米国管理下の南西諸島状況雑件　沖縄関係　財産関係（講和条約発効前の米軍による財産損害補償問題）（第二巻）

[redacted]

下院公聴会

下院外務委員会東太平洋分科委員会に於いての下院共同決議案第２５１号に関するスパーク　M：マツナガ下院議員（ハワイ選出）の証言

１９６５年７月２８日

分科委員会委員長及び委員の皆様、下院共同決議案第２５１号を支持する私の意見を発表するこの機会に感謝申し上げます。　この共同決議案は私が提出したものでありまして、対日講和条約以前即ち１９４５年から１９５２年までの間に沖縄に於ける不法行為の損害賠償請求と土地の使用に対して琉球列島住民に補償金を支払うためのものであります。

私の決議案は、陸軍長官によつて（私あての１９６５年１月８日付の手紙にある）下院に勧告されておられる決議案と同一であります。長官と彼の僚友はこれらの提案について後に詳しく説明されるでありましょう。　彼らは勿論そうするに足る人達です。と申しますのは、沖縄の人達の支払請求は陸軍省の出席した共同委員会に依つて充分に調査されたものですから。　その精査の結果は、初め提出された時の５，３００万ドルの支払請求は約２，２００万ドルに下げられました。

これは、住民の死傷及び１９４７～１９５０年間の土地使用料、地主に返されたもので悪くいたんだ土地の回復、水利権の充当金及び建物作物、樹木の損害に対しての支払請求を含んでおります。　土地使用料の請求でありますが、これは１９４６年の分は含んでおりません。と申しますのは、この年は戦後の整理期であり、地主は自分の土地に帰還しておりませんし、作物もつくつていないからであります。１３年間それ以上の間これらの支払請求には支払いはなされておりませんが、利息は含んでおりません。

この決議案は、琉球の米国行政に於ける重大な手抜かりを修正するものであり、かつ死にいたり或いは負傷した何十万という住民或いはまた戦争が終り、対日講和条約発効前に我々の軍隊の行動のために財産を剥奪された人達を正当に取り扱うでしよう。　当時、米国は直接かつ唯一の政府の権限行使していましたし、我々は対日戦争の結果としてだけでなく米国の戦略的利益のために沖縄に相当の軍隊を持つておりました。

法の問題としては、沖縄の住民が米国軍隊の種々の行為に対して補償金を得ることは疑問をはさむ余地はありません。　本土に於いてはこれは連合国最高司令官の監督の下に、日本政府によつてなされましたが琉球列島に於いてはこれを行う財政上責任ある政府はなく、日本政府は、利益にあずかることからは除かれました。　沖縄住民はこれまで再三施政権者の米国政府に対して損害補償支払要求を提出しております。　米国は直接かつ唯一の支配力を行使していますから補償金の支払いがなされる保証の責任がある事は疑いのないことです。

損害補償金支払いの国際法に於ける米国の責任に関する問題のためにアメリカ政府の決断は遅れました。それは対日講和条約で日本政府は、戦争及び日本領土の占領によつて起つた日本人の損害補償を米国政府に対して請求することを放棄しました。

個々の補償請求者は占領の７年間、他の占領地区に於いてなされる慣例に反して、彼等自身の過去によらずに補償をされないままに居たという事実、琉球の施政者として米国は琉球住民の福祉に関心をもつている。（補償金の）支払いは米国の安全を促進し、米国のフエアプレーの精神と公正に対しての尊敬の念を育てるという諸事実を認識して、法的責任は受けないが、しかし、米国は補償をするだろうと執行部は勧告しています。

私は、全くこの見解に賛成です。が個人的には考え方を先にもつと進めます。　即ち私は、１９４５年以降琉球列島に於いて起つた事に対しては、我々の全くの責任であるとの見方で、講和発効前になされたことに対して補償が実施された。と沖縄の住民が知る、我々には義務があると示さ致します。　私は、これを強調致します。といいますのは、この決議案は恩恵での支払いを提案していると真実を幾らか誤解することもあるでしようから。　法律家として、私は陸軍省が（私の述べた事を下に）要請する動機を理解しております。　国際法に於ける琉球の特別の歴史が、我々をして、占領軍として我々が統治していた島民に対する法的責任をと

るという先例を作らせずに慎重にさせております。しかしながら、琉球列島の主権者である日本政府に対しての合衆国の国際法での責任は、対日講和条約によつて消滅致しましたが、１９４５年以来、我々が排他的主権を行使している所の住民を正当に取り扱う責任は解除された訳ではありません。　沖縄の損害補償請願を処理するについては、我々は唯、我々政府の直接の責任を果すもので、前々から存する義務という問題は起りません。これは政府傭人や天災によつて害を被つた人々を援助するための自国の法律と本質的には同種のものです。　もし我々が我々の軍隊の行動に対する補償金を与える法律を自国に持つていなかつたなら、それは合衆国の立法者としての我々の責任であつたでしよう。ですからそれは本質的には我々が今ここで遅まきに果している立法責任と同じ種類のものであります。

私が、既に述べましたように陸軍省代表は、これらの補償請求を充分に調査されており、良くこれらを説明できます。しかしながら、この会に出席します前に私は、どのような問題が含まれているかを私自身理解し知る責任があるのだと感じました。　統計と分析は既に皆様の前にあります。私は、82,000件の補償請求の内、いくつかを詳しく皆様に説明致したいと思います。

仲村将勝は宜野湾に住みそこに彼は約3,700 坪の土地を持つており、その内の３分の２はまだ米軍が使用しています。よく知られている測定単位に直しますと１坪は３６平方フイートで1,210 坪は１エーカーに相当します。彼は妻と２人の子供があります。１人はその土地の政府で働らき、１人は学生です。彼等の家は借地に建つています。彼の家の収入は農業と警官としての息子の働らき、米国に貸してある土地代から来ますが、2,000 ドルに足らず、これでは戦前のような家を持つことは出来ません。この家は発効前土地使用料として９１７ドル４４セントを得る立場にあります。彼等この金を自分達の貧しい貯金を加えて恒久的家を造るために使うでしよう。

仲村春幸も又宜野湾に住んでいます。彼等の請求額は７０２ドル８２セントであります。８人の家族構成で１人の娘は米軍で働らき５人の子供達は学校です。現在の収入は約2,000 ドルです。即ち約1,200 ドルは雑貨類の店の営農から、４１７ドルは米軍の使つている土地の使用料、４８０ドルは娘の給料です。彼等は非常に古く、老朽化した借家に住んでおり、それは次の台風シーズンではこわれそうなものであります。彼らは受け取つた金はその家の修繕に使うでありましよう。　この2,000 ドルの収入のある家庭では、１年に７００ドルを子供の教育に使つています。この補償金は、これを（修繕を）するために役立つでありましようが沖縄の人達は教育を優先すべきもの、重要なものと考えていますので、家を修繕する前に使つてしまうだろうとも言えます。

長嶺三郎はコザに1,889 坪の土地を持つて住んでいます。その土地は全部発効前は米軍が使つていましたが、３分の２は１９５２年６月に自由になりました。その土地は兵舎に使われており土地の表面はコンクリートと石でおおわれていました。彼はその土地を出来るだけ元通りにしていますが、いい仕事をするにはブルトーザーが必要です。彼は土地の復旧補償金を９６０ドル、及び土地使用料として５９３ドルを受ける資格があります。彼はそのお金を自分の土地を良く農業の出来るコンデイションに戻すために使う計画をしています。

玉那覇牛は1,461 坪を持つており、５６４ドル６２セントの補償金を受けることになつています。彼の財産の全てはまだ米国が使つております。　毎年使用料を受けており、子供が１人おります。夫は米軍のために働らいており、１ケ月６０ドルをもらつております。全収入は約1,200 ドルです。貧しい生計で借地にチヤントした家を造るために借金をしました。それで彼等は（補償としてもらつた）お金を借金の返済につかうでしよう。

古謝元一郎は嘉手納村に住み1,290 坪を持ち土地使用料としての５５７ドル３６セントと復旧補償金２０２ドルを受けることになつています。彼の土地は全部米軍が使つていましたが、１９６１年に２８９坪は使用出来ない状態で返されました。それは飛行場への材料を運ぶ堀割道として使用され、海が浸触してすべての実用的目的のためには破壊されま

下院外務委極東太平洋分科委員会における極東業務に関するサムエル・バーガー国務次官補の証言。　　１９６５年７月２８日

私は今日、対日講和発効前に米軍の行為及び怠慢によつて起つた死傷及び個人財産の使用と損害に対して、琉球人に任意の義援金を認める下院共同決議案２５１号について国務省の見解について述べるように要請され出席しました。

御承知のように、大統領は、合衆国が琉球列島を統治する必要があると見る限り、琉球列島施政についての責任を国防長官に委任しております。　講和前補償問題が国務の琉球問題である限りレサー長官や他の国防省の代表者が前に表明された国防省の見解を国務省は支持致します。しかしながらこの提議されている法律制定によつては二つの外交政策の問題があります。　それについて国務省は論評したいと思います。

先ず最初にこの法律制定と日本国との平和条約との関係であります。　その条約の１９条（ａ）には次の通り書かれております。

「日本国は戦争から生じ、又は戦争状態が存在したためとられた行動から生じた連合国及びその国民に対する日本国及びその国民の全ての請求権を放棄し、かつこの条約の発効前に日本国領域におけるいずれかの連合国の軍隊又は当局の存在、職務遂行又は行動から生じたすべての請求権はこれを放棄する。」

琉球列島の住民は日本国民であり、そしてこの節に詳述されている「講和条約発効前」の期間は琉球諸島は日本の領土であつたというのが我々の見解であります。それ故に米国は、講和発効前に琉球諸島における米国の存在、職務遂行又は行動から生じた琉球人の損失を補償する法的義務はないと信じます。

日本政府は、講和発効前の期間、この地域における施政権を持つていなかつたので、琉球における発効前の損害については如何なる法的責任はないと拒否し、講和条約第３条によつてその地域での施政権はまだありません。　又日本は、これらの補償についての米国の無責任を定めて

した。　彼等は自分の土地に住むことが出来ずに自分の住んでいる土地に使用料を支払わなければなりません。彼がもらう事になつている補償金では代りの農耕地を買うには充分ではありませんが、その方向に行く援助は出来ましよう。

これらは補償金を受ける家族の典型的なケースで互いに違つております。　１戸当りの請求額の平均は２７５ドルであるから、明らかにもつと小さい額の請求もありお金は役に立つが、彼等の生活に大きく作用はしないでありましよう。しかしながら、彼等の請求がかなえられることに彼等の遠くにいる支配者は充分注意をしているという報道は彼等の気持を大きく変える事でしよう。

今年の１１月に立法院の選挙があります。　沖縄の親米派の一部では、もし合衆国が政治的動乱なくして沖縄を占領し続ける積りなら、講和発効前の補償請求は速かにかつ請求者に有利に解決されなければならないと心配しております。　同じように米国政府がこれらの補償請求解決に長い間手間どりますと大きな政治的争点となり、かつ重要な合衆国の基地のある住民の間の不満の根源となると懸念しております。

分科委員会委員長及び委員の皆様、これらはこの分科委員会に提出されてあります共同決議案の基礎的考察であります。　法の上に於いても公明さに於いても、我々の沖縄の友達の補償のためにこれらは有効な根拠を与えます。　私は、共同決議案について有望な報告を勧説致します。

いる19条（a）の放棄条項が日本側にこれらに対する責任を生じさせた事を拒否しております　前の占領当局米国と名目上の主権者日本とは講和発効前に被つた琉球人の損害補償請求についての法的責任を拒否していますので、個々の琉球人は琉球政府を通じて、施政権者である米国に対して賠償を懇請する以外に補償の請求はないようであります。　国防省は、これらの請求の合法性と、琉球における米国の計画とその関係について既に論評しております。

第二に、日本政府は法的責任を拒否はしていますが、講和発効前に被つた損害に対する補償を請求する琉球人に対して任意の支払いとして、１９５７年に１０億円（２８０万ドル）を支払つたという事実に委員会の注意を喚起します。　この支払いは、全額米国によつてなされる将来の支払いの「立替金」としてなされたもので、日本の閣議は、講和発効前の期間に琉球人の被つた損害を補償すると後に米国が決定した時この１０億円は返済されると決定しました。

合衆国も日本も現在、琉球の経済発展と社会福祉に貢献しております。が我々は講和発効前補償を合衆国が解決することは我々共同の目的に事実上貢献するものと期待しております。　我々のこの解決の一部を日本政府が前に行つた任意の支払いの返済に充てるために利用することはこれによつて、琉球における経済成長を刺激する米国の支払いの効果を非常に弱めるものとなりましよう。　この補償請求を解決する政府の提案を準備するにあたつて国務省はこれらの理由を日本政府に述べ、日本政府が１９５７年の支払いの返済要求を撤回するように要請しました。　日本政府は、日本政府の要求を放棄するようにとの米国の要請の根底にある目的については同情し、賛成するものであるが、琉球よりも他の地域における未解決の請求に関連して日本の法的位置を不利に作用できる法の決議を通じてのみ日本は先の閣議の決議を破棄できると我々に述べております。

日本政府は我々が全額支払う時、日本は返済されるべきであると考えていますので、合衆国の支払いは、先に日本が支払つた額を含めていないと規定する項を挿入の結果、我々の国との間の緊密な友交関係に、不幸に影響するような日本政府の反発は考えられません。

下院外務委極東太平洋分科委員会に於ける琉球列島高等弁務官アルバート・ワトソン中将の証言

委員長及び委員の皆様。この委員会に出席出来ましたこの好機に感謝致します。　私の目的は米琉合同委員会とその審議に関して、講和発効前の支払要求の種類について詳しい情報を添えて、皆様に裏付け情報を提供するためであります。

私は、琉球列島の高等弁務官として、１９６４年8月１日に就任しましたが、この立法提議は１９６１年に計画され始めておりました。

レサー長官が述べられましたように、この問題は、占領中琉球に駐留した米軍の行動によつて起つた合衆国に対する全ての損害補償請求が１９５２年４月２８日に発効した日本国との平和条約（サンフランシスコで調印）で破棄された事によつて起つたものであります。　１９６１年４月６日、時の高等弁務官は、合衆国政府は、この問題について詳しく調査する用意がある事を示しました。この調査を行い、集つてすべての情報を検討し、かつ高等弁務官に勧告することを任務とする合同委員会をつくると述べた。この発表によりレサー長官が述べましたように高等弁務官は４人のアメリカ人の委員を指名し、一方琉球政府の主席が４人の琉球人の委員を指名致しました。　アメリカ側の委員は、民政府、米国土地裁判所の当時の裁判長ジョンＰ．キング氏、民政府法務局弁護士ユウジン・スラータリー氏、沖縄米国陸軍地区工兵隊不動産部監督官フェリツプＴ．サントス氏、及び民政府の土地部の当時の部長リチヤード・ローズ氏でありました。　琉球側の中心人物は琉球政府法務局長久貝良順、他の３人は、立法院議員で、この問題を提出している講和発効前損失請求者によつて構成されている期成会会長桑江朝幸氏、著名な弁護士牧野博嗣氏及び元那覇市長の仲本為美氏の３委員。

この委員会は６１年５月１０日から１２月２９日までに１９回集まり、そして請求者の代表者によつて数年間に亘つて集められた補償請求を助ける証拠資料を詳細に調査致しました。　不動産使用料としての補

償請求は口頭と米国政府に使用された占領されたという文書による証拠によつて証拠立てられ、人身の死傷及び人身の損害不動産の損害は、請求者及び琉球の役人証拠書類によつて確認されます。　広範囲にわたる証拠書類は大体口述書、調査報告及び損害を受けた時作成された警察記録であります。　このかさばる記録証拠は全部提出されており、琉球においてはファイルされております。　又、委員会は返還された土地に関しては特に損害請求の現地調査を何回も行いました。

これらの損害請求を取り扱い処理するについては、合衆国は義務や義務をおうものではない。又、万一これらに対して合衆国が任意の支払いをするなら、その支出は合衆国には迷惑をかけずに琉球政府がやるということに委員会は同意しました。　合同委員会の決定はすべて満場一致のものでありましたので、決定はフエアであり衡平法上有効なものであると私は信じます。　時の高等弁務官は合同委員会の決定と勧告を承認し、それが政府の案の中に組み入れられ、今皆様が審議されているものであります。

損害請求は２１の異なる種類にわたり、それは私の証言に添付されてあります表の中に概括されております。　その各種類について注釈するなら多分お役に立つことでありましよう。

１．　土地使用料

これはすべての種類の中で非常に大きなもので、約141,600の請求、金額にしておよそ1,500 万ドルであります。　何故委員会が土地使用料を審議する講和発効前の期間というものを１９４７年１月１日から１９５０年６月３０日までの３年半に制限したか説明しなければなりますまい。　合同委員会は１９４５年の後半と１９４６年についての土地使用料の補償請求は受けませんでした。と申しますのは、この期間には琉球住民はまだ方々に点在していて土地は空いており、作物は植えてなかつたからであります。　作物生産の損失が畑の使用料を計算する時の一致した根拠でありましてこのすべてものが離散している期間には、畑でない土地を利用するような金になる方法はなかつたのであります。それで委員会は、幾分勝手のようで割と正しい。１９４７年１月１日を土地使用料補償請求の期間の最初の日と決めました。さらに、レサー長官が説明されましたように委員会は、１９５０年６月３０日をこの期間の期限の切れる日としました。何故なら、その年の７月１日現在、米軍は、彼らの使用している不動産に対して借地として使用料を払い始めたからです。　講和発効前の土地使用料請求はそれ故に３年半の期間、即ち占領期間の約半分の期間にわたるものであります。

