". They could not court white women, nor marry one. There were anti-macigenation laws. They could not own properties. Employment in the government and the private sector, aside from farming and manual labor, were closed to them.

World War II changed all that.

The heroes of Bataan and Corregidor and other Philippine battlefields changed the attitude of Americans towards Filipinos. The newspaper headlines and broadcasts of their gallantry effaced the image of "the monkey". The Filipino became a human being, worthy of respect. Because of the courageous partnership between Filipinos and Americans in the foxholes, we finally became brother Americans.

I am here in behalf of the leadership of the Filipino American community to pay tribute to our aging heroes and to strongly urge this Committee to grant them the Equity and justice that has long been denied them! It will be too late if you do not act now. These veterans are dying every day in a state of rejection, despair and bitterness. They feel that they have been victims of discrimination.

In memory of the heroic dead in Bataan, Corregidor and the nameless other battlefields in the Philippines and in order to honor the living whose memory has been dishonored, let not this 105th Congress pass without favorable action on the Equity Act. The 191 co-sponsors to the bill is a clear testimony that this is a bipartisan issue. It is an American issue.

We are proud to receive the strong endorsement of the California Republican Party, the Democratic National Committee and the State Legislatures of Hawaii, California, Washington State and Maryland. We even have a nice letter of endorsement from Senator Bob Dole addressed to the Chairman of this Committee. This is not to mention the numerous letters of endorsement from various Filipino community organizations and individuals sent to your Committee.

A QUARTER CENTURY OF INVOLVEMENT

I have devoted 39 years of my life in the United States in advocacy including 37 years of publishing and editing the ***Philippine News,*** the largest Filipino American newspaper in the U. S. Our badge of honor is having fought the Marcos dictatorship and suffered greatly for it. We had to contend with two powerful enemies: the Marcos dictatorship and the United States Government, which supported the Marcos dictatorship. Among the myriad issues we championed was the naturalization of Filipino World War II veterans for which I spent 23 years of my life. Congresswoman Nancy Pelosi and Senator Barbara Boxer have been aware of my involvement in veterans issues.

My family is proud of two awards I have been privileged to receive. The Ellis Island Medal of Honor which was awarded to 80 outstanding Americans representing the ethnic nationalities comprising our Great Country. The awards were the highlight of the Centennial Celebration of the Statue of Liberty in October, 1986. In May, 1989, President Corazon Aquino presented me with the Philippine Legion of Honor, Degree of Officer, the highest award given to a civilian in the Philippines. In both cases, I was the only Filipino American recipient.

WE MUST HONOR OUR BASIC PRINCIPLES

Let me digress for a moment from the main issue at hand.

There are times in our life as a nation when we sacrifice our basic values for our selfish or strategic interests. For instance, our support for the Marcos regime was dictated primarily by our desire to be friendly to a strong Dictator who could preserve our vital military bases in the Philippines – Subic Naval Base and Clark Air Force Base. Until today, many Filipinos can not forgive America for dishonoring the democratic values, which Americans taught Filipinos to cherish. How could Americans support a dictatorship in the Philippines, which was created in the likeness of America? They asked.

When we selectively honor our values because of considerations of State, Foreign Relations, strategic interests or other seemingly overriding factors, we diminish our moral integrity and our credibility. Consequently, the image of our people and our nation suffers. That's how the phrase ***"The Ugly American"*** was coined.

We ignored our values by supporting Marcos. In the end, we lost Subic Naval Base and Clark Air Force Base – the very strategic interests we tried so hard to preserve by *"waltzing with the Dictator."*

Today, the United States is negotiating with the Philippines on a treaty to allow our military forces to conduct exercises in the Philippines. There is doubt that this treaty will be ratified by the Philippine Senate even if newly-installed President Joseph Ejercito Estrada is fighting for its ratification. The Filipino people kicked us out of Subic and Clark even with the strong campaign by the very popular President Corazon Aquino to maintain the bases. Indeed, the common man has his own wisdom although often taken for granted.

Another instance of the Filipino people's grievance is in the lack of fulfillment by the United States of promised full payment of war damage claims.

The Philippines suffered more in lives and property during the liberation of the Philippines than during the invasion by the Japanese. That country suffered two attacks. The first attack was from the smaller bombs and bullets of the Japanese Imperial Army. The other, from the bigger bombs and heavier guns of the U. S. liberation forces. Indeed, the carpet bombing of the American forces were so devastating that it wrought more destruction in the Philippines than the Japanese bombings.

After the war, the U. S. promised to pay the war damage claims of Filipinos at the rate of ten percent of the properties' assessed value, which in the Philippines, is usually only ten percent of the market value.

But the U. S. reneged even in this promise. The War Damage Commission operating in the Philippines did not finish its job. The sense of disappointment was so intense and infuriating that my father-in-law, then Congressman Ramon P. Mitra, sponsored a bill that passed both Houses of the Philippine Congress. The law abolished the joint celebration of American and Philippine Independence Day. Philippine Independence Day is now commemorated on June 12 every year instead of the Fourth of July.

NO JUSTIFICATION FOR THE RESCISSION ACT

We dishonored our values again in the case of the passage of the Rescission Act of 1946.

How did the Members of the 79th Congress and the President of the United States approve a bill, which negated the heroism and the gallantry of the Filipino soldiers who served in the USAFFE during World War II? I cannot understand. The Filipino veterans could not find any justification for America's rejection of their honorable service in the U. S. Armed Forces!

There clearly was no justification for the 79th Congress to pass the Rescission Act of 1946 that withdrew the benefits which the Filipino World War II veterans were already receiving, other than not wanting to spend money that was due the veterans,

The U. S. Government considered $3.2 billion too expensive for the Filipino veterans' benefit package. The Members of Congress ignored the fact that the amount was big because there were many more Filipinos who fought America's war than any other aliens! And sacrifice and fight they did, with everything within their human strength against the overwhelming forces of the enemy. Their vital contribution to the war effort was too well known to the whole world to deny.

PUNISHED FOR BEING TOO MANY

In effect, the Filipino veterans have been punished for 52 years because too many of them joined the United States Army Forces in the Far East (USAFFE). After all, the war had already been won! The 79th Congress must have thought that there were other priorities for the dollar such as rehabilitating their former enemies.

America continued with its newly-self-imposed obligation and poured billions of dollars to rehabilitate the lives and the economies of its former enemies – Japan and Germany! At the same time, the 79th Congress found an arbitrary method of saving money for the U. S. Government by declassifying the gallant and valiant service of Filipino heroes in the USAFFE as "*not be deemed to have been active military, naval, or air service for purposes of any law of the United States conferring rights, privileges, or benefits....*" What a tragedy and irony this was to the Filipino veterans! It appeared that the thinking of the 79th Congress' was: "Let us take care of our former enemies first. Never mind our loyal soldiers and loyal friends." That was the unmistakable message.

There was one promise which America fulfilled. The Philippines was granted its Independence on July 4, 1946, as promised. But it was the wrong time to give Independence to a country that was in a state of total economic devastation! If the motive was to honor the Philippines for their war effort by granting them Independence, then it should have been the priority of the U. S. to help rebuild its ruined economy and then give it its independence. Unfortunately, whatever economic assistance was given was not enough and was grudgingly given!

That is why today, former enemies of the U.S. have sound economies while the WWII heroes of Bataan and Corregidor and other battlefields in the Philippines are virtually starving and neglected. Those still alive are dying daily, feeling rejected and abandoned by America.

A decent, honest and fair mind cannot but agree that passage of the Rescission Act was blatantly discriminatory and unfair to the Filipino veterans.

$100 BILLION SAVINGS FROM DISCRIMINATION

From my own calculations, the United States has already saved, at least, $100 billion dollars as a result of the Rescission Act over the 52 year period. It could be more if the savings were to earn interest.

Here is my basis for my calculations:

According to the Congressional Budget Office, it will cost $4.9 billion over five years to fund full equity to the Filipino veterans if the Filipino Veterans Equity Act of 1995 is approved. Then the amount will be diminishing thereafter depending upon how many veterans die each year. The more deaths, the bigger the savings!

Therefore, it will cost $980 million per year to fund full equity, ($4.9 divided by 5 yrs.) Consequently, the cost per veteran per year is $14,000.

In 1946, there were an estimated 210,000 veterans who were collecting benefits or a total cost of $2.94 billion per year. Today, we have an estimated 70,000 veterans alive; 140,000 have died over the 52 year period. This makes the average annual death rate of 2,692 or 7 deaths every day. Computing these figures on a diminishing basis for the past 52 years, I came up with a total savings of **$102,905,712,000** – monies which the U. S. Government should have given Filipino veterans as benefits during the entire period!

So, it is not a question of money, which we cannot afford to give to correct this injustice to the Filipino veterans. The U. S. has already saved, twenty times the full cost of Equity of $4.9 billion over five years by the simple act of discriminating against them.

I respectfully submit: How can Congress or the White House justify not providing the measly sum of $4.9 billion to correct the present discrimination against our Filipino veterans in the light of the $102 billion we have already saved by discriminating against them?

Therefore, it is not a question of money. It is a question of our values. How much do we honor our values?

This is the real issue that this Committee faces today!

DENIAL OF FILIPINO VETERANS' MILITARY SERVICE AS SERVICE TO THE U. S. ARMED FORCES AIMED TO DEPRIVE THEM OF BENEFITS BEING RECEIVED BY THEIR AMERICAN COUNTERPARTS DURING THE WAR, IS GROSSLY UNJUST, IRRATIONAL AND DISCRIMINATORY

Without meaning to be discourteous, allow me to clarify certain key positions which the Honorable Chairman of this Committee has published seemingly to justify the continuation of the present injustice and discrimination against Filipino veterans of World War II. (*Stars and Stripes, entitled "U. S. Has Treated Filipino Veterans Fairly", October 20-November 2, 1997, copy enclosed as ANNEX "A"*)

First, he said, and I quote: "***I do not believe that simply serving under US command meets the test of swearing allegiance to the Constitution of the United States.***"

The fact is that the Filipino soldier did not merely serve under US command. He actually took his Oath of Allegiance to the Flag of the United States of America and swore to defend the Constitution of the United States. This was done at the time of his formal induction into the U. S. Army Forces in the Far East! He raised his hand and uttered the words! Ask every Filipino soldier alive today and he will confirm this fact. The formal swearing in ceremony was a matter of military procedure. It was the first thing they did as an American soldier. The Filipino soldier could not have sworn allegiance to the Philippine Flag because it was not a sovereign nation. It was a possession of the United States.

To us, the best test of allegiance to the Constitution of the United States is how much one risks in defense of it. These Filipino soldiers have not been found wanting in courage and bravery in defense of America and Democracy itself. The Joint Resolution passed by Congress last year commending their war effort and further articulated by Presidential Proclamation dated October 17, 1997, (***ANNEX "B"***) is an unmistakable statement of their defense of the Constitution of the United States.

But the documentary evidence is overwhelming and incontrovertible, as follows:

1. President Franklin D. Roosevelt's Military Order of July 25, 1941, conscripting all soldiers of the Commonwealth "into the service of the armed forces of the United States", (ANNEX "C"):

2. President Manuel L. Quezon's Proclamation No. 740 dated August 10, 1941, publishing the Military Order of President Roosevelt, (ANNEX "D");

3. Implementing Orders of General Douglas MacArthur dated July 27, 1941, formally incorporating the Filipino soldiers into active service of the United States Army Forces in the Far East, USAFFE, (ANNEX "E"); and,

4. General Orders No. 6 signed by General Sutherland constituting the various commands, (ANNEX "F").

Second, the author said: ***"While Filipino forces certainly aided the U.S. war effort, in the end they fought for their soon-to-be independent nation."***

The Filipino forces fought as members of the U. S. Army Forces, for America's cause in America's war! Ask any Filipino soldier who fought in Bataan and Corregidor if he was thinking of Philippine Independence while in the battlefield. I can only imagine that the Filipino and American soldiers who fought side by side in the foxholes could only think of sheer survival against the far superior force of the enemy. Add to this the debilitating effects of hunger, malnutrition, disease and fear itself.

Third, the writer pointed out that in the spirit of fairness, he is ***"disappointed that Filipino veterans look only to the United States for benefits, since it was Philippine soil on which the U. S. and Philippine armies fought the Japanese."***

In the first place, the Philippine soil that the writer referred to was actually then American soil. The Philippines was then a colony and possession of the United States.

In fairness to the Philippines, which is now an independent and sovereign nation, it is taking care of the Filipino veterans in the best manner possible within the limits of its financial capacity. Evidence is being submitted to the Committee which specify the various veterans benefits now being provided for by the Philippine Government. It has even a new G. I. Bill of Rights for its veterans.

But even so, President Truman, in signing the Rescission Act of 1946, admonished the Congress and the American people that the United States is not released from its moral obligation to provide for the Filipino soldiers who were part of America's forces during the war.

Fourth, the distinguished Chairman of this Committee rhetorically asked: ***"Should U. S. veterans ask for benefits from the Philippines or any other country they liberated in WWII?***

If the U.S. veterans were conscripted into the Philippine Army by a General Order of a Philippine President, my answer would be in the affirmative. It would not have been a war of liberation. It would have been military service rendered based on the U.S. soldiers' allegiance to the Flag of the Republic of the Philippines or of the other countries. ***And, certainly, the Philippine Congress would never have passed the likes of the Rescission Act of 1946 to deprive the U.S. soldiers of their due, earned in the service of the Republic of the Philippines!***

Finally, the crucial point raised by the author is the lack of evidence of a promise by the U. S. to grant full benefits to Filipino veterans. He says, quote: ***"News accounts about promises of full benefits being made to Filipino veterans appear to be unsubstantiated, despite our best-faith effort to find such documentation."***

There are numerous communications to the Secretary of War and the President of the U.S. from General MacArthur during the thick of battle. He urgently pleaded for equal pay and benefits for all soldiers under his command in order to maintain morale. One of his secret radiograms received by the Naval Communication Service is quoted hereunder: ***(ANNEX "G")***

"NPM 3558 RDO FT MILLS CK 91 GOVT WD 22nd XXX 123
GOVT 3D AGWAR WASHW
THE SCALE OF PAY OF AMERICAN AND PHILIPPINE ARMY OFFICERS AND THE SCALE OF PAY OF NON COMMISSIONED OFFICERS AND SOLDIERS OF THE AMERICAN COMMA THE SCOUT AND THE PHILIPPINE ARMY ALL DIFFER STOP I RECOMMEND THE ENACTMENT OF LEGISLATION TO THE EFFECT THAT ALL

OFFICERS AND SOLDIERS INDUCTED INTO THE AMERICAN SERVICE RECEIVED FOR THE DURATION OF THE WAR THE SAME PAY RECEIVED BY THE AMERICAN ARMY STOP THE EQUALIZATION OF BATTLE ON SOLDIERY NEEDS NO FURTHER ELABORATION OF ARGUMENT TO SUPPORT SUCH ACTION END

MACARTHUR

AGO WAR DEPARTMENT RECEIVED

Obviously, the appeal of General MacArthur in February of 1942, resulted in the passage by the U. S. Senate of S. 2387 entitled ***"An Act To equalize the rates of pay of all personnel in the United States Army, the Navy, the Philippine Scouts, and the Philippine Commonwealth Army , and for other purposes."***

The Senate approved the bill on March 31, 1942, and was forwarded to the House of Representatives for action.

The Military Affairs Committee of the House approved the bill in Committee on May 6, 1942, and recommended full House consideration. The Chairman of the Committee expected the bill to be approved by the House the following week.

But by May 6, Corregidor had fallen and our troops made the final surrender of the Philippines to the Japanese. Thereafter, the legislation was forgotten and S. 2387 was not finally acted into law.

What better promise is there to show intent to equalize benefits for the Filipino soldiers than General MacArthur's radiogram and the consequent action of the U. S. Congress in 1942 as manifested in S. 2387?

Of course, no one could find a Promissory Note signed by MacArthur or Roosevelt to equalize pay and benefits. But the documentation presented here should be enough.

DEFENDERS OF BATAAN AND CORREGIDOR CONFIRM FACTS

Early this month, I asked an aide to this Committee if it were possible to present a Video as part of my oral presentation to this Committee. I was then told that it was permissible provided that it would be part of my five-minute oral testimony. I then went to the Philippines to tape testimony on the crucial points I would like to establish at this hearing.

I met with several heroes of Bataan and Corregidor and Guerrillas. I also had the good luck of attending the monthly meeting of the Officers and Board of Trustees of the ***Defenders of Bataan and Corregidor, Inc.*** on July 3, 1998. They were composed of Rafael R. Estrada, National Commander; Rafael G. Zagala, Vice National Commander; Demetrio C. Paz, National Adjutant; Eduardo C. Abaya, National Judge Advocate, Manuel A. Acosta, National Finance Officer; Felix T. Pestana, National Auditor; Domingo G. Gabitan, National Public Relations Officer; Sebastian Posadas, National Chaplain; Antonio S. Vinluan, National Service Officer and Pedro C. Bersola, National Historian. Members were: Artemio A. Alejo, Juan E. Arroyo, Alfred X. Burgosk, Ruperto S. Eustaquio, Remo G. Lavada and Benjamin T. Malolos.

These gentlemen are mostly retired generals and colonels. I was accompanied to the historic meeting by Colonel Bart Gacad (retired), who is in this room today. Mr. Greg Macabenta, President of Minority Media Services and Director of the Secretariat of NaFFAA also was with me to Manila and was directing the video production.

I explained to the impressive group of aging heroes, in their spotless Barongs and white **DBC** caps, the issues the veterans face during this crucial hearings. I explained to them, specifically, the salient aspects of the p;ublished views of the Chairman of this Committee. I needed their confirmation of certain facts which I already knew.

After proper deliberation without my party's presence, the group unanimously confirmed on tape the following facts:

1. That all Filipino soldiers who were inducted into the USAFFE took the formal Oath of Allegiance to the Flag and the Constitution of the United States at the time of their induction held at their respective mobilization centers;

2. That on several occasions, they heard the radio broadcasts of General MacArthur and President Roosevelt, while they were in the battlefields. These broadcasts promised the Filipino soldiers equal pay and benefits as their American counterparts were receiving, or words to that effect;

3. That when they were fighting the war, they fought as soldiers of America and for the American Flag; The thought of fighting for the eventual independence of the Philippines did not occur to them.

4.That they felt insulted, disappointed, rejected, abandoned and discriminated against by the passage of the Rescission Act of 1946 because it negated and removed from them the distinct honor and dignity of being part of the United States Army Forces. They have always felt that they were America's soldiers during the war. This hurt feeling was among the factors that discouraged them from applying for American citizenship. They strongly feel that they have been victims of utter discrimination.

5. That, they are now appealing to this Committee, through this representation, that the 52-year old injustice and discrimination be finally correctly now before they are dead! They want to redeem America's honor in their hearts before they die.

I planned to play this Video today for the Committee's viewing. Unfortunately I was told by Mr. Michael Brinck of this Committee that I cannot do it. Therefore, I respectfully submit this Video tape to this Committee to form part of the Committee's record.

A MATTER OF HONOR

I submit that it is a matter of honor for the Filipino veterans and for America, as well, to grant Filipino veterans the Equity they deserve and earned with valor. There is no time to waste to rectify this glaring discrimination and injustice. As earlier stated, there are already 191 co-sponsors to the Equity Act of 1995. It has bi-partisan support.

If this Committee will endorse this matter for full House consideration, even without favorable endorsement by the Committee, we are certain that the bill will pass!

The Filipino veterans, for their heroic stand in Bataan and Corregidor for five whole months which turned the tide of the war against the superior enemy forces, deserve to have their cause submitted to the full House for their final Vote. They deserve nothing less.

THEIR MILITARY RECORD OF VALOR

We are respectfully submitting a voluminous collage of newspaper reports and commentaries of their heroism in the field of battle. They are too many to include in this written testimony.

We are also submitting materials prepared and published by the Defenders of Bataan and Corregidor, Inc., in connection with its commemoration of the Golden Anniversary of the World War II in 1992. It is the complete story of the epic of Bataan and Corregidor which every scholar of military history should read. I am certain that your full knowledge of their war record – what they did and how they survived 145 days of uneven warfare, succeeded in derailing the timetable of the Japanese to conquer America. I realize that many members of today's Congress are post World War II babies. I want to make special mention and appropriate commendation for the gallant record of your Chairman as a soldier of that war. We commend others who are similarly situated.

Honorable Members of this Committee: We can do better than ignore the legitimate pleas of our heroes.

Let those who are buried in the nameless graves of Bataan and Corregidor and the concentration camps of Capas and other battlefields in the Philippines, finally rest in peace.

Let the aged living enjoy whatever is left of their lives in dignity.

Let these heroes die with honor.

Thank you.

"A"

MALACAÑANG PALACE
Manila

By the President of the Philippines

PROCLAMATION NO. 740

PUBLISHING THE MILITARY ORDER OF THE PRESIDENT OF THE UNITED STATES, DATED JULY 26, INCORPORATING THE PHILIPPINE ARMY INTO THE UNITED STATES ARMY.

For the information and guidance of all concerned, I, MANUEL L. QUEZON, President of the Philippines, do hereby publish the following Military Order of the President of the United States, dated July 26, 1941.

"MILITARY ORDER"

ORGANIZED MILITARY FORCES OF THE COMMONWEALTH OF THE PHILIPPINES CALLED INTO SERVICE OF THE ARMED FORCES OF THE UNITED STATES.

"Under and by virtue of the authority vested in me by the Constitution of the United States, by section 2 (a) (12) of the Philippine Independence Act of March 24, 1934 (45 Stat. 475), and by the corresponding provision of the Ordinance appended to the Constitution of the Commonwealth of the Philippines, and as Commander-in-Chief of the Army and Navy of the United States, I hereby call and order into the service of the armed forces of the United States for the period of the existing emergency, and place under the command of a general officer, United States Army, to be designated by the Secretary of War from time to time, all of the organized military forces of the Government of the Commonwealth of the Philippines: Provided, That all naval components thereof shall be placed under the command of the Commandant of the Sixteenth Naval District, United States Navy.

"This Order shall take effect with relation to all units and personnel of the organized forces of the Government of the Commonwealth of the Philippines from and after the days and hours, respectively, indicated in orders to be issued from time to time by the general officer, United States Army, designated by the Secretary of War."

(Sgd.) FRANKLIN D. ROOSEVELT

In witness hereof, I have hereunto set my hand and caused the seal of the Commonwealth of the Philippines to be affixed.

Done at the City of Manila, this tenth day of August, in the year of our Lord, nineteen hundred and forty-one, and of the Commonwealth of the Philippines the sixth.

(Sgd.) MANUEL L. QUEZON
President of the Philippines

National Federation of FILIPINO AMERICAN ASSOCIATIONS

NaFFAA
Alex A. Esclamado, Chairma
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Daly City, CA 94015
650 878 5252, fax 650 878
esclamadoA@aol.com

APPENDIX "F"

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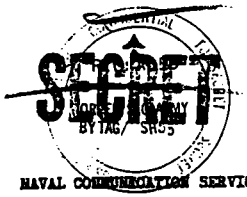


NAVAL COMMUNICATION SERVICE

NAVY DEPARTMENT

NPM 3558 RDO FT MILLS CK 91 GOVT WD 22nd XXX 123

GOVT WD AGWAR WASHW

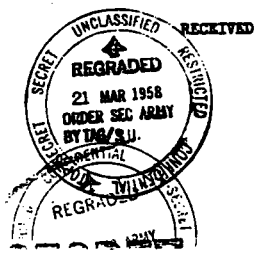
THE SCALE OF PAY OF AMERICAN AND PHILIPPINE ARMY OFFICERS AND THE SCALE OF PAY OF NON COMMISSIONED OFFICERS AND SOLDIERS OF THE AMERICAN COMMA THE SCOUT AND THE PHILIPPINE ARMY ALL DIFFER STOP I RECOMMEND THE ENACTMENT OF LEGISLATION TO THE EFFECT THAT ALL OFFICERS AND SOLDIERS INDUCTED INTO THE AMERICAN SERVICE RECEIVED FOR THE DURATION OF THE WAR THE SAME PAY RECEIVED BY THE AMERICAN ARMY STOP THE EQUALIZATION OF BATTLE ON SOLDIERY NEEDS NO FURTHER ELABORATION OF ARGUMENT TO SUPPORT SUCH ACTION END

MACARTHUR

AGO

WAR DEPARTMENT

RECEIVED



American Coalition for Filipino Veterans, Inc.
2500 Massachusetts Avenue, NW
Washington, DC 20008
Telefax: (202) 588-0358//Tel (301) 963-6250

Mr. Chairman, the Honorable Members of the House Committee on Veterans Affairs: Good morning.

Mr. Chairman:

Thank you and the distinguished members of the Committee for this great opportunity for me to present our problems and concerns over a forgotten lot of our WWII veterans. As the representative of this group who are members of the Filipino War Veterans, Inc. and of the American Coalition for Filipino Veterans, Inc. of which I serve as the President to both, it is my distinct honor to testify before this august body. It is our most sincere hope that our thoughts will be most helpful to the committee to review and resolve the validity of our claim for equity of benefits in the upcoming months.

Mr. Chairman: I am Patrick G. Ganio, Sr., a WWII veteran, a POW and a survivor of Bataan and Corregidor during the Battle of the Philippines. While I am proud to be a Filipino by birth, I am equally proud to be an American by choice.

With me today are a number of my comrades in the war, our daughters and sons who have come to listen to the issues which to them matter most. They want to know and to witness for themselves what America is today in the way this Committee deal with the issue of "Equality and Justice" that affect their parents who served in the war.

Mr. Chairman: Thanks for the privilege to present before this Committee our ***long standing claim for full veterans benefits under the laws of the United States for the service we rendered in the US military forces in defense of America in the second world war. And the benefits we are claiming for are those equal with other American veterans particularly provided under the Improved Pension Law of January 1, 1979.***

Affected in this claim are three categories of veterans: ***the Commonwealth army, Recognized Guerrillas, and the New or Special Scouts.***

Mr. Chairman: We recall that Congress on June 22, 1944 passed the GI Bill of Rights by which Congress with unmistakable intent did its moral duty and obligation to achieve the promise of this Government of the

constitutional guarantee of equality of rights and justice in providing the full range of benefits to all who serve America in the second world war without regard to race, color, or nationality.

We believe that the passage of the Rescission Act should not have been necessary nor should there be any reason after General Bradley, the VA Administrator reported to the Senate Appropriations Committee on October 26, 1945 $3-B compensation benefit obligation of the Federal Government to Filipino veterans.

The report was based on a study prepared by a Study Committee for the purpose as requested on August 27, 1945 by Senator Carl Hayden, Chairman of the Committee. The calculation was based on equal pay benefits of Filipino servicemen on equal footing with all US military personnel under command of General MacArthur in accordance with the opinion of the ***Attorney General, 40 Op. 185, 1942 in VA Czse No. 491 of May 22, 1942 on entitlement to insurance benefits under the NSLI of 1940, and 40 Op. 281, 1943 for purposes of entitlement to arrears in pay under the Missing Persons Act of 1943. The Attorney General holds that the "military service of Filipino servicemen" is valid service in the Armed forces of the United States Military Forces during the period of the second world war for purposes of benefits under the laws.***

But from the legislative history of the Act Congress viewed that ***"it is unthinkable for Congress to include the large number of Filipinos to be entitled to compensation benefits that run to billions of dollars...to settle the legal question of 'military service' is to adopt the principle that while the organized military forces of the Government of the Commonwealth of the Philippines served in our Army, they were not a part of our Army."*** (1946 Congressional Committee Report).

Apparently, the logical conclusion was that ***our military service is not deemed active service in the US Military forces.*** And to justify further the intent to reduce the benefits was to conceive certain rational basis which we believe were not compelling to override or deny our fundamental right to equal treatment. Of this, we sense an act of discrimination in treating us differently and disparately from other class of American veterans in ***providing in the Act that our service is deemed not active service for purposes of rights, privileges, or benefits under the laws of the United States.***

Mr. Chairman: Speaking of any written promise particularly of President Roosevelt and of General MacArthur to give full benefits to Filipino veterans, ***yes sir, they did just that when the eyes of the free world were focused on us in our bloody resistance and determination to hold the***

enemy at all cost in our epic defense of Bataan and Corregidor with unusual valor.

In a Radio Message of the General sent to the War Department on February 10, 1942 and referred to the President, he recommended the equalization of pay benefits to all men under his command in a sense of duty and obligation to fulfill the promise of the Constitution.

Accordingly, they caused the introduction of Senate Bill, S 2387 by Senator Reynolds on March 19, 1942. It was passed by the Senate on March 29, and in the House on April 7, 1942. But the bill was not enthusiastically pursued to become a law for economic reason in the face of the inevitable surrender of Bataan and Corregidor and ultimately of the Philippines.

Any public official for that matter from the President down and the members of this Committee and Congress do take their OATH to perform their moral duty to extend to the people they serve the full right to equality and justice in the light of the American dream as written in the Constitution.

Mr. Chairman: What could be the best proof of any written promise of the President and General MacArthur or any public official more than their ***oath,*** or their ***pledge*** to do a moral duty to serve fairly and justly, and above all, the ***Constitution itself which is the supreme law of the Nation?*** This is our basic knowledge. This is how and what we know of the duties and responsibilities of our public officials or leaders in the public service, unless they choose to be recreant to assume that obligation to achieve the promise of the Constitution.

And we believe in the authority and capacity of this Committee to help this government fulfill its commitment accordingly. And thanks for all that the Committee has done and is doing in the way of resolving our quest for simple justice. Of this we seek more compassion and understanding of our issues for final settlement. We equally give thanks to our sponsors and supporters to our Equity Bills.