講和発効前に米軍が保持したいろいろな農地の生産性や他の土地の価値を決定する幾分複雑な方法について、ここで皆様に詳しく説明しようとは思いません。　これらの統計は、もし皆様がこの問題を研究なさりたいのでしたら、皆様の価値考慮には役に立つでありましよう。いずれにに致しましても、農業及び商業土地の使用料について委員会が定めた方法は公正で、実際的であり、その当時の琉球での物の価値と一致していると私は信じます。　極東、特に朝鮮や日本に於いて、米軍の借用した土地使用料を決定することについては多くの場合、これと同様な基準がうまく適用されていることを知つております。

２．　復元補償

この請求は、わずかに２５０万ドルを超える額です。　この特殊の請求は不動産を借りる如何なる人、いかなる組織もそれを借りた時の状態にその所有地を復元する、即ち借用期間になされたいかなる損害をも弁償する（世界中で米軍によつて遂守されている）原則によるものであります。　土地の復元費が土地の値段に等しいか或いは超える時は土地の値段が基準となります。

最初の部類の土地使用料請求と共に、我々は同様に１９４７年１月１日から１９５０年６月３０日までの３年半の間に行つた損害についてのみかかわりがあります。又、その期間中に実際に借用されていた土地に起つた損害のみを我々は扱います。　現在まだ米軍が使用しているが、その期間中に改造を加えられた土地の請求については委員会は考慮しないこ

とに決定しました。というのは（住宅地域、病院、飛行場、道路、パイプラインその他永久型の設備）などの土地の改造は損害ではなくて、むしろ土地の価値を増した改良だとみるべきだとの委員会の見解であり、私はこの見方に賛成であります。

復元請求の土地は現在では全部米軍によつて地主に返還されております。既に述べましたように、まだ米軍が使用している所の土地の改造については請求はされないと委員会は決めてあります。

3． 水利権補償

米軍は二つの大きな水利、泉を補償金なしで接収しました。両方から1日に150万ガロンの水が出ます。この水利の持主は以前はこの水を作物の灌漑、家事、及びごくわずかの発電のために使つていました。この水利の持主の被害は約5万ドルであります。

4． 身体損害及び死亡

85万ドルにのぼる人身の死傷のため損害賠償は米軍備員によつて起こされたものでありました。この不法行為の損害賠償は事故（車輛飛行機、船を含む）弾薬、ガソリン爆発及び物理的自然の害によつて引きおこされたものであります。1945年8月15日から1952年4月28日までに346人の琉球人が死に382人がそのような事で負傷しました。正式の補償金は、これらの被害者に支払われてはいませんが、約74ドルの寄付金がアメリカ人によつて弾薬爆発の犠牲者に支払われました。これらの寄付は死傷に対して委員会が認める賠償請求からは控除されております。

5． 立毛

約5，000ドルの生長しつつある作物が米軍の接収地で台なしになりました。

6． 果樹、桑、茶

これらの被害は、約43万ドルにのぼりました。この樹や植物は数年経つたもので結実しておりました。その樹や植物の値段は破壊された当時の市場価格によるものです。

7． 立木竹

樹木（松、竹等）が約60万ドルの損害を蒙りました。

8． 薪炭材

薪や木炭の原料にいい堅木が約18,000ドルの損害を受けた。これは約1,600万ボードフイートの木材を含んでおります。

9． 建物使用料，

1945年8月15日から1952年4月28日まで米軍は料金を払わず604の建物を使いました。これらの家賃は74,000ドルであります。

10． 建物破壊

米軍の家屋及びその他の必要な建物のために土地を利用するとして破壊当時約61万ドルの3,225の建物が米軍によつて破壊されました。

11． 井戸

1,332の井戸が破壊されました。金額約80,000.00ドル

12． 墓

941の墓が破されました。金額約65,000.00ドル

13． 溜池

52の溜池が駄目になりました。金額約65,000.00ドル

14. 石垣

1,994 の石垣が破されました。 金額で約390,000.00ドル

15. 貯水タンク

219の水槽が破されました。 金額で約14,000.00ドル

16. 滅失地

米軍による海岸提防の破壊及び自然の水路の転換によつて起つた潮や水の作用によつて莫大な土地が破壊されました。失われた土地には約23,500ドルの価値がありました。

17. 製糖工場の破壊

製糖工場が米軍によつて破壊され、持主に約8,000 ドルの損害を与えました。

18. 沿岸漁業権補償

米軍は9つの漁業組合が近海で魚を取ることを拒否しました。この組合は長い間この近海での漁業を許可されておりました。彼等は243の漁船と712人の漁夫を使つておりました。 委員会は、この漁業組合は約560,000ドル損害を蒙つたと見ておりますこれについては彼等はまだ補償を受けておりません。

19. 建物移転

米軍はある土地を強制使用しました。その土地からは3,751 の建物を屋主の費用（約220,000ドル）で移転させました。

20. 残地補償

多くの輸送管路、電灯、その他の設備が個々の所有者の部分から成る土地を必要とし、多くの場合、これは地主に非常な損害を与えました。それは地主の財産の一部を他から切断したからであります。土地をキレギレに切断する事によつて起つた損害は約14,000ドルになります。

21. 不法行為による財産損害

米軍が彼等の兵士に対しての注意を怠つたために、飛行機事故や弾薬の爆発（．．．その内特に目立つのは1948年8月の伊江島の港におけるLCT弾薬の爆発．．．）で建物やその他の財産に約80,000ドルの損害を与えました。

これでいろいろな種類の賠償請求についての説明を終ります。この私の短評は、合同委員会がどのような働らきをしているか。どのような決論に達したか。について皆様に概念を与えたことと思います。 合同委員会の委員長でありますキング判事が直接皆様に合同委員会の仕事を詳細に説明し、かつ我々が提案したものについて皆様が持たれる疑問に対してお答えするために出席できなかつたことは誠に残念であります。 彼は時々ひどい心臓病で苦しんでいましたが、計画通り聴聞会に出席するために彼がワシントンへ帰つてくるのは医学的に見て無謀にひとしいと医者がいうまでに最近は悪化しております。

合同委員会の委員長として当時の高等弁務官が彼を選んだことをキング判事の前歴と経験は充分に満足させています。 約8年前に民政府の文民役人となる前には正規軍で40年間抜群の働らきをし、1956年に陸軍大佐の位で退役しました。彼の軍隊の経験には、1916年のメキシコ国境事件、第1次大戦、第2次大戦、それに朝鮮戦争が含まれております。彼は、スタンホード大学法律学部を法律の博士号を得て卒業し、1925年以来カリホオルニア法曹会の現役メンバーであります。軍歴の大部分は陸軍法務部長団で弁護士として働らき、その仕事の最後の12年間は、彼の時間は合衆国に対して外国人が提出した賠償請求を調査するために専ら用いられました。 ハワイ滞在の1943年には、個人的に、作物の紛失損害や土地の不法侵入に関する賠償請求を精査しました。1944年から45年までニューギニアとフイリッピンに滞在して樹木、作物及び

個人財産に関する賠償請求を調べ、１９４５年から５１年まで外国賠償請求委員会第１７３の委員長として朝鮮における賠償請求を詳しく吟味し、１９５１年から１９５６年までは日本において同様の仕事に従事していました。

民政府での文民役人として８年以上の正規仕事は米国土地裁判所の裁判長でありました。これは琉球の米軍が返還した土地の査定価格についての問題に判決を与えるものです。同時に民政府の控訴裁判所の陪席判事として働らきました。　合同委員会の委員長を引受けて、キング判事は賠償問題における立証済みの適任者としての法律能力と広範囲にわたる経験ばかりでなく日本語の知識、多岐にわたる法知識、極東のいろいろな住民の習慣の知識をもこの仕事に注ぎ込みました。キング判事が不幸にも欠席しましたので、彼の経歴について簡単に述べました。　どのような人物がこの重要な委員会の委員長を勤め、この委員会を指導して結論や判決を下し、確実で実際的な分析に基いて高等弁務官や執行部が承認した所の勧告をしたのか、皆様が知るべきだと信じたからであります。

最後に貴委員会と議会によるこの提議案の好意的な審議が、琉球列島及び自由世界の到る所に於ける合衆国の正当な義務を果すだろうことを信じ、私の証言を終ります。

添付書類

賠償請求表

添付書類

賠　償　請　求　要　約

項　　目	金　　額
1. 土地使用料	$ 14,939,539.00
2. 復元補償	2,518,718.71
3. 水利権補償	50,377.00
4. 身体損害及び死亡	831,032.69
5. 立　毛	5,019.00
6. 果樹、桑、茶	431,066.00
7. 立木竹	81,468.00
8. 薪炭材	18,399.00
9. 建物使用料	73,908.00
10. 建物破壊	610,982.00
11. 井　戸	111,281.00
12. 墓	609,834.00
13. 溜　池	65,569.00
14. 石　垣	393,423.00
15. 貯水タンク	13,807.00
16. 減失地	236,469.00
17. 製糖工場	8,376.00
18. 沿岸漁業権補償	562,607.00
19. 建物移転	219,259.00
20. 残地補償	13,293.00
21. 不法行為による財産損害	80　　00
合　　計	$ 21,

北米局長

送　付　　公参 事官

北米課長

政第5080号	昭和40年7月29日
外　務　大　臣　殿	在米　武内大使

引用公・電信番号　往電第2109号

送付資料　沖縄（講和発効前後処理）関係（下院公聴会）

1. Statement of Spark M. Matsunaga, Member of Congress from Hawaii　　July 28, 1965

   "On H. J. Res. 251, before the Subcommittee on the Far East and the Pacific, of the House Committee on Foreign Affairs"

2. Statement Prepared for Delivery by Honorable Stanley R. Resor, Secretary of the Army

   "Before the Subcommittee on Far East and the Pacific of the Committee on Foreign Affairs U. S. House of Representatives"

備　　考

3. Statement Prepared for Delivery by Lt. General Albert Watson, II, High Commissioner of the Ryukyu Islands

   "Before the Subcommittee on Far East and the Pacific of the Committee on Foreign Affairs, U. S. House of Representatives"

4. Statement Prepared for Delivery by the Honorable Samuel D. Berger, Deputy Assistant Secretary of State for Far Eastern Affairs

   "Before the Subcommittee on Far East and the Pacific of the Committee on Foreign Affairs, U. S. House of Representatives"

本信写送付先：----------(別添省略)

別紙添付	付属物空便(行) ✓	付属物空便(貨)

至急	速達
次官	
政務次官	
事務次官	
官房長	
北米局長	
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後藤	

電報受信済 40.8.-2

STATEMENT OF SPARK M. MATSUNAGA, MEMBER OF CONGRESS FROM HAWAII, ON H. J. RES. 251, BEFORE THE SUBCOMMITTEE ON THE FAR EAST AND THE PACIFIC, OF THE HOUSE COMMITTEE ON FOREIGN AFFAIRS

July 28, 1965

Mr. Chairman and members of the Subcommittee, I thank you for this opportunity of appearing before you and expressing my views in support of H. J. Res. 251, the joint resolution that I have introduced, to provide compensation to inhabitants of the Ryukyu Islands for tort claims and land use in Okinawa in the years 1945 to 1952, before the Japanese Peace Treaty.

My resolution is identical to that recommended to the Congress by the Secretary of the Army in his letter to the Speaker of January 8, 1965. The Secretary and his associates will later explain these proposals in detail, and they are, of course, the right people to do this because the claims of the Okinawan people were reviewed fully by a Joint Committee on which the Department of the Army was represented. The result of this review was to scale down the claims from $53 million, as originally submitted, to approximately $22 million.

This includes claims for personal injury and death, for land rentals for the years 1947-1950, for restoration of lands released to their owners in damaged condition, for appropriation of water rights, and for damage to buildings and growing crops and trees. Land-use claims are not included for the year 1946 because this was a period of postwar adjustment in which owners had generally not yet returned to their lands and produced crops. No interest is included, although the claims have gone uncompensated for 13 years and more.

This resolution will rectify a serious omission in the U. S. administration of the Ryukyu Islands and do justice to hundreds of thousands of the inhabitants whose relatives were killed, or who were injured, or who suffered deprivation of property through the acts of our Armed Forces during the period following the termination of hostilities and prior to the Treaty of Peace with Japan. The United States exercised direct and exclusive governmental authority at that time, and we had substantial forces in Okinawa in the strategic interest of the United States, not only as a consequence of the war against Japan.

As a matter of law, it is unquestioned that the people of Okinawa are entitled to be compensated for these various acts on the part of the U. S. forces. In the main islands, this was done by the Japanese Government under the supervision of the Supreme Commander for the Allied Powers. In the Ryukyu Islands, there was no financially responsible local government that was able to do this, and the Japanese Government was cut off from all participation. The people of Okinawa have repeatedly presented their claims to the U. S. Government as the administering authority. Since the United States exercised direct and exclusive control during the entire period, there can be no doubt of U. S. responsibility to assure that compensation is effected.

Action on the part of the U. S. Government was delayed by a question with respect to U. S. responsibility in international law to pay the claims, in view of the fact that in the Japanese Peace Treaty, Japan waived all claims of Japanese nationals against the United States arising from the war and the occupation of Japanese territory. The executive

branch has recommended that without accepting legal responsibility, compensation nevertheless be made by the United States in the recognition of the facts that the individual claimants were, through no fault of their own, left uncompensated during the seven years of the occupation, contrary to the practice followed in other occupied areas; that the United States, as the administering authority for the Ryukyus is concerned with the well-being of the people; that such payment would promote the security interests of the United States; and that it would foster respect for the spirit of fair play and equity of the U. S. Government.

I completely concur with this view, but I would personally go further. I suggest that in view of our complete responsibility for what occurred in the Ryukyu Islands since 1945, we have an obligation to the Okinawan people to see that effective compensation was made for what was done during the pre-Treaty period. I stress this because there may be some misunderstanding of the fact that the resolution proposes ex gratia payments. As an attorney, I understand the motives of the Department of the Army in placing the request upon this basis. The peculiar history of the Ryukyu Islands in international law makes it prudent that we not establish a precedent of accepting legal responsibility to the inhabitants of a land that we governed as an occupying military power. However, the fact that any international legal responsibility of the United States to the Japanese Government, regarded as sovereign over the Ryukyus, has been extinguished by the Japanese Peace Treaty, does not absolve us of the responsibility to deal justly with the people over whom we have exercised exclusive powers of sovereignty since 1945. In dealing with the petitions of the Okinawans

for compensation, we are simply exercising our direct governmental responsibility, and the question of pre-existing legal liability does not arise. The situation is essentially similar to domestic U. S. legislation providing help for people injured by government servants or acts of God. If we did not already have legislation to provide compensation in the United States for acts of our armed forces, it would be our responsibility as legislators of the United States to provide it. It is essentially the same kind of legislative responsibility that we are belatedly discharging here.

As I have said, the representatives of the Department of the Army have fully reviewed these claims and can best explain them. However, prior to coming before this Committee, I have felt that I had a responsibility to understand and know for myself what kind of matters are involved. The statistics and the analysis are already before you. I want to provide you with the details of some illustrations of just a few of the 82,000 separate claims.

Masakatsu Nakamura lives in Ginowan where he owns about 3.7 thousand tsubo, of which two thirds is still under use by the U. S. forces. Translated into more familiar units of measurement, one tsubo equals 36 square feet, and 1,210 tsubo equals one acre. He has a wife and two children, one working for the local government and one a student. Their house is on rented land. The total family income from farming, from the son's work as a policeman, and from land rentals from the United States, comes to less than $2,000, which does not permit them to acquire a house at all equal in quality to their pre-war house. This family stands to receive

$917.44 for pre-Treaty land rentals. They will use the money, along with their modest savings, to build a permanent house.

Shunko Nakamura also lives in Ginowan. Their claim is $702.82. There are eight members of the family; one daughter is working with the U. S. military and five younger children are in school. Their present income is about $2,000: some $1,200 from the operation of a grocery store, $417 as rental for their lands still occupied by the U. S. forces, and $480 as the pay of the employed daughter. They are living in a rented house that is so old and decrepit that it is likely to collapse in the next typhoon season. They will use the moneys received to help repair the house. This family, with an income of $2,000, is spending $700 a year for the education of their children. It could be said that the compensation will help to do this, but the people of Okinawa regard education as having a priority, and the necessary sums will be spent before they repair their house.

Saburo Nagamine lives in Koza on 1,899 tsubo, all of which was occupied by U. S. forces before the Treaty and two thirds of which was released in June 1952. The land had been used for the site of a barracks, and the surface was covered with concrete and rubble. He has restored it as best he can but needs a bulldozer to do the job right. He is entitled to $960 as restoration compensation and $593 for rentals. He plans to use the money to put his land back in good agricultural condition.

Ushi Tamanaha owns 1,461 tsubo and is supposed to receive compensation of $564.62. All of his property is still being used by the United States. They receive annual rentals. They have one child. The husband is working for the U. S. forces, for which he gets $60.00 a month. Total income is

about $1,200. They make a poor living and went into debt in order to build an adequate house on rented land. They will use the money to pay some of their debts.

Genichiro Koja, who lives in Kadena, owns 1,290 tsubo and is scheduled to receive $557.36 in rentals and restoration compensation of $202. All of their land was used by the U. S. forces, and 289 tsubo was returned in 1961 in unusable condition. It had been used for excavation of material for airfields and was destroyed for all practical purposes by inroads of the sea. They cannot live on their own land and have to pay rent for land on which to live. The compensation that he will receive will not be sufficient to allow him to buy substitute land for agriculture but will help in that direction.

These are five typical cases of families that will receive enough to make a real difference to them. Since the average claim of a family is $275, there obviously are many smaller claims, where the money, while useful, will not greatly affect their lives. The knowledge, however, that their distant ruler has cared enough to see that just claims are met, will make a considerable difference in their feelings.

Okinawa will have a Legislative election in November of this year. There is a growing fear among responsible pro-American segments of the Okinawan people that the pre-Treaty claims issue must be resolved, and resolved quickly and in favor of the claimants, if the United States is to continue its occupation of Okinawa without political upheavals. These same sources fear that the long delay in acting upon these claims on the part of the United States Government may be turned into a major political

issue and become a source of disaffection among the population of this important United States base.

Mr. Chairman and members of the Subcommittee, these are some of the underlying considerations in the joint resolution now before this Subcommittee. They provide a sound basis, at law and in equity, for compensation of our Okinawan friends. I urge a favorable report on the joint resolution.

STATEMENT PREPARED FOR DELIVERY BY
HONORABLE STANLEY R. RESOR, SECRETARY OF THE ARMY
BEFORE THE SUBCOMMITTEE ON FAR EAST AND THE PACIFIC
OF THE COMMITTEE ON FOREIGN AFFAIRS U. S. HOUSE OF REPRESENTATIVES

Mr. Chairman and Members of the Committee:

I welcome this opportunity of appearing in support of House Joint Resolution 251. This is an Administration proposal; it is part of the program of the President, and it is supported by the Secretary of Defense and the Secretary of State. Since the Department of the Army has been designated as the executive agency of the Department of Defense for the civil administration of the Ryukyu Islands, I am representing the Department of Defense at this hearing.

The joint resolution before you would authorize the payment of approximately 180,000 claims, submitted by the inhabitants of Okinawa for damages arising from acts or omissions of the U. S. Armed Forces, during the 7-year period following the armistice and prior to the Treaty of Peace with Japan. This is not a war-claims bill. It does not involve payment for damages which occurred during the war nor for the postwar rehabilitation of war-damaged areas. On the contrary, these claims fall into two familiar peacetime categories: first, claims for torts committed by U. S. military personnel, resulting in injury to or the death of Okinawans or damage to their private property. Second, claims for the requisitioning of their property--mostly agricultural land--for use by the military.

Normally, under international law and practice, just compensation in such circumstances would be required, by or on behalf of the occupation forces. Surprising though it may seem, not a single cent of compensation (other than a few rental payments made by us at the end of the Occupation, and a relatively small Japanese gratuitous payment made in 1957) has been received by any of the approximately 80,000 Okinawans who suffered injury or death or whose property was, in effect, confiscated by U. S. Armed Forces during the occupation of Okinawa. The failure of the U. S. to pay these claims stems from the fact that all such claims were waived in the Japanese Peace Treaty of 1952. In the Administration's judgment, however, the equitable and moral obligation of the United States continues unsatisfied. The purpose of the bill before you is to correct this injustice.

Certain background information will place this matter in proper focus. The Ryukyu Islands extend southwesterly from Japan to Taiwan. Okinawa is the largest of these islands. It has about 85% of the total Ryukyuan population of almost a million persons. All the claims covered by the proposed resolution relate to Okinawa.

The U. S. Forces seized Okinawa in the last battle of World War II. Following up the policy first expressed in the Cairo Declaration, on July 26, 1945, the Potsdam Declaration announced that Japan would be stripped of its

former imperial holdings, and that its sovereignty limited to the four main islands of the Japanese mainland, including such minor offshore islands as the Allied Powers should determine. The Ryukyus were not among these islands. They were therefore administered by the United States -- separately from Japan itself.

Although consideration was given, during the late forties, to retaining U. S. bases in the Ryukyus, the future status of these islands remained in limbo until January 1950. At that time Secretary of State Acheson stated that the United States would continue to hold important defense positions in the Ryukyus, as part of the defense perimeter running along the Aleutians to Japan and thence to the Ryukyus. The outbreak of the Korean War in June 1950 underscored the importance of our Ryukyuan base for the defense of the free world, and confirmed our determination that Okinawa should be retained under U. S. control for an indefinite period. The value of this base has been vindicated by the important role which it played in the Korean war and is now playing in support of the free world's commitments in Southeast Asia.

Because of such strategic considerations, the Treaty of Peace with Japan provided that the United States would retain full jurisdiction over the Ryukyu Islands, for an indefinite period. The Government of Japan has stated its desire for the reversion of administrative control over Okinawa and the United States Government has repeatedly stated that it looks forward to the day when the security interests of the free world in the Far East

will permit their restoration to full Japanese sovereignty. Meanwhile, however, Presidents Eisenhower, Kennedy, and Johnson have all given public notice that, in order to protect the security of the free world, the political status of this area will remain unchanged, as long as conditions of threat and tension continue to exist in the Far East.

Thus, for the last twenty years, the United States has held and exercised all and any powers of administration, legislation, and jurisdiction over the territory and inhabitants of these islands. Our announced policy is that the United States intends to continue to retain these powers as long as our military bases are needed there.

I turn now to the specific matter covered by the joint resolution which is before your committee. The surrender of all Japanese forces and the resultant general armistice took place on August 14, 1945, and the military occupation period encompassed by this joint resolution starts from that date. Certain damages were caused to residents of the Ryukyu Islands during the almost seven years between the armistice and the Peace Treaty of 1952, by various acts and omissions of the U. S. Forces. These damages ranged from the uncompensated use of real and personal property (taken over for occupation requirements) to tortious acts committed by members of the U. S. Forces.

It is a generally recognized principle of international law, particularly as reflected in the provisions of Hague Convention Number IV of 1907 (which has been ratified by both Japan and the United States), that individuals or municipalities whose property is used or taken by occupation forces should be fairly compensated for such use. In practice, occupation authorities have usually transferred to the local governments the burden for making such payments, either at the time of requisition or in the peace settlement. This was United States Policy in both World Wars. Even though the precise obligation in international law for paying claims arising from death or personal injury suffered by residents of occupied territories, due to acts or omissions of occupation forces or their members, is less clear than that concerning requisitioned property, United States policy has also been to transfer this obligation to the local governments in both World Wars.

Why were these policies not followed in Okinawa? It was due to a unique combination of circumstances, resulting largely from the fact that, pursuant to the Potsdam Declaration, Okinawa was removed from Japanese control at the end of the war and administered directly by the United States during the entire period of the occupation. Thus, the Japanese Central Government was stripped of its powers in Okinawa and could not logically be held responsible for paying claims. On the other hand, there was no financially responsible indigenous governmental authority on Okinawa which could conceivably have paid them.

It was not possible to use funds authorized by the Foreign Claims Act, because this statute specifically precludes making any payments to enemy nationals, which the Ryukyuans were during the entire period of the Occupation.

International custom provides that any deferred obligations incurred by an occupying power should be ultimately resolved in the peace settlement. Nevertheless, the Treaty of Peace with Japan did not provide for such a settlement. Article 19a of the treaty waived the claims of Japanese nationals (which includes Ryukyuans) against the United States, but failed to make any provision for how these claims should be honored. The United States has taken the position that Article 19a absolved us from legal liability with regard to these claims. We therefore denied payment for them, except for certain claims relating to rentals for land and payments for damages caused thereto during the last part of the occupation period, as I should now like to explain.

A number of factors converging in early 1950 (including our decision to maintain a worldwide defense perimeter, as reflected by the above-noted remark of Secretary Acheson) resulted in the U. S. decision that, beginning with FY 1951, we would pay our own way in the Ryukyus. Thus, as of July 1, 1950, the principle of uncompensated requisitioning of Ryukyuan private property was abandoned in favor of leasehold arrangements, with rentals to be paid by the U. S. Government; and with correlative provisions for compensating landowners for damages caused to their property during that period. From that date on, we paid rentals from appropriated funds for all real estate held by U. S. Forces in the Ryukyus.1/

1/ These rental arrangements were undertaken on the basis of implied leases, ultimately executed in the post-treaty period by virtue of the retroactive provisions of Civil Administration Proclamation No. 26, dated December 5, 1953.

Some of these rentals were paid before the treaty entered into force; the remainder have been paid subsequently. 2/

The Government of Japan similarly has denied any legal liability on its part for pretreaty claims in Okinawa. Nevertheless in 1957 it made gratuitous payments of about $2.8 million to these claimants. These payments have been deducted from the claims covered by the proposed legislation, and a specific provision has been included, precluding disbursement of funds appropriated thereunder for claims already satisfied by the Government of Japan.

Some 180,000 claims are covered by the proposed resolution, involving a total of about 80,000 individual Okinawan claimants--representing, with an average of five persons to a family, about 400,000 ultimate beneficiaries. The fact that almost half of the population of the Ryukyus is involved in this matter reveals the widespread interest in the proposed joint resolution, throughout the entire archipelago. The vast majority of the claims is for small amounts. The average amount to be received by an individual claimant is $275 ($22 million divided by 80,000). Compared with the yearly per capita income of $319 in Okinawa, this is a significant amount.

2/ The above-mentioned proclamation qualifies, under Article 19b of the treaty, as exempting these particular pretreaty claims from the waiver provision of Article 19a thereof. The already satisfied pretreaty claims, of course, are not included among the claims covered by the proposed joint resolution, which covers land claims for only the three-and-a-half year period from January 1, 1947 through June 30, 1950.

The bulk of the claims were submitted to the U. S. High Commissioner during the early years after the Peace Treaty. The claimants were reminded of Article 19a of the treaty, and told that the claims could not be honored, because the U S. Government had no legal liability for them. These consistent turndowns resulted in the presentation of numerous petitions, requesting the U. S. Government to modify its position.

In 1960, acting on the High Commissioner's continued recommendations, the Department of the Army, with the approval of the Secretary of Defense and the concurrence of both the Secretary of State and the Director of the Bureau of the Budget, directed the High Commissioner to review the entire subject and to hold discussions with the Ryukyuan claimants, their representatives, and the Government of the Ryukyu Islands. In his public announcement to this effect in April 1961, General Caraway, the High Commissioner noted that the United States thereby assumed no legal responsibility to settle these claims; and stated that they were being reviewed because of the concern of the United States, as the administering authority in Okinawa, for the well-being of the Okinawan people. Advance copies of this announcement were distributed to the President of the Senate, Speaker of the House, members of the concerned committees in both the Senate and House, including the House Foreign Affairs Committee.

The High Commissioner subsequently established a Joint Ryukyuan American Committee which reviewed the evidence in accordance with standards that had previously been developed with regard to claims submitted to the U. S. Government by residents of other areas in the Far East. The Committee submitted a unanimous report to the High Commissioner. He transmitted it to the Department of the Army, fully supporting the Committee's conclusions and recommending that appropriate action be taken to seek congressional authorization to pay those claims which were adjudged meritorious. The legislative proposal now before you is a direct result of the Committee's study and of the High Commissioner's approval.

Although amounts totalling about $53 million were originally claimed, the total amount of meritorious claims was adjudged, in the course of the Joint Committee's review, to be slightly under $22 million -- a reduction of about 60%.

In summary, I believe that your Committee's favorable consideration of the resolution now before you, and its ultimate passage by the Congress, would satisfy a clear, equitable obligation of the United States.

To assist in this presentation, Lt. General Albert Watson II has come from his assigned post in Okinawa. General Watson has been High Commissioner of the Ryukyu Islands (as well as Commanding General of the Army forces in that area) since August 1st of last year. He is thus

thoroughly familiar with the feelings and needs of the Ryukyuan people, as well as of the military importance of these islands to our national security and to the security of the free world. General Watson is accompanied by two members of his staff, who served on the Joint Committee which reviewed these claims. Mr. Eugene V. Slattery is an attorney of the Legal Affairs Department of the U. S. Civil Administration of the Ryukyus. The other is Mr. Felipe T. Santos, a supervisor in the Real Estate Division of the U. S. Army Engineer District on Okinawa.

Because this proposal may involve questions relating to foreign-policy considerations and to the interpretation of relevant provisions of the Treaty of Peace with Japan, the Department of State is represented here by The Honorable Samuel D. Berger. He is formerly U. S. Ambassador to Korea and now Deputy Assistant Secretary of State for Far Eastern Affairs.

Subject to your desires, Mr. Chairman, I should like to ask General Watson to speak next, to describe how the Joint Committee conducted its review and what were its principal findings. Ambassador Berger would then cover the Peace Treaty and foreign-policy implications. Mr. Chairman, I thank you and the members of the Committee for the privilege of appearing before you. This, sir, completes my statement.

STATEMENT PREPARED FOR DELIVERY BY
LIEUTENANT GENERAL ALBERT WATSON, II
HIGH COMMISSIONER OF THE RYUKYU ISLANDS
BEFORE THE SUBCOMMITTEE ON FAR EAST AND THE PACIFIC
OF THE COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES

Mr. Chairman and Members of the Committee:

I appreciate this opportunity to appear before this Committee. My purpose is to provide you with additional background information regarding the Joint U.S.-Ryukyuan Committee and its deliberations, together with some detailed information regarding the categories of pretreaty claims.

My service as High Commissioner of the Ryukyu Islands dates back to the first day of August 1964. Nevertheless, the present legislative proposal began to take shape back in 1961.

As stated by Secretary Resor, this matter came about because of the fact that all claims against the United States, arising out of actions of the U.S. Forces in the Ryukyus during the Occupation, were waived in the Treaty of Peace with Japan (signed at San Francisco), which entered into force on April 28, 1952. On April 6, 1961, the then High Commissioner announced that the United States Government was prepared to review this matter in detail. He announced that he would establish a Joint Committee, whose mission would be to conduct this review, to assemble and evaluate all pertinent information, and to make recommendations to the High Commissioner.

Pursuant to this announcement, as Secretary Resor mentioned, the High Commissioner appointed four U.S. members, while the Chief Executive of the Government of the Ryukyu Islands appointed four Ryukyuan members. The U.S. members included Mr. John P. King, then President of the U.S. Land Tribunal in USCAR; Mr. Eugene Slattery, an attorney of USCAR's Legal Affairs Department; Mr. Felipe T. Santos, a supervisor in the Real Estate Division of the U.S. Army Engineer District on Okinawa; and Mr. Richard Rose, then Chief of the Land Section in USCAR's Legal Affairs Department. Heading the Ryukyuan membership was Mr. Ryojun Kugai, Director of the Legal Affairs Department of the Government of the Ryukyu Islands. The other three Ryukyuan members were Mr. Choko Kuwae, a member of the Ryukyuan Legislature and President of the Association which was formed by the pretreaty claimants to advance their cause; Mr. Hiroshi Makino, a prominent Ryukyuan attorney; and Mr. Ibi Nakamoto, formerly mayor of the City of Naha.

This Committee met nineteen times, between May 10 and December 29, 1961, and revieved, in detail, the written evidence in support of these claims, which had been assembled over a period of several years by representatives of the claimants. Claims for the rental of real property are supported by oral and written evidence of use and occupation of the involved lands by the U.S. Government. Claims for personal injury or death and damage to personal or real property are supported by written evidence of claimants and Ryukyuan officials. The extensive written evidence is largely in the form of affidavits, investigative reports, and police records made at the time the damages were suffered. All of the voluminous documentary evidence has been preserved and is on file in the Ryukyu Islands. The Committee also made numerous on-site inspections of the claimed damages, particularly in connection with released lands.

The Committee agreed that the United States would incur no cost or liability whatsoever regarding the handling or disposal of these claims, and that, should the United States made ex gratia payments for them, the disbursements would be made by the Government of the Ryukyu Islands, at no expense to the United States. All of the Joint Committee's decisions were unanimous, and I believe that the conclusions reached are fair and equitable. The then High Commissioner approved the conclusions and recommendations of the Joint Committee which have been incorporated in the Administration's proposal which you are now considering.

The meritorious claims fall into 21 distinct categories, which are recapitulated in the tabulation attached to my statement. Perhaps it would be helpful if I were to comment briefly on each category.

1. Land Rentals.

This is by far the largest of all the categories, comprising about 11,600 claims and totalling almost $15 million. I should perhaps elaborate on why the pretreaty period during which the Committee found rental claims to be meritorious was limited to the three-and-a-half years from January 1, 1947 through June 30, 1950. The Joint Committee did not accept rental claims for the latter part of 1945 and all of 1946, because the Ryukyuan inhabitants were still dispersed during this period, the lands were vacant, and no crops were planted. The loss of crop production is the agreed basis for calculating all rentals of agricultural lands, and there was no gainful use to which nonagricultural lands could have been put during this almost total disruption. The Committee therefore established January 1, 1947 as a somewhat arbitrary, but roughly accurate, beginning date of the period during which it regarded rental claims as

having merit. Further, as Secretary Reser has explained, the Committee regarded this period as terminating on June 30, 1950, because of the fact that the U.S. Forces, as of July 1st of that year, began to pay for real estate used by them, under leasehold arrangements. The meritorious pretreaty land-rental calims therefore encompass a period of only 3½ years, or just about half of the occupation period.

I shall not attempt to detail for you at this point the somewhat complicated method developed for determining the productivity of the various agricultural lands held by the U.S. Forces during the pretreaty period, and the relative valuation of other lands. These statistics, however, are available for your consideration, should you wish to explore this matter. In any event, I believe that the formulae established by the Joint Committee for the rental value of both agricultural and commercial lands are fair, practical, and in accordance with objective values in the Ryukyu Islands at the time. It is my understanding that the same standards have been successfully applied in many other situations in the Far East, particularly in Korea and Japan, in resolving legal claims with regard to land rented by U.S. Forces.

2. Restoration of Lands.

The claims in this category amount to slightly over $2.5 million. These particular claims are based on the principle (which is observed by U.S. Forces throughout the world) that any person or organization leasing or renting real estate is obliged to restore the property involved to its condition when leased, or to make appropriate reimbursement for any damage done thereto during the period of the lease. Fee value of the land

was the basis when the cost of restoration would equal or exceed the fee value.