I would like to recall a bit of US history. For forty seven years of sovereignty over the Philippines, we learned of this democracy we embraced to become America's show window in Asia. We learned of the dream and ideals of the founders of this Great Union of States. We learned that ***they so conceived this Nation to be dedicated to the proposition that all men are created equal.***

It is good to know of the truth that all men are born equal with inalienable right to freedom, liberty, equality, and justice and which values are the bedrock of our democracy. Yes, these are the dream. These

are the ideals they proclaimed in the ***Declaration of Independence.*** These are the promise they wrote in the ***Constitution of the United States to become our fundamental law that serves as the Bible which guides the administrative, the legislative and the judicial actions and decisions of our leaders.***

Accordingly, no other than President William McKinley on his sworn duty to achieve the American dream as promised in the Constitution, he proclaimed the foundation of American policy over the Filipinos to establish a civil government in 1900. Partly he stated, to wit: ***"The Philippines are ours not to exploit but to develop, to educate, and to train in the science of self-government... the purpose of the American government is the welfare and advancement of the Philippine people... to extend to them the constitutional guarantee and protection of their civil rights to the fullest extent."***

Our military service in the USAFFE is a mark in history. Our role was vital to the defense of ***US strategic interest in the Philippines.*** What we did in Bataan and Corregidor was in the words of General MacArthur ***a feat in Us military history, no army has done so much with so little...thus saved for the United States billions of dollars and thousands of American lives for breaking the Japanese time table. As a consequence we gained for the United States the most precious time to build and restore its counter offensive power that virtually shortened the war to win victory sooner in 1945. Otherwise, it would have meant a long costly war that may have reached the shores of continental America and a colossal loss of lives, money, and materials to win victory.***

As a touching tribute for what we did for America, MacArthur said: ***"I do not know the dignity of their birth, but I do know the glory of their death. They died unquestioning, uncomplaining, with faith in their hearts, and on their lips the hope that we would go on to victory."***

Yes, Mr. Chairman, we ended victorious, a military victory we shared together with honor and dignity as veterans of America. This being a fact of our history, ***we hope that this Committee will have in conscience the political will to do justice where justice is due. And to help this government meet its legitimate obligation, to do what is right to the very people that laid their lives for America.***

We gratefully appreciate the support, the understanding and compassion of not a few of our supporters and friends in and out of Congress and this Administration. They have done and are giving us support to our cause to achieve the promise of the Constitution they have sworn under oath to fulfill. We believe in them as we believe in America. We have

pledged our allegiance to the Constitution and the Flag when we were inducted to serve during the war and repeatedly when we took our oath of citizenship as proud Americans. And as long as we continue to have increasing support, we will continue to pursue our quest for ***simple Justice.***

To quote just a few, President Roosevelt in his address to the people of the Philippines on December 28, 1941, said in part: ***"...In this great struggle of the Pacific the loyal Americans of the Philippine Islands are called upon to play a crucial role...I give to the Philippines my solemn pledge that their freedom will be redeemed and their independence established and protected. The entire resources, in men and in material, of the United States stand behind that pledge.*** (Speeches and Public Papers of FDR)

Congressman Canfield in 1947 Congressional hearing had this to say: ***"They were with us when we needed them most. It is only fair that we give our best to them when they need our help. Justice is justice. Let us give it to them, cheerfully, unhesitatingly, and now."***

During the Congressional hearing of September 19, 1966, Congressman Miller had this remark: ***"When General MacArthur and President Roosevelt made an implied promise to those Filipino veterans that they would be treated as American veterans, they did not talk about discounting the dollar at that time, did they?"***

From the same source, Congressman Saylor of Pennsylvania elaborated: ***"The question is whether or not veterans benefits are given to the men and women who served in the Armed Forces of the United States on the basis of their service, or of their place of residence after service. If the benefit is based on military service, then these Filipino veterans are entitled to full benefits... That is the rule in the 66 foreign countries around the world."*** (Referring to the 116,000 aliens drafted to serve in the US Military during the war.)

"Do not forget," he continued, ***that when this happened, it was not the independent Republic of the Philippines. When these men were taken into the Army of the United States, the Philippine Commonwealth was a territory of the United States of America. They belonged to the United States... and remained ours until July 4, 1946. All ... they are trying to do is to get equal treatment."***

Lastly, US High Commissioner to the Philippines Paul V McNutt in his letter to Congress during the deliberation of the Rescission Act in 1946 said in part: "***We are pledged by the Act of Congress, by the written words of the President of the United States, and by our national conscience to***

bind the wounds inflicted on the Philippine Islands through our war with Japan."

Yes, Mr. Chairman. By our conscience. Because we believe we were not mercenaries who were hired by President Roosevelt to serve America in its hour of need. We responded to the call to service as proud soldiers of America. The order to us was a constitutional contract for Federal service to defend the nation. And at this point, our claim is less a question of money. It is certainly more of a question of morality, To us, it is pride, honor, and dignity as Americans in the defense of democracy, human freedom, liberty and justice. Because upon these values our loyalty as a subject people to America was built and molded in the crucible of the war.

In the pursuit of our claim, Mr. Chairman, we ask no more than what we earned and deserve under the law. Considering all the different factors and issues involved - historical, legal, moral or otherwise - we seek for final settlement on the basis of an equitable and practical solution.

In this connection, 52 years after the passage of the Rescission Act, data we are getting from DVA, INS, and CBO reports include 70,000 or which are 66,000 surviving eligible veterans as of 1995; 28,000 are naturalized veterans 15,000 of which are living in the Philippines as of 1997.

We understand that the issue of ***equity or equitability is raised when all 70,000 are equally given full benefits on the ground that those living outside the United States with lower standard of living will be of the better advantage.***

It is rather suggested that this matter be addressed fairly and compassionately with the most equitable and practical solution on any of the following alternatives:

a) Full benefits to all 70,000 survivors, citizen and non-citizen alike;

b) Full benefits to the 28,000 naturalized veterans and matching grant to non-citizen veterans residing in the Philippines.

c) Full benefits for all veterans residing in the US and half benefits to those who reside outside, citizen or non-citizen alike.

Mr. Chairman and Distinguished Members of the Committee: I know that in spite of our valid issues to claim for full benefits, Congress as has ever been in the past opposed is due to cost the claim entails. In spite of this however, we aver that what we saved for America in defending Bataan and Corregidor more than offset any necessary for our purpose. Besides for the past 52 years that our claim has not be granted the United States must have saved billions of dollars more. Plus the fact that the current economy has given the government a tax income of $50-B that could

equally back the political will of this government to fulfill an overdue obligation.

Mr. Chairman: I believe that this hearing is our last opportunity to be heard before this Committee and to settle once and for all this long standing issue on Equity and Justice to our claim for equality of right. We trust that we have expressed our thoughts and ideas most useful to your upcoming deliberation and decision that we believe can be the legacy you can share to us, your Filipino American comrades. Even at this late in our fading life, your most favorable decision can bring relief and a breath of honor and dignity as among America's war heroes and defenders of freedom.

Thank you.

Presented by:

Patrick G. Ganio

PATRICK G. GANIO, SR.
President
Filipino War Veterans, Inc.
American Coalition for Filipino Veterans, Inc.

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COL Emmanuel DeOcampo
Veterans Federation of the Philippines

VETERANS FEDERATION OF THE PHILIPPINES
Manila 1000 Philippines

FILIPINO VETERANS EQUITY ACT OF 1995
(H. R. 836)

The Veterans Federation of the Philippines (VFP) was created by a law of the Republic of the Philippines, Republic Act No. 2640, for the purpose, among others, of representing and defending the interest of all Filipino veterans.

The VFP extends its thanks to the sponsors and co-sponsors of the Filipino Veterans Equity Act of 1995 in both the House of Representatives and the Senate of the United States Congress and to all the friends of Filipino World War II veterans for lending their support.

The VFP hereby appeals to the Committee on Veterans Affairs and to the United States House of Representatives for the expeditious enactment of H.R. 836 into law.

HR 836 seeks to amend Section 107, Title 38 of the United States Code so that it shall henceforth read as follows:

> "Sec. 107. Certain service deemed to be active service: service in organized military forces of the Philippines and in the Philippine Scouts.
>
> (a) Service before July 1, 1946 in the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States, shall be deemed to have been active military, naval, or air service for the purpose of any law of the United States conferring rights, privileges, or benefits upon any person by reason of the service of such person or the service of any other person in the Armed Forces.
>
> (b) Service in the Philippine Scouts under section 14 of the Armed Forces Voluntary Recruitment Act of 1945 shall be deemed to have been active military, naval, or air service for the purposes of any of the laws administered by the Veterans Administration."

By this amendment, the Government of the United States of America can restore the pride, dignity and honor of Filipino soldiers who served under the United States flag during World War II as .true members of the American military forces. The United States will honor and dignify the many Filipino soldiers who were killed in action while serving under the United States Army Forces in the Far East (USAFFE) in Bataan, Corregidor and other fronts; the many Filipinos who, along with their American counterparts, perished in the Death March and in Capas and other concentration camps; the many Filipinos who sacrificed their lives and the safety of their families by joining guerrilla forces and carrying on the fight in the underground movement with loyalty to the American flag. The United States will do justice to the men of the Philippine Commonwealth Army and the organized Philippine guerrilla organizations who fought under the command of the Allied Forces Western Pacific (AFWESPAC) thereby helping ensure the victory of the United States forces in the Asia-Pacific area .

It is recalled that on July 26, 1941, President Franklin D. Roosevelt, President of the United States of America, issued a Military Order to call and order into the service of the armed forces of the United States all of the organized military forces of the Government of the Commonwealth of the Philippines. When war broke out on December 8, 1941, the Filipino soldiers fought under the United States Army Forces in the Far East (USAFFE) with courage, perseverance and loyalty

Even before the surrender of the United States military forces in Bataan on April 9, 1942, many soldiers decided to carry on the fight and together with farmers, fishermen, laborers, students and other patriotic civilians formed guerrilla forces under commanders appointed, designated or subsequently recognized by competent authority in the Army of the United States. These forces fought against the enemy during the resistance movement, gaining control of large areas of the country, until the final defeat of the Japanese enemy forces in the Philippines on September 3, 1945.

On February 18, 1946, the 79th Congress of the United States enacted Public Law 301 which had a provision that, in general, barred Filipino veterans from rights, privileges and benefits under the GI Bill of Rights. By this law, the Filipino soldiers were shorn of their pride, dignity and honor as true soldiers of the American forces in World War II. The Filipino soldiers were finally released by Order of President Harry S. Truman, President of the United States of America, from the service of the Army of the United States on June 30, 1946. The Republic of the Philippines became independent of the United States of America on July 4, 1946.

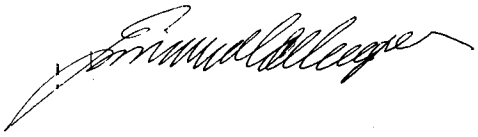
More than fifty years later, on October 17, 1996, President William J. Clinton, President of the United States of America, issued a Proclamation honoring the Filipino Veterans of World War II with the following citation:

> "Valiant Filipino soldiers fought, died, and suffered in some of the bloodiest battles of World War II, defending beleaguered Bataan and Corregidor, and thousands of Filipino prisoners of war endured the infamous Bataan Death March and years of captivity, Their many guerrilla actions slowed the Japanese takeover of the Western Pacific region and allowed U. S. forces the time to build and prepare for the allied counter attack on Japan. Filipino troops fought side-by-side with U. S. forces to secure their island nation as the strategic base from which the final effort to defeat Japan was launched."

President William J. Clinton acknowledged the important role Filipino soldiers played in turning back aggression, defending liberty, and preserving democracy, and extended to them his abiding thanks. He urged all Americans to recall the courage, sacrifice, and loyalty of Filipino veterans of World War II and to honor them for their contributions to freedom.

With the passage into law of H.R. 836, the restoration of the pride, dignity and honor of the Filipino veterans, living and dead, as true soldiers of the American forces in World War II will be finally fulfilled.

VFW-11 July 1998



CONGRESSIONAL HEARING -- 7/22/98
TESTIMONY OF LT. COL. EDWIN PRICE RAMSEY, AUS (RET)

CHAIRMAN STUMP AND HONORABLE MEMBERS OF THE HOUSE OF REPRESENTATIVES COMMITTEE ON VETERANS AFFAIRS;

MY NAME IS EDWIN PRICE RAMSEY, I CAME FROM LOS ANGELES TO ATTEND THIS HEARING AND I THANK YOU FOR THE OPPORTUNITY TO APPEAR BEFORE YOU HERE TODAY. I CAME IN THE HOPE THAT I CAN CONTRIBUTE, IN SOME SMALL WAY, TO CORRECTING A LONG STANDING GROSS INJUSTICE TOWARD THE FILIPINO VETERANS OF WORLD WAR II.. IN ORDER FOR ME TO DO SO, IT IS IMPORTANT THAT YOU BE AWARE OF MY BACKGROUND AND ACTIVITIES DURING THAT WAR.

AT THE BEGINNING OF WORLD WAR II, I WAS A 1ST LIEUTENANT AND PLATOON LEADER WITH THE 26TH CAVALRY REGIMENT, PHILIPPINE SCOUTS, WITH WHOM I SERVED THROUGH THE FIGHTING IN BATAAN UNTIL THE SURRENDER ON APRIL 9TH, 1941. ON APRIL 8TH, MY SQUADRON HAD BEEN CUT OFF FROM THE MAIN BODY OF OUR REGIMENT AND THE REST OF THE USAFFE FORCES BY A COMBINED INFANTRY,TANK AND DIVE BOMBING ATTACK... WHAT WAS LEFT OF US WERE FORCED TO WITHDRAW THROUGH THE JUNGLE SLOPES OF MOUNT MARIVELES IN AN EFFORT TO GET BEHIND OUR OWN LINES.. ON APRIL 10 WE LEARNED OF THE SURRENDER THE DAY BEFORE FROM TROOPS ESCAPING FROM MARIVELES AND THE SQUADRON COMMANDER, MAJOR JAMES BLANNING, GAVE THOSE OF US REMAINING THE OPTION OF SURRENDERING OR TRYING TO ESCAPE.

CAPTAIN JOSEPH R. BARKER, II, MY TROOP COMMANDER AND I, OPTED TO TRY TO ESCAPE WITH THE OBJECTIVE OF MAKING OUR WAY TO AUSTRALIA. HOWEVER, WE WERE AWARE THAT IN JANUARY, JUST PRIOR TO THE LUZON FORCES WITHDRAWING BEHIND THE MAIN BATTLE LINE IN BATAAN, GENERAL MAC ARTHUR HAD SENT LIEUT. COL. CLAUDE THORP, WHO HAD BEEN PROVOST MARSHAL OF FORT STOTSENBURG, OUT OF BATAAN TO ESTABLISH RESISTANCE FORCES BEHIND ENEMY LINES..

AFTER ESCAPING BATAAN WE MADE CONTACT WITH COL. THORP WHEN PASSING NEAR HIS HEADQUARTERS ON MOUNT PINATUBO AND HE CONVINCED US TO JOIN HIM IN BUILDING A RESISTANCE MOVEMENT RATHER THAN TRYING FOR AUSTRALIA. THORPS COMMAND, WHICH WAS THE GENESIS OF THE USAFFE AND AMERICAN LED GUERILLA FORCES, WAS ENTITLED THE "USAFFE

LUZON GUERILLA ARMY FORCES." BARKER WAS DESIGNATED BY THORP TO ORGANIZE AND COMMAND THE GUERILLAS IN CENTRAL LUZON TO BE KNOWN AS THE "EAST CENTRAL LUZON GUERILLA AREA, (ECLGA)" WITH ME AS HIS DEPUTY... AFTER THE CAPTURE AND LATER EXECUTION OF THORP AND BARKER, I ASSUMED COMMAND OF ECLGA ON FEBRUARY 1ST, 1943 AND CONTINUED ORGANIZING AND IN COMMAND OF THAT FORCE UNTIL THE LIBERATION OF LUZON IN EARLY 1945. AT LIBERATION, ECLGA WAS COMPOSED OF SEVEN IRREGULAR DIVISIONS ORGANIZED IN SIX CENTRAL LUZON PROVINCES AND THE CITY OF MANILA, WITH MORE THAN 40,000 OFFICERS AND MEN WHO WERE ATTACHED DURING LIBERATION TO THE 6TH U.S. ARMY FOR OPERATIONS... SHOULD ANYONE BE INTERESTED IN FURTHER DETAILS OF MY ACTIVITIES, A SOFT COVER EDITION OF MY WAR YEARS AUTOBIOGRAPHY, " LIEUTENANT RAMSEY'S WAR ", PUBLISHED BY BRASSEY'S INC., IS STILL IN PRINT AND AVAILABLE THROUGH BOOK STORES OR FROM THE PUBLISHER...

AFTER BEING REPATRIATED TO THE U.S., AND SPENDING THE BETTER PART OF A YEAR IN AND OUT OF WINTERS GENERAL HOSPITAL IN TOPEKA, KANSAS, I WAS DISCHARGED FROM THE SERVICE IN MAY OF '46 AND THEN RECALLED ON 1 JULY '46 AND ASSIGNED TO HEADQUARTERS US ARMY FORCES WESTERN PACIFIC (AFWESCOM), IN MANILA, TO HELP RECONSTRUCT THE GUERILLA RECORDS OF ECLGA. AFTER COMPLETING THAT EFFORT AND THE ISSUANCE ON 10 DECEMBER 1946 OF A GENERAL ORDER REVISING THE ROSTERS AND RECOGNITION DATES OF ECLGA, I TOOK MY DISCHARGE IN MANILA AND BEGAN A BUSINESS CAREER IN ASIA.

WITH THAT BACKGROUND I WOULD NOW LIKE TO ADDRESS THE QUESTION OF THE STATUS OF FILIPINO VETERANS AND THEIR TREATMENT, ESPECIALLY IN RESPECT TO THE RECISSION ACTS OF 1946.

IN JULY OF 1941, PRESIDENT ROOSEVELT ORDERED THE INDUCTION OF THE MILITARY FORCES OF THE COMMONWEALTH OF THE PHILIPPINES INTO AND AS PART OF THE UNITED STATES ARMED FORCES. THE U.S. WAR DEPARTMENT IMPLIMENTED THIS ORDER BY ESTABLISHING THE U.S. ARMY FORCES IN THE FAR EAST (USAFFE), INTO WHICH THE PHILIPPINE FORCES WERE INCORPORATED, AND GENERAL DOUGLAS MAC ARTHUR WAS RECALLED TO ACTIVE DUTY AND PLACED IN COMMAND.. IT IS IMPOSSIBLE FOR ME TO UNDERSTAND HOW THESE PHILIPPINE TROOPS COULD BE FEDERALIZED INTO THE USAFFE WITHOUT SWEARING ALLEGIANCE TO THE UNITED STATES OF AMERICA AND BEING CONSIDERED AS PART OF THE U.S.ARMY... WHEN BARKER AND I, UNDER THE AUTHORITY OF THORP, INDUCTED FILIPINOS INTO THE GUERILLA

FORCES, WE REQUIRED THAT THEY ALL SWEAR AN OATH OF ALLEGIANCE TO THE UNITED STATES OF AMERICA AND THE COMMONWEALTH OF THE PHILIPPINES.

IN THAT CONNECTION, I QUESTION WHY THERE WAS A DIFFERENCE IN THE TREATMENT ACCORDED TO THE 65,000 OR SO COMMONWEALTH OF PUERTO RICO TROOPS, AND THOSE FROM HAWAII AND ELSEWHERE, WHO SERVED IN THE U.S.ARMED FORCES IN WORLD WAR II, FROM THAT ACCORDED TO THE FILIPINO VETERANS.. IT IS MY UNDERSTANDING THAT PUERTO RICANS AND ALL OTHER NATIONALITIES WHO FOUGHT AS PART OF THE AMERICAN FORCES, WERE TREATED IN THE SAME WAY AS NATIVE BORN AMERICANS FOR VETERANS PURPOSES.

WHEN THE JAPANESE ATTACKED PEARL HARBOR AND THE PHILIPPINES, SHORT WAVE BROADCASTS FROM THE U.S. WERE FULL OF EXHORTATIONS TO ALL FILIPINOS, AND PARTICULARLY THOSE SERVING IN THE USAFFE, TO CONTINUE RESISTING THE JAPANESE... SUPPORT AND RELIEF WERE PROMISED CONSTANTLY TO THE DEFENDERS OF BATAAN, ALTHOUGH NONE ARRIVED, AND MANY EXPERTS CREDIT THE HEROIC DEFENSE OF BATAAN WITH DISRUPTING THE JAPANESE TIMETABLE AND SAVING AUSTRALIA... IN THIS CONNECTION, IT SHOULD BE NOTED THAT WHEN WAR BROKE OUT, THERE WERE LESS THAN 32,000 REGULAR U.S. TROOPS IN THE PHILIPPINES, OF WHICH ONLY A SMALL PERCENTAGE WERE GROUND COMBAT UNITS AND ONLY TWO REGIMENTS OF THOSE WERE COMPOSED OF AMERICAN SOLDIERS.. THOSE FRONT LINE COMBAT UNITS WERE THE 31ST AMERICAN INFANTRY REGIMENT; THE 26TH CAVALRY REGIMENT, PHILIPPINE SCOUTS (PS); AND THE 57TH AND 45TH INFANTRY REGIMENTS, PHILIPPINE SCOUTS (PS). PLUS THE 4TH MARINES WHO WERE STATIONED ON CORREGIDOR. FROM THESE PITIFULLY SMALL NUMBERS, IT IS OBVIOUS THAT THE GREAT BURDEN OF TROOPS ENGAGED IN THE PHILIPPINE DEFENSE CAMPAIGN WAS BORN BY THE PHILIPPINE ARMY CONTINGENT OF USAFFE, EVEN THOUGH THOSE TROOPS WERE POORLY EQUIPPED AND LACKING IN ADEQUATE SUPPORT AND TRAINING..

IN SPITE OF LOSING OUR AIR FORCE ON THE FIRST DAY OF JAPANESE ATTACKS, AND THE LACK OF ANY AIR SUPPORT AS A RESULT, THE USAFFE FORCES FOUGHT COURAGEOUSLY AND WERE ABLE TO DELAY THE JAPANESE TIMETABLE FOR CONQUEST OF THE PHILIPPINES BY SEVERAL MONTHS, AS OPPOSED TO THE SIX WEEKS GENERAL HOMMA HAD BEEN GIVEN TO ACCOMPLISH THAT MISSION...I THINK IT WOULD ALSO BE APPROPRIATE TO POINT OUT HERE, THAT NOWHERE ELSE IN ASIA DID SUBJECT PEOPLES SUPPORT AND DEFEND THEIR COLONIAL MASTERS.. THE INDO CHINESE TURNED ON THE FRENCH, THE INDONESIANS ON THE

DUTCH AND MALAYA AND BURMA WERE AGAINST THE BRITISH... ONLY THE FILIPINOS REMAINED LOYAL WHICH PROVIDED THE ENIVRONMENT NECESSARY TO BUILD THE MASSIVE GUERILLA FORCES WHICH MADE IT IMPOSSIBLE FOR THE JAPANESE TO DEFEND, IN ANY DETERMINED WAY AGAINST, THE LIBERATING ALLIED FORCES AND ULTIMATELY SAVED TENS OF THOUSANDS OF AMERICAN AND ALLIED LIVES...IN A PERSONAL MEETING I HAD WITH GENERAL MAC ARTHUR IN TOKYO, IN LATE MARCH OF 1947, HE EXPRESSED HIS PROFOUND APPRECIATION FOR WHAT THE FILIPINOS HAD DONE AND ON MY LEAVING GAVE ME MY MOST PRIZED MEMENTO, A PHOTO INSCRIBED, " TO RAMSEY WITH THE ADMIRATION AND AFFECTION OF HIS OLD COMRADE-IN-ARMS, DOUGLAS MAC ARTHUR. "... BECAUSE OF THE PHILIPPINE RESISTENCE MOVEMENT, AMERICAN LOSSES DURING THE PHILIPPINE LIBERATION CAMPAIGN WERE EXTREMELY SMALL WHEN COMPARED WITH OTHER CAMPAIGNS. BUT, ALL OF THIS CAME WITH A HIGH PRICE TAG FOR THE FILIPINOS...OF THE SIXTEEN PLUS MILLION PREWAR POPULATION, APPROXIMATELY ONE MILLION ONE HUNDRED THOUSAND DIED AT THE HANDS OF THE JAPANESE AND ONE HUNDRED THOUSAND OF THOSE WERE CIVILIANS KILLED DURING THE FOUR WEEK BATTLE FOR MANILA IN FEBRUARY/MARCH OF 1945 WHEN MANILA BECAME SECOND ONLY TO WARSAW AS THE WORST DESTROYED CITY OF WORLD WAR II...THESE FACTS AND FIGURES COME FROM A RECENTTHE BOOK, " THE BATTLE FOR MANILA," PUBLISHED BY BLOOMSBURY PRESS IN ENGLAND, IN 1995, FROM EXTENSIVE RESEARCH DONE BY THREE BRITISH HISTORIANS.

IN GOING THROUGH MY OLD FILES I CAME UPON A COPY OF A 16 OCT. '43 COMMUNIQUE, ISSUED BY GENERAL MAC ARTHUR TO THE "PATRIOTS OF THE PHILIPPINES" QUOTING PRESIDENT ROOSEVELTS MESSAGE TO CONGRESS OF OCTOBER 6, 1943. I BELIEVE THE COMMITTEE WILL FIND IT OF VALUE AND I HAVE ATTACH A COPY HERETO... IN THAT ADDRESS PRESIDENT ROOSEVELT REQUESTED CONGRESS, INTER ALIA, TO " MAKE PROVISIONS FOR THE PHYSICAL AND ECONOMIC REHABILITATION OF THE PHILIPPINES MADE NECESSARY BY THE RAVAGES OF WAR WHICH THE INVADERS HAVE INFLICTED UPON THEM. <u>ALL THIS IS DUE THE FILIPINO PEOPLE IN RECOGNITION OF THEIR HEROIC ROLE IN THIS WAR AND THE POLITICAL TIES WHICH HAVE BOUND US TOGETHER IN THE PAST "</u>...

<u>IT SHOULD BE REMEMBERED BY US HERE TODAY, THAT THIS PLEA TO CONGRESS WAS MADE IN 1943, AT A TIME WHEN MORALE WAS VERY LOW WORLDWIDE, AND PARTICULARLY IN ASIA, AND THERE WAS A GREAT DEAL OF UNCERTAINTY IN OUR FORTUNES OF WAR</u>.... IT IS MY BELIEF, THAT HAD PRESIDENT ROOSEVELT LIVED, HE WOULD NEVER HAVE SANCTIONED AN AGREEMENT SO DEMEANING TO THE FILIPINOS AS PL-79-301 AND 79-391...IN THOSE AGREEMENTS

IT WAS REQUIRED THAT IN EXCHANGE FOR $200 MILLION DOLLARS TO BE GIVEN FOR COMPENSATING THE PHILIPPINE ARMY FOR ITS SERVICES IN USAFFE, IT WOULD BE GIVEN ONLY ON CONDITION THAT THE PHILIPPINE GOVERNMENT WOULD AGREE TO A PROVISION STIPULATING THAT " MILITARY SERVICE OF THE ORGANIZED FORCES OF THE COMMONWEALTH OF THE PHILIPPINES... SHALL BE DEEMED NOT ACTIVE SERVICE IN THE ARMED FORCES OF THE U.S. FOR PURPOSES OF THE LAW CONFERRING RIGHTS, PRIVILEGES, AND BENEFITS ETC...", THUS EXCLUDING FILIPINO VETERANS FROM THE FULL BENEFITS ENJOYED BY ALL OTHER CLASSES OF VETERANS THAT EQUALLY SERVED IN THE U.S. ARMED FORCES DURING THE WAR. TO ME, THIS WAS A TRAVESTY OF JUSTICE...

TIME ALLOTED FOR TESTIMONY IN THIS HEARING DOES NOT ALLOW ME TO PROPOUND FURTHER ARGUMENTS IN SUPPORT OF LEGISLATION CORRECTING THIS INJUSTICE...THEREFOR, I WOULD SIMPLY LIKE TO CLOSE MY COMMENTS BY SAYING THAT NO AMERICAN, SUCH AS MYSELF, COULD HAVE LIVED THROUGH THE JAPANESE OCCUPATION OUTSIDE OF A PRISON CAMP, AND CONTINUED THE FIGHT, IF IT WERE NOT FOR THE MAGNIFICENT COURAGE, LOYALTY AND LOVE OF THE FILIPINO PEOPLE FOR THE AMERICANS... THEY DID NOT DESERVE THE SHABBY TREATMENT THEY RECEIVED.... THANK YOU.

IN ACCORDANCE WITH THE RULES OF THE HOUSE OF REPRESENTATIVES REQUIREMENTS FOR WITNESSES, I HAVE APPENDED HERETO A COPY OF MY CURRICULUM VITAE AND I HEREBY AFFIRM THAT I HAVE HAD NO FEDERAL GRANT OR CONTRACT WITH THE GOVERNMENT WITHIN THE CURRENT OR PAST MANY YEARS.

Edwin Price Ramsey

EDWIN PRICE RAMSEY

BIO-DATA

EDWIN PRICE RAMSEY
P.O. BOX, 49736 LOS ANGELES, CA 90049
TEL: (310)478-3634 FAX: (310)444-0640 E-MAIL: edramsey@IX.netcom.com

PERSONAL DATA:

Born: Carlyle, Illinois, USA, May 9, 1917

EDUCATION:

A.A. - Oklahoma Military Academy
B.A. - University of Oklahoma
LL.B. - University of Oklahoma
GRAD. - Industrial College of the Armed Forces (Ext.)

MILITARY SERVICE:

Commissioned 2nd Lieut., Cavalry Reserve, AUS, May 9, 1938. Entered active duty with 2nd Sqdn. 11th Cavalry Regiment,Campo CA,Feb 6th, 1941. Reassigned to the 26th Cavalry Regiment, Philippine Scouts, arriving at Fort Stotsenburg, Pampanga, Philippines on June 23rd, 1941 and served as a horse cavalry platoon leader until the fall of Bataan on April 9, 1942.

Escaped after the surrender of Bataan and organized the East Central Luzon Guerilla Area, a partisan force of seven skeleton divisions, of which 3,700 officers and 38,500 men were attached to the US 6th Army during the liberation of Luzon. Guerilla activities extended from May of 1942 through the liberation of Luzon in 1945.

Promoted to Major via radio in March of 1943 and Lieut. Col. in April of 1945. Reverted to inactive status in Dec. of 1946.

AWARDS AND HONORS:

U.S. Awards:

Distinguished Service Cross
Silver Star with Cluster
Bronze Star
Purple Heart

PHILIPPINE AWARDS:

Resolution of Gratitude by Special Act of the 1st Philippine Congress dtd. July 13, 1945.
Distinguished Conduct Star (Equiv. of Distinguished Service Cross)
Distinguished Service Star with OLC (Equiv. of Silver Star & OLC)
Gold Cross (Equiv. of Bronze Star)
Legion of Honor - Degree of Commander
Sagisag Ng Kagitingan (Cross of Valor)
Wounded Personnel Medal

SERVICE MEDALS:

Philippine Defense Medal; Philippine Liberation Medal with Bronze Service Star; American Defense Service Medal with BSS; Asiatic-Pacific Campaign Medal with two BSS; World War II Victory Medal; Distinguished Unit Emblem with two OLC.

HONORS:

Defendors of Bataan & Corregidor - Philippines, Award of Distinction.
Veterans Federation of the Philippines - Manila; Award of the Silver Kris
Malacanan Palace - Manila, Presidential Plaque of Appreciation.
General Douglas MacArthur Memorial Foundation Inc. - Douglas MacArthurMemorial Award and Hall of Fame Inductee.
Military Order of World Wars - Patrick Henry Patriotism Award and Medallion.
The U.S.Cavalry Association - Fort Riley; KS. -The US Cavalry - Medal
Oklahoma Military Academy/Rogers Unioversity - Claremore OK; The Distinguished Alumnus Award and a Hall of Fame Inductee.
The United States Armor Association; The Silver Medallion of the Order of Saint George.
California Legislature Assembly Resolution, - 23 May '96

BUSINESS BACKGROUND:

Hughes Aircraft Company - Vice President, Far East Area, Tokyo.
Nippon Aviotronics Company Ltd. - Director, Tokyo.
Hughes International - Director, Satellite Communications Ground Systems, Culver City, CA.
Ralph M. Parsons Electronics Co. - Pasadena, CA; - President.
Ramsey Industries Taiwan - Chairman/President
Intercane Pacific Ltd. - Managing Director, Hongkong & Manila.
R & R International Inc. - Manila, & R & R International Ltd. - Hongkong - Chairman/President/Managing Director.

ASSOCIATIONS:

Defenders of Bataan & Corrregidor - Philippines & United States.
Filipino American Memorials Endowment - Philippines & United States.
Oklahoma Bar Association
Philippine Institute for Military History
Republicans Abroad Philippines
United States Cavalry Association
Military Order of the Carabao
First Cavalry Division Association
Philippine Scouts Heritage Sociaety - United States

PUBLICATIONS:

Book - Author of " Lieutenant Ramsey's War ."

Articles about Ramsey -
PACIFIC STARS & STRIPES, July '65
Philippine Panarama, Jan. 19, 1986. - The Saga of Ramsey's Guerillas
TIME, Nov. 23, '87 - Echoing Hooofbeats
Globe Digest, Oct. 10, '87 - The Pony Soldiers Last Hurrah
Publishers Weekly, Sept. 7, ;90 - COVER
POLO - Jun/Jul '91 - Review of Lieutenant Ramsey's War
READERS DIGEST, Mar. " 92 - The Secret War of Ed Ramsey.
AARP, MODERN MATURITY ,Dec. '91/Jan 92 - The $100,000 Guerilla.
Oklahoma Today, Sept/Oct '93 - Down Home Polo
Interviews and Reviews in the following major daily newspaperrs:
LA Times; Sacramento Bee; Boston Globe; Boston Herald; Atlanta Journal-Constitution; Columbus Dispatch; the Kansas City Star and the Memphis Commercial Appeal. Articles are upcoming in the Louisville Courier Journal and the Chicago Tribune.

GENERAL HEADQUARTERS
SOUTHWEST PACIFIC AREA
Office of the Commander-in-Chief

16 October, 1943

PATRIOTS OF THE PHILIPPINES:

It is with a sense of deep satisfaction that I convey to you herein a message that the President of the United States transmitted to the Congress on October 6, 1943, recommending specific measures designed to provide for the full post-war rehabilitation and future economic and national security of the Philippines.

To the Congress of the United States:

Since the Japanese launched their attack on the Philippine Islands, I have on several occasions addressed messages on behalf of the American people to the courageous people of the Philippines, expressing our admiration of their heroism and loyalty. I have assured them that the Government of the United States of America will see to it that their independence will be promptly established and-still more important- that it will be protected. The resources of the United States, in men and material, stand behind that pledge to the people of the Philippines. We shall keep that promise just as we have every promise which the United States has made to the Filipino people.

The Philippine Government, now in the United States, has been collaborating with the rest of the United Nations in the United task of destroying the common enemy in the East and in the West. As I stated on August 13, 1943, the United States in practice, regards the Philippines as having the same status as the Governments of other independent nations- in fact all the attributes of complete and respected nationhood- and I am sure that the American people believe that the Filipino people have earned the right juridically to be free and independent. The date now set by statute and by the vote of the people and legislature of the Philippine Islands for independence is July 4, 1946. It is possible, however, that the fortunes of war will permit an earlier consummation of this joint will of the American-Filipino peoples and I, therefore, recommend legislation by the Congress giving the President the authority, after consultation with the President of the Commonwealth of the Philippine Islands, to advance the date provided in existing law and to proclaim the legal independence of the Philippines, as a separate and self-governing nation, as soon as feasible.

If this Congress takes this action, there are several steps which, in my opinion, are necessary to make good our pledge that the independence of the Philippines will be protected in the future and to give them the opportunity of economic rehabilitation which is their due.

I, therefore recommend:

1. That the Congress make provision authorizing the President of the United States and the President of the Commonwealth of the Philippines to enter into immediate negotiations and make necessary steps to provide for full security for the Philippines for the mutual protection of the Islands and the United States and for the future maintenance of peace in the Pacific, and-
2. That the Congress make provisions for determining the adjustment necessary in the existing provisions of law which govern the economic relations between the United States and the Philippines. so as to assist in making the Philippines, as an independent nation, economically secure wherever possible, and-
3. That the Congress make provisions for the physical and economic rehabilitation of the Philippines made necessary by the ravages of war which the invaders have

inflicted upon them. All this is due to the Filipino people in recognition of their heroic role in this war, and the political ties which have bound us together in the past. Such action on the part of the Congress would assure the Philippine people again, of our sincerity of purpose and of our resolution to accord them as soon as feasible the legal status of complete freedom, independence, and nationhood, to which, as a member of the United Nations, they are entitled".

Franklin D. Roosevelt.

The gallant manner in which you have met the issues of war, despite hardship and peril arising from the temporary occupation of Philippine soil by a ruthless foe, and have remained steadfastly true to those great principles of human liberty to which Americans and Filipinos in common subscribe, has commanded my deep admiration.

I am fully conscious of the heavy burden that is resting upon you during this trying period in Philippine History, and along with the President's proposals for your future post-war welfare and security, I take this opportunity to convey to you my personal assurances that our military operations, designed to effect your complete liberation, are proceeding successfully--- and that foremost of my plans of action envisage the day that I shall return to the Philippine soil to lead our combined forces in a destructive blow aimed at your permanent release from the threat of subjugation by the Japanese Empire.

(Sgd.) DOUGLAS MACARTHUR
General, U. S. Army
Commander-in-Chief

A CERTIFIED TRUE COPY

Statement of Joseph Thompson

Under Secretary for Benefits

Department of Veterans Affairs

Before the House Committee on Veterans' Affairs

July 22, 1998

Mr. Chairman, and Members of the Committee, I am pleased to be here this morning to provide information regarding benefits the Department of Veterans Affairs (VA) provides to Filipino veterans. We are aware of the Committee's interest in the level of benefits that VA currently provides to Filipino veterans and the history of the provision of benefits by the United States to Filipino veterans since World War II.

I would note that information regarding benefits provided to Filipino veterans, including certain statistical data and a detailed history of the laws under which VA has furnished health care to Filipino veterans, was transmitted to the Chairman by a letter dated June 24, 1998. A copy of this submission is attached to this hearing statement (Appendix).

I would like to provide a brief overview of the benefits VA provides to Filipino veterans under current law, along with a discussion of the limitations imposed on VA under the law.

For purposes of VA benefits and services, the service of members of the Philippine armed forces can be categorized as service in one of four groups, the Old Philippine Scouts, the New Philippine Scouts, the Philippine Commonwealth Army, and the recognized guerilla forces. Service in the "Old Philippine Scouts" is considered to have been active service in the United States Armed Forces. Accordingly, those who served in the Old Philippine Scouts qualify for the full range of VA benefits and services at full benefit rates on the same basis as United States veterans. The New Philippine Scouts was formed pursuant to Public Law No. 79-190, which specifically authorized the enlistment and reenlistment of Philippine citizens, with the consent of the Philippine President , into the Armed forces of the United States during the period from October 6,

1945, until June 30, 1947. The Commonwealth Army was organized by the government of the Philippines after enactment of the Tydings-McDuffy Act, Public Law No. 73-127, which subjected that Army to the call of the President of the United States under specified conditions. The Commonwealth Army was "called" to service by President Roosevelt by military order dated July 26, 1941, and served with United States Armed Forces in the Far East during World War II (ending July 1, 1946). Guerilla units were formed by United States and Philippine Army members (and some civilians) after the May 7, 1942 surrender of the Philippine Islands to the Japanese. Following the liberation of the Philippine Islands, the then War Department (now the Department of Defense) undertook a process whereby guerilla units or individuals were given the status of membership in the Commonwealth Army or in the service of the Armed Forces of the United States.

History shows that the limitations on eligibility for U.S. benefits based on service in these Philippine forces were based on a carefully considered determination of the two governments' responsibilities toward them. The Philippines became a sovereign nation on July 4, 1946, and the current limitations on VA benefits for veterans of its forces resulted from the First Supplemental Appropriations Act of 1946. That law specifically limited the range of benefits available to those who served in the organized military forces of the government of the Commonwealth of the Philippines (the Philippine Commonwealth Army) while those forces were in the service of the United States pursuant to the military order of the President of the United States. It also provided $200 million to the Philippine Army to help pay benefits to its soldiers, as part of a comprehensive economic and political plan for allocating financial assistance to the Philippines. The Second Supplemental Surplus Rescission Act of 1946 placed similar limits on benefits available to the New Philippine Scouts. Other acts passed by Congress in 1947 and 1948 provided additional monetary assistance. As a result of these enactments, those who served in the New Philippine Scouts, the Commonwealth Army, and recognized guerrilla forces, and their survivors, are entitled to gratuitous monetary benefits from the United States

Government only under chapter 11 (disability compensation), chapter 13 (except for section 1312(a)) (dependency and indemnity compensation (DIC)), and, in the case of Commonwealth Army and guerilla force veterans, chapter 23 (certain burial benefits)) of title 38, United States Code.

Within months of gaining its independence, the Republic of the Philippines enacted a GI bill of rights that provided a broad range of benefits to its veterans, including compensation for service-connected death and disability, educational benefits, reemployment rights, preference in public employment, home loans, hospitalization, tax exemptions and more.

With further regard to the payment of monetary benefits, section 107(a) and (b) of title 38, United States Code, provides that benefit payments based on service in the Philippine Commonwealth Army, including recognized guerrilla units, and the New Philippine Scouts shall be made at a rate of $0.50 for each dollar authorized and that, where annual income is a factor in entitlement to benefits, the dollar limitations in the law specifying such annual income shall apply at a rate of $0.50 for each dollar.

Until the enactment in 1994 of section 507 of Public Law No. 103-446, the payment limitations in section 107 also included a requirement that the payment of benefits be made at a rate in pesos as is equivalent to $0.50 for each dollar. Reference to the peso in regard to the payment of certain benefits to Philippine veterans and their dependents and survivors originated in the First Supplemental Surplus Appropriation Rescission Act of 1946. That Act limited the payment of compensation for service-connected disability or death for veterans of the Philippine Commonwealth Army to the rate of one Philippine peso for each dollar authorized to be paid. The Second Supplemental Surplus Appropriation Rescission Act of 1946 contained a similar provision authorizing payment of certain VA benefits at the rate of one Philippine peso per dollar to the New Philippine Scouts. At that time, the exchange rate was two Philippine pesos for one United States dollar, i.e., the value of the peso was approximately 50 cents. The legislative history of the Second Supplemental Surplus Appropriation

Rescission Act of 1946 indicates that Congress intended to compensate Commonwealth Army veterans and New Philippine Scouts on this basis because of differences between the United States economy and the Philippine economy and the different standards of living in the two countries.

The current language of section 107(a) and (b) derived from a 1966 enactment, Public Law No. 89-641. Congress had been informed that the exchange rate had at that time increased to almost four pesos per dollar. By changing the rate of compensation payable to affected Filipino beneficiaries to $0.50 for each dollar authorized, Congress restored these individuals to the position they had held in 1946 following passage of the Rescission Acts, when the exchange rate was two pesos per dollar. In this way, Congress sought to adhere to the principle that Filipino beneficiaries would receive a monetary payment equivalent to half the payment made to similarly entitled United States veterans.

Mr. Chairman, we estimate the present population of Filipino veterans and survivors receiving compensation or DIC from VA to be 6,250 veterans and 7,000 survivors. Approximately 1,250 Filipino veterans with service-connected disabilities reside in the United States. Using the 1998 estimated average annual obligation for World War II veterans ($5,490) and survivors ($10,806), per the 1999 Congressional Budget, and the rate of $.50 for each dollar authorized per 38 U.S.C. § 107, we estimate that compensation benefits to be paid to all Filipino veterans and their survivors in FY 1998 will total $17.2 million and $37.8 million, respectively. The average annual benefit paid to individual service-connected Filipino veterans is $2,745. We are unable to estimate the amount of burial benefits to be paid for service-connected Filipino veterans for FY 1998. We have also been unable to determine the total amount of benefits that have been paid to Filipino veterans and their survivors since World War II.

With regard to medical care for Filipino veterans, since World War II, the United States has provided assistance to the Philippines in a number of different ways in order to facilitate the provision of medical care to eligible veterans. This has been accomplished through the direct conveyance of facilities (the Veterans'

Memorial Medical Center) and equipment, as well as a series of grants and contracts to support care for Filipino veterans. As noted earlier, a complete discussion of the laws under which Congress has authorized, provided grant support for, or otherwise made provision for furnishing medical care to Filipino veterans and U.S. veterans in the Philippines is contained in VA's June 24, 1998, letter to the Chairman (Appendix).

VA provides care in the Philippines to United States veterans only, for their service-connected conditions. The Manila VA Outpatient Clinic, in conjunction with the Regional Office, does provide compensation and pension examinations for certain categories of Filipino veterans. Section 1734 of title 38, United States Code, provides that VA may, within the limits of VA facilities, provide hospital and nursing home care and medical services to Commonwealth Army veterans and New Philippine Scouts only for treatment of service-connected disabilities. It is estimated that there are approximately 1,250 Philippine veterans (other than "Old Scouts") with service-connected disabilities residing in the United States. VA databases do not track the treatment of these veterans separately, so the only information we have is anecdotal. Contacts with VA staff at a few West Coast facilities indicate that VA does generally provide treatment for the service-connected conditions of these Philippine veterans, as allowed under section 1734. However, provision of such treatment remains a local medical center decision under the discretionary authority of section 1734. The Manila Outpatient Clinic saw 3,012 veterans during FY 1997. Of those, only about 1,200 were United States veterans eligible for treatment. The remaining veterans were primarily Filipino veterans receiving compensation and pension examinations.

The total expenditures for the Veterans Health Administration in the Philippines in FY 1997 were approximately $3.2 million. Of this total, it is estimated that the direct costs associated with the outpatient treatment of United States veterans was $1,031,946. The total cost of the inpatient workload for these veterans was $437,845. In the Philippines, there is not an equivalent to United States nursing home care, so there is no data for that type of care.

VA Legislative Proposal

Mr. Chairman, on June 17, 1998, VA submitted to the Speaker of the House a legislative proposal which included a provision to amend section 107 of title 38, United States Code, to provide for payment of, or calculation of entitlement to, certain benefits without regard to current $0.50-on-the-dollar limitations in the case of certain Filipinos who reside in the United States. As noted earlier, section 107(a) and (b) of title 38, United States Code, currently provides that benefit payments based on service of veterans of the Philippine Commonwealth Army, including members of recognized guerrilla units, and the so-called New Philippine Scouts shall be made at a rate of $0.50 for each dollar authorized and that, where annual income is a factor in entitlement to benefits, the dollar limitations in the law specifying such annual income shall apply at a rate of $0.50 for each dollar.

The limitations on benefit payments to certain Filipino beneficiaries were intended to reflect the differing economic conditions in the Philippines and the United States. These limitations were not made contingent, in any respect, on the place of residence of the beneficiary, although, at the time the limitations were established, the great majority of affected individuals resided in the Philippines. Through the years, numerous Filipino veterans and their dependents and survivors have immigrated to this country, and many have become permanent residents or citizens. The policy considerations underlying the current restrictions on payments of compensation and DIC to the affected individuals are no longer relevant in the case of those who reside in the United States. Filipino beneficiaries residing in the United States face living expenses comparable to United States veterans and imposition of limitations on the payment of these subsistence benefits to these individuals based on policy considerations applicable to Philippine residents is not only inequitable, but may result in undue hardships to this group of beneficiaries. Therefore, we believe a

change in law is warranted in the case of compensation and DIC benefits payable to United States residents based on service in the Philippine Commonwealth Army, including recognized guerilla units, or the New Philippine Scouts. Thus, we propose that the $.50-on-the-dollar limitation in section 107 be eliminated in the case of affected Filipino compensation and DIC beneficiaries who reside in the United States.

Mr. Chairman, this concludes my statement.

Appendix to Statement of Joseph Thompson

DEPARTMENT OF VETERANS AFFAIRS
WASHINGTON DC 20420

JUN 24 1998

The Honorable Bob Stump
Chairman, Committee on Veterans' Affairs
House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This is in response to your letter of April 21, 1998, concerning hearings on extending additional veterans benefits to Filipino veterans of World War II. We have prepared the enclosed answers to the questions posed in your letter.

If we can be of further assistance, please let us know.

Sincerely,

Phil Riggin
Acting Assistant Secretary
for Congressional Affairs

Enclosures

Question 1: How many Filipino World War II veterans remain alive today?

Answer: We assume that this question refers to the Filipino World War II veterans who served in the Special Philippine Scouts, Philippine Army, and recognized guerilla groups. We estimate there are approximately 81,100 surviving veterans of these units.

Question 2: How many Filipino veterans reside in the United States? How many are U.S. citizens?

Answer: We estimate there are 17,000 Filipino veteran United States citizens living in the United States. We do not have data on non-citizen Filipino residents.

Question 3: How many service-connected Filipino veterans currently reside in the United States? How many are U.S. citizens?

Answer: Approximately 1,250 Filipino veterans with service-connected disabilities reside in the United States. We do not have data on how many of these veterans are United States citizens.

Question 4: How many service-connected Filipino veterans currently reside in the Philippines? How many have dual citizenship with the U.S.?

Answer: Approximately 5,000 service-connected Filipino veterans currently reside in the Philippines. We do not have data on how many of these veterans hold dual citizenship.

Question 5: What is the average age of the surviving Filipino World War II veterans?

Answer: We estimate that the average age of surviving Filipino World War II veterans is between 70 and 74.

Question 6: What is the average annual income of the surviving Filipino World War II veterans?

Answer: This information is not available within the Department of Veterans Affairs (VA).

Question 7: What is the average annual per capita income in the Philippines?

Answer: Data provided by the World Bank, Philippine Desk, indicate the per capita income for 1997 was $1,184.

Question 8: What was the total amount of compensation and related benefits paid to service-connected Filipino veterans and their survivors in fiscal year 1998?

Answer: The 1998 estimated population is 6,250 veterans and 7,000 survivors. Using the 1998 estimated average obligation for WWII veterans ($5,490) and survivors ($10,806), per the 1999 Congressional Budget, and the rate of $.50 for each dollar authorized per 38 U.S.C. § 107, we estimate compensation benefits to be paid to Filipino veterans and their survivors in FY 1998 will total $17,156,250 and $37,821,000, respectively. We are unable to estimate the amount of burial benefits to be paid for service-connected Filipino veterans for FY 1998.

Question 9: What is the amount of the average payment made to service-connected Filipino veterans?

Answer: The average yearly benefit paid to service-connected Filipino veterans is $2,745, (half the average for WWII veterans generally).

Question 10: As a matter of policy, should the United States government provide to non-American veterans a level of benefit that would provide a higher standard of living than we provide to U.S. veterans?

Answer: VA has not advocated such a policy. The Administration's proposal concerning payment of the full benefit rate to Filipino veterans residing in the United States would merely place these veterans on a par with United States veterans.

Question 11: To the Department's knowledge, is there any Executive Communication, Public Law, or other historical document that shows a specific intent by the United States government to provide a full range of veterans benefits to Filipino veterans?

Answer: Public Laws and historical documents show that the United States Government intended to provide a full range of veterans benefits to only those Filipino veterans who served in the so-called "Old Philippine Scouts." This group constituted a regular component of the United States Army, and service in the "Old Philippine Scouts" was considered to be active service in the United States Armed Forces. The "Old Philippine Scouts" was originally formed in 1901, long before any formal plan for Philippine independence and was part of the United States Army throughout its existence. Veterans of this unit are eligible for veterans benefits on the same basis as United States veterans.

The First Supplemental Surplus Appropriation Rescission Act, 1946, specifically limited the range of benefits available to those who served in the organized military forces of the Government of the Commonwealth of Philippines while those forces were in the service of the United States pursuant to the military order of the President of the

United States dated July 26, 1941. The Second Supplemental Surplus Appropriation Rescission Act, 1946, placed similar limits on benefits available to the so-called "New Philippine Scouts."

Documents in VA files suggest that at the time of passage of the First Supplemental Surplus Appropriation Rescission Act, 1946, President Truman wished to provide a broader range of veterans benefits to Filipino veterans. In a letter of February 12, 1946, to Administrator of Veterans' Affairs General Omar Bradley, he requested a study of a program of benefits for Filipino veterans similar to the GI Bill. In a statement by President Truman, dated February 20, 1946, regarding the signing into law of the First Supplemental Surplus Appropriation Rescission Act, 1946, he expressed the view that the United States had a moral obligation to look after the welfare of Philippine Army veterans and referred to an expectation of future legislation broadening benefits for Filipino veterans. (Copies of these documents are attached.)

The Department knows of no other documents that suggest an intention to provide a full range of veterans benefits to Filipino veterans.

Question 12: How are benefit checks issued to Filipino veterans and their survivors?

Answer: Checks are bulk mailed to Manila (via an APO box). They are picked up by VA Regional Office staff, sorted, and hand carried to the local post office for placement in the local mail. Checks over a certain amount (currently $2,500) are delivered personally by a VA employee.

Question 13: The President's budget for the Department of Veterans Affairs indicates that the Administration will submit a legislative proposal to provide full compensation for service-connected Filipino veterans residing in the United States. How would VA prevent Filipino veterans not actually residing in the U.S. from using post office boxes or fictitious residences to qualify for compensation? How would VA address the very real potential for fraud? How many additional FTEE would be required for the VA or other agencies to implement this provision?

Answer: We would need to draft regulations defining what residing in the United States means and draft control measures accordingly. We cannot predict the staffing needs of the Department of Veterans Affairs, Immigration and Naturalization Service or any other Government agency based upon control measures not yet developed.

Question 14: Has the Department coordinated with the Immigration and Naturalization Service on the residency issue? What is the position of INS regarding any assistance that VA may require from that agency?

Answer: Coordination with the Immigration and Naturalization Service will be required. We are not aware of an official position on the part of that agency concerning cooperation with VA.

Question 15: During World War II, there were instances of Filipino military personnel collaborating with the Japanese occupation forces. Following the war, the records regarding collaboration were sealed. Does the Department believe it would be appropriate to pay U.S. veterans benefits to anyone guilty of such collaboration? How will the VA verify veterans' status for the Filipinos?

Answer: We have procedures in place to determine loyalty and veteran status for Filipino applicants. These procedures may be found in M21-1, part IV, sections 34.04 and 34.05. (See attached)

Question 16: H.R. 836 would require payment of pension benefits to qualifying Filipino veterans. How would VA administer the program to prevent fraud and how many additional FTEE would be required?

Answer: It has been estimated that there would be a need for the equivalent of 337 adjudicative, investigative, and support personnel to implement the pension program for this additional population. This includes personnel dedicated to identification and prevention of fraud. VA has no plans at this time for special procedures to prevent fraud.

Question 17: Does the Department consider the additional FTEE required to implement either H.R. 836 or the Department's legislative proposal regarding Filipino veterans the best use of what the Department has previously admitted to be scarce resources?

Answer: We support the legislation concerning Filipino veterans proposed by the Administration. No additional resources would be required to implement that proposal. If legislation is passed broadening the range of benefits available to Filipino veterans, we would make every effort to pay these benefits correctly and in a timely manner.

Question 18: If the Department believes no additional FTEE will be required to implement either H.R. 836 or the Department's legislative proposal on Filipino veterans, and in light of the Department's admitted growing claims backlog, what will be the impact of either of these proposals on overall benefits processing?

Answer: The Administration's proposal would merely charge the rate at which benefits are paid and should have no direct impact on the adjudication backlog. Any additional

claims processing workload resulting from expansion of benefits available to Filipino veterans, without additional staff, would adversely impact the backlog in claims processing.

Question 19: For the period following World War II, please trace the history of laws (and the extent to which those laws were implemented) under which Congress has authorized, provided grant support for, or otherwise made provision for furnishing medical care to Filipino veterans and U.S. veterans in the Philippines.

Answer: An early form of assistance was a direct conveyance to the Philippine government of the army hospital at Fort McKinley (now the Veterans' Memorial Medical Center (VMMC)), along with the equipment contained in the hospital. *See* Pub. L. No. 82-311, 66 Stat. 52 (1952), referencing Pub. L. No. 78-381, 58 Stat. 626. This statute also gave the President the authority to make grants to reimburse the Republic of the Philippines for money spent incident to medical care, treatment, and hospitalization of "Philippine Scouts." The law appropriated "such sums as may be necessary to carry out the provisions of this Act."

In 1948, Congress authorized a grant program for providing medical care and treatment to certain veterans who served in the organized military forces of the Commonwealth of the Philippines, including recognized guerrilla forces. The grants were for the construction and equipping of hospital facilities, and for expenses incident to providing medical care and treatment. *See* the Act of July 1, 1948, 62 Stat. 1210. Since that time, Congress has periodically extended the authority to award grants. For example, the Act of June 18, 1954, Pub. L. No. 83-421, 68 Stat. 268, amended the Act of July 1, 1948, and authorized grants for expenses incident to hospitalization for a period not to exceed ten years, with specific yearly limits set forth through the year 1959. These grants were to reimburse the Republic of the Philippines for money spent for hospitalization of eligible veterans.

In 1958, Congress passed a new act awarding grants to the Philippines. The Act stated:

> The President is authorized to assist the Republic of the Philippines in providing medical care and treatment for Commonwealth Army veterans in need of such care and treatment for service-connected disabilities through grants to reimburse the Republic of the Philippines for expenditures incident to hospital care of Commonwealth Army veterans in need thereof for such disabilities. The total of such grants shall not exceed $1,500,000 for the calendar year 1958, and $1,000,000 for the calendar year 1959.

See Pub. L. No. 85-461, 72 Stat. 200 (1958). This language was restated in the Pub. L. No. 85-857, 72 Stat. 1144 (1958), which consolidated the laws of the Veterans' Administration. *See also* 38 U.S.C § 631 [now 1731] (1959).

Public Law No. 85-461 also sought to modify the initial agreement with the Republic of the Philippines dating from the 1948 grant program discussed above. This statute authorized the President, with the concurrence of the Republic of the Philippines, to modify the agreement by entering into a contract under which the United States would pay for hospital care at an agreed upon per diem rate. The contract could be for a period of up to five years. The statute also provided that, in certain circumstances, the Republic of the Philippines was authorized to use the facilities of the Veterans Memorial Hospital for other persons if the facilities were not required for hospital care of Commonwealth Army veterans for service-connected disabilities. *See* 38 U.S.C. § 632 [now 1732] (1959); *see also* Pub. L. No. 85-857, 72 Stat. 1144, restating this provision in the consolidation of the laws of the Veterans' Administration.

Pub. L. No. 88-40, 77 Stat. 66 (1963), amended section 632 [now 1732] by extending the contract period and by revising the amount of money to be spent. This statute also amended section 632 by stating that payments for hospital care and for medical services provided to Commonwealth Army veterans or to United States veterans may consist, in whole or in part, of available medicines, medical supplies, and equipment furnished by the Administrator [now Secretary] to the VMMC. Section 632 was further amended by Pub. L. No. 89-612, 80 Stat. 859 (1966). This statute authorized payments for hospital care of Commonwealth Army veterans and new Philippine Scouts who need medical care for nonservice-connected disabilities and are unable to defray the costs. This statute also provided grants for upgrading equipment and rehabilitating the physical plant and facilities at the VMMC, and for medical research and training of health service personnel.