As with the land-rental claims of the first category, we are likewise concerned here only with damages caused during the 3½ years between January 1, 1947 and June 30, 1950. Further, we are dealing only with damages caused during that period to lands which have subsequently been released. The Joint Committee decided not to regard any alterations caused during the pretreaty period to lands which are still under lease to U.S. Forces as constituting meritorious claims--because, in its opinion, these alterations (such things as housing areas, hospitals, air bases, roadways, pipelines, and other permanent-type installations) should not be regarded as "damages," but rather as definite improvements, increasing the value of the lands. I concur in this view.

All of the restoration claims relate to lands which have already been released by the U.S. Forces to their owners. As already indicated, the Joint Committee found no meritorious claims to be supported by reason of the alterations caused to lands still under lease to the U.S. Forces.

3. Water Rights.

The U.S. Forces took over two water-points, or large springs, without compensation. They have a combined flow of 1,500,000 gallons of water per day. The owners of the water-points formerly used the water for irrigation of crops, for domestic purposes, and for generating small amounts of electricity. The monetary damages suffered by the water owners amount to about $50,000.

4. Personal Injuries and Death.

Damages in the amount of about $830,000 for personal injuries and deaths were caused by personnel of the U.S. Forces. These tortious damages resulted from accidents (involving motor vehicles, aircraft, and marine vessels), ammunition and gasoline explosions, and physical violence. From August 15, 1945 to April 28, 1952, 346 Ryukyuans were killed and 382 injured in such ways. Although no official compensation has been paid for these damages, donations amounting to about $7,000 were paid by American personnel to the victims of an explosion of ammunition; these gifts have been deducted from the meritorious claims approved by the Joint Committee for said deaths and injuries.

5. Growing Crops.

Growing crops, valued at about $5,000, were destroyed on lands taken over by U.S. Forces.

6. Fruit Tress, Mulberry Trees, and Teaplants.

These damages amounted to about $430,000. The trees and plants were several years of age, and bearing. The cost of each tree or plant was based upon its fair-market value at the time of destruction.

7. Standing Trees and Bamboos.

Timber trees (pine, bamboo, etc.) were damaged, in the amount of about $600,000.

8. Firewood and Charcoal Material.

Hardwood trees, suitable for firewood and charcoal, were damaged, in the amount of about $18,000. This category involves almost 16 million board-feet of wood.

9. Rental for Buildings.

604 buildings were occupied by U.S. Forces, without compensation, from August 15, 1945 to April 28, 1952. These rentals total about $74,000.

10. Buildings Destroyed.

3,255 buildings, having at the time of destruction a reasonable value of about $610,000, were destroyed by U.S. Forces in making lands available for U.S. housing and other necessary buildings.

11. Wells.

1,332 wells were destroyed, with a total value of about $110,000.

12. Tombs.

941 tombs were destroyed, with a total value of about $80,000.

13. Reservoirs.

52 reservoirs were destroyed, with a total value of about $65,000.

14. Stone Walls.

1,994 stone walls were destroyed, with a total value of about $390,000.

15. Water Tanks.

219 water tanks were destroyed, with a total value of about $14,000.

16. Collapsed and Destroyed Lands.

Extensive amounts of land were destroyed by tidal and water action, arising from the destruction of sea walls and the diversion of natural watercourses by U.S. Forces. The lost land had a reasonable value of about $235,000.

17. Destruction of Sugar Mill.

A sugar mill was destroyed by U.S. Forces, causing a loss to the owners in the sum of about $8,000.

18. Loss of Inshore Surface Fishing Rights.

The U.S. Forces excluded nine fishing cooperatives from taking fish in inshore waters. The cooperatives had been licensed to fish in these waters for many years. They utilized 243 fishing vessels, and 712 fishermen. The Committee found that the fishing cooperatives had suffered damage in the sum of about $560,000, for which they have received no compensation.

19. Removal and Relocation of Buildings.

The U.S. Forces requisitioned certain lands, from which the owners were compelled to remove 3,751 buildings, at their own expense, in the sum of about $220,000.

20. Severance Damage.

Many pipelines, power lines, and other utilities required the taking of lands consisting of only a portion of the individual holdings. In many cases, this caused measurable damage to the landowner, because of the resultant severance of one portion of his property from the remainder. Damages caused by this piecemeal taking of land amount to about $14,000.

21. Property Damages by Tortious Acts.

Because of negligence on the part of U.S. Forces for their personnel, damages in the amount of about $80,000 were caused to buildings and other property in connection with 257 incidents, such as aircraft accidents and ammunition explosions--the most notable of which was the explosion of an ammunition-lade LCT at a wharf on Ie-Jima Island during August 1948.

This completes my comments on the various categories of meritorious claims. I trust that my remarks will give you a general idea of how the Joint Committee went about its work, and of what findings it reached. I deeply regret that Judge King, who chaired the Joint Committee, is not here personally to give you more details of the Committee's work and to answer such questions as you may have about this portion of our presentation. He has been suffering from a serious heart-condition for some time, and it has recently worsened to the point where the doctors have determined that it would be medically imprudent for him to come back to Washington, as had been planned, to participate in these hearings.

Judge King's background and experience amply justified his selection by the then High Commissioner to chair the Joint Committee. Prior to becoming a civilian official of the U.S. Civil Administration of the Ryukyu Islands some eight years ago, he had had 40 years of distinguished service with the Regular Army, from which he retired in the rank of colonel in 1956. His military experience covers the Mexican Border Incident of 1916, World War I, World War II, and the Korean War. He graduated from Stanford University Law School with the degree of Juris Doctor, and has been an active member of the California Bar since 1925. Most of his military career was spent as an attorney in the Judge Advocate General's Corps, and,for his last 22 years in the service, most of his professional time was devoted to reviewing claims submitted by foreigners against the United States. During 1943, when stationed in Hawaii, he personally reviewed claims involving loss of and damage to crops and trespass upon lands. From 1944 to 1945, he was in New Guinea and the Philippines, reviewing claims relating to damage to and loss of

trees, crops, and personal property. From 1945 to 1951, as President of Foreign Claims Commission No. 173, he reviewed such claims in Korea; and from 1951 to 1956 he was similarly engaged in Japan.

During his more than eight years of civilian service with USCAR, his regular assignment was President of the U.S. Land Tribunal, which adjudicates matters relating to the valuation of all lands leased by the U.S. Forces in the Ryukyus. At the same time, he also served as Associate Justice of USCAR's Appellate Court. In assuming the chairmanship of the Joint Committee, Judge King brought to this task not only demonstrated legal competence and extensive experience in the claims field, but also knowledge of the Japanese language and wide-ranging familiarity with the laws and customs of various peoples of the Far East. I have taken the time to give you this thumbnail sketch of Judge King, in his unfortunate absence, because I believe that you should know the kind of man who chaired this important Committee and guided it in reaching conclusions, findings, and recommendations based on solid factual analysis and endorsed by the High Commissioner and the Executive Branch.

In conclusion, I believe that favorable consideration of this resolution by your Committee and by the Congress would discharge an equitable obligation of the United States in the Ryukyu Islands and throughout the Free World.

Gentlemen, this concludes my statement.

Attachment:
Tabulation of Claims

RECAPITULATION OF MERITORIOUS CLAIMS

CATEGORY		AMOUNT
1.	Land Rentals	$14,939,539.00
2.	Restoration of Lands	2,518,718.71
3.	Water Rights	50,377.00
4.	Personal Injuries and Death	831,032.69
5.	Growing Crops	5,019.00
6.	Fruit Trees, Mulberry Trees, and Teaplants	431,066.00
7.	Standing Trees and Bamboos	609,834.00
8.	Firewood and Charcoal Material	18,399.00
9.	Rentals for Buildings	73,908.00
10.	Buildings Destroyed	610,982.00
11.	Wells	111,281.00
12.	Tombs	81,468.00
13.	Reservoirs	65,569.00
14.	Stone Walls	393,423.00
15.	Water Tanks	13,807.00
16.	Collapsed and Destroyed Lands	236,469.00
17.	Destruction of Sugar Mills	8,376.00
18.	Loss of Inshore Surface Fishing Rights	562,607.00
19.	Removal and Relocation of Buildings	219,259.00
20.	Severance Damage	13,293.00
21.	Property Damages by Tortious Acts	80,097.00
	Total Damages	$21,874,524.40

STATEMENT PREPARED FOR DELIVERY BY
THE HONORABLE SAMUEL D. BERGER
DEPUTY ASSISTANT SECRETARY OF STATE FOR FAR EASTERN AFFAIRS,
BEFORE THE SUBCOMMITTEE ON FAR EAST AND THE PACIFIC
OF THE COMMITTEE ON FOREIGN AFFAIRS,
UNITED STATES HOUSE OF REPRESENTATIVES
JULY 28, 1965

Mr. Chairman, and Members of the Committee:

I have been asked to appear before you today to provide the views of the Department of State on House Joint Resolution 251, authorizing an ex gratia contribution to certain Ryukyuan inhabitants for death and injury of persons, and for use of and damage to private property, arising from acts and omissions of the United States Armed Forces before the entry into force of the Peace Treaty with Japan.

As you know, the President has delegated to the Secretary of Defense the responsibility for the administration of the Ryukyu Islands as long as the United States finds it necessary to govern them. To the extent that the pre-Treaty claims question is an internal Ryukyuan matter, the Department of State supports the views of the Department of Defense expressed earlier by Secretary Resor and the other representatives of that Department. There are, however, two foreign policy questions raised by the proposed legislation on which the Department of State wishes to comment.

First, there is the relationship of the proposed legislation to the Treaty of Peace with Japan (TIAS 2490). Article 19 (a) of that Treaty reads as follows:

"Japan waives all claims of Japan and its nationals against the Allied Powers and their nationals arising out

of the war or out of actions taken because of the existence of a state of war, and waives all claims arising from the presence, operations or actions of forces or authorities of any of the Allied Powers in Japanese territory prior to the coming into force of the present Treaty."

It is our view that residents of the Ryukyu Islands are nationals of Japan and that the Ryukyu Islands were Japanese territory in the period "prior to the coming into force of the present Treaty" as specified in this paragraph. We therefore believe that the United States has no legal obligation to pay the claims of Ryukyuans arising from the presence, operations or actions of United States forces in the Ryukyus in the pre-Treaty period.

The Japanese Government similarly denies any legal liability, on its part, for pre-Treaty damages in the Ryukyus, since it had no administrative authority in this area during the pre-Treaty period and continues, under Article 3 of the Treaty, to have no administrative authority there. It further denies that the waiver provision of Article 19(a), which established U.S. nonliability for such claims, generated any corresponding liability for them, on the part of Japan.

Since both the United States, in its capacity as the former occupying authority, and Japan, in its capacity as nominal sovereign, deny legal liability for the claims of Ryukyuans for damages suffered in the pre-Treaty period, individual Ryukyuans would appear to have no recourse but to appeal, through the Government of the Ryukyu Islands, for redress to the United

States as the present administering authority. The Department of Defense has already commented on the validity of these claims and their relationship to other United States programs in the Ryukyus.

Second, I call the Committee's attention to the fact that the Japanese Government, while denying legal liability, appropriated 1 billion yen ($2.8 million) in 1957 as an ex gratia payment to Ryukyuans having claims for damages suffered in the pre-Treaty period. This payment was made as an "advance" against future payment in full by the United States, and a Japanese Cabinet decision was made to the effect that the 1 billion ex gratia payment would be considered reimbursable to Japan in the event of a later U.S. settlement covering losses sustained by Ryukyuans during the pre-Treaty period.

Both the United States and Japan are now contributing to economic development and social welfare in the Ryukyus, and we expect that the settlement by the United States of these pre-Treaty claims will contribute substantially to our common objectives. Utilization of a part of such settlement to reimburse the Japanese Government for its earlier ex gratia payment would reduce by that much the effectiveness of the U.S. payment in stimulating economic growth in the Islands. In connection with the preparation of the Administration's proposal on the settlement of these claims, the Department of State has brought these considerations to the attention of the Japanese Government, requesting that it now waive its claim to reimbursement for its 1957 payment. Although the Japanese Government is in sympathy and agreement with the objectives underlying

the U.S. request that it waive these claims, it informs us that it can reverse its earlier Cabinet decision only through certain legislative action which would adversely affect its legal position with regard to outstanding claims in areas other than the Ryukyus.

Because the Government of Japan considers it should be reimbursed if full payment is made by us, a provision has been inserted to provide that United States payment not cover payment already made by Japan. We anticipate no reaction from the Government of Japan as a result of its inclusion which would adversely affect the close, amicable relations which exist between our countries.

北米局
参事官
北米課長

送付公信

米北第6216号	昭和40年9月14日
外務大臣殿	在米 武内大使
引用公・電信番号 往電第2109号	

送付資料 沖縄講和前補償問題（下院公聴会記録）

89th Congress First Session on H.J.Res. 251
Claims of Certain Inhabitants of the Ryukyu Islands
July 28, 1965
"Hearing before the Subcommittee on the Far East and the Pacific of the Committee on Foreign Affairs, House of Representatives"

備考

要処理 要研究	要連絡 至急
課長	七村
枝	河内
斉藤	吉田
有馬	山田
渡辺	平井
大崎	吉津
中田	
後藤	

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本信写送付先：________________________(別添省略)

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CLAIMS OF CERTAIN INHABITANTS OF THE RYUKYU ISLANDS

HEARING

BEFORE THE

SUBCOMMITTEE ON

THE FAR EAST AND THE PACIFIC

OF THE

COMMITTEE ON FOREIGN AFFAIRS

HOUSE OF REPRESENTATIVES

EIGHTY-NINTH CONGRESS

FIRST SESSION

ON

H.J. Res. 251

TO AUTHORIZE A CONTRIBUTION TO CERTAIN INHABITANTS OF THE RYUKYU ISLANDS FOR DEATH AND INJURY TO PERSONS, AND FOR USE OF AND DAMAGE TO PRIVATE PROPERTY, ARISING FROM ACTS AND OMISSIONS OF THE U.S. ARMED FORCES OR MEMBERS THEREOF, AFTER AUGUST 15, 1945, AND BEFORE APRIL 28, 1952

JULY 28, 1965

Printed for the use of the Committee on Foreign Affairs

U.S. GOVERNMENT PRINTING OFFICE
52-378 WASHINGTON : 1965

*Includes India, Pakistan, and Afghanistan.

WASHINGTON : 1962

CONTENTS

LIST OF WITNESSES

MORNING SESSION

AFTERNOON SESSION

STATEMENTS AND MEMORANDUMS SUBMITTED FOR THE RECORD

CLAIMS OF CERTAIN INHABITANTS OF THE RYUKYU ISLANDS

WEDNESDAY, JULY 28, 1965

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON THE FAR EAST AND THE PACIFIC
OF THE COMMITTEE ON FOREIGN AFFAIRS,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:20 a.m., in room 2255, Rayburn House Office Building, Hon. William T. Murphy presiding.

Mr. MURPHY. The meeting will come to order.

I am sorry that the chairman, Mr. Zablocki, is tied up at a very important meeting. The House is going into session at 11 o'clock so we will now proceed.

We meet today in open session to hear witnesses in support of House Joint Resolution 251 which was introduced by the Honorable Spark M. Matsunaga, Member of Congress, from Hawaii.

The resolution would authorize a contribution to certain inhabitants of the Ryukyu Islands for death and injury to persons, and for use of and damage to private property, arising from acts and omissions of the U.S. Armed Forces, or members thereof, after August 15, 1945, and before April 28, 1952.

House Joint Resolution 251 under consideration today is identical to the draft resolution contained in Executive Communication 311, submitted by the Department of the Army to the Speaker of the House January 8, 1965.

We will insert House Joint Resolution 251 and Executive Communication 311 at this point in the record.

(The documents referred to follow:)

[H.J. Res. 251, 89th Cong., 1st sess.]

JOINT RESOLUTION To authorize a contribution to certain inhabitants of the Ryukyu Islands for death and injury to persons, and for use of and damage to private property, arising from acts and omissions of the United States Armed Forces, or members thereof, after August 15, 1945, and before April 28, 1952

Whereas certain persons of the Ryukyu Islands suffered damages incident to the activities of the Armed Forces of the United States, or members thereof, after the surrender of Japanese forces in the Ryukyus on August 15, 1945, and before the effective date of the Treaty of Peace with Japan on April 28, 1952;

Whereas article 19 of the Treaty of Peace with Japan extinguished the legal liability of the United States for any claims of Japanese nationals, including Ryukyuans, with the result that the United States has made no compensation for the above-mentioned damages (except for use of and damage to land during the period from July 1, 1950, to April 28, 1952);

Whereas it is particularly consonant with the concern of the United States, as the sole administering authority in the Ryuku Islands, for the welfare of the Ryukyuan people, that those Ryukyuans who suffered damages incident to the activities of the United States Armed Forces, or members thereof, should be compensated therefor;

Whereas payment of ex gratia compensation, by advancing the welfare of the Ryukyuan people, will promote the security interest, foreign policy, and foreign relations of the United States; and

Whereas the High Commissioner of the Ryukyu Islands has considered the evidence regarding these claims, and has determined, in an equitable manner, those claims which are meritorious, and the amounts thereof: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States should make an ex gratia contribution to the persons determined by the High Commissioner of the Ryukyu Islands to be meritorious claimants, in the amounts determined by him, and that the Secretary of the Army or his designee should, under regulations prescribed by the Secretary of Defense, pay such amounts to the claimants or their legal heirs, as a civil function of the Department of the Army; and be it further

Resolved, That no funds appropriated under this joint resolution shall be disbursed to satisfy claims, or portions thereof, which have been satisfied by contributions made by the Government of Japan.