In 1973, Congress passed Pub. L. No. 93-82, § 107(a), 87 Stat. 184 (1973), which authorized the President to assist the Philippine government in providing medical care and treatment for Commonwealth Army veterans and New Philippine Scouts in need of care for treatment of service-connected disabilities and for treatment of nonservice-connected disabilities under certain circumstances. 38 U.S.C. § 631 [now 1731]. This section also repealed the prior provision of section 631 dealing with grants to the Republic of the Philippines. Public Law No. 93-82 also repealed that subsection of section 632 [now 1732] dealing with the modification of the contract agreement with the Republic of the Philippines. The new section 632 allowed the Administrator [now Secretary] to enter into contracts with the Republic of the Philippines under which the United States paid for needed hospital care or medical services for Commonwealth Army veterans and New Philippine Scouts for service-connected disabilities, paid for care for some nonservice-connected disabilities if the veterans were unable to defray the costs, and paid for certain travel expenses and for nursing home care. The statute noted that payments for hospital care and medical services could consist, in whole or in part, of available medicines, medical supplies, and equipment furnished by the Administrator [now Secretary], and that payments for hospital care would be based on a per diem rate. The statute also limited the total amount of money to be expended, and provided grants for education and training and to upgrade the hospital facility. The time

limits set forth in Pub. L. No. 93-82 were extended by Pub. L. No. 95-520, 92 Stat. 1820 (1978); 38 U.S.C. § 632 [now 1732] (1979).

The 1981 amendments passed by Congress completely revised section 632 [now 1732]. *See* Pub. L. No. 97-72, 95 Stat. 1047 (1981). This amendment allowed the President to authorize VA to enter into contracts through September 1986, under which the United States would pay for hospital care and medical services to eligible *United States veterans* at a jointly set per diem rate. The amendment stated that payments for such hospital care and medical services provided to eligible United States veterans may consist, in whole or in part, of available medicines, medical supplies, and equipment furnished by the Administrator [now Secretary]. The amendment also stated that, in order to assure the effective care and treatment of United States veterans, Congress has authorized additional appropriations through September 1986, to be used for replacing and upgrading hospital equipment and in rehabilitating hospital facilities. The amendment stated that, grants shall be made on terms and conditions prescribed by the Administrator [now Secretary] and included a "stop payment" provision if certain conditions were not met. Public Law No. 97-72 also revised section 631 [now 1731] to state that the President has authority to assist the Republic of the Philippines *in fulfilling its responsibility* to provide medical care and treatment to Commonwealth Army veterans and New Philippine Scouts. Later legislation has amended the grant amounts and the time frame for entering into contracts, *see* Pub. L. No. 100-687, 102 Stat. 4132 (1988); Pub. L. No. 102-40, 105 Stat. 239 (1991); Pub. L. No. 102-86, 105 Stat. 416 (1991); Pub. L. No. 102-585, 106 Stat. 4955 (1992); however, the basic authority described in this amendment is essentially unchanged.

In 1993, VA was concerned with the quality of care being provided at the VMMC to United States veterans. A special VA review team visited the Philippines to assess the contract hospital program. It was determined that VMMC was not providing a reasonable standard of care, so referrals of United States veterans were discontinued. These veterans have been referred to other community hospitals. With this change in VA referrals, it was also determined that it was not appropriate to continue the grant program for VMMC. The authority to award grants to assist in replacing and upgrading equipment and rehabilitating VMMC facilities was last extended in Pub. L. No. 102-585, which authorized the grants through September 30, 1994. Congress continued to appropriate money for section 1732 grants through September 30, 1996. *See* the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1995, Pub. L. No. 103-327, 108 Stat. 2298.

VA's authority to provide medical care to United States veterans in the Philippines was addressed in amendments to the laws authorizing VA to provide medical care abroad. VA's World War II authority was set forth in Veterans Regulation No. 6(a), para. IV (1942). This regulation stated:

> No person shall be entitled to receive domicillary, medical, or hospital care, including treatment, who resides outside of the continental limits of the United

States or its Territories or possessions: Provided, That in the discretion of the Administrator of Veterans' Affairs necessary hospital care, including medical treatment, may be furnished to veterans who are citizens of the United States and who are temporarily sojourning or residing abroad, for disabilities due to war service in the armed forces of the United States. Paragraph IV amended by act Oct. 17, 1940, ch 893, § 4, 54 Stat. 1195.

A revised provision setting forth VA's authority to provide hospital care and medical services abroad was included in the Veterans' Benefits Act of 1957, Pub. L. No. 85-56, § 524, 71 Stat. 83, which stated:

Hospital Care and Medical Service Abroad The Administrator shall not furnish hospital or domiciliary care or medical services outside the continental limits of the United States, or a Territory, Commonwealth, or possession of the United States, except that he may furnish necessary hospital care and medical services for service-connected disabilities incurred during a period of war to veterans who are citizens of the United States temporarily sojourning or residing abroad.

The authority to provide hospital care and medical services abroad was revised in Pub. L. No. 85-461, 72 Stat. 200 (1958), which stated:

(a) Except as provided in subsections (b) and (c), the Administrator [now Secretary] shall not furnish hospital or domiciliary care or medical services outside the continental limits of the United States, or a Territory, Commonwealth, or possession of the United States.
(b) The Administrator may furnish necessary hospital care and medical services for any service-connected disability – (1) if incurred during a period of war, to any veteran who is a citizen of the United States temporarily sojourning or residing abroad except in the Republic of the Philippines; or (2) whenever incurred to any otherwise eligible veteran in the Republic of the Philippines.
(c) Within the limits of those facilities of the Veterans Memorial Hospital at Manila, Republic of the Philippines, for which the Administrator may contract, he may furnish necessary hospital care to a veteran of any war for any nonservice-connected disability if such veteran is unable to defray the expenses of necessary hospital care. The Administrator may enter into contracts to carry out this section.

See also 38 U.S.C. § 624 [now 1724] (1959); Pub. L. No. 85-857, 72 Stat. 1144, restating this amendment in the consolidation of laws administered by the Veterans' Administration.

Section 624 [now 1724] has been amended a number of times. Pub. L. No. 86-152, 73 Stat. 332 (1959), extended the authority to provide hospital and medical care to veterans who are United States citizens temporarily residing abroad to include those with peace-time service-incurred disabilities. *See* Pub. L. No. 87-815, 76 Stat.

927 (1962) (which deleted the reference to *temporarily* residing or sojourning abroad). Pub. L. No. 93-82, 87 Stat. 184 (1973), amended this section to include the provision of nursing home care, and established conditions for providing such care. 38 U.S.C. § 624 (1979). Amendments in 1988 revised this section to allow the Administrator [now Secretary] to furnish hospital care and medical services to an otherwise eligible veteran if such care and services are needed for the treatment of a service-connected disability or as part of a rehabilitation program under chapter 31 of title 38. *See* Pub. L. No. 100-322, § 105, 102 Stat. 493 (1988).

Question 20: With respect to provision of VA-sponsored care in the Republic of the Philippines, please identify for the most recent fiscal year for which data are available, the number of U.S. Veterans and Filipino veterans who received hospital care, nursing home care, or medical services, and the total expenditures for such care in that fiscal year. Please provide the data by level of care.

Answer: The authority to provide VA-sponsored care in the Philippines is limited to United States veterans only, for their service-connected conditions. The Manila VA Outpatient Clinic, in conjunction with the Regional Office, does provide compensation and pension examinations for certain categories of Filipino veterans.

The Manila Outpatient Clinic saw 3,012 veterans during FY 1997. Of those, only about 1,200 were United States veterans eligible for treatment. The remaining veterans were primarily Filipino veterans receiving compensation and pension examinations.

The following is a breakdown of key workload categories for FY 1997:

VA Clinic Outpatient Visits	8962
Compensation and Pension Examinations	2599
Fee Basis Outpatient Visits	2129
Inpatient Episodes (in Community Hospitals)	253
Inpatient Days of Care (Total)	2724
Medicine	1356
Surgery	371
Psychiatry	997

The total expenditures for the Veterans Health Administration in the Philippines in FY 1997 were approximately $3.2 million. Of this total, it is estimated that the direct costs associated with the outpatient treatment of United States veterans was $1,031,946. The total cost of the inpatient workload for these veterans was $437,845. In the Philippines, there is not an equivalent to United States nursing home care, so there is no data for that type of care.

Question 21: With respect to provision of VA-sponsored care to Filipino veterans residing in the United States please identify for the most recent fiscal year for which data are available, the number of Filipino veterans who received hospital care, nursing home care, or medical services, and the total expenditures for such care in the fiscal year. Please provide the data by level of care.

Answer: Section 1734, title 38, United States Code, provides that VA may, within the limits of VA facilities, provide hospital and nursing home care and medical services to Commonwealth Army veterans and New Philippine Scouts only for treatment of service-connected disabilities. It is estimated that there are approximately 1,250 Philippine veterans (other than "Old Scouts") with service-connected disabilities residing in the United States. VA databases do not track the treatment of these veterans separately, so the only information we have is anecdotal. Contacts with VA staff at a few West Coast facilities indicate that VA does generally provide treatment for the service-connected conditions of these Philippine veterans, as allowed under section 1734. However, provision of such treatment remains a local medical center decision under the discretionary authority of section 1734.

COPY

THE WHITE HOUSE

WASHINGTON

February 12, 1946

Dear General Bradley:

I attach copies of a letter and a memorandum received from High Commissioner Paul V. McNutt dealing with H. R. 5158 which I expect shortly to have before me for my consideration. I agree entirely with the propositions submitted by the High Commissioner. It seems to me inconceivable that the United States, which benefitted so directly from the struggles and sacrifices of the heroic legions of Philippine fighting men during the war, should now be so callous as to withdraw without qualification most of the benefits being extended to American war veterans. The Philippine veterans are and will be, until July 4, nationals of the United States. They saved us, through their sacrifices, thousands of American lives and billions of American dollars. They are our truest friends in the Orient. They proved it.

I therefore direct that you start immediately on a study, in cooperation with the Secretary of War to whom I am sending a similar directive, of a program of benefits for Philippine ~~army~~ veterans, following in general along the lines of our G.I. Bill of Rights benefits, but adapted to the special conditions found in the Philippines. I request that you consult with Philippine veterans' representatives, with Commonwealth Government representatives, and that you coordinate your study through the Office of the United States High Commissioner to the Philippines.

I should like to have your proposals no later than March 15 of this year.

Sincerely,

/s/ Harry Truman

General Omar N. Bradley
Administrator of Veterans' Affairs
Washington, D. C.

FEBRUARY 20, 1946

STATEMENT BY THE PRESIDENT

In approving H.R.5158, I wish to take exception to a legislative rider attached to the transfer of a $200,000,000 item for the pay of the Army of the Philippines.

The effect of this rider is to bar Philippine Army veterans from all benefits under the G. I. Bill of Rights with the exception of disability and death benefits which are made payable on the basis of one peso for every dollar of eligible benefits. I realize, however, that certain practical difficulties exist in applying the G. I. Bill of Rights to the Philippines.

However, the passage and approval of this legislation do not release the United States from its moral obligation to provide for the heroic Philippine veterans who sacrificed so much for the common cause during the war.

Philippine Army veterans are nationals of the United States and will continue in that status until July 4, 1946. They fought, as American nationals, under the American flag, and under the direction of our military leaders. They fought with gallantry and courage under most difficult conditions during the recent conflict. Their officers were commissioned by us. Their official organization, the Army of the Philippine Commonwealth, was taken into the Armed Forces of the United States by executive order of the President of the United States on July 26, 1941. That order has never been revoked or amended.

I consider it a moral obligation of the United States to look after the welfare of Philippine Army veterans.

I recognize, of course, that the Commonwealth Government, and after it, the Government of the Philippine Republic, have obligations to these veterans. But the Government of the Philippines is in no position today, nor will it be for a number of years, to support a large-scale program for the care of its veterans.

However, in recognition of the practical difficulties faced in making payments to Philippine Army veterans under the G. I. Bill of Rights, I have directed the Secretary of War, the Administrator of Veterans' Affairs, and the United States High Commissioner to the Philippines to prepare for me a plan to meet these difficulties. I have asked that this plan be submitted not later than March fifteenth. I expect to request Congress to make such provisions as are necessary to implement the program when it is evolved.

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POW	Prisoner of War
PS	Philippine Scout
SR&D	Status, review and determination
USAFFE	United States Armed Forces in the Far East

34.03 CORRESPONDENCE

a. Direct Response. Send letters to residents of the Philippines directly to the addressee via airmail.

b. Correspondence With the Philippine Embassy, Washington, DC

(1) Prepare replies to correspondence received directly from the Philippine Embassy over the signature of the Adjudication Officer and address the reply to:

Bureau of Consular Affairs
The Department of State
Washington, DC 20520
ATTENTION: Federal Benefits Section

(2) Include the following statement in the replies:

"The Philippine Embassy may be informed...."

c. Correspondence With the Philippine Department of State, Manila

(1) Regional offices other than the Manila regional office will direct replies to correspondence received from the Philippine State Department, Manila, as shown in paragraph b above.

(2) Replies made by the Manila regional office may be addressed directly to the originator and released locally as provided by U.S. Embassy, Manila, directives.

34.04 SERVICE INFORMATION

a. General

(1) The service information referred to in this paragraph relates to:

(a) Service with the Commonwealth Army of the Philippines on or after July 26, 1941, and prior to July 1, 1946 (during which period that force was a part of the Army of the United States by virtue of the Executive order of the President, dated July 26, 1941), and

(b) Service on and after December 7, 1941, as a Regular Philippine Scout.

(2) Take final action (award or disallowance, as well as certification of pending appeals) on claims based on service in the Philippine Army only on the basis of certifications of service made by the Department of the Army on or after February 11, 1950.

(3) Recertifications of service are not required for Navy cases or Regular Philippine Scouts except 14th Infantry, AUS cases. (See par. 34.06.)

b. **Source.** Requests for service, medical, death and loyalty data in new claims processed through the Manila regional office are made by Adjudication in that office. If a new claim is received in a regional office without having been processed through the Manila regional office and an initial or supplemental request for information is required, prepare the request as specified below. (See par. 34.01b.)

(1) **Preparation of VA Form 21-3101, Request for Information.** Under "Type of Claim" enter the appropriate legend as follows, depending on the information desired in the particular case:

(a) PHILIPPINE SERVICE.

(b) PHILIPPINE LOYALTY.

(c) PHILIPPINE MEDICAL.

(2) **Loyalty Data.** Do not make a request for a loyalty check based on the possibility of loyalty board proceedings when no derogatory information is contained in a report previously prepared by the AGRD. In cases processed in the Manila regional office, a loyalty check will not be requested when neither the veteran's nor claimant's name appears in the microfilm file of loyalty board proceedings.

(a) If claims are processed at other than the Manila regional office a loyalty clearance must always be requested. Request the claimant complete VA Form 21-4169, Supplement to VA Forms 21-526, 21-534 and 21-535. Send a photostat of the claim, including VA Form 21-4169, by OF 41 to the Manila regional office for review of the microfilm index of loyalty status files. Bear in mind that claims involving Philippine Army service, regular guerrilla service and special Philippine Scout service are to be processed only at the Manila regional office.

1. While checking the microfilm index of loyalty status files, the Manila regional office will make an index search to determine if the claimant previously forfeited entitlement or should be considered for forfeiture of benefits by reason of fraudulent action in another claim. The Manila regional office will annotate positive or negative search data, including any identifying numbers shown in the microfilm index, on the OF 41 before returning it to the requesting regional office.

2. If the claimant has been identified by index search as a person who has assisted another in a false claim warranting forfeiture consideration or if positive search data are found in the loyalty microfilm index, transfer the claims folder to the Manila regional office for further development relative to forfeiture. If appropriate, the Manila office will submit the claims folder to Director, Compensation and Pension Service (211C) for forfeiture consideration.

(b) Prepare VA Form 21-3101 if information concerning loyalty (pt. III, par. 1.11d) is needed. Send VA Form 21-3101 to Washington National Records Center, GSA, Washington, DC 20409. Show any identifying numbers on the microfilm in the top margin of VA Form 21-3101 so that loyalty status files can be located without further search of the alphabetical index.

(3) **Loyalty and Service Data.** If questions concerning loyalty and service are involved in the same case, prepare a separate VA Form 21-3101 for each request.

NOTE: In the case of a living veteran, do not routinely request loyalty data when the Armed Forces have certified the veteran had recognized service as a "civilian Guerrilla" only (par. 34.05a). In the absence of evidence to the contrary, accept the certification of recognized guerrilla service as a determination of loyalty during the period of service shown.

c. **Conflicting Service or Date of Death Information.** If VA has obtained information deemed reliable which conflicts with information relating to service, cause or date of death or circumstances of injury in service obtained from the service department, bring the conflicting information to the attention of the US. Army Reserve Personnel Center (DARP-PAS-EAP), 9700 Page Boulevard, St. Louis, Missouri 63132 for reconsideration.

(1) If the service department makes a redetermination, it will furnish a statement on supplemental VA Form 21-3101 that the redetermination supersedes determinations previously submitted.

(2) If VA makes a finding of death for pension, compensation or DIC purposes which is not in agreement with that made by the service department, notify the US. Army Reserve Personnel Center DARP-PAS-EAP, by letter, of the date of death as determined by VA and the basis on which the determination was made.

NOTE: The provisions of this subparagraph regarding service data are not applicable if evidence is received which purports to establish civilian guerrilla service, inasmuch as guerrilla rosters have been closed and will not be reopened.

d. **Death Certificates Signed by Basilio Hernandez.** Death certificates signed by Basilio Hernandez or other officers of the Philippine Army were issued at the request of next of kin and were based on their affidavits which were frequently false or incorrect. Do not accept such certificates as official reports of death unless verified by the service department. When so verified, accept the date of the certificate as the date of the report of death.

e. **Arrears of Pay Data.** Request information regarding the distribution of arrears in pay of persons who served in the Philippine Army, Regular Philippine Scouts or US. Army on VA Form 21-3101.

34.05 GUERRILLA SERVICE

a. **Definition of Guerrilla.** A guerrilla is a person who served in a unit which resisted the Japanese after capitulation of the Armed Forces.

(1) Such unit must have been under a commissioned officer of the US. Army, Navy or Marine Corps or under a commissioned officer of the Philippine Army who was recognized by and cooperating with United States forces.

(2) A guerrilla who also had service in the Armed Forces of the United States (including Regular Philippine Scouts) or the Philippine Army is referred to as a "USAFFE guerrilla."

(3) A person who provided no service other than with a guerrilla unit is referred to as a "Civilian guerrilla."

b. **Service Requirements.** Guerrilla service is divided into three categories:

(1) Service recognized by GAD as shown on a reconstructed troop roster, casualty roster or individual letter of recognition. This type is usually certified by the service department as "Recognized guerrilla service" and is compensable.

(2) Guerrilla service not recognized by GAD but served in a guerrilla unit under the command of a commissioned officer of the US. Armed Forces (including the Regular Philippine Scouts) or in the Philippine Army. This type will be certified by the service department as "Unrecognized guerrilla service under _____" (naming the officer and, if the officer was a member of the Philippine Army, giving the

officer's rank and organization). This service is compensable only if the person was a former member of the US. Armed Forces (including the Regular Philippine Scouts) or the Philippine Army.

(3) Guerrilla service not recognized by GAD and not served under a commissioned officer of the US. Armed Forces or Philippine Army is certified as "Unrecognized anti-Japanese activity" and is not compensable. However, when the person was a former member of the US. Armed Forces (including the Regular Philippine Scouts) or the Philippine Army and the injury or death is found to have been inflicted by the Japanese because of unrecognized anti-Japanese activity, it will be considered incurred in active service for VA benefits (38 CFR 3.9(b)).

c. **One-Day Recognition.** Recognition for 1 day is sometimes given by the service department to a person who is listed on a casualty roster. (See subpar. b(1) above.) The date of casualty may have been before the beginning date of recognition or after the terminal date of recognition of the unit. Accept the certification by the service department in such cases to establish active service for the 1 day.

d. **Guerrilla Rosters.** The reconstructed guerrilla rosters were closed as of June 30, 1948. On August 9, 1949, the President of the United States informed the President of the Philippines that the Philippine guerrilla rosters would not be reopened.

34.06 14TH INFANTRY, ARMY OF THE UNITED STATES

Do not give recognition to service in the 14th Infantry, AUS, (as distinguished from other 14th Infantry organizations) unless an affirmative recertification dated August 1, 1953, or later is of record. When a previous certification of 14th Infantry, AUS, service is withdrawn, action on pending claims and running awards will depend on whether there was other compensable service in the Philippine Army, Philippine Scouts or guerrilla organization.

34.07 ELIGIBILITY FOR BENEFITS

a. **United States Army.** All benefits based on existing laws are payable based on this type service. Benefits are payable at the full rate authorized by applicable law.

b. **Philippine Scouts**

(1) Regular Philippine Scouts who enlisted prior to October 6, 1945, are entitled to the same benefits as US. Army veterans and their dependents are eligible under all applicable laws. Benefits are payable at the full rate authorized by applicable law.

(2) Special Philippine Scouts whose only service commenced on or after October 6, 1945, under section 14, Public Law 190, 79th Congress, are only entitled to service-connected compensation and clothing allowance benefits. Their dependents are only entitled to service-connected death benefits. Benefits are payable at a rate equivalent to $0.50 for each dollar authorized to be paid under the applicable law (38 U.S.C. 107(b)).

c. **Commonwealth Army of the Philippines (Philippine Army)**

(1) The organized military forces of the Government of the Philippines were ordered into the service of the Armed Forces of the United States by the President on July 26, 1941. This order was not effective from the date of its issuance but "From and after the dates and hours, respectively, indicated in orders to be issued from time to time by the General Officer, United States Army, designated by the Secretary of War." Service of the Philippine Army in the Armed Forces of the United States was terminated June 30, 1946, by military order of the President dated July 1, 1946.

Congressional Research Service • Library of Congress • Washington, D.C. 20540

Statement of Dennis Snook
of the Congressional Research Service
Before the Committee on Veterans' Affairs
U. S. House of Representatives

Hearing on Benefits for Filipino Veterans
July 22, 1998

You asked that I provide background information to the Committee on various categories of Filipino veterans of wartime service in the Philippine Islands. In addition, you asked that I list benefits available to people in these classifications, and discuss possible differences that exist in the treatment of these veterans under laws administered by the Department of Veterans Affairs, or other federal agencies charged with administering benefits due veterans of active duty service in the armed forces of the United States. Finally, you asked that staff of the Service examine accessible records to determine if any responsible official of the United States (with specific attention given to the statements of General Douglas MacArthur and President Franklin D. Roosevelt), "made formal promises of equal postwar veterans' benefits to Filipinos who fought along side our forces." This testimony submitted to the Committee today was prepared in response to that request.

Summary and Conclusions

During World War II, soldiers of the emerging, but yet to be independent, Philippine government served under command of the United States armed forces. Many of these Filipino soldiers apparently believed that such service was a basis for becoming entitled to whatever benefits might be given to U.S. military personnel. In part, this belief could have been based on unauthorized "promises" made by U.S. officers, although no evidence of such

promises has been found. Attempts were made to equalize pay, especially during the months before the surrender of the combined U.S. and Filipino forces in the spring of 1942, probably as an inducement for strengthened resolve to continue fighting against insurmountable odds. However, such equal pay was not granted, and subsequent proposals to equalize pay were resisted later during the war.

Until Congress enacted special provisions governing benefits for Filipino veterans of World War II, officials of the then-Veterans Administration believed that Filipino service met the definition of active duty in the U.S. armed forces. At the time, Congress concluded that the soon-to-be independent Republic of the Philippines could ill afford the very large costs of maintaining pay for Commonwealth Army soldiers at levels given U.S. soldiers; it also concluded that benefits paid at U.S. veteran levels were also an unwise expenditure, given the capital needs of a newly independent, but impoverished country. Such benefit levels would have provided a standard of living to recipients well beyond the reach of most Philippine residents, creating an economically privileged group dependent upon the departing sovereign power, the United States. In fact, one of the Filipino military units, the Philippine Scouts recruited under a 1945 congressional act, would have constituted a relatively highly compensated military elite responsible to the command structure of the U.S., a potentially unattractive development for an emerging nation.

Benefits that Congress did provide under the restrictive law (Section 107 of Title 38, enacted as P.L. 79-301, on February 18, 1946) were paid at one-half the rate payable to their U.S. veteran counterparts. Congress concluded that the standard and cost of living so differed between the U.S. and the Philippines, especially in the outlying regions, that full benefits would have made recipients powerful economic forces in their communities, clearly not the intent of a veterans compensation policy. At the same time, full benefits to Filipino veterans who came to reside in the United States could have constituted an inappropriate

inducement to immigration to this country, especially in light of the need of the new nation to retain those who had fought for its independence.[1]

Finally, the issue is sometimes posed as one of U.S. obligations to particular members of its armed forces that were unfairly denied. How this claim is evaluated depends to a large extent on the view taken toward the participation of these soldiers. Quite clearly, the units of Filipino soldiers brought into the U.S. force structure were initially formed for the defense of the archipelago against foreign invasion and internal disorder, especially after its anticipated independence from U.S. sovereignty, and the possibility of diminishing U.S. military presence. Yet, just as clearly, U.S. strategic policy before and during World War II assumed that the a defense of the Philippine islands was also in the national interests of the U.S.

To what degree that pursuit of national interest of the United States obligated the U.S. to pay Philippine veterans benefits was decided by the 79th Congress in a compromise of conflicting objectives: Filipino soldiers disabled because of the war were to be compensated in their homeland by the U.S. in a manner deemed roughly equivalent to U.S. veterans in theirs, but other valuable readjustment benefits under the 1944 GI Bill of Rights were not provided, as it was recognized that practical difficulties prevented simply granting such benefits to persons in the Philippines. Finally, Congress may have concluded that for the U.S. to provide equivalent benefits to Filipino citizens could create difficulties in the new nation, as it sought to develop its independence from the U.S.

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[1] While foreign nationals who served in U.S. military service were granted special naturalization benefits as part of the War Powers Act of 1942, eligible Filipino veterans were unable to file for them in the Philippines for much of the Act's statutory filing period, primarily because of an administrative decision that rendered application officials inaccessible. Subsequent legislation in 1990 (P.L. 101-649) recognized this denial of rights as inappropriate, and provided a new period of time for application (subsequently extended by P.L. 105-119) for special naturalization benefits based on Filipino service during World War II.

Background

The treatment of World War II Filipino service under laws governing the administration of veterans benefits by the Department of Veterans Affairs (VA) has been the subject of controversy for over 50 years, and that policy landmark has its origins one-half century before that.

When the United States assumed formal sovereignty over the Philippine archipelago in 1898, no national government ruled the islands other than the colonial administration imposed by Spain. Yet, this colonial identity was actively opposed by an impulse of independence within the Philippine people, partly as a reaction to foreign dominion, but also as a natural undercurrent of dissatisfaction with an absentee authority that could determine the outcomes of local disputes over ownership and privilege. This nationalist sentiment continued after the defeat of Spain, and gradually forged a Philippine national self-identity, even as the local political entities on the various islands entered into a new phase of domination by a different foreign power. For some, American dominion meant liberation from a more despised power; for others, it was the substitution of one exploitive relationship with another.

In the decades following the advent of American sovereignty, these sentiments continued to develop, so that by the 1930s and the establishment of a formal timetable for independence, the Philippines exhibited an array of conflicting political movements. Some established political forces regarded American presence as an avenue to economic and social improvement, while others continued to resent any political authority not generated from within the indigenous population. Still others were not so concerned with foreign power as they were with the disparity between a wealthy few and a broader impoverished class that struggled for redistribution.

Territorial administration of this emerging Philippine national identity entailed a number of civil and military requirements for the United States. In addition to a commitment to develop education, sanitary, economic, and political institutions for the people of the islands, the U.S. sought to maintain peace and order within the archipelago. This military objective took two forms: The U.S. developed alternatives for the protection of the islands from external threats, and it fostered the growth of a constabulary for the maintenance of domestic order. The organized military forces were U.S. Army units composed of regular recruits stationed at Army bases in the Philippines, and native soldiers, called Philippine Scouts, led primarily by officers from the United States. The constabulary was made up of Filipinos organized under local native authority, and exercised the usual police powers.

In addition to the investigation of incidental criminal conduct, the constabulary was also involved in the suppression of more organized civil unrest caused by localized forces intent on deposing established political institutions. Such uprisings occurred within individual communities, but more organized movements were also evident that had a potential objective of ending U.S. dominion over the islands. These internal threats necessitated coordination between the Army, primarily through the activities of its Philippine Scout units, and various outposts of the constabulary.

By the 1920's the move toward self-government for the archipelago was fostered by some elements in the United States, as well as by groups within the Philippines that favored independence. Various political, economic, or social reasons underlie the independence movement, and support for its eventual success was widespread. The passage of P.L. 73-127 in 1934, called for a constitutional convention in the Philippines to develop a governing document containing mandatory provisions, most of which spelled out the status of citizens and Philippine institutions during the interim period, anticipated to end with complete

independence.[2] During this interim period, "... citizens of the Philippine Islands shall owe allegiance to the United States ...; every officer of the government [shall accept] the supreme authority of and will maintain true faith and allegiance to the United States ...; debts, liabilities, and obligations of the present Philippine government [and its subdivisions] shall be assumed and paid by the new government ...; and citizens of the Philippine Islands who are not citizens of the United States shall be considered as if they were aliens."[3]

Of course, the expectation of Philippine independence also raised questions about military security for the new republic, from both external threats and internal disorder. Such threats were clearly perceived to be of importance to the national security of the United States, and while the act authorized the formation of military units under the authority of the Commonwealth, it also continued the right of the United States to "maintain military and other reservations and armed forces in the Philippines ...." Finally, the act specifies the right of the United States, "upon order of the President, to call into the service of such armed forces all military forces organized by the Philippine government."

The first act of the newly inaugurated government provided for a Philippine Regular Army (hereinafter the Commonwealth army) of about 10,000 troops, a national martial police force (the already established Philippine Constabulary) of about 6,000 members, and a Commonwealth Army reserve force that was to reach a total of 400,000 by the scheduled date of independence. As the interim period unfolded, the president of the Commonwealth, Manuel Quezon, invited General Douglas MacArthur to assume the task of developing a viable military force for the defense of the archipelago from external threat. At the time,

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[2] Under P.L. 73-127, Philippine independence would occur "On the 4th day of July immediately following the expiration of a period of ten years from the date of the inauguration of the new government under the constitution provided for in this Act..." The Commonwealth was inaugurated November 15, 1935.

[3] P.L. 73-127.

MacArthur, who had considerable experience in the Philippines, was finishing a successful military career that had culminated as Chief of Staff of the U.S. Army.

According to Stanley Karnow,[4] MacArthur believed that the archipelago could develop a defense against external threat, contrary to conventional opinion at the time in the U.S. defense establishment. The MacArthur plan entailed the development of an extensive Commonwealth army, supplemented by trained Filipino reserves, with military supplies cached throughout the islands; the opposing conventional defense theory held that U.S. and allied Filipino interests would be best served by a defense of Manila Bay only, with forces and supplies coordinated to achieve that purpose.

By July 1941, impending threats to the security of the islands prompted the President of the United States to exercise his authority to bring military units organized by the Commonwealth under the command of a newly created military command structure called the United States Armed Forces of the Far East (USAFFE). MacArthur was named commanding general of the USAFFE. These units remained under U.S. command through the duration of World War II, until authority over them was returned to the Commonwealth at its independence in 1946.

On December 8, 1941, Japanese forces attacked the Philippines, and in the ensuing months overcame heroic resistance of the combined forces of the U.S. and the Philippine Commonwealth. Badly under-supplied, and suffering heavy casualties in futile defenses of their positions, the combined forces began surrendering to the Japanese in the spring of 1942. Surrendered troops were interred in prison camps, although some Filipino soldiers were subsequently released to return to their homes in outlying rural areas. General MacArthur's

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[4] Karnow, Stanley. *In Our Image: America's Empire in the Philippines*. Ballantine Books, a division of Random House, New York; 1989. p. 270. In notes on page 466, Karnow documents his research into the circumstances of MacArthur's appointment as Quezon' military advisor. Karnow's research also documents his conclusion that MacArthur systematically overstated progress toward his objective of a Commonwealth army prepared to carry out the broader defense of the archipelago.

command headquarters was shifted to Australia, where it continued to direct American and Filipino military operations.

During Japanese occupation of the Philippines, some Filipino soldiers, and local militia or constabulary who remained free of captivity continued to engage in guerilla operations against Japanese forces. Initially, these forces were unified primarily by their opposition to Japanese occupation. Over the course of the war, these units became increasingly supplied and directed by the USAFFE, and by the time of U.S. reentry into the Philippines in 1944, constituted a serious and effective threat to Japanese control in many locales.[5] Many of these units were recognized as coherent military entities by the USAFFE, and a program for formal recognition of guerilla fighters was instituted in 1944 that continued until shortly before the Commonwealth's independence. In 1944, President Osmena (who had succeeded Quezon upon the latter's death) of the Commonwealth government officially proclaimed such guerillas to be soldiers of the Commonwealth Army[6].

In anticipation of the need for local occupational forces after the war's end, in 1945 Congress authorized the recruitment of 50,000 to the new Philippine Scout units of the U.S. Army (P.L. 79-190). Enlistments were to be restricted to Philippine citizens, and the act established that soldiers of the Commonwealth Army could transfer to the new Scout unit, as could members of previous Scout units[7]. According to the JAG report, initial enlistments in the new Scout unit were slow, because the pay scale was the same as that of the

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[5] An official U.S. Army study states that one such unit "virtually assumed the role of an additional U.S. Army division. The action of this guerrilla force saved time, and...many American casualties .... Without the combat and support contributions of guerilla forces, both before and after re-entry into the Philippines in October 1944, the task of reoccupying the Philippines would have been vastly more costly to the United States in terms of time, money, manpower, and casualties." Office of the Chief of Military History, Department of the Army, for the Judge Advocate General (JAG); *The Status of Members of Philippine Military Forces During World War II*, June, 1973, pages 49-58.

[6] Osmena's Executive Order No. 21, October 28, 1944, as cited by the JAG study.

[7] There were limited transfers into the new unit by previous Scouts, as the JAG study points out, because the pay of the old Scouts had been raised to U.S. Army scales during the war.

Commonwealth Army. In April 1946, enlistment rates went up, probably because of an expectation that pay would be increased, which subsequently occurred June 1, 1946.[8]

Veteran Status and Benefits for Filipino Service

Section 101 of Title 38, which governs veterans benefits, defines "veteran" as *"a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable."* Military service in the U.S. Armed Forces as defined by Section 101, must be recognized as such by the Department of Defense or one of the service branches. For example, service as a Philippine Scout in Filipino units of the regular U.S. Armed Forces before October 6, 1945 meets the definition of military service for the purpose of qualifying as a veteran under the provisions of Section 101.

Section 107, enacted February 18, 1946 (P.L. 79-301), provides that service in the armed forces of the Commonwealth of the Philippines, or in the Philippine Scouts recruited as the result of the Armed Forces Voluntary Recruitment Act of 1945, *"... shall not be deemed to be or to have been service [in U.S. Armed Forces] for the purposes of any law ...."* However, Section 107 specifies certain benefits for service-connected disabilities that will be given for recognized veterans of Philippine service in these units.

Any cash compensation payable to Filipino veterans (and their dependents and survivors) under Section 107 is paid at the rate of $.50 per dollar that would otherwise be awarded, to reflect the differences in costs and standards of living between the Philippine and U.S. economies. This lower payment schedule is linked to the service as defined by Section 107, regardless of whether these veterans subsequently became naturalized U.S. citizens, or whether they came to reside in the United States.

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[8] The JAG report also speculates that in addition to pay, it was probably realized that the Commonwealth Army would be scaled back because the new Republic of the Philippines could not support the expense of a large army during the early years after the scheduled independence. Throughout the war, Commonwealth Army pay was funded by the United States.

Section 107 divides Filipino veterans into two groups.

"New" Philippine Scouts. These soldiers enlisted between October 6, 1945, and June 30, 1947, under provisions of the Armed Forces Voluntary Recruitment Act of 1945 (P.L. 79-192), which authorized the U.S. Secretary of War to enlist 50,000 such Scouts *"for service in the Philippine Islands, in the occupation of Japan and of lands ... subject to Japan, and elsewhere in the Far East."* Scouts recruited as a result of P.L. 79-192 are referred to as "new" Scouts because of the enactment of Section 107. Benefits based on service as a new Scout was limited to medical treatment and compensation for service-connected disabilities, and their qualified survivors are eligible for benefits for service-connected deaths; as a result of Section 107, they were made ineligible for other benefits, such as the readjustment benefits provided by the 1944 GI Bill of Rights.

Members of the Commonwealth Army of the Philippines. These soldiers enlisted in military service units organized by the Commonwealth of the Philippines, under provisions of the 1934 Philippine Independence Act. Section 107 also includes veterans of recognized guerilla resistance forces as Commonwealth Army veterans. Commonwealth Army soldiers are also eligible for the service-connected benefits available to New Scouts. In addition, these veterans are entitled to burial benefits if they die from service-connected conditions.

Reasons for Filipino Veterans to Believe Their Benefits Should Be Equalized

Since the end of World War II, and the advent of Philippine independence, the distinctions that govern VA treatment of Filipino service have been regarded by many as unfair. These claims are generally based on the following premises:

- The Filipino soldiers were inducted into the U.S. Armed Forces. Therefore they should have treatment similar to other inductees.
- Filipino veterans' wartime circumstances were identical to those of their regular U.S. armed forces counterparts. Therefore, benefits earned on the same battlefields should be the same.

- Filipino soldiers were promised equal benefits in return for their service. Therefore the promise made to them should be kept.

The "induction" of Filipino soldiers. As part of the act establishing the interim rules under which the Commonwealth proceeded toward independence, the U.S. both authorized the formation of Commonwealth military forces, and retained the right to place those forces under U.S. command if in the view of the U.S., such a move was warranted by the U.S. government's perception of circumstances. No mention is made of individual soldiers; insofar as they were citizens of the Commonwealth or officers of its government, they were required to accept the supreme authority of the U.S. during the interim period. While the act eventually caused individual soldiers to become subject to the command of U.S. military leaders, the U.S. neither initiated their initial conscription or enlistment, and the U.S. did not specify the terms of their individual obligations to the Commonwealth, beyond the period in which their units were under U.S. command.

Actual membership in the Commonwealth Army was in large part determined by the Commonwealth government even while those units were under U.S. command: while Osmena's Executive Order No. 21 making recognized guerillas members of the Commonwealth Army was seemingly approved by Gen. MacArthur, that order was not an order by the U.S. War Department, but by the Philippine interim government. While the U.S. Army assumed the costs of the Commonwealth Army, including that of its pay, considerable latitude was granted to the Commonwealth government to set the level of that pay. Only upon examination, internal deliberation, and decision did the War Department disapprove of an Osmena decision in 1944 to raise the pay of Commonwealth Army enlisted personnel to that of U.S. Army personnel, and force the rescinding of that pay raise order.

Pay levels then reverted to levels established by the Philippine government earlier in the war, and which the War Department had accepted without reported comment.[9]

There were efforts to equalize pay between U.S. and Philippine troops initiated by the War Department early in the war, and while they received support in Congress, the efforts were ultimately abandoned as combined U.S. and Filipino forces began to surrender their positions in the Philippines. Perhaps support for this pay equalization plan, along with the end to that support, can in part be understood as a recognition of the shared hardships the embattled forces were suffering, but and as an earnest attempt to stiffen resolve by a defense establishment reluctant to accept the inevitability of surrender of our Philippine forces.

Similar war experiences. There is no doubt that Filipino soldiers suffered as individuals, and as military units, as did their U.S. Army counterparts. In many cases, their casualties after surrender were higher in 1942 than those of U.S. Army personnel.[10]

By itself, this does not constitute a conclusive argument that benefits should be awarded to Filipino soldiers on the same basis as they are awarded to U.S. armed forces personnel. Filipino military units were formed for the defense of the Commonwealth, and though events caused a confluence of reasons for coordinated opposition to attacking enemy forces, there remains the central fact that the Commonwealth Army was established to provide a military presence for a nation on the verge of its independence, and that could be expected to face threats for which only a military defense was feasible. Thus, soldiers of the Commonwealth Army were fighting for independence of the archipelago, just as American soldiers were fighting a common enemy in defense of their homeland several thousand miles away. By that reasoning, the responsibility for compensation or reward for World War II service rests with the respective governments for whom the service was performed. Nevertheless,

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[9] JAG study, page 37.

[10] The JAG study cites evidence that suggests that in the months following surrender to Japanese forces, Filipino casualties outnumbered U.S. casualties by 10 to 1. JAG study, page 20.

Congress has granted benefits to soldiers of the Commonwealth who suffered disabilities as a result of World War II service.

Promises for benefits? Aside from pay, which within some discretion could be set by the War Department, any potential benefits from military service, whether for Filipino soldiers, or for soldiers of the U.S., could only be granted by act of Congress. Nevertheless, many Filipino soldiers believe that they were "promised" full benefits at the time they were performing services under U.S. command.

Note that, until 1944, benefits of service in the U.S. armed forces consisted of compensation and insurance for service-connected disabilities and death, certain burial rights, and treatment at VA medical facilities under a priority system that gave relatively greater access to veterans seeking treatment for service-connected conditions. Although their pay levels differed from their American counterparts, Filipino veterans were and are eligible for such benefits, although with some limitations. In wars before World War II, any other wartime service pension granted to U.S. veterans was provided many years after the end of hostilities. Thus, while the U.S. now provides a pension to totally-disabled wartime service veterans whose incomes fall below certain target levels, eligibility for such benefits could not have been promised to Commonwealth Army soldiers because such a program did not exist at the time.[11]

After 1944, and passage of the valuable set of benefits collectively known as the GI Bill of Rights, Filipino soldiers may well have been induced to service by the prospect of participation in the advantages conveyed by that package of postwar readjustment benefits. Furthermore, as the JAG study points out, the War Department concluded that the "new"

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[11] The modern VA pension program is an outgrowth of the Bradley Commission, formed during the 1950's to examine the postwar veterans programs. The Bradley Commission, under the leadership of General Omar Bradley, maintained that "military service in time of war or peace is an obligation of citizenship and should not be considered inherently a basis for future Government benefits."

Scouts recruited under authority of P.L. 79-190 were entitled to all benefits, including the GI Bill of Rights and all other VA benefits. The War Department informed MacArthur of that conclusion, and it is reasonable to assume that MacArthur passed that word along to Filipino counterparts. These full benefits were subsequently rescinded by passage of P.L. 79-301, in 1946.

However, the statement that, until passage of P.L. 79-301, the War Department interpreted the law to mean that new Scouts were eligible for full benefits is not a promise that such benefits would be paid them; it is merely a statement that at that time, new Scouts were thought of as enlisting in the regular U.S. Army, rather than in a unit of the Commonwealth government. No mention is made in the JAG study of whether the War Department thought the interpretation applied to members of the Commonwealth Army, because those soldiers were quite clearly not members of the regular U.S. Army. A study done for the United States District Court[12] did conclude that in 1942 and 1945, the VA interpreted the law so that Filipino soldiers under U.S. command as a result of the Presidential order of July 26, 1941, were in "active service of the land or naval forces of the United States." Nevertheless, the Court agreed that Congress had the power to alter benefits due veterans, regardless of whether those benefit rights had previously been in effect for the Filipino veterans.

The claim that Commonwealth Army soldiers should be eligible for GI Bill benefits is not, however, generally based on the fact of a contemporary interpretation that the law then in force and subsequently changed by Congress initially provided full veterans benefits for Filipino veterans. Instead, the claim usually is based on promises allegedly made to them during the period of their service under U.S. command. While no U.S. official was

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[12] *Filipino American Veterans and Dependents Association* v. *United States of America*, United States District Court of the Northern District of California, November 14, 1974.

authorized by law to make such promises, no evidence has been uncovered which suggests that such promises were even made, whether or not such authority existed to make them. Instead, there are statements about what should take place, or about U.S. obligations to Filipino soldiers, sometimes accompanied by qualifiers as to the difficulties in appropriate benefit design. Nevertheless, any such promises that may have been made, while clearly ill-considered, were also subject to Congressional endorsement, and Congress took a different approach to establishing Filipino benefit rights, by limiting benefits based on service in Philippine units.[13]

Reasons for Treating Filipino Veterans Differently

Several reasons are given for why Filipino service under U.S. command was treated differently by Congress.

Service in the Commonwealth Army or the new Scouts cannot be equated with service in the U.S. Armed Forces. There may have been some individuals in Congress who simply did not think that service in the Filipino units could be equated with service in the U.S. Armed Forces. This distinction could have been predicated on formal grounds, such as that Filipino personnel did not undergo the scrutiny at enlistment as did recruits to the U.S. forces, or that they did not undergo training equivalent to U.S. forces, or that discipline was less severe, or finally, that their performance in battle was not sufficient to warrant subsequent equal treatment.

No evidence was found that would indicate that these views were any more than incidently held, and on the contrary, most evidence points to the incredible efforts made by

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[13] For instance, President Truman, in eloquent statements about the common cause and suffering of Filipino and American soldiers, goes on to remark on certain "practical difficulties in making payments to Philippine Army veterans under the GI Bill of Rights." *Filipino Veterans* v. *U.S.*

Filipino troops (and ordinary citizens) in behalf of American soldiers. Individual stories of remarkable heroism on the part of Filipino soldiers are common.

The United States could not afford to provide benefits to that many additional veterans. Certainly in the period immediately following the end of hostilities, the immense cost of the war began to occupy Members of Congress, just as it did many of their constituents. The VA estimated that $3 billion would be required to equalize Filipino benefit rights with those of their American counterparts. In response to receiving this estimate from the VA, the Chairman of the Senate Subcommittee on Appropriations stated:

> Three billion dollars is a substantial sum of money, and if Filipinos were eligible to receive it, there would be good reason to reduce or eliminate other proposed expenditures by the United States for their benefit. But no one could ever be found who would assert that it was ever the clear intention of Congress that [GI Bill benefits] should be extended to the soldiers of the Philippine Army. There is nothing in the text of any of the laws enacted by Congress for the benefit of veterans to indicate such intent ... nothing to indicate that there was any discussion of [considering Filipino service to be active duty U.S. military service] ...normally construed to include persons regularly enlisted or inducted in the regular manner ... It is certainly unthinkable that the Congress would extend the normal meaning of the term to cover the large number of Filipinos to whom it has been suggested that [the GI Bill] applies, at a cost running into billions of dollars, aside from other considerations, without some reference to it either in the debates in Congress or in the committee reports...Upon the principle that the Philippine Army was serving with our Army but was not a part of the armed forces of the United States, the War Department took prompt action to disapprove the proposal to extend the American pay rates to soldiers serving in the Philippine Army and requested that the proclamation making such a promise be rescinded. Members of the Philippine Army did not actually receive the pay of an American soldier, which has a direct bearing upon the question as to whether that army is a part of the armed forces of the United States.[14]

While the $3 billion estimate was of concern to Congress, it does not appear that any decisions were taken entirely on that basis. Indeed, it would be surprising if such decisions were made solely on the basis of that estimate, given that the amount was a relatively small

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[14] Quoted (and in greater length) in the *Filipino American Veterans and Dependents Association* v. *United States* decision by the United States District Court, Northern District of California, November 14, 1974.

incremental addition to the already staggering obligation that had been assumed not only by the conduct of the war, but by the establishment of the GI Bill of Rights itself.

A policy of providing equal benefits was considered inappropriate for the new Philippine nation. At the time that Section 107 was added to VA law, the Commonwealth was moving toward independence. It was no doubt recognized that the emerging nation would continue to have some reliance upon U.S. economic and military assistance for many years, but it was also clear that independence meant that increasing responsibility would fall upon the Philippine government. In that legislation, Congress appropriated $200 million to the Army of the Philippines for the payment of veterans claims against the new government, and limited benefits to "pensions on account of service-connected disability or death and by further providing that, when allowed, such pensions shall be paid at the rate of one Philippine peso for each dollar otherwise authorized."[15]

The emerging nation was faced with severe economic, social, and political difficulties in the period following the war, and the Congressional decision was based in part upon the reasoning that it would be wrong to burden it with extensive expectations for generous compensation either in the future of for prior service. If Congress were to have given full benefits for Filipino service, and accepted the burden of their costs upon the United States, the new government would have been faced with a two-tiered benefit system.

The differences between the U.S. and the Philippines in the standard and cost of living would have meant the creation of an economic elite based on military disabilities for those eligible veterans remaining in the Philippines. If the full benefits were reserved only for veterans residing in the U.S., the higher compensation rates would have constituted a transparent inducement for such veterans to immigrate to the U.S. if at all possible, an unattractive signal for a country attempting to both recover from the ashes of war, and

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[15] Quoted from the Subcommittee Chairman's statement, in the Court's decision.

establish its independence from the U.S. Finally, if the new Scout recruits were paid at rates of U.S. soldiers, or entitled to benefits the same as U.S. veterans, a military force under the command of the United States would have become an economically privileged class within the Philippine society.

"U.S. BENEFITS TO FILIPINO VETERANS OF WORLD WAR II"

THE HOUSE COMMITTEE ON VETERANS' AFFAIRS

DR. CLAYTON D. LAURIE

HISTORIAN, HISTORIES DIVISION
UNITED STATES ARMY CENTER OF MILITARY HISTORY

Thank you, Mr. Chairman. I appreciate this opportunity to appear before the committee.

Mr. Chairman, I am Dr. Clayton Laurie, Historian, Histories Division, United States Army Center of Military History. My purpose in testifying here today is to respond to the committee's request that a representative of the Army Historical Center testify as to whether our records contain statements by General MacArthur supporting full postwar benefits for Filipino veterans.

The U.S. Army Center of Military History examined its holdings on General MacArthur and found no reference by this wartime leader to postwar benefits for Filipino veterans. We previously responded to your committee with this information, suggesting that records might be available from the following organizations: the MacArthur Memorial Library and Archives; the Franklin D. Roosevelt Library; and the National Archives.

We understand that your committee formally contacted both the MacArthur Memorial Library and the Franklin D. Roosevelt Library and their responses were similar to ours. Yesterday we received a request from your committee asking that the Center of Military History send a representative to the National Archives to determine if their records contain information responsive to the question of whether General MacArthur made statements supporting full postwar benefits for Filipino veterans.

I did personally visit the National Archives yesterday, examined a small portion of War Department records dealing with benefit matters regarding Filipino servicemen, and found no records by General MacArthur making such statements. I understand that, in

March, 1998, the Army provided your committee with a 1973 report entitled, "The Status of Members of Philippine Military Forces During World War II," which was prepared by the Center of Military History. Our review indicates this report was prepared from research conducted in the same group of War Department records that I inspected at the National Archives. That report contains no indication of any statement by General MacArthur supporting postwar benefits for Filipino veterans. Based upon the Army's extensive search of its records at the Center of Military History, both recently and in 1973, the Center is certain that no other relevant documents exist in the Center's archives. In addition to our search of Center records, the U.S. Army Reserve Personnel Command also examined its records and indicated that any documentation they would have had has now been transferred to the National Archives. I understand this information was also conveyed to your committee this past March.

We were also asked yesterday to explain whether other relevant documents should be examined. The National Archives does hold extensive U.S. Army records from World War II. I do not know whether an extensive search of these records by private researchers, the Congressional Research Service, or the Department of Veterans Affairs has been completed. Such a search may provide relevant information.

Thank you, Mr. Chairman. This concludes my statement.

VETERANS OF FOREIGN WARS OF THE UNITED STATES

STATEMENT OF
BOB MANHAN, ASSISTANT DIRECTOR
NATIONAL LEGISLATIVE SERVICE

BEFORE THE

COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES

WITH RESPECT TO
EQUITY FOR CERTAIN WORLD WAR II FILIPINO VETERANS

WASHINGTON, DC **JULY 22, 1998**

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

Thank you, Mr. Chairman, for holding this important hearing this morning. The fact that you are chairing a full committee session on a bill that would usually be heard by your Subcommittee on Benefits makes the case that this is an issue with a long and emotional history that probably has no simple or quick solution. But I assure you the VFW shares everyone's concern to find a proper and equitable solution to this 52 year old issue. Over the past several years the VFW has had various national resolutions that address the problem of granting benefits administered by Department of Veterans Affairs (VA) to Filipinos who served with the U.S. armed forces in the Philippine Islands during World War II. A copy of current Resolution No. 620 is attached to this statement for your information.

In brief, the VFW would like to restore full veterans' benefits to certain organized military forces of the Philippine Commonwealth Army and the Philippine Scouts. Said another way the VFW asks that the 105th Congress consider changing a law that was passed more than 50 years ago by the 79th Congress. Specifically, when P.L. 79-301

passed it included the First Rescission Act of 1946 which in essence said Filipinos who had served with U.S. armed forces during WWII were not deemed veterans for the purpose of receiving benefits from VA. The VFW accepts the fact that only Congress makes the laws, and it serves no real purpose today to repeat their historical deliberation leading to the rescission action.

Despite the rescission law which has been codified today as section 107, title 38, United States Code, the VFW offers the following points to make the case that equity or a sense of fair play must today be considered with the objective of restoring lost VA benefits. It is not necessary here to rewrite the history of Filipino military participation with U.S. forces during WWII. However, the VFW will here interpret some of the past with the intent of having today's generation better understand the equity issue. First, consider whether these Filipino soldiers were under direct U.S. military command. Most commonly accepted standards involve the questions of were they:

- subject to U.S. military training and control? The answer is YES;
- did they receive military training and go into military operations with American forces? The answer is YES;
- susceptible to assignment for duty in a combat zone? YES;
- permitted to resign? Answer is NO; and last and most important for the VFW is this last point:
- did these Filipinos have reasonable expectations that their service would be considered as active U.S. military service? The answer is absolutely YES.

Because this element of "reasonable expectation" is the key to the VFW's position, we offer the following facts. First, historical documentation includes a White House order of July 26, 1941, that states in part: ". . . and place under the command of a general officer, United States Army, . . . all of the organized Military forces of the Government of the Commonwealth of the Philippines."

There is also the text of a radiogram from Army Chief of Staff General George C. Marshall to General Douglas MacArthur who was designated as Commander United States Army Forces in the Far East. A portion of that text states ". . . This command shall include the Philippine Department, forces of the Commonwealth of the Philippines called into the service of the armed forces of the United States. . . ."

Based on this War Department message General MacArthur issued on July 27, 1941, his General Order No. 1, from USAFFA headquarters in Manila, Philippine Islands. The key extract for us is the very first sentence which says, "This command includes the Philippine Department forces of the Government of the Commonwealth of the Philippines called and ordered into active service of the armed forces of the United States for the period of the existing emergency, and such other forces as may be assigned to it."

Five months later and 11 days after president Roosevelt declared war on Nazi Germany, Imperial Japan, and all other Axis Powers, General MacArthur, on December 18, 1941, issued his General Order No. 46, which called to active duty all active units of the Philippine Army into the service of the armed forces of the United States for the period of the existing emergency.

World War II ended in September 1945. Five months later, on February 20, 1946, President Truman signed H.R. 5158 into law that effectively barred Philippine Army veterans from all benefits with the exception of disability and death benefits made payable on the basis of 1 peso for every dollar of eligible benefits. This is the substance of the Rescission Act. However, President Truman made the following statement at time he signed this law: "Philippine Army veterans are nationals of the United States and will continue in that status until July 4, 1946. They fought, as American nationals, under the American Flag, and under the direction of our military leaders. They fought with gallantry and courage under most difficult conditions during the recent conflict. Their officers were commissioned by us. Their official organization, the Army of the Philippine Commonwealth, was taken into the armed forces of the United States by Executive Order by the President of the United States on July 26, 1941. That order has never been revoked.

"I consider it a moral obligation of the United State to look after the welfare of Philippine Army veterans."

Please recall that President Truman had been a soldier who served in combat during WWI, had later served a total of 12 years in Congress and later was Vice President and President. The point the VFW makes here is that President Truman voiced an honest, common sense appraisal of the Filipino soldier's duty status, who but for the accident of birth, would have been regarded as an American soldier and, therefore, qualified to receive all veterans benefits.

Others could say that these Filipinos were only fighting to defend their own country. Yes, but there is certainly nothing in this argument to mitigate the fact they fought as part of the U.S. armed forces for American military objectives.
Also please consider that the average 17 or 18 year old Filipino in the late 1930s and early 1940s probably did not exceed the average 8th grade educational level of his WWII American drafted counterpart, and that this Filipino young man, his parents, and his grandparents would have grown up in an American colony when English was the language of government and 85 percent were Roman Catholic. It is also a fact that in 1934 the Tydings-McDuffie Act provided for a transitional period until 1946, at which time the Philippines would become completely independent. Based on these facts, the VFW is satisfied that the average Filipino soldier at the time Japan attacked Pearl Harbor thought of himself first and foremost as fighting for America and the democratic principles our administration had introduced in the islands during the previous 42 years or since the Philippines were ceded to the U.S. in 1899 by the Treaty of Paris.

Today, the VFW strongly believes some positive congressional action should be taken to correct the rescission. One is the option is to restore entitlements much like the bill H.R. 836, the "Filipino Veterans Equity Act," and VFW Resolution No. 620 outline. However, as a first step the VFW can accept some other alternatives in the spirit of not wanting to be guilty of rejecting "the good" while holding out for "the best." Some serious alternative considerations could be to extend full benefits at the dollar rate only to

those veterans who have become American citizens; or, to expand this concept, to include all Filipinos residing in the United States, ensuring no retroactive monies will be authorized. Another consideration involves those otherwise eligible Filipinos in the Philippine Islands who could receive payments, again not retroactive, at the peso rate or at the same rate VA is using today to pay American veterans who presently reside in the islands.

In summary, the VFW views this issue in the same manner as the dependency and indemnity compensation (DIC) equity problem. About 9 years ago another congress passed P.L. 101-508 that eliminated reinstatement of DIC for previously eligible former military spouses whose subsequent marriage was terminated by divorce or death. This current congress corrected the DIC inequity in P.L. 105-178. The VFW sought and received Chairman Stump's unconditional support to correct that problem, which he did. Today, we ask the Chairman and his committee to please consider correcting that portion of P.L. 79-301 which so unfairly limited veterans benefits to certain Filipino soldiers who were, for all practical purposes, in the American Army during WWII.

I shall respond to any questions you or the committee may have, Mr. Chairman. Again, thank you for allowing the VFW the opportunity to participate in this hearing.

Resolution No. 620

BENEFITS FOR FILIPINO VETERANS AND SCOUTS WHO SERVED WITH THE U. S. ARMED FORCES DURING WWII

WHEREAS, Filipino veterans and scouts as members of the organized military forces of the government of the Commonwealth of the Philippines and the Philippine Scouts were called into the service of the United States Armed Forces in the Philippines pursuant to the military order by the President of the United States dated July 26, 1941; and

WHEREAS, they served in the regular components of the United States Armed Forces during the period of 1941-1945 under the command of General Douglas MacArthur; and

WHEREAS, many Filipino veterans and scouts have been discriminated against by the classification of their service as not being service rendered in the United States Armed Forces for the purposes of benefits from the Department of Veterans Affairs; and

WHEREAS, legislation has been introduced in the United States Congress to deem service in the organized military forces of the Government of the Commonwealth of the Philippines that were called into service in the U. S. Armed Forces during WWII to be active service for the purpose of equal benefits under programs administered by the Secretary of Veterans Affairs; and

WHEREAS, additional legislation has been introduced that would direct the Secretary of the Army to issue a certificate of service to Filipino nationals who the Secretary determines to have performed any military service in the Philippine Islands in aid of the Armed Forces of the United States during World War II; now, therefore

BE IT RESOLVED, by the Veterans of Foreign Wars of the United States, that we support legislation to recognize veterans of the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States during World War II, as having been active service for purposes of equal benefits under programs administered by the Secretary of Veterans Affairs; and

BE IT FURTHER RESOLVED, that the Veterans of Foreign Wars support additional legislation that directs the Secretary of Army to issue a certificate of service to every national of the Philippine Islands deemed by the Secretary to have performed any military service in aid of the Armed Forces of the United States during World War II.