SEC. 2. There is authorized to be appropriated not to exceed $22,000,000 to carry out the provisions of this joint resolution, which funds are authorized to remain available for two years from the effective date of their appropriation. Any funds unobligated by the end of that period shall be covered into the Treasury of the United States.

SEC. 3. No remuneration on account of services rendered on behalf of any claimant in connection with any claim shall exceed 5 per centum of the total amount paid, pursuant to the provisions of this joint resolution, on such claim. Fees already paid for such services shall be deducted from the amounts authorized under this joint resolution. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than $5,000 or imprisoned not more than twelve months, or both.

(Executive Communication 311)

DEPARTMENT OF THE ARMY,
Washington, D.C., January 8, 1965.

HON. JOHN W. MCCORMACK,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: A draft of legislation to authorize a contribution to certain inhabitants of the Ryukyu Islands for death and injury of persons, and for use of and damage to private property, arising from acts and omissions of the U.S. Armed Forces, or members thereof, after August 15, 1945, and before April 28, 1952, is enclosed.

This proposal is part of the Department of Defense legislative program for the 89th Congress, and the Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this proposal for the consideration of the Congress. The Department of the Army has been designated the executive agency of the Department of Defense for the civil administration of the Ryukyu Islands, and is therefore the representative of the Department of Defense for this legislation. The Department of State concurs in this proposal, from the viewpoint of foreign policy. It is recommended that the proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

The purpose of the proposed legislation is stated in the title. The following background information will be useful in considering this bill.

A. Historical background

The Ryukyu Islands became an integral part of Japan in 1879. This area was regarded as enemy territory by the U.S. Armed Forces during World War II,

and was invaded by them on March 26, 1945. Hostilities ended in the Ryukyus on June 21, 1945, and Japanese forces there formally surrendered on August 15, 1945. Full military government was established in the islands on September 21, 1945. For purposes of control and administration, the Ryukyus were severed from Japan, and Japanese postwar legislation was not, of itself, extended to this area.

The Treaty of Peace with Japan, which was signed by the United States and other nations at San Francisco on September 8, 1951, entered into force on April 28, 1952. By article 3 thereof, Japan agreed to concur in any proposal of the United States to place the Ryukyu Islands under the United Nations trusteeship system, with the United States as the sole administering authority. Pending the making of such a proposal, Japan gave to the United States the right to exercise all and any powers of administration, legislation, and jurisdiction over the territory and inhabitants of the Ryukyu Islands. The northernmost group of these islands, known as the Amami Oshima group, was returned to Japanese jurisdiction on December 25, 1953, and is no longer considered a part of the Ryukyu Islands, as they are known today.

The President has asserted, in the budget of the U.S. Government for fiscal year 1965, that "to protect the security of the United States and of the free world, the United States will continue responsibility for the administration of the Ryukyu Islands as long as conditions of threat and tension in the Far East require the maintenance of military bases in these islands."

B. Governmental arrangements

Under the provisions of Executive Order 10713, dated June 5, 1957, as amended by Executive Order 11010, dated March 19, 1962, the President delegated to the Secretary of Defense the responsibility of exercising the above-mentioned powers of administration, legislation, and jurisdiction over the Ryukyus, subject to the direction and control of the President. The basic order established a civil administration of the Ryukyu Islands (USCAR), headed by a High Commissioner appointed from among the active-duty members of the U.S. Armed Forces. The 1962 amendment to the basic order also provided for a civilian official, under the High Commissioner, called the civil administrator; his powers and duties are such as may be assigned to him by the High Commissioner. The basic order charged the Secretary of State with the responsibility for conducting Ryukyuan relations with foreign countries and international organizations. It also established the government of the Ryukyu Islands (GRI), which, under the High Commissioner, has extensive powers in the legislative, executive, and judicial fields.

C. Nature of claims

The presence of U.S. Armed Forces in the Ryukyu Islands constituted a military occupation from June 21, 1945, until April 28, 1952. Certain damages were caused during this period to residents of the Ryukyu Islands by various acts and omissions of the U.S. Armed Forces or of their members. These damages ranged from the uncompensated use of real and personal property, taken over for the legitimate requirements of the occupying forces, to tortious acts by members of the forces.

It is a generally recognized principle of international law, particularly as reflected in the provisions of the Hague Convention No. IV of 1907 (which has been ratified by both the United States and Japan), that individuals whose personal or real property is used or taken by occupation forces are entitled to fair compensation for such use. In other occupations of enemy territory by U.S. Armed Forces during and after World War II, such compensation was normally provided, on behalf of the United States, by the existing local governments. This principle applied also to claims arising from death or personal injury suffered by residents of the occupied territory due to acts or omissions of the Armed Forces or of their members.

However, the absence of any financially responsible local government in the Ryukyus in the immediate postwar years unfortunately resulted in the nonpayment of any compensation to individual Ryukyuans for the use of or damage to their property by the U.S. occupation forces during the pretreaty period (with one exception, as will be explained below), or for any pretreaty tort claims for death or personal injury caused by such forces or members thereof.

In any event, U.S. liability for Ryukyuan claims arising during that period was formally extinguished by the Treaty of Peace with Japan, which entered into force on April 28, 1952. In article 19a of this treaty, Japan waived all its

claims, and those of its nationals (including Ryukyuans), against the Allied Powers and their nationals, arising from the war and occupation of Japanese territory prior to the coming into force of the treaty. (Unlike other agreements with former enemy states, this treaty did not require Japan to settle and pay the claims of its nationals against the other contracting parties.) Accordingly, the United States, on the basis that it has thus been absolved from legal responsibility for payment of these claims, denies legal liability for such claims and therefore has not paid them—except for certain claims related to rental of land and damages thereto during the last 2 years of the occupation period, as will be explained herewith.

Beginning with the effective date of July 1, 1950, the principle of uncompensated requisitioning of Ryukyuan private property was abandoned in favor of leasehold arrangements, with rentals paid by the U.S. Government; payments have also been made to cover the cost of restoring lands damaged during that period. These arrangements were undertaken on the basis of implied leases, executed by virtue of the retroactive provisions of civil administration proclamation No. 26, dated December 5, 1953. These particular pretreaty claims may thus be regarded as covered by article 19b of the treaty, which specifically exempts from the waiver provision of article 19a those claims which are "specifically recognized in the laws of any Allied Powers enacted since September 2, 1945." These already satisfied pretreaty claims, of course, are not included among the claims covered by the attached draft legislation.

As a matter of related interest, the Government of Japan denies legal liability for pretreaty claims in the home islands of Japan, but has provided some compensation to such Japanese claimants. Although the Government of Japan similarly denies legal liability for pretreaty claims in the Ryukyu Islands, in 1957 it made solatia payments to Ryukyuan pretreaty claimants, in the amount of 1 billion yen (approximately $2.8 million). The amount of these solatia has been deducted from the amount of the claims covered by the proposed legislation and a specific stipulation has been included therein, precluding disbursement of funds appropriated thereunder for claims already satisfied by the GOJ. Although the GOJ, when paying these solatia, stipulated that the amount thereof would be repaid to it, should the Ryukyuan claimants succeed in obtaining compensation from the U.S. Government for these claims, this stipulation was a unilateral action on the part of the GOJ, and has never been agreed to by the U.S. Government.

D. U.S. policy regarding these claims

The claims to be compensated by this bill have been presented by Ryukyuans to the High Commissioner and to his predecessors during the years since the treaty entered into effect. Numerous petitions in this matter have also been submitted to him and to other officials of the U.S. Government. Most recently, in 1960, the Ryukyuan members of the High Commissioner's Land Advisory Committee submitted to him a comprehensive petition, requesting compensation for these claims. Although recognizing that the United States had no legal liability for such claims, the High Commissioner forwarded this petition to the Department of the Army, recommending that the United States review this entire problem with a view toward modifying its past policy of relying solely on the legal merits of the case, and that it now give due emphasis to related considerations of equity and moral responsibility.

The High Commissioner's recommendation for a review of this problem was favorably received by the Department of the Army, and, with the approval of the Department of Defense and the concurrence of both the Department of State and the Bureau of the Budget, the High Commissioner was directed to undertake a review of the entire subject of Ryukyuan pretreaty claims, to include discussions with the Ryukyuan claimants, their representatives, and the government of the Ryukyu Islands. An announcement to this effect was released by the High Commissioner on April 6, 1961. In his announcement, the High Commissioner noted that he thereby assumed no legal responsibility or commitment to settle these claims, and stated that they were being reviewed because of the concern of the United States, as the administering authority in the Ryukyus, for the well-being of the Ryukyuan people. Advance copies of this announcement had previously been distributed to the President of the Senate, the Speaker of the House, the members of the concerned committees of both the Senate and House, and to selected Senators and Congressmen.

The High Commissioner subsequently established a joint Ryukyuan-American group to conduct the review, the American members of which were appointed

by himself and the Ryukyuan members by the chief executive of the government of the Ryukyu Islands. The Committee examined all of the evidence in this matter and reviewed it in accordance with equitable standards that had previously been developed, and applied with considerable success, in reviewing claims submitted to the U.S. Government by residents of other areas in the Far East. The Committee completed its study and submitted a unanimous report to the High Commissioner on March 23, 1962. After reviewing the Committee's report, the High Commissioner transmitted it to the Department of the Army on October 16, 1962. The High Commissioner supported the Committee's conclusions and recommended that appropriate action be taken to seek approval by the Congress for authorization of the proposed payments. This legislative proposal is a direct result of the Committee's study and of the High Commissioner's recommendation thereon.

Bills seeking the same objective as this proposal were introduced in the 86th, 87th, and 88th Congresses, but were not enacted.

The proposed payments are considered warranted because of the concern of the United States, as the administering authority in the Ryukyus, for the well-being of the Ryukyuan people. Payment of these claims will also provide effective redress for an acknowledged inequity, which has caused these claimants to throw themselves on the mercy of the U.S. Government, which has full jurisdiction over them. It would also promote the security interests of the United States, by fostering an atmosphere of respect on the part of the Ryukyuan people for the spirit of fairplay and equity evidenced by the U.S. Government, in keeping with the image and record of American practices throughout the world.

While the legal position of the U.S. Government is quite clear, in view of the above-mentioned extinguishment of our liability for these claims by article 19 of the treaty, the fact that the individual claimants were, through no fault of their own, left uncompensated during the 7 years of the occupation, contrary to the practice followed in other occupied areas, does constitute a situation calling for equitable adjustment at this time. In referring this matter to the Congress, the executive branch believes that the problem should be regarded in this light. This question is basically keyed to the moral imperative of living up to the demands of equity, even where no legal liability exists. It is respectfully suggested that this be the framework for legislative consideration of the attached proposal.

E. Cost and budget data

The total of all claims which have been submitted in this matter was originally $43 million, as tabulated in the above-mentioned petition submitted by the claimants to the High Commissioner. However, in the course of the review conducted by the Joint Committee, as approved by the High Commissioner, the total of the meritorious claims has been reduced to approximately $22 million, broken down as follows:

Personal injury and death	$800,000
Land rentals (1945–50)	15,000,000
Restoration of released lands	2,500,000
Water rights	50,000
Property damage, growing crops, etc	3,650,000
Total	22,000,000

If this legislative proposal is enacted, it is estimated that the bulk of this sum would be expended within 1 year. This amount has not been included in any estimate of appropriations submitted through budget channels by either the Department of Defense or the Department of the Army.

It is proposed that distribution of the requested payments would be made by the government of the Ryukyu Islands, under controls established by the High Commissioner, and would not require additional civilian employment or expenditures for personnel services. The anticipated negligible increase in general administrative expenses in the office of the High Commissioner will be absorbed within other appropriations for the Department of Defense.

In connection with the operative clause of the attached joint resolution, it is proposed that a tabulation of the claims determined by the High Commissioner to be meritorious will be submitted to the respective committees of the Congress in the course of their consideration of this proposal.

Sincerely,

(Signed) STEPHEN AILES,
Secretary of the Army.

52-378—65——2

Mr. MURPHY. We have several witneses and I will first recognize the Congressman from Hawaii, Congressman Matsunaga.

STATEMENT OF HON. SPARK M. MATSUNAGA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF HAWAII

Mr. MATSUNAGA. Thank you, Mr. Chairman and members of the subcommittee. I certainly appreciate this privilege of presenting my views on House Joint Resolution 251. My resolution is identical to that recommended to the Congress by the Secretary of the Army, as was noted by the chairman, in the letter to the Speaker of January 8, 1965.

The Secretary and his associates will later explain these proposals in detail, and they are, of course, the right people to do this because the claims of the Okinawan people were reviewed fully by a joint committee on which the Department of the Army was represented. The result of this review was to scale down the claims from $53 million, as originally submitted, to approximately $22 million.

This includes claims for personal injury and death, for land rentals for the years 1947–50, for restoration of lands released to their owners in damaged condition, for appropriation of water rights, and for damage to buildings and growing crops and trees. Land-use claims are not included for the year 1946, because this was a period of postwar adjustment, in which owners had generally not yet returned to the lands and produced crops. No interest is included, although the claims have gone uncompensated for 13 years and more.

This resolution will rectify a serious omission in the U.S. administration of the Ryukyu Islands and do justice to hundreds of thousands of the inhabitants whose relatives were killed, or who were injured, or who suffered deprivation of property through the acts of our Armed Forces during the period following the termination of hostilities and prior to the Treaty of Peace with Japan. The United States exercised direct and exclusive governmental authority at that time, and we had substantial forces in Okinawa in the strategic interest of the United States, not only as a consequence of the war against Japan.

As a matter of law, it is unquestioned that the people of Okinawa are entitled to be compensated for these various acts on the part of the U.S. forces. In the main islands, this was done by the Japanese Government under the supervision of the supreme commander for the Allied Powers. In the Ryukyu Islands, there was no financially responsible local government that was able to do this, and the Japanese Government was cut off from all participation. The people of Okinawa have repeatedly presented their claims to the U.S. Government, as the administering authority. Since the United States exercised direct and exclusive control during the entire period, there can be no doubt of U.S. responsibility to assure that compensation is effected.

Action on the part of the U.S. Government was delayed by a question with respect to U.S. responsibility in international law to pay the claims, in view of the fact that in the Japanese Peace Treaty, Japan waived all claims of Japanese nationals against the United States arising from the war and the occupation of Japanese territory.

The executive branch has recommended that, without accepting legal responsibility, compensation nevertheless be made by the United States in the recognition of the facts that the individual claimants were, through no fault of their own, left uncompensated during the 7 years of the occupation, contrary to the practice followed in other occupied areas; that the United States, as the administering authority for the Ryukyus is concerned with the well-being of the people; that such payment would promote the security interests of the United States; and that it would foster respect for the spirit of fairplay and equity of the U.S. Government.

I completely concur with this view, but I would personally go further. I suggest that, in view of our complete responsibility for what occurred in the Ryukyu Islands since 1945, we have an obligation to the Okinawan people to see that effective compensation is made for what was done during the pretreaty period. I stress this, because there may be some misunderstanding of the fact that the resolution proposes ex gratia payments.

As an attorney, I understand the motives of the Department of the Army in placing the request upon this basis. The peculiar history of the Ryukyu Islands in international law makes it prudent that we not establish a precedent of accepting legal responsibility to the inhabitants of a land that we governed as an occupying military power. However, the fact that any international legal responsibility of the United States to the Japanese Government, regarded as sovereign over the Ryukyus, has been extinguished by the Japanese Peace Treaty, does not absolve us of the responsibility to deal justly with the people over whom we have exercised exclusive powers of sovereignty since 1945. In dealing with the petitions of the Okinawans for compensation, we are simply exercising our direct governmental responsibility, and the question of preexisting legal liability does not arise. The situation is essentially similar to domestic U.S. legislation providing help for people injured by Government servants or acts of God. If we did not already have legislation to provide compensation in the United States for acts of our Armed Forces, it would be our responsibility as legislators of the United States to provide it. It is essentially the same kind of legislative responsibility that we are belatedly discharging here.

As I have said, the representatives of the Department of the Army have fully reviewed these claims and can best explain them. However, prior to coming before this committee, I have felt that I had a responsibility to understand and know for myself what kind of matters are involved. The statistics and the analysis are already before you. I want to provide you with the details of some illustrations of just a few of the 82,000 separate claims.

Masakatsu Nakamura lives in Ginowan where he owns about 3.7 thousand tsubo, of which two-thirds is still under use by the U.S. forces. Translated into more familiar units of measurement, one tsubo equals 36 square feet, and 1,210 tsubo equals 1 acre. He has a wife and two children, one working for the local government and one a student. Their house is on rented land. The total family income from farming, from the son's work as a policeman, and from land rentals from the United States, comes to less than $2,000, which does not permit them to acquire a house at all equal in quality to their pre-

war house. This family stands to receive $917.44 for pretreaty land rentals. They will use the money, along with their modest savings, to build a permanent house.

Shunko Nakamura also lives in Ginowan. His claim is $702.82. There are eight members of the family; one daughter is working with the U.S. military and five younger children are in school. Their present income is about $2,000; some $1,200 from the operation of a grocery store, $417 as rental for their lands still occupied by the U.S. forces, and $480 as the pay of the employed daughter. They are living in a rented house that is so old and decrepit that it is likely to collapse in the next typhoon season. They will use the moneys received to help repair the house. This family, with an income of $2,000, is spending $700 a year for the education of their children. It could be said that the compensation will help to do this, but the people of Okinawa regard education as having a priority, and the necessary sums will be spent before they repair their house.