Adopted by the 98th National Convention of the Veterans of Foreign Wars of the United States held in Salt Lake City, Utah, August 16-21, 1997

Curriculum Vitae

Bob Manhan, Assistant Director of National Legislative Service, has worked for the Veterans of Foreign Wars of the United States (VFW) for the past 13 years. Prior to becoming a member of the VFW staff he served in the U.S. Army for three decades both as an enlisted man and as a commissioned officer. His overseas assignments included Europe, the Middle East, and both North and Southeastern Asian countries. Most of his assignments involved troop duty with infantry and artillery units. Bob's formal education includes an undergraduate degree from UCLA and a MBA from Shippensburg College. His military professional education includes the Army War College.

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Disclosure Statement

Neither Mr. Manhan nor the Veterans of Foreign Wars of the United States has received any Federal grant or contract during the current or previous two fiscal years relative to the subject matter of this testimony.

STATEMENT OF CARROLL WILLIAMS, DIRECTOR
NATIONAL VETERANS AFFAIRS AND REHABILITATION COMMISSION
THE AMERICAN LEGION
BEFORE THE
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES
ON
HR 836 - FILIPINO VETERANS EQUITY ACT

JULY 22, 1998

Mr. Chairman and Members of the Committee:

The American Legion appreciates this opportunity to address HR 836 which proposes that the definition of active military service be amended to include those who are veterans of service in the Philippine Commonwealth Army and New Philippine Scouts.

In 1898, the Philippine Islands became a possession of the United States. In 1934, Congress enacted PL 73-127, the Philippines Independence Act, which granted the Philippines commonwealth status and provided a ten year time frame for eventual full independence. During this period, although the Commonwealth government had powers over Philippine internal affairs, the government of the United States retained certain sovereign powers which included calling those members of the Commonwealth's armed forces into the military service of the United States.

In 1941, President Franklin D. Roosevelt issued a series of executive orders placing the Commonwealth Army under the command of the U.S. Army. At the conclusion of the war in the Pacific, in October 1945, PL 79-190, The Armed Forces Voluntary Recruitment Act, authorized the establishment of the New Philippine Scouts to assist in the occupation of Japanese territories. However, in PL 79-301 and 79-391, the First and Second Surplus Supplemental Recession Acts, Congress stipulated that military service in the Philippine Commonwealth Army, recognized guerrillas, and New Philippine Scouts was not recognized as service in the armed forces of the United States for U.S. veterans' benefit purposes. This provision is currently contained in title 38, United States Code, section 107.

Throughout World War II, the men of the Commonwealth Army, including those recognized guerrillas, served under the same command as other members of the United States armed forces. They fought bravely at Bataan and Corregidor and in the many battles to liberate the Philippines. The American Legion believes that it has been an injustice to continue to deny these veterans and their survivors the same benefits as authorized for other U.S. veterans who fought in the very same battles.

At the 1996, National Convention, Delegates representing all 56 departments of The American Legion (including the Department of the Philippines) adopted resolutions in support of

Filipino veterans. Resolution #97 called for legislation that would provide equal benefits to naturalized Filipino veterans and their survivors. Resolution #98 supports legislation to amend Title 38, USC, Section 107, which would recognize the status of Filipino Veterans of World War II. The American Legion continues to support both resolutions.

The President's FY 1999 budget request for VA included a legislative proposal to pay those Filipino veterans currently in receipt of VA disability compensation who reside in the United States at the full benefit rate. The estimated additional cost was $25 million over five years. Funding for this, as well as several other proposed benefit improvements, was to come from the projected budget savings of $17 billion resulting from the enactment of a restriction on tobacco-related disease claims.

The American Legion vigorously opposed this effort to take away veterans' historic right to compensation for diseases which are attributable to their military service, including those related to the use of tobacco products while on active duty. Unfortunately, many Members of Congress were willing to put politics over principle in enacting the "Transportation Equity Act for the 21st Century", PL 105-178 which barred all tobacco-related disease claims and took $15 billion from the VA budget to help fund surface transportation projects. The American Legion is continuing to work to have this provision of the law repealed and the necessary funding restored to VA.

The increased benefit rates for certain Filipino veterans proposed in the President's budget request is inadequate. It failed to redress the payment limitation which would still apply to those Filipino veterans in receipt of VA benefits who live outside of the United States. Moreover, The American Legion strongly opposed the idea and reality of taking benefits away from one group of service disabled veterans to pay for benefits to another group of equally deserving service disabled veterans.

Mr. Chairman, The American Legion is very congnizant of the realities and limitations of the budget process which require that funds be identified for such additional benefits. The American Legion believes it would be manifestly unfair to attempt to remedy one injustice by creating another injustice. Therefore, The American Legion strongly urges Congress to act forthrightly to appropriate sufficient additional funds to VA to cover the increased benefit and workload costs associated with this legislation. Congress must also ensure that such action will not have any negative or detrimental effect on funding for current VA benefit programs.

Critics and opponents of HR 836 have cited the possible cost and budget impact of such initiatives as reasons to defeat any such legislation. In addressing the real problem of funding for HR 836, The American Legion suggest the Congress seriously consider utilizing funds from the projected surplus in the FY 1999 Federal budget. Provision could be made to allocate needed funds to VA to pay for the expanded benefits. There are, however, widely varying estimates as to the total cost involved. In order for Congress to make a fair and accurate assessment of the level of funding required to implement this legislation, caseload and benefit cost estimates must be based on realistic assumptions and accurate data, including information on the differences in the

cost-of-living in the United States and the Philippine as well as projected offsets to federal benefits currently being paid to Filipino veterans residing in the United States, and other factors.

In conclusion, the Filipino veterans have been denied benefits they deserve for too long. For this reason, The American Legion is asking this committee and Congress to give favorable consideration to HR 836.

★ WASHINGTON OFFICE ★ 1608 "K" STREET, N.W. ★ WASHINGTON, D.C. 20006-2847 ★
(202) 861-2700 ★

July 20, 1998

Honorable Bob Stump, Chairman
House Veterans' Affairs Committee
337 Cannon House Office Building
Washington, DC 20515

Dear Chairman Stump:

The American Legion has not received any federal grants or contracts, during this year or in the last two years, from any agency or program relevant to the subject of the July 22, hearing on HR 836 - Filipino Veterans Equity Act.

Sincerely,

Carroll Williams

Carroll Williams, Director
National Veterans Affairs
and Rehabilitation Commission

BIOGRAPHY FOR
CARROLL L. WILLIAMS, DIRECTOR
NATIONAL VETERANS AFFAIRS AND REHABILITATION COMMISSION

Born in Washington, DC, on November 17, 1948, Mr. Williams graduated from Anacostia High School in 1967. He received an Associate of Arts Degree from Prince George's College, and a B.A. Degree from National-Louis University.

Mr. Williams served on active duty in the United States Marine Corps from 1967-1970, and completed a tour of duty in Vietnam from 1967-1969.

He began his employment with The American Legion in 1970. After serving in several managerial positions in the Veterans Affairs and Rehabilitation Division, he assumed the position of Director of VA&R on June 27, 1994.

Mr. Williams is married to the former Stephanie Brown. Their children are DeShawn, Carroll II, Stefon, and Christina. He resides in Maryland and is a member of American Legion Post #275 in Glenarden, Maryland.

Jewish War Veterans of the United States of America
Chartered By an Act of Congress

1811 R Street, N.W. • Washington, DC 20009 • (202) 265-6280 FAX (202) 234-5662 • email: jwv@erols.com

Testimony presented before the House Veterans Affairs Committee
Wednesday, July 22, 1998
By PNC Robert M. Zweiman
International Liaison
Jewish War Veterans of the U.S.A.

Chairman Stump, members of the House Veterans Affairs Committee, friends, my name is Robert M. Zweiman of Fort Lee, New Jersey. I am a Past National Commander of Jewish War Veterans of the U.S.A., and currently serve as its International Liaison. I am pleased that I have the opportunity to speak with you today on this important matter.

Mr. Chairman, over fifty years ago, while a soldier in our nation's armed forces, I was fortunate enough to be stationed in what was then one of our country's territories, the Philippines. It was a country -- actually an extension of the boundaries of the United States of America --for which many of our fighting men and women made the ultimate sacrifice to defend and protect. Those people were Americans, in almost every sense of the word. I was also fortunate enough to work alongside the proud men and women of the Filipino army, who committed themselves to the fight against evil, in the name of the United States. In that time, I grew to admire and respect the country and the people, and that respect has grown over the intervening years.

It has now been fifty years since the war in the Pacific ended. The men and women of the American armed forces returned home to revel in their victory, to heal the mental and physical wounds of war, and to begin their lives again. These veterans did so with the knowledge that their government, in return for their military service, would comfort and succor them, from the moment they returned to the land of the free and the home of the brave, until those final moments of life. It is the obligation of rights in return for sacrifice

that made their commitment to America so special to the millions of returning veterans. In large part, and until recently, those benefits were carried out. Veterans of bygone wars were cared for in our nation's VA hospitals, funded by taxpayer dollars. This small reward is but a pittance of what is owed to our nation's 27 million living veterans, but it was what was promised, and is both good and right.

But it has been with distress and sadness which we of the Jewish War Veterans have watched the treatment of fellow veterans of that war. Men and women, who fought for our nation's flag in time of war, these Filipino veterans were promised the same care and benefits afforded to American veterans. These men and women, some of whom I have the pleasure of calling 'friend', fought alongside American forces at some of the titanic battles of World War II - Bataan and Corregidor. Their country was occupied, and while America prepared to defeat Japan, these Filipino soldiers worked to delay and harass the occupying forces, allowing American forces to build up and prepare for their return to the Philippines.

Their courage and bravery in the face of overwhelming odds cannot be questioned, but must be honored here, so long now from those terrible events. Our primary obligation, Mr. Chairman, is to follow through on the promise of fifty years past.

Mr. Chairman, in 1996, the National Convention of Jewish War Veterans of the U.S.A., convened here in Washington, D.C., passed a resolution supporting the Filipino Veterans Equity Act of 1995. At that time, the resolution called for the urgent passage of legislation that would restore these much-needed benefits to the Filipino veteran population in the United States. That resolution is still in effect today, and it translates to support House Resolution 836, which we hereby publicly support and actively will urge Congress for immediate passage. This legislation is more than just words on paper to veterans, American and Filipino.

We must begin to heal the scar of neglect and indifference that caused these benefits to be rescinded so many years ago. It will try to clean the stain of discrimination and prejudice that fell upon these brave men and women who served this country in time of war. The legislation would work to care for men and women, now in the twilight of their lives, whose last years should be spent in relative comfort for a lifetime of patience.

The issues involved with the passage of this legislation are vitally important since it has to do with America. The issue transcends questions of how many veterans would be served, or the costs attributed to that service. It has to do with the word and promise of the United States being upheld, now and in the future. That, Mr. Chairman, is the most important of thing of all. That is why we are here today, and why Jewish War Veterans will continue to support the cause of Filipino veterans, now and in the future.

Please, Mr. Chairman, we ask you and the members of this committee to speedily present this legislation to the full House for consideration, and work to move the bill through the process for a signature by the President. Filipino veterans have waited decades for the promise to be fulfilled. Don't make them wait too much longer, especially now that we can do something about it.

Mr. Chairman, members of the committee, thank you for allowing me the opportunity to present these remarks to you. I am now willing to entertain any questions you might have for Jewish War Veterans of the U.S.A.

Enc. Copy of JWV 1996 National Resolution

Jewish War Veterans of the United States of America
Chartered By an Act of Congress

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Jewish War Veterans of the U.S.A.
National Resolution -- 1996
Washington, D.C.

SUPPORT OF FILIPINO VETERANS EQUITY ACT OF 1995

The Jewish War Veterans of the U.S.A. (JWV) announced its support of the Filipino Veterans Equity Act of 1995 and urged Congress to consider its passage.

This Act would repeal the Rescission Act of 1946 which mandated that World War II service of Filipino veterans was not deemed active armed service entitling the veterans to all benefits conferred upon other American veterans, except for those who died, were maimed or separated from active service because of physical disability. During World War II, the Philippine Islands were a U.S. territory.

We join with our fellow veterans' organizations in rectifying the injustice done to Filipino veterans of World War II, many of whom fought Japanese aggression with distinction and honor. We support the Filipino Veterans Equity Act and urge immediate congressional support. As citizens of a territory of the U.S. during World War II, our brother Filipino veterans are entitled to the benefits and health care bestowed on all U.S. veterans.

WRITTEN STATEMENT
FOR THE RECORD

David Woodbury
AMVETS NATIONAL SERVICE DIRECTOR

Before the
Health Veterans Affairs Committee

On the
U.S. Benefits to Filipino Veterans of WWII

July 22, 1998

Mr. Chairman, on behalf of AMVETS, I want to thank you for the opportunity today to express our views on the proposal to amend Title 38, United States Code, to extend the same level of health care benefits to certain Filipino World War II veterans residing in the Philippines, as those received by veterans, who reside in the United States.

AMVETS has not received any federal grants or contracts during the fiscal year 1998 or in the previous two fiscal years.

We are certainly mindful of the brave and historic contributions made by Filipino nationals during World War II. Their actions as part of the allied effort are legendary. Measured in these terms, we believe Filipino veterans of World War II certainly deserve our grateful appreciation for their heroic contributions they made during the war effort, regardless of where they may reside. And, in a fiscally unconstrained environment, AMVETS would most assuredly support this amendment.

However, as the members of this Committee fully appreciate, fiscal reality has already forced us to make difficult choices with regard to the level of support, which is available for programs affecting American veterans. The reprogramming actions, which transferred $16 billion from VA programs to help pay the costs associated with the recently passed transportation bill, is a case in point. In increasing numbers, we continue to receive anecdotal information from American veterans who believe America's commitments to them are not being fulfilled. Indeed, recent medical staff downsizing at various VA facilities nationwide illustrates this point. American veterans served by these facilities are being adversely effected.

Although we certainly value the contributions and sacrifices made by our Filipino comrades in arms during World War II, we believe the interests of American veterans must continue to come first. We would certainly prefer a fiscal climate where both the interests of Filipino and American veterans could be satisfactorily accommodated. It appears to us, however, that the proposed amendment would fund an increased level of support for Filipino veterans using resources, which might otherwise be available to support American veterans. We recognize the difficult choices with which you must deal. However, within the context of fiscal constraints, we believe that if additional funds were to become available, thus permitting a choice between expanding benefits to Filipino veterans or restoring funding support to American veterans' programs, our longstanding commitments to our own veterans should take priority.

We appreciate the opportunity to testify on this important issue. Thank you.

Biography of David Edward Woodbury
National Service Director

David Edward Woodbury joined AMVETS as the National Service Director on June 2, 1998. As Director, he is responsible, through a nationwide cadre of service officers, for the management, administration, and handling of veterans' claims, as well as those of their dependents and/or survivors, before the Department of Veterans Affairs. He reports directly to the National Executive Director.

Originally from Boston, Massachusetts, he and his wife, Martha, currently reside in Fairfax County Virginia. They have three sons.

He graduated from Colby College in Waterville, Maine in 1958 with a Bachelor of Arts degree in Psychology. He earned his Master of Science degree in International Affairs from George Washington University in 1971 and is also a graduate of the Naval War College, Newport, Rhode Island and the National War College, Washington, D.C.

In 1960, he was commissioned as an Ensign in the United States Naval Reserve, following graduation from Officer Candidate School, Newport, Rhode Island. He retired from the United States Navy as a Captain in 1989. His career naval service included shore assignments within the Bureau of Naval Personnel where he served as an assignment officer for junior officers, and in the Pentagon, where, during three separate tours, he served as the Personal Aide to the Chief of Naval Operations, as Head of the Anti Surface Warfare Branch, (Director of Naval Warfare), and as Deputy Director of the Surface Warfare Division (DCNO for Surface Warfare). His sea assignments included command of USS Charles Berry (DE-1035), Commissioning Commanding Officer, USS ARTHUR W. RADFORD (DD-968), Commander, Destroyer Squadron 26, Chief of Staff, Commander Carrier Group 8, and Commander, Destroyer Squadron 2.

During his military service, Woodbury received the Legion of Merit (with three gold stars), the Bronze Star, the Meritorious Service (with gold star), and the Navy Commendation medals. Among other medals/ribbons, he was also awarded the Armed Forces Expeditionary Medal (Korea), the National Defense Service Medal, the Republic of Vietnam Service Medal (with 8 stars), and the Sea Service Ribbon (with 2 stars).

Prior to joining AMVETS, he was employed by Booz-Allen & Hamilton Inc., as a senior consultant supporting the U.S. Navy's advisory mission to the Royal Saudi Naval Forces in Jubail, Saudi Arabia. In this capacity, he concurrently served as a senior advisor to the Royal Saudi Naval Forces in Jubail where, inter alia, he was responsible for developing and implementing professional development, leadership and management training for senior Saudi Naval Officers.

Non Commissioned Officers Association of the United States of America

225 N. Washington Street · Alexandria, Virginia 22314 · Telephone (703) 549-0311

STATEMENT OF

LARRY D. RHEA
DEPUTY DIRECTOR OF LEGISLATIVE AFFAIRS

TO THE

COMMITTEE ON VETERANS AFFAIRS

U.S. HOUSE OF REPRESENTATIVES

ON

U. S. BENEFITS

TO

FILIPINO VETERANS OF WORLD WAR II

JULY 22, 1998

Chartered by the United States Congress

Non Commissioned Officers Association of the United States of America

225 N. Washington Street · Alexandria, Virginia 22314 · Telephone (703) 549-0311

DISCLOSURE OF FEDERAL GRANTS OR CONTRACTS

The Non Commissioned Officers Association of the USA (NCOA) does not currently receive, nor has the Association ever received, any federal money for grants or contracts. All of the Association's activities and services are accomplished completely free of any federal funding.

Chartered by the United States Congress

Mr. Chairman and Distinguished Members of the House Veterans Affairs Committee, the Non Commissioned Officers Association of the USA (NCOA) appreciates the opportunity to present to the Full Committee the Association's thoughts and concerns regarding full benefits for Filipino veterans. The Association sincerely appreciates the efforts of this Committee, particularly those of the Chairman and Ranking Member, to address this issue in a fair, open and objective manner. NCOA sincerely hopes that our thoughts on this important, and oftentimes emotional issue, will be helpful in the deliberations you have undertaken.

Mr. Chairman, NCOA is intensely proud of the Association's record in advocating and supporting issues of fairness and equity for Filipino veterans. For example, NCOA was the first military or veteran organization to raise the U.S. citizenship issue for Filipino's who served a career in the U.S. Armed Forces and this Association led the fight that eventually corrected that serious injustice. Likewise, the Association has advocated and fought for immigration laws favorable to Filipino veterans, particularly for Filipino veterans who retired from service with the U.S. Armed Forces. These issues, and others, are officially recorded in the hearing records of the Armed Services and National Security Committees of Congress.

Mr. Chairman and Distinguished Members, NCOA approaches the issue that is the subject of today's hearing in the same manner as we approach all other issues pertaining to veterans programs and benefits. As indicated above, the Association is proud of our record on important issues relating to Filipino veterans. The Association is equally proud that our record of advocacy on all veterans and military issues has been guided by the principles of fairness and equity. Throughout our history, NCOA has sought to ensure that relative fairness and equity are accorded among and between different categories of veterans and the Association has never advocated an improved benefit or program for some veterans that comes at the expense of another worthy veteran program or benefit. These principles Mr. Chairman remain the foundation of the Association's testimony today.

While much is known regarding the history and service of veterans of the Philippine Commonwealth Army, the Special Philippine Scouts and New Scouts, some things remain unclear to this Association. We certainly know that on July 26, 1941, President Roosevelt issued a military order, pursuant to the Philippines Independence Act of 1934, calling members of the Philippine Commonwealth Army into the service of the United States Far East Forces, under the command of Lieutenant General Douglas MacArthur. For nearly four years, veterans of the Philippine Commonwealth Army fought alongside Allied Forces to reclaim their homeland from Japanese occupation. We know that a second group, the Special Philippine Scouts, called New Scouts, enlisted in the U.S, Armed Forces after October 6, 1945, performed occupational duty in the Pacific following the end of World War II. We also know that Congress enacted the Rescission Act of 1946 that limited Filipino veterans' eligibility for compensation for service-connected disabilities and death compensation.

It also seems to NCOA, that at the time, Filipino veterans were led to believe that they would be accorded the honor of being recognized as veterans of the United States Armed Forces. It becomes less clear to NCOA as to what statements, promises if you will, were made and by whom. For whatever reason though, Congress acted in 1946 and subsequent Congresses' have chosen to basically leave the 1946 law intact.

As NCOA sees this issue before the Committee today, the question of providing full benefits to Filipino veterans hinges on what appears to be "unwritten promises" – NCOA has not seen anything that guaranteed the benefits and privileges Filipino veterans are seeking. But, the contention by Filipino veteran advocates that promises were broken is certainly an argument that NCOA is intimately familiar with. It is not unlike the promises made to U. S. Armed Forces veterans that Congress and the Nation not only have not honored, but also have chosen to completely ignore.

The best, or more appropriately, most egregious, example of promises broken is that of free lifetime health care to military retired veterans of the U.S. Armed Forces. But

unlike the question of full benefits for Filipino veterans, more than sufficient evidence exists that shows promises were indeed made to U.S. military retired veterans. Yet, on this issue, every initiative undertaken by Congress in the last twenty years has been to force U.S. military retired veterans to bear an increasing cost of their own health care. The Committee needs to remember that U.S. military retirees lose all of their health care options at age 65 and for all practical purposes U.S. military retirees are non-veterans in their own veterans health care system. Many of these people Mr. Chairman are veterans of the same war that is the basis of this issue today.

A second example Mr. Chairman of unfairness and inequitable treatment among veterans is the issue of concurrent receipt of military retired pay and VA disability compensation by U.S. Armed Forces veterans. Here too, Congress has allowed this injustice to continue despite previous legislation that has garnered more than 300 co-sponsors in the U.S. House of Representatives. But NCOA is compelled to remind this Committee that many individuals affected by this injustice are military retired veterans who are suffering today from illnesses and injuries incurred during World War II. Yet, Congress has repeatedly reminded this Association that it is too costly to do the right thing on this issue for our own U.S. Armed Forces veterans.

NCOA's purpose in citing the above is to call the attention of this Committee to some relative priorities and the cost associated with full benefits for Filipino veterans. Even if the promises made to Filipino veterans were established as completely clear and irrefutable, the question of cost must be addressed and NCOA believes that it must be addressed in the context of other long-standing inequities and injustices to U.S. Armed Forces veterans. There is also some question in the mind of NCOA as to what the total cost would be if full benefits were authorized for Filipino veterans. Budgetary pay-go rules would apply and NCOA is not willing to endorse new benefits, for Filipino veterans or any U.S. veteran, which comes at the expense of another veteran program or benefit. In the broader scheme of things though, NCOA believes that some relative priorities have

to be established – for example, first correct the many long-standing inequities and injustices that exist among and between U.S. military veterans. And first, fulfill promises that irrefutably were made to U.S. military veterans, particularly U.S. military retired veterans who based career service decisions on those promises.

NCOA takes no satisfaction in presenting testimony that some will view as being against Filipino veterans for that certainly is not the Association's position on this issue. That risk aside Mr. Chairman, NCOA believes that this Committee has a duty to deliberate this issue in a manner identical to that on any other veteran issue. This Association believes the Committee must get a firm grip on the total cost and how it will be paid for. In uppermost importance, NCOA also believes that the Committee must deliberate this issue in terms of relative priority and lingering injustices and inequities to U.S. Armed Forces veterans.

Thank you.

Vietnam Veterans of America, Inc.

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A Not-For-Profit Veterans Service Organization Chartered by the United States Congress

July 13, 1998

Honorable Bob Stump
Chairman
Committee on Veterans Affairs
335 Cannon House Office Building
Washington, DC 20515-6335

Re: VA Benefits for Filipino Veterans

Dear Chairman:

Vietnam Veterans of America, Inc. (VVA) will be unable to present testimony regarding the above issue at the July 22, 1998 hearing. However, we are pleased to submit our views on the matter for your consideration. As reflected in the enclosed VVA National Resolution V-13-97, VVA supports legislation that would recognize service in the Commonwealth of the Philippines during the liberation of the Philippines, in the same manner as if the veteran had served in U.S. military forces, to make Filipino veterans eligible for U.S. Department of Veterans Affairs benefits.

Our reasons for supporting this legislation are simple. During WWII, the Philippines was not an independent nation, but rather a U.S. Commonwealth. These Filipino veterans were fighting not only for their homeland, but in support of the overall U.S. military mission in the Pacific. Their brave service contributed greatly to the ultimate U.S. victory over Japanese forces.

Therefore, VVA strongly supports this legislation. Thank you for considering our views and please let us know if we can provide anything further on this issue.

Sincerely,

George C. Duggins
National President

Enclosure

Vietnam Veterans of America, Inc.

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A Not-For-Profit Veterans Service Organization Chartered by the United States Congress

PHILIPPINE VETERANS
(V-13-97)

Issue:

Individual members of the armed forces of the Commonwealth of the Philippines who served with either the active or guerrilla forces in support of U.S. military operations against hostile forces in World War II are not currently considered veterans for purposes of Department of Veterans Affairs (DVA) disability.

Background:

The Commonwealth of the Philippines in 1946 was not an independent country; all military activities and armed forces fell under U.S. military aegis. Individuals who contributed significantly to the defeat of enemy armed forces in the liberation of the Philippines were especially able to tie down Japanese forces from the time of the invasion of the Philippines until the liberation several years later.

The resolution continues Resolution V-14-95.

Resolve that:

Vietnam Veterans of America, Inc., at National Convention in Kansas City, Missouri, August 5-10, 1997, supports legislation that would recognize service in the military organizations and forces of the Commonwealth of the Philippines during the liberation of the Philippines in the same manner as if the veterans had served in U.S. forces, thereby making them eligible for benefits administered by the Department of Veterans Affairs.

TESTIMONY
TO
THE HOUSE VETERAN'S AFFAIRS SUBCOMMITTEE
ON BENEFITS
on
HR 836, Filipino Veterans Equity Act of 1995
July 22, 1998

by
BENJAMIN J. CAYETANO
GOVERNOR, STATE OF HAWAII

Honorable Representative Jack Quinn, Chairman, and Members of the House Veterans' Affairs Subcommittee:

As the first Filipino-American Governor in the United States, I am pleased to present testimony on HR 836, Filipino Veterans Equity Act of 1995, on behalf of our World War II Filipino veterans who fought and died under the flag of the United States of America. Our Filipino-American patriots deserve full recognition and equal veterans benefits for their service to our great nation.

In mid-summer of 1941, President Franklin Roosevelt recalled to active duty Lieutenant General Douglas MacArthur, then serving as military advisor to the Commonwealth government in the Philippines, appointing him to command the newly established U.S. Armed Forces in the Far East (USAFFE). He quickly mobilized the Philippine Commonwealth Army of approximately 212,000 under the command of the American military, including the Philippine Scouts and Philippine Constabulary. Soon after the infamous attack on Pearl Harbor and the United States' entry into World War II, American and their Filipino forces under USAFFE were fully engaged in battle against the invading Japanese Imperial Forces.

Forced to leave by the Japanese onslaught, General MacArthur moved his headquarters to Australia to take over the defense of the southern Pacific theater. Lieutenant General Jonathan Wainright assumed command of USAFFE, the only organized Allied resistance in East Asia in the winter and spring of 1942, and they continued to fight in spite of overwhelming Japanese forces.

By the time Bataan and Corregidor fell in April and May of 1942, USAFFE had effectively delayed the Japanese plans for a quick and decisive victory. And, although organized military resistance ended, thousands of officers and men continued a relentless guerrilla war for the next three years further delaying Japanese domination of the Pacific.

In 1942, the Congress of the United States, as part of its War Powers Act, allowed for the naturalization of aliens inducted into the service of the United States and who served honorably under the flag of the United States, by waiving requirements for residency, literacy, and education. Thousands of aliens took advantage of this opportunity to become Americans as naturalization officers were sent to foreign countries to assist in the process--except for the Filipinos. Operating as guerrillas, most of these Commonwealth soldiers were not even aware of the law's existence, which was allowed to lapse in 1946.

Further, the shameful Recission Act of 1946 announced that the service of the Philippine military during World War II, although under the U.S. flag and command, did not qualify as service to the U.S. The passage of time has only made clearer that this act was based on racial prejudice, and was specifically written to exclude Filipino veterans.

Our Filipino-American comrades in arms do not seek redress or any benefits in excess of what all other American veterans have long received. They simply look to the United States for equality and justice, just as they fought for these inalienable American rights.

This is a time for all Americans to reflect on the impact that World War II had on the world. In the five decades since its successful conclusion, we have not, as a nation, engaged in hostilities with impacts of such magnitude. It is a tribute to all those courageous men and women who fought and died during World War II to free the world of tyranny. This tribute must include our Filipino-American heroes.

On behalf of the people of Hawaii, the Nineteenth Legislature of the State of Hawaii, during its Regular Session of 1998, adopted House Concurrent Resolution 90, H.D. 1, S.D. 1, requesting continued support by Hawaii's congressional delegation to provide World War II Filipino-American veterans with the same veterans benefits as other deserving American veterans. As Governor of Hawaii, I join the Legislature in requesting your support on this long overdue debt.

Thank you for this opportunity to speak on behalf of our American heroes of World War II.

WW II Fil-Am Veterans

Hawaii Chapter

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Alex Sonson, Esq.

U.S. HOUSE OF CONGRESS
VETERANS AFFAIRS COMMITTEE HEARING
on
HR 836 WWII Filipino Equity Bill

22 July 1998 - 10:00 AM

335 Cannon House Office Building
Washington, DC 20515

Before

THE HONORABLE ROBERT STUMP
Chair, Committee on Veterans Affairs
U.S. House of Congress, Capitol
Washington, DC

TESTIMONY, IN SUPPORT OF HR 836,
BY

MR. EDUARDO C. MINA (veteran)
PRESIDENT AND CHAIR
WWII FIL-AM VETS
HAWAII CHAPTER

"All For One, One For All, Fight When Right"

WW II Fil-Am Veterans

Hawaii Chapter

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Jun Abinsay
Nic Musico

Legal Counsel
Melodie Aduja, LL.M.
Alex Sonson, Esq.

Mr. Chair and Members of the Committee:

I am Ed Mina, President and Chair of over 1,200 strong WWII Filipino American Veterans, Hawaii Chapter. Since 1993 I am an average tax paying American veteran with zero VA benefits.

I strongly support the passage of H.R. 836.

REASONS:

World War II was a war between the Allied Powers (U.S., England, Russia and France) and the Axis Powers (Germany, Italy and Japan).

It was the U.S. who declared war against Japan December 8, 1941. (50 U.S.C. APPENDIX: Declaration of War by the U.S.A., Declared by Joint Resolution, 12-8-41 55 STAT. 795) (PLEASE SEE TAB-A).

Nothing on record will show that the Philippines declared war against Japan or vice versa.

We therefore fought a war in the Philippines by America, for America, and of America.

All orders bringing us into the imbroglio emanated from Washington, D.C., to wit:

"All For One, One For All, Fight When Right"

WW II Fil-Am Veterans

Hawaii Chapter

1746 Kam IV Road, Honolulu, Hawaii 96819
Telephone: (808) 842-7182 • Reg No. 933595-D-2

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Alex Sonson, Esq.

On July 26, 1941, President Franklin Delano Roosevelt issued Proclamation 740, conscripting us into the service of the Armed Forces of the United States. (TAB-B) We did not have any alternative but obey, otherwise we will be dealt with by the Articles of War for shrinking from duty. This military offense is punishable by death during war time. I know of a certain Captain Rosario of the famous Major Nakar group of the 14th Infantry Division, USAFIP-NL, who was shot to death because of this offense.

General Douglas McArthur issued General Orders No. 1 dated July 27, 1941, implementing the aforecited Proclamation. (TAB-C) A more detailed implementation was issued via General Orders No. 46 dated December 18, 1941. (TAB C-1)

There were the three basic laws which conscripted us into the United States Armed Forces in the Far East.

We took our oath of allegiance to the flag of America at the time we were inducted as soldiers of the United States. We were the American Nationals because the Philippines was then a Colony/Territory of the U.S.

Take note that on these documents there was no proviso stating that for purposes of benefits, we are not considered as U.S. soldiers. On the other hand we were assured through radio that we will receive our benefits once the war was won, because in the vast jungles of the Philippines we had no subsistence, quarter, medical allowances. We had no finance officers because there was

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no money to handle. I was not paid a single cent by America for the services that I rendered as a guerilla fighter. (TAB-D documents to prove the contributions we made to the U.S.A.).

Even without the assurance, a contractual obligation had attached, the moment we took our oath as U.S. soldiers - that we fight the war for America as U.S. soldiers. On the other hand, all the rights and benefits appurtenant, thereto, had attached and had accrued.

To buttressed this point, General McArthur recommended "equalization of pay" whereby the U.S. Senate passed Senate Bill 2387 but died in the U.S. House of Representative, because the subject became moot and academic with the surrender of the Philippines to the Japanese Imperial Army.

On March 27, 1942, the Nationality Act of 1940 was amended granting U.S. Citizenship to us. The authority to naturalize was delegated to the U.S. Deputy Consul General George Ennis of the U.S. Embassy in Manila on August 26, 1945. On September 26, 1945, the authority was revoked - thus enabling only a few to obtain their citizenship. Edward Shaughnessy, Special Assistant to the INS Commissioner said in his memorandum dated October 19, 1945: "the revocation of the Vice Consul's naturalization authority created the rather anomalous situation that while we recognize in law the legal right of these persons to the benefits under the Act, we have from administrative standpoint, made it impossible for such persons to acquire these benefits."

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We were victims of this machination because when we went to Manila, no one was authorized to grant us U.S. citizenship.

After my discharge from the military service in January 1946, but before Philippine Independence on July 4, 1946, I was shocked to learn of the passage of a rider in the Recision Act of 1946, stating that for purposes of benefits, our services are not deemed services to the United States. This is the cruel act that stripped us of all the rights and benefits which we have earned and had accrued at the time of our induction. This is foul, my beloved America.

This is blatant discrimination, unfair and unjust. (TAB - E - comments on the Recision Act of 1946). I can not find any comment of any newspaper editorial or any organization, veterans or otherwise stating that Title 107 of the Recision Act of 1946 is fair and just. On the other hand it is universally condemned as unfair, unjust and discriminatory.

The Recision Act itself is the very document which proves that from the very beginning we are entitled to benefits otherwise it was useless passing it. Without the Recision Act, which singled us out to be jettisoned, we should be like the other volunteer veterans of the other 66 countries enjoying full VA benefits.

We want full restoration of our rights.

This is the time when all Americans should unite and remove the ugly scar of injustice and discrimination

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on the face of America. As Senator Daniel Inouye aptly said on September 10, 1997, at 3:00 p.m. in the U.S. Senate cafeteria: "This (Title 107 of the Recision Act on 1946) ugly scar on the face of America must be removed no matter what the cost."

Please restore our dignity by passing Equity, thus enhancing the United States' integrity. Our fight for equity as veterans of World War II is a fight for justice, and we call on the moral leadership of the U.S. Congress to correct the wrong inflicted by America to thousands of Filipino veterans. America has shown its conscience when Japanese internees were provided compensation for the injustice done to them. Can the same kind of compassion and sense of fairness be given to thousands of Filipino veterans (now Americans) who were willing to sacrifice their lives and are still waiting for their VA benefits for more than 50 years. Remember, Congress pledged all the resources of America for the successful termination of the war - this pledge encompassed everything to include our benefits. (Please see TAB - A)

The right time is Now because we are dwindling everyday. For what is the use of Equity if all of us are dead?

This concludes my testimony, thank you Mr. Chair and members of this committee to allow me to express our concerns.

"All For One, One For All, Fight When Right"

THE AMERICAN LEGION
DEPARTMENT OF THE PHILIPPINES
P.O. BOX 556
MANILA 1000
PHILIPPINES

STATEMENT OF

ANTONIO A. TY, COMMANDER
DEPARTMENT OF THE PHILIPPINES
THE AMERICAN LEGION

TO THE

COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES

ON

HR 836 - FILIPINO VETERANS EQUITY ACT OF 1996

JULY 22, 1998

June 26, 1998

Honorable Bob Stump, Chairman
House Veterans' Affairs Committee
335 Cannon House Office Building
Washington, DC 20515-6335

Dear Chairman Stump:

My name is Antonio A. Ty. I am the Commander of the Philippine Department of The American Legion.

I am privileged to present my views on behalf of the Filipino World War II veterans whose active participation in the World War II Pacific Theater Campaign, helped make victory possible for the Allies. Moreover, the Philippine Department of The American Legion strongly believes that H.R. 836, should serve as a starting point for discussions regarding how best to recognize the past service and sacrifices of Filipino veterans.

In 1996, the United States Congress approved Concurrent Resolutions recognizing the important contribution of Filipino veterans to the ultimate outcome of World war II. This was confirmed by a Presidential Proclamation issued on October 20, 1996, by President Clinton. In recalling their sacrifice, courage and loyalty, the president remarked, "we owe them our undying gratitude."

In a statement delivered by Past National Commander Joseph Frank during the presentation of the 1997, Legislative Priorities Agenda of The American Legion before a joint hearing of the House and Senate Veterans' Affairs Committees on September 17, 1996. he asked, "What is so different between the veteran who served in 1944 and the veteran who serves today?

The philosophical differences may vary, but the physical similarities are the same: they obey orders; they go where they are told to go; they fight who

they are told to fight; and they are willing to die for the country they love." The current National Commander, Anthony Jordan also addressed this issue in his testimony before the same joint committees on September 23, 1997.

Because of what was achieved in the Pacific Theater Campaign during World War II, National Historian Stephen Ambrose labeled the 20th century as the "American Century." He concluded, "that generations of veterans born between 1900 and 1930 made victory possible "Without their sacrifices, it could not have been done."

It would be politically incorrect for the government to continue excluding and isolating Filipino veterans from entitlement provided in Title 38, United States Code obviously on grounds of fiscal deficits.

Sincerely,

Antonio A. Ty,
Department Commander
The American Legion of the Philippines

DATE : July 10, 1998

FROM : Mr. Ramon C. Navarro
Legislative Liaison Officer
Philippine Department
The American Legion

TO : Honorable Bob Stump
Chairman, House Veterans' Affairs Committee
335 Cannon House Office Building
Washington, DC 20515-6335

SUBJECT : Statement in support of HR 836

My name is Ramon C. Navarro, I am the Legislative Liaison Officer of the Philippine Department of The American Legion in Washington, DC.

With the help of God, I and several of my Filipino comrades heeded the call order of President Franklin Delano Roosevelt on July 26, 1941 to serve in the Armed Forces of the United States till separated from that service by the Release Order of President Harry S. Truman issued on June 30, 1946.

I am privileged to present my views on their behalf whose active participation in World War II, Pacific Theatre campaign, hastened V-J Day possible for the Allies with less costs and casualties.

Yet, in 1946, the United States Congress obviously "took away" their right of service allegedly to reduce the liability of governmental expenditures.

For over a decade the Filipino World War II, Pacific Theatre veterans had been advocating for fairness and justice in the determination of their service status.

The Philippine Department of the American Legion strongly believes that HR 836 should now serve as a starting point for discussions regarding how best to recognize their past services and sacrifices performed during the Pacific Theatre Campaign.

In 1996, the United States Congress approved Concurrent Resolutions recognizing the important contribution of Filipino veterans to the ultimate outcome of World War II. This was confirmed by a Presidential Proclamation issued on October 20, 1996, by President Bill Clinton. In recalling their sacrifice,

courage and loyalty, the President remarked, "we owe them our undying gratitude."

In a related statement delivered by past National Commander of The American Legion, Joseph Frank during the presentation of the 1997 Legislative Priorities Agenda of the American Legion before a joint hearing of the House and Senate Veterans' Affairs Committees on September 17, 1996, he asked: "What is so different between the Veteran who served in 1944 and the Veteran who served today?" The philosophical differences may vary, but the physical similarities are the same; they obey orders; they go where they are told to go; they fight who they are told to fight; and they are willing to die for the country they love." The current National Commander, Anthony Jordan also addressed this issue in his testimony before the same joint committees on September 23, 1997.

Because of what was achieved in the Pacific Theatre Campaign during World War II, National Historian Stephen Ambrose labeled the 20th century as the "American Century." He included, "that generation of veterans born between 1900 and 1930 made victory possible. "Without their sacrifices, it could not have been done."

It would be politically incorrect for the government to continue excluding and isolating Filipino World War II, Pacific Theatre Veterans from entitlement provided in Title 38, United States Code obviously on ground of fiscal deficits.

R. C. Navarro

RAMON C. NAVARRO
Legislative Liaison Officer
Philippine Department
The American Legion

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(213) 974-1411

July 21, 1998

The Honorable Bob Filner
Congressman
United States House of Representatives
House Office Building
Washington, DC 20515-0550

Dear Congressman Filner:

It is our understanding that the Committee on Veterans' Affairs scheduled a full committee hearing on H.R. 836, the Filipino Veterans Equity Act, for Wednesday, July 22, 1998.

We are urging passage of this bill, which restores benefits to World War II Filipino veterans drafted into service by President Franklin D. Roosevelt.

Very truly yours,

YVONNE BRATHWAITE BURKE
CHAIR
SUPERVISOR, 2nd DISTRICT

GLORIA MOLINA
SUPERVISOR, 1st DISTRICT

ZEV YAROSLAVSKY
SUPERVISOR, 3rd DISTRICT

DON KNABE
SUPERVISOR, 4th DISTRICT

MICHAEL D. ANTONOVICH
SUPERVISOR, 5th DISTRICT

6072198.58

ANTONIO R. VILLARAIGOSA
SPEAKER of the ASSEMBLY

July 15, 1998

The Honorable Bob Stump
Chairman, Committee on Veterans' Affairs
355 Cannon House Office Building
U.S. House of Representatives
Washington, DC 20515-6335

Dear Mr. Chairman:

I am writing to urge you and your colleagues to join Representative Bob Filner and many others in support of HR836, the Filipino Veterans Equity Act.

As the Speaker of the California State Assembly, whose district contains a significant Filipino-American population, I support the Filipino-American veterans who are seeking fair treatment from the United States government. They are the only ethnic group that have yet to receive benefits promised to them for fighting for the U.S. during WWII. They have waited patiently for more than 50 years for our government to meet its responsibility. The surviving Filipino-American Veterans are now in their 70s and 80s. Congress needs to act now while we can still honor these patriots.

I believe this is a matter of national honor. These veterans demonstrated courage and dedication in serving under the American flag. Many participated in the infamous Bataan death march. More than 50 years later, it is wrong that our federal government is still taking its time to provide these unsung heroes the long-overdue benefits to which they are entitled and which they so greatly deserve. One of America's ideals is to keep its commitments and we made one to Filipino-American veterans.

Attached is a copy of Assembly Joint Resolution 28 supporting the Filipino American veterans. It received unanimous, bipartisan support in July of 1997. It was the right thing to do then and it is the right thing to do now.

I hope Congress will agree.

Very Truly Yours,

ANTONIO R. VILLARAIGOSA
Speaker of the Assembly

Cc: Congressmember Bob Filner

AV/yrc

CAPITOL OFFICE: STATE CAPITOL, ROOM 219 · SACRAMENTO, CA 95814 · PHONE (916) 445-0703 OR (916) 319-2045 · FAX (916) 445-0764
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AJR 28 Filipino war veterans.

BILL NUMBER: AJR 28 CHAPTERED 07/24/97

RESOLUTION CHAPTER 80
FILED WITH SECRETARY OF STATE JULY 24, 1997

ADOPTED IN ASSEMBLY JULY 24, 1997

ADOPTED IN SENATE JULY 21, 1997
AMENDED IN SENATE JULY 17, 1997
AMENDED IN SENATE JUNE 26, 1997

INTRODUCED BY Assembly Members Ducheny and Villaraigosa (Principal coauthor: Assembly Member Honda) (Principal coauthors: Senators Peace and Polanco) (Coauthors: Assembly Members Aroner, Baca, Baldwin, Bowen, Caldera, Cardenas, Cunneen, Davis, Gallegos, Havice, Hertzberg, Knox, Kuehl, Kuykendall, Leach, Margett, Martinez, Mazzoni, Ortiz, Perata, Strom-Martin, Takasugi, Torlakson, and Wayne) (Coauthors: Senators Alpert, Costa, Dills, Haynes, Johannessen, Johnston, Karnette, Kelley, Kopp, Lee, Lockyer, Maddy, O'Connell, Rosenthal, Schiff, Sher, Watson, and Wright)

MAY 21, 1997

Assembly Joint Resolution No. 28--Relative to Filipino war veterans.

LEGISLATIVE COUNSEL'S DIGEST

AJR 28, Ducheny. Filipino war veterans.

This measure would memorialize and urge the President and Congress of the United States to enact House Resolution 836, to provide full benefits from the Department of Veterans Affairs to veterans who served in the Philippine Commonwealth Army and the Special Philippine Scouts during World War II.

WHEREAS, During World War II, the military forces of the Commonwealth of the Philippines were drafted to serve in the United States armed forces by Executive Order of President Franklin Delano Roosevelt of July 26, 1941; and

WHEREAS, Filipino soldiers defended the American flag in the battles of Bataan and Corregidor; and

WHEREAS, Thousands of Filipino prisoners of war died during the 65-mile Bataan Death March, and those who survived were imprisoned under inhumane conditions, suffered numerous casualties, and endured four long years of occupation; and

WHEREAS, The soldiers who escaped capture, together with Filipino civilians,

valiantly fought against the occupation forces, their guerrilla attacks foiling the plans of the Japanese for a quick takeover of the region, and allowing the United States the time needed to prepare forces to defeat Japan; and

WHEREAS, Despite the vital participation of the Filipino soldiers in the outcome of the war, the 79th United States Congress voted after the war ended to deny benefits and recognition to the Filipino World War II veterans, in what was known as the Rescissions Act of 1946; and

WHEREAS, On February 26, 1997, House Resolution 836, a bill to provide full benefits from the Department of Veterans Affairs to veterans who served in the Philippine Commonwealth Army, and the Special Philippine Scouts, was introduced in the House of Representatives of the United States Congress by Representative Benjamin Gilman of New York, and Representative Bob Filner of this state; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California commends the heroic acts of Filipino war veterans, and honors these individuals for their contributions to the United States armed forces; and be it further

Resolved, That the Legislature of the State of California respectfully memorializes and urges the President and Congress of the United States to enact House Resolution 836; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

A REJOINDER TO THE EXPRESSED VIEWS OF CHAIRMAN BOB STUMP OF THE HOUSE COMMITTEE ON VETERANS' AFFAIRS, AGAINST U.S. BENEFITS FOR FILIPINO VETERANS

FRANCISCO B. LADIA
Chairman, Equity Village Foundation, Inc.

OCT 2 2 1998

The Chairman of the House Committee on Veterans' Affairs notified this writer about the scheduled hearing on July 22, 1998 of "The Filipino Veterans Equity Act of 1995" and, it's our opportunity to offer a **Rejoinder** to his views on U.S. Benefits to Filipino veterans, as the basis of our testimony during the hearing.

First. The Chairman claims in his article published in "The Stars and Stripes" (Oct. 20 to Nov. 2,'97) that, "U.S. Has Treated Filipino veterans Fairly," With due respect to his opinion, however, it is a fact that over 50 years now:

1 America has not considered Filipino veterans as veterans of the United States, although they were the first American G.I.s in the Far East to fight the Japanese, after President Roosevelt declared War against Japan on Dec. 8, 1941. They were called into the service by Pres. Roosevelt on July 26, 1941 and were released from said service on June 30, 1946 by order of Pres. Truman..

2. America had purposely declared their services, "as not active service." in the armed forces of the United States in order to deny them rights and benefits that they have already earned, except benefits to the dead or the disabled who receive only one-half of what their American counterparts are entitled to.

3. America had singled out Filipino veterans for discrimination among all other veterans from 66 nations of the world who joined the armed forces of the United States during the War.

4. America, by Congressional Resolutions and a Presidential Proclamation, honors Filipino veterans with stirring words for their heroic efforts during the War; but at the same time, she turns her back to their needs as aging veterans, "who fought for America in the greatest War the world has ever known."

This is the unfairness that Filipinos complain about and for which, "The Filipino Veterans Equity Act." was first introduced in 1989, and reintroduced every Congress thereafter. This is the unfairness that the veterans at Equity Village demonstrated against last year on June 14, which caught media and national attention; and they are glad to know from Congressman Bob Filner (D-CA) that after he delivered his one-minute speech in Congress on June 17, eighty-five (85) Members of Congress were moved simultaneously, to cosponsor H.R. 836.

This unfair situation came about because of a **rider** inserted in the First Rescission Act of 1946 (PL 301) now codified as Sec.107(a) of Title 38 of the United States Code, which provided that:

> "Service before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, including organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States, **shall not be deemed to have been active military, naval, or air service for purposes of any law of the United States conferring rights, privileges, or benefits upon any person by reason of said service.."**

Page 2

Why did Congress need to "deem" the services of Filipinos "not active". if they were not part of the U.S. Army? The only reason, as revealed from the Congressional Record of the 79th Congress, is to deny them rights and benefits.

On August 27, 1945, the Senate Appropriations Committee asked the Veterans Affairs Administrator to inform Congress of the amount the Federal Government had to appropriate for the benefits of Filipino veterans and their dependents.

On October 26, 1945, the Administrator reported that Filipino servicemen inducted into the service, pursuant to the Military Order of the President dated July 26, 1941, are entitled to benefits estimated at 3.2 billion dollars and they are entitled to benefits under the GI Bill of Rights to the same extent as their American counterparts are entitled to.

On February 5, 1941, the Attorney General rendered an Opinion corroborating the report of the Veterans Affairs Administrator stating that, service of the Philippine Army Forces called and ordered pursuant to the Military Order dated July 26, 1941 of the President of the United States is valid service in the Armed forces of the United States to serve as the basis of settlement of their benefits and privileges.

The Committee, however, considered it unthinkable to include large numbers of Filipinos to fall within the meaning of the term, "in the active service," to receive benefits that run to billions of dollars, and so, Congress enacted the First Rescission Act of 1946 (PL 301) authorizing the release of 200 million dollars for the Army of the Philippines subject to the **rider** above-mentioned.

It is for this reason that,"The Filipino Veterans Equity Act of 1995"(H.R. 836) was introduced for the fifth time now, to restore their rights and benefits and finally consider them as veterans of the United States.

There is another group of veterans called, "The New Philippine Scouts" who were also victimized by a similar rider in the Second Rescission Act of 1946 (PL-391). They are also included as beneficiaries of H.R. 836 when passed by the 105th Congress and approved by the President.

Second. He also asserts that serving under U.S.Command does not meet the test of swearing allegiance to the Constitution of the United States.

The Filipino soldier, before serving under U.S. Command, took his oath of allegiance to the American flag and to the Constitution of the United States. When he was inducted into the United States Army Forces in the Far East (USAFFE) which is a part of the U.S. Army, he laid down his life to fulfill that allegiance. Furthermore, the Concurrent Resolutions of the House and the Senate and the Presidential Proclamation in 1996, honoring Filipino veterans for their defense of democratic ideals and their important contribution to the outcome of World War II, are clear testimonials of their loyalty to America.

Third. He also said that while Filipino forces certainly aided the U.S. war effort, in the end they fought for their soon-to-be independent nation.

From December 10, 1898 to July 4, 1946, the Philippines was a U.S. territory and Filipinos were American nationals. As members of the USAFFE, they fought as American soldiers defending American interest, honor, and sovereignty; and so the argument, that in the end, they fought for their soon-to-be independent nation is unwarranted. They never considered themselves to be anything but U.S. Army soldiers fighting for America. and they expect to be treated American veterans, but the Rescission Act said otherwise, to deny them veterans rights & benefits

Page 3

Fourth. He also says that Filipino veterans look only to the United States for benefits, since it was Philippine soil on which the U.S. and Philippine armies fought the Japanese. so the Philippines bears at least equal responsibility to its veterans, yet benefits provided by the U.S. far exceed those provided by the Philippines.

The issue is not the locus of battle, but the service rendered. After all, veterans benefits are based on service to the armed forces of the United States. Of course, the Philippine Government has responsibility to Filipino veterans, but their claim from the U.S. Government is for benefits they have earned for serving in the U.S. Armed Forces. For the U.S. Congress to subsequently declare their service "as not active" to deprive them of said benefits is the injustice and unfairness they are seeking to be redressed.

The bulk of the $112 million veterans benefits for 1997 sent to the Philippines goes to American veterans who chose to retire in the Philippines; Filipinos who became Americans after serving in the U.S. Navy or U.S. Coast Guard and who returned to the Philippines, and to the members of the old Philippine Scouts who were integrated to the U.S. Army. Only a small portion thereof goes to the heirs of Filipino veterans who died or who have suffered service connected disabilities. **Nothing is given to Filipino veterans who survived the War unscathed**.

Fifth. The Chairman poses the question: "Should not U.S. veterans ask for benefits from the Philippines or any other country they liberated in WWII?"

Yes, if they were conscripted into the Philippine Army by the President of the Philippines. But America liberated her own territory with the help of Filipinos who were her own soldiers. It would have been different if the Philippines were independent from the United.States. The question is also academic, because America already approved the GI Bill of Rights and other laws giving benefits to all veterans, including the Filipinos veterans, were it not for the Rescission Acts of 1946.

Finally. The Chairman says that the records of President Roosevelt, Gen. Douglas MacArthur, and the War Department, do not show any intent or promise to offer Filipinos full and equal benefits.and so they could not be entitled to said equal rights and benefits.

It is not true that the American Government and its leaders showed no intent to give equal pay and benefits to Filipino troops. Several communications from Gen. Marshall and Gen. MacArthur to President Roosevelt showed indorsement for the adoption of a law to create parity and equity between American and Filipino troops inducted into the U.S. Army.

On February 22, 1942, followed up with another message on March 9, 1942, Gen. MacArthur twice recommended the equalization of pay for Filipino soldiers with that of the US military . This resulted in a memorandum on March 10, 1942 from Army Chief of Staff Marshall to President Roosevelt recommending approval of the MacArthur recommendation..

This was approved by President Roosevelt on March 11, 1942, resulting in the introduction of legislation, S. 2387, equalizing the pay of Filipino troops with the US military. It passed the US Senate on March 30, 1942 and was favorably reported out by the House Military Affairs Committee on May 7, 1942. However, after the fall of Bataan and Corregidor, the then Department of War sent a memorandum dated July 30, 1942 saying that the equalization of pay bill was no longer necessary, claiming that the request for legislation was made at a time when the Philippine Army was in actual combat and this Army has since been destroyed. No further action was taken on the Bill and it died in the U.S. Congress.

Page 4

Between December 26, 1941 and April 1942, in several radio broadcasts by Pres. Roosevelt, Filipino and American troops serving in Bataan and Corregidor heard the repeated promises of President Roosevelt for Filipino troops to be given equal treatment with American troops. Numerous respectable American veterans who survived Bataan and Corregidor attest to this . Such persons as Col. Edwin Ramsey, Sgt. Thompson, and others, are prepared to swear that they personally heard those promises and they should be permitted to testify at the hearing scheduled for July 22, 1998.

However, we do not rely on the promise made by President Roosevelt to entitle Filipino veterans to equal rights and benefits with their American counterparts. His order dated July 26, 1941 which called Filipino soldiers into the armed forces of the United States is the fundamental basis of their entitlement. As a matter of fact, the Attorney General of the United States corroborated the report of the Veterans Affairs Administrator to the Senate Appropriations Committee dated October 26, 1945 that the basis for entitlement of Filipino veterans to benefits is the order of President Roosevelt dated July 26, 1941.

To deny them benefits now just because there is no record of the promise made, is not fair and just of America who is acclaimed to be the bastion of equality and justice before the eyes of the world. Filipino veterans qualified for benefits before the **rider** to the Rescission Act of 1946 without invoking the promise of President Roosevelt to that effect.because, by law, they were qualified. The **rider** to the Rescission Act was precisely inserted to disqualify them from said rights and benefits. And this is the reason for "The Filipino Veterans Equity Act," to remove the disqualification not because of the promise of President Roosevelt, **but on justice and equity.**

IN VIEW OF THE FOREGOING, it is most respectfully prayed of the Honorable Members of the House Committee on Veterans' Affairs to give due course to **H.R. 836** so that it could be considered on the floor by the full House..The passage of this legislation will finally consider Filipino veterans as veterans of the United States and restore their rights and benefits..

3530 Wilshire Blvd. Ste. 1065
Los Angeles, CA 90010
Tel. (213) 383-6111; (626) 457-6293; Fax (213) 383-9775

SUPPORTING DOCUMENTS:

1. Chairman Bob Stump's article entitled, "U.S. Has Treated Filipino veterans Fairly"
2. Pres. Roosevelt's order dated July 26, 1941 calling Filipinos into the U.S. Armed Forces. .
3. Radiogram of Gen. Marshall to Gen. MacArthur constituting the United States Army Forces in the Far East (USAFFE) and designating him as Commanding General
4. Gen. MacArthur's order implementing the Radiogram of Gen. Marshall..
5. Gen. Sutherland's order calling to active duty all personnel of the Philippine Army effective on the date of acceptance for the period of the existing emergency.
6. Radiogram of Gen. MacArthur to the War Department dated Feb. 22, 1942 recommending equal pay to Filipino troops with their American counterparts.
7 Radiogram of Gen. MacArthur to the War Department, reiterating his message on Feb. 22 '42.
8. Memo of Gen. Eisenhower, March 2, 1942, that the War Department will immediately institute a measure to bring about the pay standards recommended by Gen. MacArthur..

9. Senate Bill.2387 to equalize the rates of pay of all personnel in th United States Army, the Navy, the Philippine Scouts, and the Philippine Commonwealth Army, and for other purposes. Passed by the Senate on March 30, 1942 and referred to the House Committee on Military Affairs.
10.. Memorandum of the War Department to Congress stating that since Bataan and Corregidor already surrendered, there is no more need for the enactment of S.2387 For this reason, the Bill died in U.S.Congress.
11. The First Rescission Act of 1946 (PL-301) with a **rider** declaring that services of Filipino veterans in the armed forces of the United States .is not active for purposes of rights and benefits under any law of the United States..
12.. Statement of President Truman taking exception to **rider** because the same is discriminatory
13. Letter of Pres.Trumnan to Gen. Bradley instructing him to find a way to lessen the discriminatory provisions of the **rider** in the First Rescission Act of 1946, stating that Filipino veterans fought courageously side by side with American soldiers and were part of the uniformed forces of the U.S. by virtue of the President's order dated July 26, 1941.
14. Privilege Speech of Commissioner Carlos P.Romulo in Congress stating that it is inconceivable that the Filipino soldier should be discriminated against. Filipinos and Americans have shared so much, they are too close to one another, they have so much friendship and respect to one another to permit him to believe that there is a deliberate desire of Congress to discriminate against the Filipino soldier.
15. Editorial of "The Washington Post" dated June 17, 1947 stating the shabby treatment meted out to Filipino veterans and that if Congress reviews the stiaution, with full realization that these men were members of our own Army subject to its orders, it will see that a grave injustice has been done.
16. Order of President Truman dated June 29, 1946 releasing all organized military forces of the Government of the Commonwealth of the Philippines from the armed forces of the United States, effective June 30, 1946 at 12:00 midnight.
17 House Concurrent Resolution No. 191 of the 104th Congress to recognize and honor Filipino WWII veterans for their defense of democratic ideals and their important contribution to the outcome of World War II.
18 .Senate Concurrent Resolution No. 64 of the 104th Congress honoring Filipino veterans.
19. Presidential Proclamation dated October 17, 1996 honoring Filipino Veterans of WWII.
20. Privilege Speech of Cong. Bob Filner (D-CA) delivered in Congress on June 17, 1997 citing the demonstration of veterans at Equity Village in Los Angeles, which moved 85 members of Congress to cosponsor simultaneously H.R. 836.
21. Editorial of "The Stars and Stripes" urging the 105th Congress to look seriously at the injustice committed to Filipino veterans.
22. Editorial of "The Washington Post" stating that it is demeaning to Americans as well to Filipinos for the United States to continue denying benefits that were pledged at the highest level, then abundantly earned in the battlefield, then denied, then withheld through decades of Filipino entreaty.
23. Statement by Congressman Gilman (R-NY) saying that the injustice has gone long enough and it is high time that Filipino veterans be finally recognized as United States veterans.
24. Joint Statement of Congressmen Gilman and Filner saying that it is time to correct the injustice and consider Filipino veterans as veterans of the United States.