Saburo Nagamine lives in Koza on 1,899 tsubo, all of which was occupied by U.S. forces before the treaty and two-thirds of which was released in June 1952. The land had been used for the site of a barracks, and the surface was covered with concrete and rubble. He has restored it as best he can but needs a bulldozer to do the job right. He is entitled to $960 as restoration compensation and $593 for rentals. He plans to use the money to put his land back in good agricultural condition.

Ushi Tamanaha owns 1,461 tsubo and is supposed to receive compensation of $564.62. All of his property is still being used by the United States. They receive annual rentals. They have one child. The husband is working for the U.S. forces, for which he gets $60 a month. Total income is about $1,200. They make a poor living and went into debt in order to build an adequate house on rented land. They will use the money to pay some of their debts.

Genichiro Koja, who lives in Kadena, owns 1,290 tsubo and is scheduled to receive $557.36 in rentals and restoration compensation of $202. All of their land was used by the U.S. forces, and 289 tsubo was returned in 1961 in unusable condition. It had been used for excavation of material for airfields, and was destroyed for all practical purposes by inroads of the sea. They cannot live on their own land and have to pay rent for land on which to live. The compensation that he will receive will not be sufficient to allow him to buy substitute land for agriculture but will help in that direction.

These are five typical cases of families that will receive enough to make a real difference to them. Since the average claim of a family is $275, there obviously are many smaller claims, where the money, while useful, will not greatly affect their lives. The knowledge, however, that their distant ruler has cared enough to see that just claims are met, will make a considerable difference in their feelings.

Okinawa will have a legislative election in November of this year. There is a growing fear among responsible pro-American segments of the Okinawan people that the pretreaty claims issue must be resolved, and resolved quickly and in favor of the claimants, if the United States is to continue its occupation of Okinawa without political upheavals. These same sources fear that the long delay in acting upon these claims on the part of the U.S. Government may be turned into a major political issue and become a source of disaffection among the population of this important U.S. base.

Mr. Chairman and members of the subcommittee, these are some of the underlying considerations in the joint resolution now before this subcommittee. They provide a sound basis, at law and in equity, for compensation of our Okinawan friends. I urge a favorable report on the joint resolution.

Mr. MURPHY. Thank you, Congressman. The Chair will now recognize the Secretary of the Army, the Honorable Stanley R. Resor.

STATEMENT OF HON. STANLEY R. RESOR, SECRETARY OF THE ARMY

Mr. RESOR. Thank you. Mr. Chairman and members of the committee, I welcome this opportunity of appearing in support of House Joint Resolution 251. This is an administration proposal; it is part of the program of the President, and it is supported by the Secretary of Defense and the Secretary of State. Since the Department of the Army has been designated as the executive agency of the Department of Defense for the civil administration of the Ryukyu Islands, I am representing the Department of Defense at this hearing.

The joint resolution before you would authorize the payment of approximately 130,000 claims, submitted by the inhabitants of Okinawa for damages arising from acts or omissions of the U.S. Armed Forces, during the 7-year period following the armistice and prior to the Treaty of Peace with Japan. This is not a war-claims bill. It does not involve payment for damages which occurred during the war nor for the postwar rehabilitation of war damaged areas. On the contrary, these claims fall into two familiar peacetime categories: First, claims for torts committed by U.S. military personnel, resulting in injury to or the death of Okinawans or damage to their private property. Second, claims for the requisitioning of their property—mostly agricultural land—for use by the military.

Normally, under international law and practice, just compensation in such circumstances would be required, by or on behalf of the occupation forces. Surprising though it may seem, not a single cent of compensation (other than a few rental payments made by us at the end of the occupation, and a relatively small Japanese gratuitous payment made in 1957) has been received by any of the approximately 80,000 Okinawans who suffered injury or death or whose property was, in effect, confiscated by U.S. Armed Forces during the occupation of Okinawa. The failure of the United States to pay these claims stems from the fact that all such claims were waived in the Japanese Peace Treaty of 1952. In the administration's judgment, however, the equitable and moral obligation of the United States continues unsatisfied. The purpose of the bill before you is to correct this injustice.

Certain background information will place this matter in proper focus. The Ryukyu Islands extend southwesterly from Japan to Taiwan. Okinawa is the largest of these islands. It has about 85 percent of the total Ryukyuan population of almost a million persons. All the claims covered by the proposed resolution relate to Okinawa.

The U.S. forces seized Okinawa in the last battle of World War II. Following up the policy first expressed in the Cairo Declaration, on July 26, 1945, the Potsdam Declaration announced that Japan would be stripped of its former imperial holdings, and that its sovereignty limited to the four main islands of the Japanese mainland, including such minor offshore islands as the Allied Powers should determine.

The Ryukyus were not among these islands. They were therefore administered by the United States—separately from Japan itself.

Although consideration was given, during the late forties, to retaining U.S. bases in the Ryukyus, the future status of these islands remained in limbo until January 1950. At that time Secretary of State Acheson stated that the United States would continue to hold important defense positions in the Ryukyus, as part of the defense perimeter running along the Aleutians to Japan and thence to the Ryukyus. The outbreak of the Korean war in June 1950 underscored the importance of our Ryukyuan base for the defense of the free world, and confirmed our determination that Okinawa should be retained under U.S. control for an indefinite period. The value of this base has been vindicated by the important role which it played in the Korean war and is now playing in support of the free world's commitments in southeast Asia.

Because of such strategic considerations, the Treaty of Peace with Japan provided that the United States would retain full jurisdiction over the Ryukyu Islands, for an indefinite period. The Government of Japan has stated its desire for the reversion of administrative control over Okinawa and the U.S. Government has repeatedly stated that it looks forward to the day when the security interests of the free world in the Far East will permit their restoration to full Japanese sovereignty. Meanwhile, however, Presidents Eisenhower, Kennedy, and Johnson have all given public notice that, in order to protect the security of the free world, the political status of this area will remain unchanged, as long as conditions of threat and tension continue to exist in the Far East.

Thus, for the last 20 years, the United States has held and exercised all and any powers of administration, legislation, and jurisdiction over the territory and inhabitants of these islands. Our announced policy is that the United States intends to continue to retain these powers as long as our military bases are needed there.

I turn now to the specific matter covered by the joint resolution which is before your committee. The surrender of all Japanese forces and the resultant general armistice took place on August 14, 1945, and the military occupation period encompassed by this joint resolution starts from that date. Certain damages were caused to residents of the Ryukyu Islands during the almost 7 years between the armistice and the Peace Treaty of 1952, by various acts and omissions of the U.S. forces. These damages ranged from the uncompensated use of real and personal property (taken over for occupation requirements) to tortious acts committed by members of the U.S. forces.

It is a generally recognized principle of international law, particularly as reflected in the provisions of Hague Convention No. IV of 1907 (which has been ratified by both Japan and the United States), that individuals or municipalities whose property is used or taken by occupation forces should be fairly compensated for such use.

In practice, occupation authorities have usually transferred to the local governments the burden for making such payments, either at the time of requisition or in the peace settlement. This was U.S. policy in both World Wars. Even though the precise obligation in international law for paying claims arising from death or personal injury suffered by residents of occupied territories, due to acts or omissions of occupation forces or their members, is less clear than that concerning requisitioned property, U.S. policy has also been to transfer this obligation to the local governments in both World Wars.

Why were these policies not followed in Okinawa? It was due to a unique combination of circumstances, resulting largely from the fact that, pursuant to the Potsdam Declaration, Okinawa was removed from Japanese control at the end of the war and administered directly by the United States during the entire period of the occupation. Thus, the Japanese Central Government was stripped of its powers in Okinawa and could not logically be held responsible for paying claims. On the other hand, there was no financially responsible indigenous governmental authority on Okinawa which could conceivably have paid them.

It was not possible to use funds authorized by the Foreign Claims Act, because this statute specifically precludes making any payments to enemy nationals, which the Ryukyuans were during the entire period of the occupation.

International custom provides that any deferred obligations incurred by an occupying power should be ultimately resolved in the peace settlement. Nevertheless, the Treaty of Peace with Japan did not provide for such a settlement. Article 19a of the treaty waived the claims of Japanese nationals (which includes Ryukyuans) against the United States, but failed to make any provision for how these claims should be honored.

The United States has taken the position that article 19a absolved us from legal liability with regard to these claims. We, therefore, denied payment for them, except for certain claims relating to rentals for land and payments for damages caused thereto during the last part of the occupation period, as I should now like to explain.

A number of factors converging in early 1950 (including our decision to maintain a worldwide defense perimeter, as reflected by the above-noted remark of Secretary Acheson) resulted in the U.S. decision that, beginning with fiscal year 1951, we would pay our own way in the Ryukyus. Thus, as of July 1, 1950, the principle of uncompensated requisitioning of Ryukyuan private property was abandoned in favor of leasehold arrangements, with rentals to be paid by the U.S. Government; and with correlative provisions for compensating landowners for damages caused to their property during that period.

From that date on, we paid rentals from appropriated funds for all real estate held by U.S. forces in the Ryukyus.

Some of these rentals were paid before the treaty entered into force; the remainder have been paid subsequently.

The Government of Japan similarly has denied any legal liability on its part for pretreaty claims in Okinawa. Nevertheless, in 1957, it made gratuitous payments of about $2.8 million to these claimants. These payments have been deducted from the claims covered by the

proposed legislation, and a specific provision has been included, precluding disbursement of funds appropriated thereunder for claims already satisfied by the Government of Japan.

Some 180,000 claims are covered by the proposed resolution, involving a total of about 80,000 individual Okinawan claimants—representing, with an average of five persons to a family, about 400,000 ultimate beneficiaries. The fact that almost half of the population of the Ryukyus is involved in this matter reveals the widespread interest in the proposed joint resolution, throughout the entire archipelago. The vast majority of the claims is for small amounts. The average amount to be received by an individual claimant is $275 ($22 million divided by 80,000). Compared with the yearly per capita income of $319 in Okinawa, this is a significant amount.

The bulk of the claims was submitted to the U.S. High Commissioner during the early years after the peace treaty. The claimants were reminded of article 19a of the treaty, and told that the claims could not be honored, because the U.S. Government had no legal liability for them. These consistent turndowns resulted in the presentation of numerous petitions, requesting the U.S. Government to modify its position.

In 1961, acting on the High Commissioner's continued recommendations, the Department of the Army, with the approval of the Secretary of Defense and the concurrence of both the Secretary of State and the Director of the Bureau of the Budget, directed the High Commissioner to review the entire subject and to hold discussions with the Ryukyuan claimants, their representatives, and the government of the Ryukyu Islands. In his public announcement to this effect in April 1961 General Caraway, the High Commissioner, noted that the United States thereby assumed no legal responsibility to settle these claims; he stated that they were being reviewed because of the concern of the United States, as the administering authority in Okinawa, for the well-being of the Okinawan people. Advance copies of this announcement were distributed to the President of the Senate, Speaker of the House, members of the concerned committees in both the Senate and House, including the House Foreign Affairs Committee.

The High Commissioner subsequently established a Joint Ryukyuan-American Committee which reviewed the evidence in accordance with standards that had previously been developed with regard to claims submitted to the U.S. Government by residents of other areas in the Far East. The Committee submitted a unanimous report to the High Commissioner. He transmitted it to the Department of the Army, fully supporting the committee's conclusions and recommending that appropriate action be taken to seek congressional authorization to pay those claims which were adjudged meritorious. The legislative proposal now before you is a direct result of the Committee's study and of the High Commissioner's approval.

Although amounts totaling about $53 million were originally claimed, the total amount of meritorious claims were adjudged, in the course of the Joint Committee's review, to be slightly under $22 million—a reduction of about 60 percent.

In summary, during the 7-year military occupation of the Ryukyus by the U.S. Armed Forces, approximately 80,000 Ryukyuans suffered damages arising from the acts or omissions of the U.S. Armed Forces.

To date, with minor exceptions, these individuals have received no compensation. It is clear that, under international law and practice, these persons would normally be entitled to just compensation by or on behalf of the occupying forces. It has been the general practice of the United States to transfer this obligation to the local government. But, in the Ryukyus, from the beginning of the occupation to the present day, the United States has had the sole jurisdictional authority and continues to have. Accordingly, it is the view of the administration that the United States has an equitable and moral obligation, although not a legal obligation, in this case, to pay for the damages caused by its Armed Forces. This committee's favorable consideration of the resolution now before you and its ultimate passage by the Congress would satisfy this equitable and moral obligation.

To assist in this presentation, Lt. Gen. Albert Watson II has come from his assigned post in Okinawa. General Watson has been High Commissioner of the Ryukyu Islands (as well as commanding general of the Army Forces in that area) since August 1 of last year. He is thus thoroughly familiar with the feelings and needs of the Ryukyuan people, as well as of the military importance of these islands to our national security and to the security of the free world. General Watson is accompanied by two members of his staff, who served on the Joint Committee which reviewed these claims. Mr. Eugene V. Slattery is an attorney of the Legal Affairs Department of the U.S. Civil Administration of the Ryukyus. The other is Mr. Felipe T. Santos, a supervisor in the Real Estate Division of the U.S. Army Engineer District on Okinawa.

Because this proposal may involve questions relating to foreign policy considerations and to the interpretation of relevant provisions of the Treaty of Peace with Japan, the Department of State is represented here by the Honorable Samuel D. Berger. He is formerly U.S. Ambassador to Korea and now Deputy Assistant Secretary of State for Far Eastern Affairs.

Subject to your desires, Mr. Chairman, I should like to ask General Watson to speak next, to describe how the Joint Committee conducted its review and what were its principal findings. Ambassador Berger would then cover the peace treaty and foreign policy implications. Mr. Chairman, I thank you and the members of the committee for the privilege of appearing before you. This, sir, completes my statement.

Mr. MURPHY. Thank you, Mr. Secretary.

The Chair will now recognize General Watson.

STATEMENT OF LT. GEN. ALBERT WATSON II, U.S. ARMY, HIGH COMMISSIONER OF THE RYUKYU ISLANDS

General WATSON. Mr. Chairman and members of the committee, I appreciate this opportunity to appear before this committee. My purpose is to provide you with additional background information regarding the Joint United States-Ryukyuan Committee and its deliberations, together with some detailed information regarding the categories of pretreaty claims.

My service as High Commissioner of the Ryukyu Islands dates back to the first day of August 1964. Nevertheless, the present legislative proposal began to take shape back in 1961.

52-378—65——3

As stated by Secretary Resor, this matter came about because of the fact that all claims against the United States, arising out of actions of the U.S. forces in the Ryukyus during the occupation were waived in the Treaty of Peace with Japan, signed at San Francisco, which entered into force on April 28, 1952.

On April 6, 1961, the then High Commissioner announced that the U.S. Government was prepared to review this matter in detail. He announced that he would establish a Joint Committee, whose mission would be to conduct this review, to assemble and evaluate all pertinent information, and to make recommendations to the High Commissioner.

Pursuant to this announcement, as Secretary Resor mentioned, the High Commissioner appointed four U.S. members, while the chief executive of the government of the Ryukyu Islands appointed four Ryukyuan members.

The U.S. members included:

Mr. John P. King, then President of the U.S. Land Tribunal in USCAR;

Mr. Eugene Slattery, an attorney of USCAR's Legal Affairs Department;

Mr. Felipe T. Santos, a supervisor in the Real Estate Division of the U.S. Army Engineer district on Okinawa; and

Mr. Richard Rose, then Chief of the Land Section in USCAR's Legal Affairs Department.

Heading the Ryukyuan membership was Mr. Ryojun Kugai, director of the Legal Affairs Department of the government of the Ryukyu Islands. The other three Ryukyuan members were Mr. Choko Kuwae, a member of the Ryukyuan Legislature and president of the association which was formed by the pretreaty claimants to advance their cause; Mr. Hiroshi Makino, a prominent Ryukyuan attorney; and Mr. Ihi Nakamoto, formerly mayor of the city of Naha.

This Committee met 19 times, between May 10 and December 29, 1961, and reviewed in detail the written evidence in support of these claims, which had been assembled over a period of several years by representatives of the claimants. Claims for the rental of real property are supported by oral and written evidence of use and occupation of the involved lands by the U.S. Government. Claims for personal injury or death and damage to personal or real property are supported by written evidence of claimants and Ryukyuan officials. This evidence is largely in the form of affidavits, investigative reports, and police records made at the time the damages were suffered. All of the voluminous documentary evidence has been preserved and is on file in the Ryukyu Islands. The Committee also made numerous on-site inspections of the claimed damages, particularly in connection with released lands.

The Committee agreed that the United States would incur no cost or liability whatsoever regarding the handling or disposal of these claims and that, should the United States make ex gratia payments for them, the disbursements would be made by the government of the Ryukyu Islands at no expense to the United States. All of the Joint Committee's decisions were unanimous, and I believe that the conclusions reached are fair and equitable. The then High Commissioner approved the conclusions and recommendations of the Joint Committee which have been incorporated in the administration's proposal which you are now considering.

The meritorious claims fall into 21 distinct categories, which are recapitulated in the tabulation attached to my statement. Perhaps it would be helpful if I were to comment briefly on each category.

1. Land rentals.—This is by far the largest of all the categories, comprising about 141,600 claims and totaling almost $15 million. I should perhaps elaborate on why the pretreaty period during which the Committee found rental claims to be meritorious was limited to the 3½ years from January 1, 1947, through June 30, 1950. The Joint Committee did not accept rental claims for the latter part of 1945 and all of 1946 because the Ryukyuan inhabitants were still dispersed during this period, the lands were vacant, and no crops were planted.

The loss of crop production is the agreed basis for calculating all rentals of agricultural lands, and there was no gainful use to which nonagricultural lands could have been put during this period of almost total disruption.

The Committee therefore established January 1, 1947, as a somewhat arbitrary, but roughly accurate beginning date of the period during which it regarded rental claims as having merit.

Further, as Secretary Resor has explained, the Committee regarded this period as terminating on June 30, 1950, because of the fact that the U.S. forces, as of July 1 of that year, began to pay for real estate used by them under leasehold arrangements. The meritorious pretreaty land-rental claims therefore encompass a period of only 3½ years, or just about half of the occupation period.

I shall not attempt to detail for you at this point the somewhat complicated method developed for determining the productivity of the various agricultural lands held by the U.S. forces during the pretreaty period and the relative valuation of other lands. These statistics, however, are available for your consideration should you wish to explore this matter.

In any event, I believe that the formulas established by the Joint Committee for the rental value of both agricultural and commercial lands are fair, practical, and in accordance with objective values in the Ryukyu Islands at the time. It is my understanding that the same standards have been successfully applied in many other situations in the Far East, particularly in Korea and Japan, in resolving legal claims with regard to land rented by U.S. forces.

2. Restoration of lands.—The claims in this category amount to slightly over $2.5 million. These particular claims are based on the principle, which is observed by U.S. forces throughout the world, that any person or organization leasing or renting real estate is obliged to restore the property involved to its condition when leased, or to make appropriate reimbursement for any damage done thereto during the period of the lease. Fee value of the land was the basis when the cost of restoration would equal or exceed the fee value.

As with the land-rental claims of the first category, we are likewise concerned here only with damages caused during the 3½ years between January 1, 1947, and June 30, 1950. Further, we are dealing only with damages caused during that period to lands which have subsequently been released. We refer to them from time to time as released lands.

The Joint Committee decided not to regard any alterations caused during the pretreaty period to lands which are still under lease to U.S. forces as constituting meritorious claims because, in its opinion these alterations—such things as housing areas, hospitals, airbases,

roadways, pipelines, and other permanent-type installations—should not be regarded as "damages," but rather as definite improvements increasing the value of the lands. I concur in this view.

All of the restoration claims relate to lands which have already been released by the U.S. forces to their owners. As already indicated, the Joint Committee found no meritorious claims to be supported by reason of the alterations caused to lands still under lease to the U.S. forces.

3. Water rights.—The U.S. forces took over two water points, or large springs, without compensation. They have a combined flow of 1,500,000 gallons of water per day. The owners of the water points formerly used the water for irrigation of crops, for domestic purposes, and for generating small amounts of electricity. The monetary damages suffered by the water owners amount to about $50,000.

4. Personal injuries and death.—Damages in the amount of about $830,000 for personal injuries and deaths were caused by personnel of the U.S. forces. These tortious damages resulted from accidents—involving motor vehicles, aircraft, and marine vessels—ammunition and gasoline explosions, and physical violence.

From August 15, 1945, to April 28, 1952, 346 Ryukyuans were killed and 382 injured in such ways. Although no official compensation has been paid for these damages, donations amounting to about $7,000 were paid by American personnel to the victims of an explosion of ammunition; these gifts have been deducted from the meritorious claims approved by the Joint Committee for said deaths and injuries.

5. Growing crops.—Growing crops, valued at about $5,000 were destroyed on lands taken over by U.S. forces.

6. Fruit trees, mulberry trees, and teaplants.—These damages amounted to about $430,000. The trees and plants were several years of age and bearing. The cost of each tree or plant was based upon its fair market value at the time of destruction.

7. Standing trees and bamboos.—Timber trees, pine, bamboo, etc., were damaged in the amount of about $600,000.

8. Firewood and charcoal material.—Hardwood trees, suitable for firewood and charcoal were damaged in the amount of about $18,000. This category involves almost 16 million board feet of wood.

9. Rental for buildings.—604 buildings were occupied by U.S. forces without compensation from August 15, 1945, to April 28, 1952. These rentals total about $74,000.

10. Buildings destroyed.—3,255 buildings, having at the time of destruction a reasonable value of about $610,000, were destroyed by U.S. forces in making lands available for U.S. housing and other necessary buildings.

11. Wells.—1,332 wells were destroyed, with a total value of about $110,000.

12. Tombs.—941 tombs were destroyed with a total value of about $80,000.

13. Reservoirs.—52 reservoirs were destroyed with a total value of about $65,000.

14. Stone walls.—1,994 stone walls were destroyed with a total value of about $390,000.

15. Water tanks.—219 water tanks were destroyed with a total value of about $14,000.

16. Collapsed and destroyed lands.—Extensive amounts of land were destroyed by tidal and water action arising from the destruction of seawalls and the diversion of natural water courses by U.S. forces. The lost land had a reasonable value of about $235,000.

17. Destruction of sugar mill.—A sugar mill was destroyed by U.S. forces causing a loss to the owners in the sum of about $8,000.

18. Loss of inshore surface fishing rights.—The U.S. forces excluded nine fishing cooperatives from taking fish in inshore waters. The cooperatives had been licensed to fish in these waters for many years. They utilized 243 fishing vessels, and 712 fishermen. The Committee found that the fishing cooperatives had suffered damage in the sum of about $560,000, for which they have received no compensation.

19. Removal and relocation of buildings.—The U.S. forces requisitioned certain lands from which the owners were compelled to remove 3,751 buildings at their own expense in the sum of about $220,000.

20. Severance damage.—Many pipelines, powerlines, and other utilities required the taking of lands consisting of only a portion of the individual holdings. In many cases this caused measurable damage to the landowner because of the resultant severance of one portion of his property from the remainder. Damages caused by this piecemeal taking of land amount to about $14,000.

21. Property damages by tortious acts.—Because of negligence on the part of U.S. forces for their personnel, damages in the amount of about $80,000 were caused to buildings and other property in connection with 257 incidents, such as aircraft accidents and ammunition explosions—the most notable of which was the explosion of an ammunition-laden LCT at a wharf on Ie Shima Island during August 1948.

This completes my comments on the various categories of meritorious claims. I trust that my remarks will give you a general idea of how the Joint Committee went about its work, and of what findings it reached. I deeply regret that Judge King, who chaired the Joint Committee, is not here personally to give you more details of the Committee's work and to answer such questions as you may have about this portion of our presentation. He has been suffering from a serious heart conditon for some time and it has recently worsened to the point where the doctors have determined that it would be medically imprudent for him to come back to Washington, as had been planned, to participate in these hearings.

As a matter of fact, it is anticipated he will be physically retired. It is a serious physical condition.

Parenthetically I would like to say that this is a very emotional problem with him because he has worked on this matter, he has gone out personally and checked on it, he has devoted the major part of his last 8 years, really, to making this a worthy proposition for the Congress and it is really most regrettable that he couldn't be here. I must say I feel a bit emotional about it myself, if you will excuse me.

Mr. MURPHY. Thank you, General Watson.

General WATSON. Judge King's background and experience amply justified his selection by the then High Commissioner to chair the Joint Committee. Prior to becoming a civilian official of the U.S. Civil Administration of the Ryukyu Islands some 8 years ago, he had had 40 years of distinguished service with the Regular Army from which he retired in the rank of colonel in 1956. His military experience covers the Mexican border incident in 1916, World War I, World War II, and the Korean war.

He graduated from Stanford University Law School with the degree of juris doctor, and has been an active member of the California bar

since 1925. Most of his military career was spent as an attorney in the Judge Advocate General's Corps, and for his last 22 years in the service most of his professional time was devoted to reviewing claims submitted by foreigners against the United States.

During 1943, when stationed in Hawaii, he personally reviewed claims involving loss of and damage to crops and trespass upon lands. From 1944 to 1945, he was in New Guinea and the Philippines reviewing claims relating to damage to and loss of trees, crops, and personal property. From 1945 to 1951, as President of Foreign Claims Commission No. 173, he reviewed such claims in Korea; and from 1951 to 1956 he was similarly engaged in Japan.

During his more than 8 years of civilian service with USCAR, his regular assignment was President of the U.S. Land Tribunal, which adjudicates matters relating to the valuation of all lands leased by the U.S. forces in the Ryukyus.

At the same time he also served as Associate Justice of USCAR's appellate court.

In assuming the chairmanship of the Joint Committee, Judge King brought to this task not only demonstrated legal competence and extensive experience in the claims field, but also knowledge of the Japanese language and wide-ranging familiarity with the laws and customs of various peoples of the Far East. I have taken the time to give you this thumbnail sketch of Judge King in his unfortunate absence because I believe that you should know the kind of man who chaired this important Committee and guided it in reaching conclusions, findings, and recommendations based on solid factual analysis and endorsed by the High Commissioner and the executive branch.

In conclusion, I believe that favorable consideration of this resolution by your committee and by the Congress would discharge an equitable obligation of the United States in the Ryukyu Islands and throughout the free world.

Gentlemen, this concludes my statement.

(The tabulation attached is as follows:)

Recapitulation of meritorious claims

Category	*Amount*
1. Land rentals	$14,939,539.00
2. Restoration of lands	2,518,718.71
3. Water rights	50,377.00
4. Personal injuries and death	831,032.69
5. Growing crops	5,019.00
6. Fruit trees, mulberry trees, and teaplants	431,066.00
7. Standing trees and bamboos	609,834.00
8. Firewood and charcoal material	18,399.00
9. Rentals for buildings	73,908.00
10. Buildings destroyed	610,982.00
11. Wells	111,281.00
12. Tombs	81,468.00
13. Reservoirs	65,569.00
14. Stone walls	393,423.00
15. Water tanks	13,807.00
16. Collapsed and destroyed lands	236,469.00
17. Destruction of sugar mills	8,376.00
18. Loss of inshore surface fishing rights	562,607.00
19. Removal and relocation of buildings	219,259.00
20. Severance damage	13,293.00
21. Property damages by tortious acts	80,097.00
Total damages	$21,874,524.40

Mr. MURPHY. Thank you, General Watson.

I will now turn the meeting over to Congressman Zablocki, chairman of the subcommittee.

Mr. ZABLOCKI. Thank you for chairing the meeting in my absence.

We will very likely be called to the floor of the House shortly. Should we be interrupted by a quorum call, it may be that the members could come back after answering to their name. We could then go into executive session for a few minutes and quite possibly could complete the hearings on this resolution this morning.

Should there be others that want to present statements, and who could not be here, the subcommittee will receive them, and include the statements in the record.

I suggest we continue with Ambassador Berger until the bells go. Mr. Ambassador.

STATEMENT OF SAMUEL D. BERGER, DEPUTY ASSISTANT SECRETARY OF STATE FOR FAR EASTERN AFFAIRS

Mr. BERGER. Mr. Chairman and members of the committee, I have been asked to appear before you today to provide the views of the Department of State on House Joint Resolution 251 authorizing an ex gratia contribution to certain Ryukyuan inhabitants for death and injury of persons, and for use of and damage to private property, arising from acts and omissions of the U.S. Armed Forces before the entry into force of the Peace Treaty With Japan.

As you know, the President has delegated to the Secretary of Defense the responsibility for the administration of the Ryukyu Islands as long as the United States finds it necessary to govern them. To the extent that the pretreaty claims question is an internal Ryukyuan matter, the Department of State supports the views of the Department of Defense expressed earlier by Secretary Resor and the other representatives of that Department. There are, however, two foreign policy questions raised by the proposed legislation on which the Department of State wishes to comment.

First, there is the relationship of the proposed legislation to the Treaty of Peace with Japan (TIAS 2490). Article 19(a) of that treaty reads as follows:

> Japan waives all claims of Japan and its nationals against the Allied Powers and their nationals arising out of the war or out of actions taken because of the existence of a state of war, and waives all claims arising from the presence, operations or actions of forces or authorities of any of the Allied Powers in Japanese territory prior to the coming into force of the present treaty.

It is our view that residents of the Ryukyu Islands are nationals of Japan and that the Ryukyu Islands were Japanese territory in the period "prior to the coming into force of the present treaty" as specified in this paragraph. We therefore believe that the United States has no legal obligation to pay the claims of Ryukyuans arising from the presence, operations, or actions of U.S. forces in the Ryukyus in the pretreaty period.

The Japanese Government similarly denies any legal liability on its part for pretreaty damages in the Ryukyus, since it had no administrative authority in this area during the pretreaty period and continues, under article 3 of the treaty, to have no administrative authority there. It further denies that the waiver provision of article 19(a), which

established U.S. nonliability for such claims, generated any corresponding liability for them on the part of Japan.

Since both the United States, in its capacity as the former occupying authority, and Japan, in its capacity as nominal sovereign, deny legal liability for the claims of Ryukyuans for damages suffered in the pretreaty period, individual Ryukyuans would appear to have no recourse but to appeal through the government of the Ryukyu Islands, for redress to the United States as the present administering authority. The Department of Defense has already commented on the validity of these claims and their relationship to other U.S. programs in the Ryukyus.

Second, I call the committee's attention to the fact that the Japanese Government, while denying legal liability, appropriated 1 billion yen ($2.8 million) in 1957 as an ex gratia payment to Ryukyuans having claims for damages suffered in the pretreaty period. This payment was made as an "advance" against future payment in full by the United States, and a Japanese Cabinet decision was made to the effect that the 1 billion yen ex gratia payment would be considered reimbursable to Japan in the event of a later U.S. settlement covering losses sustained by Ryukyuans during the pretreaty period.

Both the United States and Japan are now contributing to economic development and social welfare in the Ryukyus, and we expect that the settlement by the United States of these pretreaty claims will contribute substantially to our common objectives. Utilization of a part of such settlement to reimburse the Japanese Government for its earlier ex gratia payment would reduce by that much the effectiveness of the U.S. payment in stimulating economic growth in the islands.

In connection with the preparation of the administration's proposal on the settlement of these claims, the Department of State has brought these considerations to the attention of the Japanese Government, requesting that it now waive its claim to reimbursement for its 1957 payment. Although the Japanese Government is in sympathy and agreement with the objectives underlying the U.S. request that it waive these claims, it informs us that it can reverse its earlier Cabinet decision only through certain legislative action which would adversely affect its legal position with regard to outstanding claims in areas other than the Ryukyus.

Because the Government of Japan considers it should be reimbursed if full payment is made by us, a provision has been inserted to provide that U.S. payment not cover payment already made by Japan. We anticipate no reaction from the Government of Japan as a result of its inclusion which would adversely affect the close, amicable relations which exist between our countries.

Mr. Chairman and gentlemen, this concludes my statement.

Mr. ZABLOCKI. Thank you, Mr. Ambassador.

Are there any questions of any of the witnesses who have appeared before the subcommittee?

Mr. WHALLEY. General Watson, how much land does the U.S. base use in Okinawa?

General WATSON. Mr. Santos is in the Okinawa Engineer District of the U.S. Army, and is well qualified to answer your question in detail.

STATEMENT OF FELIPE T. SANTOS, REAL ESTATE DIVISION, U.S. ARMY ENGINEER DISTRICT, OKINAWA

Mr. SANTOS. My name is Felipe T. Santos. I work for the U.S. Army Engineer District in Okinawa.

To answer your question, sir, the military services lease approximately 51,000 acres of land in the Ryukyus, which are privately or municipally owned.

In addition to that, sir, there are about 24,000 acres of Japanese Government-owned land which is under the control of the United States.

Mr. WHALLEY. Is this land leased or purchased?

General WATSON. The 51,000 acres are all leased, with the exception of three small segments. In effect, in sum total, all of this land is leased.

Mr. WHALLEY. Is there any particular reason why it is leased, instead of bought outright?

General WATSON. I know of no special reason, except that we recognize that this is Japanese land and that it will eventually revert to their administrative authority.

Mr. WHALLEY. But it belongs to the individual farmers and people who were there before.

General WATSON. That is correct, except for this acreage mentioned as belonging to the Japanese Government. That is under the control of the Ryukyuan property custodian in the U.S. civil administration.

Mr. WHALLEY. What is the basis of the lease terms as compared to the value of the land? Over here we usually figure 1 percent a month, or 12 percent a year, as the value of the lease. Is there any particular figure that you use?

Mr. SANTOS. No, sir; not for general application. Out in Okinawa, for agricultural land, we use the productivity method of determining the rental rate. For nonarable land, consisting of building lots or range land and forest land, we use the comparative approach to determine the fair rental on those lands.

Mr. WHALLEY. You have 180,000 claims.

General WATSON. Approximately so; yes, sir.

Mr. WHALLEY. What percentage of these claimants still exist or are still alive, or what happens in the case of the claimant no longer existing?

General WATSON. In Japanese law, there is a rule of primogeniture, which would then have this claim fall to the first heir.

Mr. WHALLEY. In the Philippines claims adjustment I think they arrived at approximately $73 million, and finally it was around $44 million, as I remember—these are round figures—used, and the balance was to be given for educational purposes.

Do you really believe that the figures that you use are basically correct? In other words, the Philippine damage figures, as I remember, the final figures were about one-third—the damages paid were about one-third of the claims.

General WATSON. Ours comes out $22 million out of $53 million.

Mr. RESOR. Under this resolution, any moneys not used within 2 years go back to the Treasury of the United States, and are not retained by the government of the Ryukyu Islands.

Mr. WHALLEY. In the Philippines, whatever was not used went for educational purposes in the Philippines, but this would come back to the Treasury after actual payment would be made?

General WATSON. That is correct.

Mr. RESOR. And it comes back after 2 years, too.

Mr. ZABLOCKI. In the case of the Philippine war damage claims, about $3½ million reverted to the Treasury under a similar provision of that act.

Mr. WHALLEY. I think you will agree, Congressman Zablocki, that we were amazed at so much being left over. We were told the entire $73 million was necessary to pay claims.

Mr. ZABLOCKI. $73 million.

Mr. WHALLEY. $73 million was the accurate figure and we ended up by giving the balance of approximately $30 million to the Philippines for educational purposes.

General WATSON. I don't think it will come out that way in our case, because there has been very detailed research, and we do have a pretty good estimate on it.