Commentary

U.S. Has Treated Filipino Veterans Fairly

By Bob Stump

I recently had the honor of meeting with several representatives of the Philippine American Heritage Federation, including Brig. Gen. (ret.) Tagumpay Nanadiego of the Philippine Embassy and attorneys Mr. Joel Bander and Mr. Jon Melegrito. This was the third time I have met with various Filipino veterans in the last several months including Mr. Antonio Ty, commander of the Philippine Department of the American Legion.

Much has been made recently about the renewed demands by Filipino veterans of World War II for payment of U.S. veterans benefits. As a World War II Navy veteran of the Pacific theater and liberation of the Philippines, I am aware of, and I respect, the service rendered by Filipino veterans, but it is important to view current policy in its historical context. I do not believe that simply serving under U.S. command meets the test of swearing allegiance to the Constitution of the United States. While Filipino forces certainly aided the U.S. war effort, in the end they fought for their soon-to-be independent Philippine nation.

Rep. Bob Stump, R-Ariz., is chairman of the House Veterans Affairs Committee. He enlisted in the U.S. Navy in 1943 at the age of 16.

Fairness is a concept often mentioned when discussing veterans benefits for Filipinos. Fairness is certainly important. That is why I am disappointed that Filipino veterans look only to the United States for benefits, since it was Philippine soil on which the U.S. and Philippine armies fought the Japanese. I strongly believe the government of the Philippines bears at least an equal responsibility to its veterans. Yet, the benefits provided by the United States far exceed those provided by the Philippines. I believe that is one measure of fairness. Should U.S. veterans ask for benefits from the Philippines or any other country they liberated in WWII?

News accounts about promises of full benefits being made to Filipino veterans appear to be unsubstantiated, despite our best-faith efforts to find such documentation. Using the experts at the Congressional Research Service, our investigations have determined five important points.

First, the records of President Franklin Roosevelt, Gen. Douglas MacArthur and the War Department clearly show no intent to offer Filipinos full benefits. Second, most Filipinos who were under the command of the U.S. armed forces were considered members of the Philippine Army. Third, the original Philippine Scouts who were part of the U.S. Army since 1900 are receiving full benefits. Fourth, at least two court cases have upheld the current benefits program.

Finally, Filipinos are the only group of non-U.S. veterans receiving VA service-connected disability compensation and survivors benefits. No other WWII allied nation's veterans receive such benefits from the United States. According to VA, in 1997 the U.S. will pay about $112 million to Filipino veterans residing in the Philippines. And this amount doesn't take into account the cost of the medical care.

It is clear to me, after meeting with Filipino veterans, that many do not understand the benefits for which they are now eligible. I am asking the VA to increase its outreach to the Filipino community in that regard. There also seems to be a misperception among the Filipinos that every American WWII veteran is receiving a VA pension. That is hardly the case. Of the roughly seven million living WWII veterans, only about 233,000 (about three percent) are receiving a VA nonservice-connected disability pensions. The Filipinos I met with were also surprised to learn that I do not receive anything from the VA for my WWII service.

Two categories of Filipino veterans currently receive full U.S. benefits, while three categories receive benefits at the one-half rate. Even at the one-half rate, the compensation is generous. A 100 percent disabled Filipino veteran receives $962 per month—nearly 12 times the Philippine per capita income—while a veteran rated 20 percent disabled receives about $90 per month—roughly equal to the national per capita income. The Dependent and Indemnity Compensation (DIC) payment to Filipinos is $416 per month, or five times per capita income.

I wish we could do that well for our own veterans—if a U.S. DIC recipient were to receive a payment equal to five times U.S. per capita income, it would be nearly $90,000 per year instead of the roughly $10,000 they now receive.

These meetings with the Filipinos do not mark the end of our efforts. I have instructed my staff to work with Philippine American Heritage Federation to arrive at a common understanding of the U.S. and Philippine benefit programs, and its historical context.

The United States continues to be generous to Filipino veterans and I continue to believe that the basic structure of U.S. programs is appropriate. I believe we have been fair.★

77TH CONGRESS
2D SESSION

S. 2387

IN THE HOUSE OF REPRESENTATIVES

APRIL 2, 1942

Referred to the Committee on Military Affairs

AN ACT

To equalize the rates of pay of all personnel in the United States Army, the Navy, the Philippine Scouts, and the Philippine Commonwealth Army, and for other purposes.

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 last sentence of the second paragraph of section 36
4 of the Act of February 2, 1901 (31 Stat. 757), as amended
5 by the Act of May 10, 1926 (44 Stat. 496), be, and the
6 same is hereby, further amended to read as follows: "The
7 pay and allowances of whatever nature and kind to be
8 authorized for the personnel of the Philippine Scouts, and
9 members of the Philippine Commonwealth Army while in
10 the service of the armed forces of the United States, shall be

2

1 fixed by the Secretary of War and shall not exceed or be of
2 other classes than those now or which may hereafter be
3 authorized by law for the personnel of the Regular Army in
4 corresponding grades."

5 SEC. 2. The first sentence of paragraph 3 of section 10
6 of the Act approved June 10, 1922 (42 Stat. 630; 37
7 U. S. C. 16), is hereby amended by adding the following
8 proviso at the end thereof: "*Provided*, That in time of war
9 the Secretary of the Navy is authorized to increase such rates
10 of pay not to exceed those prescribed in paragraph 1 of
11 section 10 of said Act for enlisted men in corresponding
12 ratings."

Passed the Senate March 31 (legislative day, March 30), 1942.

Attest: EDWIN A. HALSEY,
Secretary.

77TH CONGRESS
2D SESSION

S. 2387

AN ACT

To equalize the rates of pay of all personnel in the United States Army, the Navy, the Philippine Scouts, and the Philippine Commonwealth Army, and for other purposes.

BEST AVAILABLE COPY

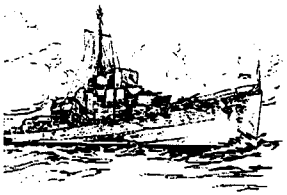
Résumé' of:

FRANCISCO B. LADIA
511 So. Almansor St. #93
Alhambra, CA 91801
Tel. (626)-457-6293; (213) 383-6111; Fax (213) 383-9775

FRANCISCO B. LADIA is a perennial worker for the Filipino veterans cause.

He is the Chairman & President of **Equity Village Foundation, Inc.** whose continued demonstration of ten months (14 June 1997 to 19 April 1998) for justice and equity to Filipino-Born U.S.WWII veterans, has caused media and national attention.
He is a Lawyer and a Member of the Philippine Bar since 1954.
He is also a Minister of the Gospel of the Lord Jesus Christ, since 1972 when Martial Law was declared in the Philippines.
He is a Notary Public for the State of California.
He is the former Chairman of the Christian Concern for Filipino WWII Veterans (CCFWWIIV)
He is also the former Chairman of the Alyansa Ng Komunidad (AK) whose other concern is to help achieve justice for Filipino veterans.
He is the Vice President of the Coalition of Filipino Veterans and Community Organizations (COFIVACO)
He is a Director of the United Filipino American WWII Veterans (UFAV)
He is a former Member of the Philippine Veterans Legion of America (PVLA)
He is also a former Member of the American Coalition for Filipino Veterans (ACFV)
He is an active Member of the Filipino American Political Action Committee (FAPAC)

He joined the Guerrilla Forces in Northern Luzon, Philippines as a private under "C" Co.Engineer Battalion, United States Army Forces in the Philippines, North Luzon (USAFIP-NL) on July 16, 1944. He served in Loo Valley, Kilometer 91, and Mankayan, Mountain Province for 6 months, before the surrender of General Yamashita. He has undergone training in Practical Electricity in Mabalacat, Pampanga for three months, before he joined the Replacement and Casualty Battalion and was honorably discharged from the service on March 9, 1946.
He is a native of Claveria, Cagayan, Philippines - born there on April 1, 1924.
He finished his elementary and high school education in Claveria, Cagayan in 1937
He finished his Associate in Arts (AA), with honors, in La Union Christian College in 1949
He finished his Bachelor of Arts (AB) in Union College of Manila in 1950
He finished his Bachelor of Laws (LIB) in Manuel L.Quezon School of Law in 1953
He was among the top 11 when he successfully passed the Philippine Bar in 1954
He finished his Bachelor of Ministry (BM) in Union Theological Seminary in 1980.
He engaged in the private practice of law in the Philippines for 37 years
He was in the active ministry of the United Methodist Church for 21 years
He is married to Esperanza Agtang Ladia with four (4) children, nine (9) grandchildren and a great grandchild.
He took his oath as a Naturalized U.S.Citizen in Honolulu, Hawaii on September 18, 1992 and he lives in Alhambra, CA



DESTROYER ESCORT SAILORS
ASSOCIATION, INC.

FAX TO CONGRESSMAN BOB FILNER July 22, 1998
Attention Cecelia J. Prewett 202-225-9073

U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON VETERANS' AFFAIRS

RE: US BENEFITS TO FILIPINO VETERANS OF WORLD WAR II

MR CHAIRMAN, my name is John P. Cosgrove, National Representative, Destroyer-Escort Sailors Association. I have been asked by DESA President Sumner Bray, to relay the endorsement of Kentuckiana Chapter on subject legislation, as follows:

"At our recent July 2 meeting, the Kentuckiana Chapter of DESA voted unanimously to endorse and support the right of those Filipino-American veterans, now American citizens, to receive those same benefits to which American soldiers, alongside whom they fought, are entitled and are receiving.

"Furthermore, Kentuckiana DESA requests the national office of DESA to inquire into the status of legislation restoring those benefits. If such legislation has not yet been passed and their benefits have not yet been restored, the Chapter respectfully requests that such a motion be introduced and advanced on the floor at the 23rd Annual Convention of the Destroyer-Escort Sailors Association in Springfield MA for discussion and vote by the membership."

Mr Chairman, we respectfully request these sentiments be included in your Hearings Report. Also President Bray will have this item on the convention agenda, August 23-26, 1998 in Springfield. May I also point out that DESA's membership is made up of 12,000 veterans of DE service during WWII, Korea and Vietnam. We have 36 chapters spanning the U.S.A. and sympathize with our fellow shipmates and problems resulting from U.S. Navy service in preserving American-style democracy in restoring peace to a war-torn world.

Thank you Mr. Chairman. You already have a copy of Daniel F. McHugh, Kentuckiana Chapter Commanding Officer, July 16.

-- John P. Cosgrove, National Representative, DESA
US Navy Reserve, February 1942-February 1946
USS GENDREAU DE-639
1124 National Press Building, Washington DC 20045
Telephone 202-628-3400

2509 Walbrook Drive
Louisville, KY 40222-6262
July 16, 1998

KENTUCKIANA CHAPTER - DESA

Mr. Sumner Bray
President
DESA
PO Box 805
Vienna, VA 22183-0805

Dear Sumner:

It has been brought to my attention that Filipinos who served under American command during WWII are not eligible to receive medical care, pension and burial benefits to which they formerly were entitled, prior to that nation's gaining its independence.

The enclosed AP article from the July 27, 1997 issue of The Louisville Courier-Journal describes pretty well their plight.

At our recent July 2 meeting, the Kentuckiana Chapter of DESA voted unanimously to endorse and support the right of those Filipino-American veterans, now American citizens, to receive those same benefits to which American soldiers, alongside whom they fought, are entitled and are receiving.

Furthermore, Kentuckiana DESA requests the national office of DESA to inquire into the status of legislation restoring those benefits. If such legislation has not yet been passed and their benefits have not yet been restored, the chapter respectfully requests that such a motion be introduced and advanced on the floor at the 23rd annual convention of DESA in Springfield, MA for discussion and a vote by the membership.

Yours very truly,

Daniel F. Mc Hugh

Daniel F. Mc Hugh
Commanding Officer

Enc

cc Ralph F. Freese, Executive Administrator
Thomas L. Kidd, Jr., Vice President
Dick Spangler, Secretary
John Cosgrove, National Representative
Chester F. Wesolowski, Kyiana DESA Executive Officer
William H. Horton, Kyiana DESA Secretary

July 20, 1998

To: Bob Filner
330 Cannon House Office Bldg.
Washington, D.C. 20515

From: Joseph P. Zetts
121 Ritchie Parkway
Rockville, Md. 20852

Subject: Filipino Veterans Equity Act (HR 836)

Dear Congressman Filner:

I received your communication concerning the above Act and I am more than pleased that progress is being made to restore the benefits and equity to the Filipino veterans of World War II.

As a veteran of two wars, namely, the South Pacific Theater and the Korean war, I find very distressing to see the injustice to the Filipino Veterans in the denying of benefits which they were entitled too.

I was a First Lt., Company "B", 103rd Regiment, of the 43rd. Infantry Division that made the invasion of the Philippine Islands in January 1945, at the Lingayen Gulf which is north of Luzon.

After a movement south towards Manila, my platoon and I were ordered to be attached to a Filipino guerrilla force, namely, the "Yay" regiment under the command of Col.Marking Agustin. Our joint forces had a mission was and order to harrass the enemy behind their lines. During this period, my men and I developed a close bond and a lasting friendship with these gallant Filipino forces. The Filipino soldier can be identified as a dedicated warrior who fought bravely and we had the greatest admiration for his spirit and endeavor and much of these traits taught by their commander Col. Marking Agustin. In my humble opinion, he was the best of commanders that I served under barring none.

It is not to be forgotten that Pres. Roosevelt issued a Military Order of July 26, 1941 that the Filipino Continental Army become part of the U.S. Armed Forces under the command of Gen. MacArthur. In other words, they were members of the U.S. Army. In serving our nation, they suffered the pain of lost comrades, including Americans and the pains of wounded and disabled

To deny the benefits, under the Rescision Act of 1946, is beyond comprehension. In the same period, that Japan,

our enemy, was put back on its feet by American dollars, and as yet, we completely ignored the forces, in the way of benefits, that helped us immensely in defeating the enemy.

I received the benefits given to all our American troops and I strongly believe that my brothers in arms, the Filipino veterans, be given the same benefits.

Please, I ask you to support the Filipino Veterans Equity Act (HR 836) to restore the benefits and equity to the brave Filipino veterans of World War II.

Sincerely,

Joseph P. Zetts

The Dire Health Status of the New Americans – The Filipino-American Veterans of Wold War II

By *Antonio Q. Chan, MD,MM,FACC,FCCP*
Chairman, Chanwell Clinics
Clinical Associate Professor of Medicine (Cardiology)
Stanford University Medical Center

During the darkest hours of the World War II Japanese invasion, President Roosevelt promised equal benefits to Filipino soldiers that fought side by side with the American soldiers. They bravely defended the Philippines, an American Commonwealth. In the cruelest manner President Truman rescinded that promise once American emerged victorious. Today the approximately 20,000 Filipino veterans in the U.S. and the 50,000 remaining in the Philippines are in the twilight of their years, mostly in their 70's and 80's and are dying of heart disease, stroke, cancer, and lung disease. By my estimate, their numbers are dwindling by 12-14% per year even with the best of healthcare as we have done in San Jose, California. Ten years from now, there will be hardly any of these Filipino Americans heroes left.

As a token gesture and about fifty years too late, the U.S. government granted American citizenship to those Filipino soldiers who could prove that they were indeed U.S. veterans. They started immigrating to U.S. shores in 1990.

In Silicon Valley, their first stop is usually the Northside Senior Center in San Jose. There Executive Director Ben Menor and his dedicated staff help processed their papers, patiently advised them on their rights and obligations as U.S. citizens, and assisted them in their housing, food, transportation and medical needs.

More often, the veterans arrived in the U.S. alone, leaving behind their families and friends. All of a sudden they are subjected to culture shock, loneliness and life threatening illnesses. In Silicon Valley, these veterans often congregate in San Jose's Eastridge Shopping Mall for mutual support. Often times a meal at McDonald's is all they can afford – not necessarily the healthiest! The majority of them go to Chanwell Clinics in San Jose and Mountain View for their much-needed healthcare. We understand their culture, speak their language and emphasize with their sorry state.

Each veteran receives about $500 a month from Social Security Supplementary Income. They live in poverty. They barely manage to get by in Silicon Valley, where housing costs are one of the highest in the country. Some of them are forced to work at minimum wages in spite of the debilitating effects of heart, circulatory, lung and joint diseases.

Almost all of these war heroes failed to receive adequate healthcare in the Philippines. We provide pro bono healthcare and treat them immediately as their papers are being processed for Medicare and MediCal. Often times the initial evaluation at Chanwell Clinics resulted in the discovery of life threatening illnesses that require aggressive medical intervention just to preserve and maintain their lives.

In reality they became U.S. citizens in name without the equal benefits of the American veterans who fought the same war. Although they are covered by Medicare within three to four months of their arrival in the United States, the managed care denial and cost conscious environment threaten to impose severe penalties and sanction to doctors in providing prompt, adequate preventive and treatment options. The intimidation power of Medicare with retrospective and prospective review processes makes it very difficult for Chanwell doctors to render the kind of intensive and thorough care that these long neglected veterans need. On the other hand, these ethnic souls find it very difficult to see a Caucasian doctor due to their cultural and linguistic difficulties.

Over the past seven years, Chanwell Clinics has become well known among the Bay area Filipino-American veteran community as the place to go for their illnesses. As the Cardiology Outreach Program for Stanford University Medical Center, Chanwell Clinics have the facilities to conduct diagnostic workup, promptly unraveling the complex cardiac and vascular illnesses that these veterans suffer from. Chanwell in turn refers or admits these patients to Stanford whenever they need expert tertiary care such as coronary and vascular angiogram, angioplasty, coronary bypass surgery, valvular heart surgery, aneurysm resection or stenting, carotid endarterectomy, oncology, cancer surgery, brain surgery, knee or hip replacement surgery.

The following are the common ailments afflicting the newly arrived veterans seen at Chanwell Clinics. A large percentage of these illnesses are life threatening! The failure of Medicare to understand the specialized need for thorough diagnostic and treatment measures for this subset of newly arrived Americans is the greatest threat to their well being and survival in the United States at the time when they need proper healthcare the most!

Chanwell Clinics

Diseases Profile of Filipino American WW II Veterans

Total Patients	328	*estimate

Cardiovascular Diseases		
DIAGNOSIS	PATIENTS	PERCENT
AAA (abdominal aneurysm)	221	67%
Aneurysm, thoracic aorta	92	28%
Angina (coronary heart disease)	237	72%
Aortic insufficiency	168	51%
Carotid stenosis = or >50%	214	65%
Circulatory diseases, legs	156	48%
Congestive heart failure	154	47%
Coronary angioplasty/stent	58	18%
Coronary bypass surgery	32	10%
Coronary disease	274	84%
High cholesterol	236	72%
Hypertension	278	85%
Mitral insufficiency	194	59%
Palpitation, arrhythmias	123	38%
Permanent pacemaker	23	7%
Sick sinus syndrome	91	28%
Silent ischemia (heart attack)	179	55%
Small strokes (TIA)	87	27%
Stroke	78	24%
Sudden death	21	6%

Non-Cardiovascular Diseases		
Cataracts	319	97%
Degenerative arthritis	292	89%
Depression	95	29%
Diabetes	172	52%
Emphysema	221	67%
Erectile dysfunction	197	60%
GI cancer	23	7%
Ling cancer	17	5%
Malnutrition	124	38%
Peptic ulcer	96	29%
Prostate cancer	38	12%
Prostate enlargement (BPH)	298	91%
Tuberculosis	276	84%
War injury	58	18%

Chanwell Medical Group, 1663 Lundy Avenue, San Jose, California 95131 Tel 408 238-4888 Fax 408 270-8608
Stanford paging 650 723-8222 beeper 0516 Email: achan1@leland.stanford.edu

Today I am 80 years old and feel real good and well, especially in the spirit realm. It is this same spirit that took me through 42 months experience under extremely inhumane sufferings under the Imperial Japanese captors as a prisoner of war in the Philippines and Japan proper.

Today I feel no bitterness toward anyone, not even my captors of more than 54 years ago. Today I do not regret this ordeal and I am proud to be an American. I am proud to have served my wonderful country, the good old U.S.A., in war and in peace, side by side with all my American friends.

It was in March of 1941, that I was drafted into the U.S. Army and immediately I requested overseas duty and was shipped with a crack outfit from the New Mexico National Guard, the 200 Coast Artillery Anti-Aircraft. We were shipped from Fort Bliss, Texas, to Angel Island, just off Alcatraz Island in San Francisco. We then boarded the President Coolidge in September of 1941, arriving in Manila, Philippines, October of 1941. I was assigned to full duty U.S. Army. I saw the first day of war stationed in Clark Field, when Japan bombed us. I thought it was the end of the world. Not knowing yet what was to come as short as our command was, we fought to no avail from December 9, 1941, and at Christmas we had to retreat to Bataan Peninsula where we battled until April 9, 1942, when General King surrendered to the enemy.

My father received a telegram informing him that I was missing in action. It was after two years that my father received another telegram saying that I was a prisoner of the Japanese. This was in September of 1943, just a few days after being shipped to Japan. My story in Bataan was a brutal one and I will try to state facts only, as I cannot even relate to some. When they come to mind I freeze, even after this long period of time, this delayed stress is still in my life.

There were a total of 24,000 American troops that were taken prisoners and I believe that 40% died in this infamous death march, the Bataan Death March. It was at Mt. Marriveles where we were taken captive, approximately 180 kilometers from San Fernando Pampanga province. We walked, sometimes trotted double time, for ten days without food or water. The only liquid we were able to consume was by soaking a cloth in the carabao hoofprints that were full of murky water. The only food that we received is what we could get by rushing into sugar cane fields at risk of our lives. Breaking the long lines of columns of four caused the guards to anger and they opened machine gun fire which killed hundreds. This was a fight for life and I saw many that bent their knee only to be bayoneted and left to die. Very well I remember kilometer 47. I was there only three years ago and it came to mind, this place near a place called Limay, as my friend and I from New Mexico (I believe his name was Lawrence), made a dash for a cane field, only to be followed by many more. The guards opened fire with their machine guns, killing all except yours truly. "Brother Tony," you may ask, "how is it that over one hundred were killed and you the only survivor?" This which I am to say is a fact. I was there.

When many began to fall under fire, I hit the ground as this was my only chance. As I fell, a Filipino comrade fell dead on top of me, then another fell on him and, as the head guards came to check their kill, I saw that every one that was still moving or alive were thrust with the bayonet or shot. There I lay immovable, not even breathing. I acted as dead and, as they turned the man on top of me, I prayed. I laid there for more than five hours under a dead man, until dusk. As many prisoners were still on the march near this field, I made my way and joined the crowd. Thank God, He saw why He had chosen me and that is to tell of His greatness. I am so thankful to Him and I am indebted to Him for all of my life.

Many Filipino risked their own lives when they reached into the passing lines to hand us a rice ball or a piece of chicken as we passed their village. I saw many killed for this gesture of love, even though they kept doing this at the risk of their lives. I remember in one village in a schoolhouse I saw the worst atrocities committed by their own soldiers. I saw two cases. I saw Japanese soldiers, one ripping a young woman from the womb to her neck, the other I saw her breasts cut off. In another village where the Filipino were gathered for bread and rice I saw two throwing a baby in the air and catching it with their bayonet while the mothers watched. There were two cases I saw in a similar manner and as they played this game they were in derision with laughter. Very inhumane I believe.

After walking and trotting at the point of the knife, we arrived in San Fernando Pampanga. There we were assembled like cattle fenced in by barbed wire. They fed us for the first time in ten days, but it was too late for some, as they fell dead or fainted by the hundreds. We that were able were assigned to burial detail and given a shovel as bulldozers had already prepared diggings. They already knew what it would be. They made us carry the dead and, as God lives, I will never forget the horror, still in my mind and soul, some that were so weak from starvation and inhumane treatment and all sorts of disease set in them by dehydration, were carried half alive and thrown into the pit that held approximately 500. As they kicked and moved and tried to crawl out we were shoveling in the soil and there was always a Jap behind us with thrust bayonet ordering to keep on working, burying the dead and the living. Yes, a thousand times yes, I knew some of my buddies I could not help and I still have nightmares of this. I took my wife there three years ago to show her exactly the burial place where I saw more than 10,000 buried.

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MY STORY, cont'd...

After three days, I was taken to the rail station in San Fernando, where they loaded us in box cars. These narrow gauge boxcars could only hold at the most 40 persons, but they crowded 80 to 100 in each car. I happened to be one of the first a found a corner with a damaged board where I could see light and through which I could breathe air, even as humid as it is in April, the hottest month in the Philippines. I stood there all the way as we were crowded like sardines. The trip took approximately five hours to Tarlac. When the doors were opened, 30-40% were dead of suffocation and the ones that were left were marched approximately 14 kilometers to the most infamous of camps in history, Camp O'Donnell. Here I saw more than 27,000 Filipinos and 2,400 Americans die with their bodies full of body lice, dysentery, pellagra, malnutrition, beri beri, blindness, yellow jaundice, dehydration, Chinese rot. I had this disease. This is a disease that leaves your feet bare, like leprosy. I was immovable, but when your life is at stake there is hope. We slept on the bare ground and they fed us, those that were sick, once a day, and those that were able, twice a day.

There were two brothers from New Mexico that survived the death march with me and one night in Camp O'Donnell as we slept together, I was in the middle. In the morning I awoke early and tried to waken Chuck White and he was dead. I then tried to wake his younger brother to tell him the bad news, and he was also dead. You see, death is not far away and it is closer than you think. This ordeal from the beginning to end made me pray the hardest. Again I say, God had His hand on me so that I would live to tell you He is great.

As I sat there by the fence I watched them carry they dead, those they had murdered and those that had died of starvation and sicknesses. They carried them tied to an army quilt tied to a pole, with two carrying the dead body. This went on constantly 24 hours a day until about the last of May or the first of June. Then they took us by truck to Cabanatuan, Neuva Ecija Province.

Here they had two camps, Number One and Number Two, but I was not taken there. I was taken to Zero Ward, as this was a ward for the dying and sickest. I was 90% sick, unable to work and they were waiting for me to die. Here in this war I saw many die, but again I prayed and God heard my prayer. It was in August that I was transferred to Camp Number Two, yet only one meal a day. Finally I volunteered for duty on the farm with Farmer Jones. At least there I could survive as I could eat a few greens or catch a few grasshoppers, snails or snake. Everything was legal for survival, but the farm was rough work as the honchos (bosses) were very tough and inhumane as could be. We had one we called "Speedo" who wanted things done right away, no reason given, or you would be tied to the ant pile. These ants grow up to 3/4 of an inch. I also experienced this, but I will not go into detail. There was another honcho called "Donald Duck". He spoke like him and he liked the name until he found out who Donald Duck was and then he got harder. He was a stocky short-legged one and wasn't worth much, but both of them were mean.

We cultivated with pick and shovel and rake. We watered with two five-gallon cans, carrying water from 1/4 to 1/2 kilometers away. We all had a block to take care of and we had to keep it and to produce it until harvest. It was a good thing for me, as work has never hurt anyone. So our food improved until the time came that they needed laborers in Japan when they were using all the men for war. In September 1943, they shipped me to Mogi City, Japan, and the ships that we were transported in were not marked. They were cargo ships loaded with coal. Again, God saw fit to save my life and I was placed on deck cooking for the rest. I saw American submarines surface and fire at us, but we were never hit. We know that two of our ships were sunk and many lives were lost, but we arrived safe in Mogi City, Japan.

From Mogi City we went to Niigata, a place on Honshu Island only a few miles from Hiroshima where they dropped the atom bomb in August of 1945. History tells us that there were three sites chosen for the drop: Hiroshima, Niigata, and Osaka. Thank God they chose Hiroshima and not Niigata, for otherwise I would not be here to tell you this. We arrived in Niigata, Japan, in October of 1943, and were taken directly to the place where we were to work. Two companies were there unloading coal ships and pushing coal cars. This is where I spent two winters. This was the toughest, as all was done by physical labor, carrying two baskets full and balanced, on the shoulder; or pushing two-ton coal cars, mostly flat wheeled cars, around trestle. It was a deadly job in winter, where it snows as high as 10-12 feet and blows worse than anything I can mention.

We walked five kilometers to work in the dark and five kilometers back in the dark, six days a week, and were given only two meals a day to the sick and to those that worked three meals and a rice ball in between for good work. There were issued only straw hats, straw shoes, straw coats. The only clothes we had were what we took from the Philippines. I don't remember having underclothes in three years. One blanket was issued so we doubled and we slept opposite so that we could massage our feet as we had no heat and the cold was severe. It got down to twenty degrees below. My feet were frozen and bitten and I still suffer from my feet and face. Our ration was merely 500 grams of rice plus maybe some turnip soup and occasionally a few fish heads in our soup. Really, what I survived on was grass, snails, grasshoppers, and one time a lizard and a cat. Well done. My weight at the end was 79 pounds.

We only took a bath once a month. It was a communal bath - women, men, children and prisoners in a large wooden tub, like our sauna tubs only larger. Steaming hot, it felt good to lay there. It measured approximately 30 feet by 30 feet. Oh, how good it felt to just sit there. •