As I say, the original requests were cut from $53 to $22 million and we believe that this is a good, hard-core figure. As to what happens in the case of a death, since you have indicated interest in this, I do feel that, because of the law of primogeniture, the money won't lapse, even though the principal has died.

Mr. WHALLEY. As to the total rental of the 50-odd-thousand acres for the base use and the total value of the land, would you have the value of the land and lease programs, or could they be made available?

General WATSON. We will provide those for the record if I might do that.

(The information referred to follows:)

The U.S. forces and other U.S. agencies presently occupy 75,700 acres of land in the Ryukyus. Of this total, 51,600 acres are leased from private owners or municipalities. The balance of 24,100 acres are owned by the Japanese Government and are under the control of USCAR, by virtue of the Treaty of Peace.

The U.S. forces pay an annual rental of $6,660,000 on the 51,600 acres of privately owned and municipally owned lands. This rental represents about one-seventeenth of the estimated fee value of the lands. The 24,100 acres of Japanese Government-owned lands are allocated to use by the U.S. forces and other U.S. agencies, at no cost to the United States.

Mr. RESOR. In response to your earlier question, I am advised that with regard to the annual leases, about one-seventeenth of the fee value of the land is paid in an annual rent. One-seventeenth. We will confirm that, too, for the record.

General WATSON. I am informed by Mr. Slattery, who is one of my supporting witnesses here, that, in the Ryukyus, the Japanese law is applied, in case of death of the principal, by the wife and children coming into inheritance, so this even gives a stronger coverage to the point that you are concerned about of not having full use of the funds.

Mr. WHALLEY. I didn't get a chance to look over your final statement. What is the highest claim that you have by any individual?

General WATSON. $665,000.

Mr. RESOR. That is by a municipality. That is the city of Naha.

Mr. WHALLEY. Thank you, Mr. Secretary.

Why was that amount so large? Was there waterworks destroyed, or city property?

Mr. SANTOS. That figure represents the rental on the city-owned lands for the 3½ years for which we are asking payment.

These lands are located within the metropolitan area of the capital city of Naha, where the rental for that type of land is considerably higher than in the rest of the island.

Mr. ZABLOCKI. I do have a few questions. Before asking them I would like to inquire whether the witnesses could return for an executive session at 2:30 this afternoon?

Mr. RESOR. Certainly.

Mr. ZABLOCKI. In section 2 of the bill, it provides that amounts unobligated, after 2 years, will be returned to the Treasury.

Do you have any estimate as to how much of the $22 million may be unobligated after 2 years.

General WATSON. I would say that it would be a comparatively small amount, if any. We figure that within that period of time, we will be able to accomplish this rather monumental task of taking care of approximately 80,000 claimants.

Mr. ZABLOCKI. It has been called to my attention that the Secretary of the Army's statement on page 9 points out that the original claims totaled $53 million. The Executive communication on page 5 says the total original claims amounted to $43 million. Which is correct?

Mr. RESOR. It depends on what the word "original" refers to.

The formal petition submitted by the association to the High Commissioner in 1958 covered claims totaling $43 million. However, it is my understanding that, between that time and the start of the Joint Committee's deliberations in 1961, additional claims were presented, bringing the total to $53 million. Perhaps the word in my statement should be changed from "originally" to "ultimately."

Mr. ZABLOCKI. A question was asked by my colleague as to the amount of the largest claim. Will you provide for the record a list of the largest claims similar to the listing that we had in the Philippine war damage claims hearings?

General WATSON. We can provide something for the record but I would like to be very clear on what you want because we have 180,000 claims.

Mr. ZABLOCKI. Your claims are indexed in some way are they not? You have data? Couldn't you also supply us the report of the Joint Ryukyuan-American Committee?

Mr. RESOR. We have full data here on the 31 largest claims—for amounts over $10,000.

Mr. ZABLOCKI. This list is for the top 31 claims. They represent all claims above $10,000. Perhaps for those claims from $10,000 could be scheduled by categories of $5,000 to $10,000, $1,000 to $5,000 and zero to $1,000 and the number of claims in each category shown.

General WATSON. We will provide that for the record.

(The information referred to is as follows:)

There are 31 claims for amounts over $10,000. Five of them have been presented by municipalities, the residents of which own the land in common, so that any one individual benefits only indirectly thereby. The highest of these municipal claims (presented by Naha City) is for about $665,000. The other four are for approximately $93,000; $56,000; $48,000; and $13,000.

Two large claims have been presented by corporations. One (in the amount of about $175,000) is split among the 1,477 shareholders of a sugarmill; while the other (in the amount of about $18,000) is divided among the 238 shareholders of a bank. Thus, the average amount accruing to any one individual from these two corporations claims is fairly modest.

The remaining 24 of the large claims have been presented by individuals. One of them is for almost $60,000; another is for slightly over $40,000; three are between $30,000 and $40,000; four are between $20,000 and $30,000; and fifteen are between $10,000 and $20,000.

Further, there are 37 claims for amounts between $5,000 and $10,000. One of these has been presented by a municipality, and 36 by individuals.

Finally, there are 6,654 claims in amounts between $1,000 and $5,000. Thirty-one of these have been presented by municipalities, and the remaining 6,623 by individuals.

The remaining claims covered by the proposed legislation, about 174,000 in number, are all for amounts below $1,000—the bulk of them falling between $10 and $500.

List of Ryukyuans (including municipalities) receiving the largest payments (amounts above $10,000), nature of claims, and the amounts

A. Municipalities:		
1. Naha City: Land rentals		$664,189.44
2. Koza City:		
Wells	$116.80	
Firewood and charcoal material	1,125.21	
Standing trees and bamboo	138.30	
Land rentals	92,220.09	
		93,600.40
3. Yomitan Son: Land rentals		56,163.12
4. Chatan Son: Land rentals		13,404.09
5. Kadena Son: Land rentals		47,996.24
B. Individuals:		
1. Okinawa Sugar Mill Co., Ltd., D-22, Miebashi, Naha City: Land rental		174,556.32
2. Choryo Fukuyama, 8-Banchi, 1 Chome, Onaka Cho, Naha City: Land rental		58,820.81
3. Chosho Goeku, 38 Banchi, 1 Chome, Yamakawa Cho, Naha City: Land rental		41,934.18
4. Yoshio Matsuda, 125 Banchi, Sunabe, Yomitan Son:		
Land rental	$429.95	
Collapsed land	37,905.37	
Stone walls	496.00	
		38,831.32
5. Toki Takamine: Offshore fishery		33,388.00
6. Kiyoko Ionoue, 277-3, Yosemiya, Naha City: Land rental		38,272.20
7. Taisei Teruya, 357 Banchi, Sunabe Aza, Chatan Son:		
Land rental	$785.59	
Collapsed lands	26,422.87	
		26,422.87
8. Kentoku Miyahira, 176 Banchi, Sunabe Aza, Chatan Son:		
Land rental	$820.85	
Collapsed lands	25,333.04	
		26,448.89
9. Saburo Tamashiro: Offshore fishery		25,562.00
10. Yukei Kozya, 42 Banchi, Goeku Aza, Koza City:		
Land rental	$1,169.86	
Collapsed lands	21,203.86	
		22,373.72
11. Fumio Watanabe, 1-103, Yamashita Cho, Naha City: Land rental		19,799.85
12. Takashi Arimura, Arimura Co. 153 Tsubogawa, Naha City:		
Land rental	$1,997.02	
Building rent	16,244.40	
		18,241.02
13. Okinawa Kogyo Bank, Kabushiki Kaisha 2-37 Miebashi Cho, Naha City: Land rental		18,234.38
14. Yu Sho, 53 Minami Heidai Cho, Shibuya, Tokyo, Japan: Land rental		17,804.80

List of Ryukyuans (including municipalities) receiving the largest payments (amounts above $10,000), nature of claims, and the amounts—Continued

B. Individuals—Continued		
15. Kenfuku Takara, No. 6, 1 Chome, Hanezawa, Nerima-KU, Tokyo, Japan:		
Land rental	$15,039.52	
Stone wall	14.96	
		$15,054.48
16. Shinichi Higa, 1340 Banchi, Goya Aza, Koza City:		
Land rental	17,241.02	
Fruit trees	7.30	
		17,248.32
17. Hiroshi Hamada, 365 Banchi, Kohagura, Naha City: Land rental		16,616.24
18. Shinsei Ikehara, 21 Banchi, Goya Aza, Koza City:		
Land rental	$14,240.17	
Fruit trees	2,081.20	
		16,321.37
19. Takatsune Yamashiro, 104 Ookayama, Meguro-Ku, Tokyo, Japan: Land rental		13,340.44
20. Zitsuo Miyazato, 1373 Banchi, Itoman Aza, Itoman Cho: Land rental		13,295.98
21. Shinzo Nakamine, 1615 Banchi, Goya Aza, Koza City:		
Land rental	$932.42	
Fruit trees, mulberry trees, teaplants	11,503.61	
Tomb	86.00	
Water tank	21.98	
Standing trees, bamboo	2.16	
Building	625.70	
		13,171.88
22. Jinpei Akamine, 2164 Banchi, Gusukuma Aza, Urasoe Son: Land rental		11,670.69
23. Okinawa Agricultural Association, Tatsuo Taira, chairman: Land rental		11,279.35
24. Zenei Ishikawa, 646 Banchi, Ishikawa Aza, Ishikawa City: Land rental		10,371.56
25. Hideo Shibata, 2-18 Makishi, Naha City: Land rental		10,196.20
26. Tokuya Itomine, 14 Banchi, Matsuya, Naha City: Land rental		10,062.77

REPORT OF JOINT RYUKYUAN-AMERICAN COMMITTEE

THE UNITED STATES HIGH COMMISSIONER,
Ryukyu Islands.

Subject: Report of Pre-Peace Treaty Claims Review Committee.
To: Deputy Chief of Staff for Military Operations,
Attn: Civil Affairs Directorate,
Department of the Army,
Washington 25, D.C.

1. Reference: Message DA 992964, CA to HICOM, dated 29 March 1961 (C).

2. In accordance with guidelines set forth in referenced message, the Joint Ryukyuan-American Committee was established in April 1961. The Committee has since then carefully examined all evidence supporting these claims in accordance with equitable standards that have previously been successfully developed in such work in other areas in the Far East.

3. The Committee completed its work on the Ryukyuan pre-peace treaty claims and submitted its unanimous recommendations to the High Commissioner on 23 March 1962. These recommendations have been reviewed by the Office of the High Commissioner. This review sustained the findings and recommendations of the Committee, and the report was forwarded to the High Commissioner with a recommendation for favorable action.

4. I approve the findings of the Joint Committee and recommend that appropriate action be taken to seek approval by the Congress for authorization to settle these claims favorably.

PAUL W. CARAWAY,
Lieutenant General, United States Army,
High Commissioner.

UNITED STATES CIVIL ADMINISTRATION OF THE RYUKYU ISLANDS

APO 331

21 March 1962

Subject: Report of Pre-Peace Treaty Claims Review Committee.
To: High Commissioner of the Ryukyu Islands.

1. *Reference*

Reference is announcement by the High Commissioner, dated 6 April 1961.

2. *General Statement*

Pursuant to directions in reference announcement, a committee of qualified United States citizens appointed by the High Commissioner, and a committee of qualified Ryukyuan citizens designated by the chief executive of the government of the Ryukyu Islands, undertook a review of the entire subject of the Ryukyuan pre-treaty claims, including discussions with the government of the Ryukyu Islands, Ryukyuan organizations, and Ryukyuan individuals. As part of the review the Joint Ryukyuan-American Committee assembled and analyzed the facts concerning said claims. Submitted herewith is the Committee's over-all evaluations and recommendations.

3. *Number of Meetings*

The Committee met nineteen times from 10 May 1961 to 29 December 1961.

4. *Method of Review and Types of Claims*

As far as could be done, a personal inspection was made of the written evidence of claims, which had been assembled over a period of several years by the representatives of the claimants. The claims for personal injury, death, and personal and real property damage are supported by written evidence of the claimants and Ryukyuan police officials. The claims for real property rental are supported by oral and written evidence of United States use and occupation of the involved lands. The claims examined consisted of claims for the use of and damage to lands by the United States from 15 August 1945 to 1 July 1950, and claims for personal property, fishing rights, and personal injury and death, caused by the United States, from 15 August 1945 to 28 April 1952.

5. *Authority of Ryukyuan Committee Members*

In addition to the Ryukyuan members designated by the chief executive of the government of the Ryukyu Islands, Mr. Choko Kuwae participated in the review as a representative of the legislature of the government of the Ryukyu Islands. Furthermore, all Ryukyuan members hold written powers of attorney from the claimants.

6. *Agreements*

Before actual examination of claims the Ryukyuan and American members entered into the following agreements:

a. Standard of local weights and measurements:
(1) 1 Kin=1.328 pounds
(2) 1 Sho=2.5 Kin=3.307 pounds
(3) 1 Koku=117.924 board feet
(4) 1 Tsubo=36 square feet
(5) 1,224 Tsubo=1 acre
(6) 1 Tan=300 Tsubo

b. The United States shall incur no costs or liability whatever regarding the handling or disposal of the pre-treaty claims matters.

c. Provided the United States makes an ex gratia payment of the claims, the government of the Ryukyu Islands will make the disbursement at no expense to the United States.

d. Rentals of land used by the United States prior to 1 January 1947 would not be considered because the peoples dispersed during hostilities had not returned to their lands; and furthermore, this was the period of post-war adjustment and

there were no crops produced during this period. Crop production is the agreed basis for calculation of all rentals of agricultural lands.

e. The basis for estimating damage to lands is the cost of restoration of the land to the condition in which the land was at the time of taking by the United States. When the cost of restoration equals or exceeds the fee value, the fee value of the land will be the basis for computing damage.

f. The monetary conversion rate was agreed to be 50 "B" Yen to one United States dollar.

g. The market price of cleaned rice per sho was determined to be $0.0246 for 1947 and $0.7681 for 1948–50.

7. *Rental Formula for Agricultural Lands*

To find the annual income of agricultural lands, the lands were classified as wet and dry farm land, and graded from 1 to 5 in accordance with crop production. Grade 3 was adopted as 100 percent; grade 1, 120 percent; grade 2, 108 percent; grade 4, 72 percent; and grade 5, 60 percent.

The rate of crop production per year is 178 percent. Additional income is derived from byproducts.

The annual yield of cleaned rice per *sho*, of first crop, grade three, wet farm land, per *tan*, throughout the eleven differing areas of production, is as follows:

Year 1955	Year 1952	Years 1951–49	Years 1948–47
175	133.3	101.6	85.5
170	129.5	98.7	83.1
165	125.7	95.8	80.6
160	121.9	92.9	78.2
155	118.1	90.0	75.8
150	114.3	87.1	73.3
145	110.5	84.2	70.9
140	106.7	81.3	68.4
135	102.9	78.4	66.0
130	99.1	75.5	63.5
125	95.2	72.6	61.1

In estimating crop income from 1947 to 1952, a percentage decrease was adopted as follows:

76.2 percent of 1955 production rate for the period 1954 to 1952.
58.06 percent of 1955 production rate for the period 1951 to 1949.
48.88 percent of 1955 production rate for the period 1948 to 1947.

The formula applied to fix annual rental per *tsubo* is, therefore: Yield per sho per tan × utilization rate of 1.78 × by-products yield of 1.056 percent × price of cleaned rice × 0.38 percent of gross income divided by 300 *tsubo*. This formula will give the rental per *tsubo* per annum for grade three wet farm land.

The annual rental of grade three dry farm land is estimated to be 65 percent of wet farm land grade three.

The average rental of wet farm land grade three was calculated on a percentage of decreased yield from 1955 to 1947, and by the adjusted annual price of cleaned rice, because the average yield per *tan* per *sho* in Okinawa Gunto was 160 *sho* in 1955.

The rental of dry farm land grade three was calculated in the same manner as the preceding paragraph. The rental of wet farm grade three, and the average profit of 65 percent of wet farm grade three were used for the calculation.

8. *Non-Agricultural Lands*

The rental formula for other than agricultural lands per *tsubo* was agreed to be as follows:

a. *Range Land:*
(1) Range land grade 1, 50 percent of the rental value of dry farm land grade 5 in the same area.
(2) Range land grade 2, 70 percent of range land grade 1 in the same area.

b. *Forest Land:*
(1) Forest land grade 1, 33.3 percent of dry farm land grade 5 in the same area.
(2) Forest land grade 2, 70 percent of forest land grade 1 in the same area.

c. *Special Areas:*
(1) 50 percent of the rental of building lot grade 2 in that area.

d. *Forest Reserve:*

(1) Same as forest land grade 1.

e. *Swamp and Pool, Reservoir, Miscellaneous Land.* Same as building lot grade 2 in the same area.

f. *Tombland, Sacred Land.* Same as range land grade 1.

g. *Public Used Land, Salt Land.* Same as building lot grade 1.

h. *Other Land (Unsubdivided Land).* Same as dry farm land grade 5 in the same area.

9. *Building Lots*

The rental for building lots was determined to be a certain percentage of the average 1959 rental per tsubo of $3.0012 for old Naha City, and $0.5209 for other *shi-cho-son* building lots. (*Shi* is city. *Cho* is town. *Son* is village.) The 1950 rental rates were first found by decreasing the rates by 23.8 percent for each three years. The rental rates for 1949–1948 and 1947 were then ascertained by decreasing the 1950 rental rate by 7.9 percent per annum.

10. *Loss of Water Rights*

The damage to lands arising from the loss of water appurtenant thereto was estimated by finding the cost of converting the land from wet farm land to dry farm land, plus the decrease in the market price between wet and dry farm land.

11. *Growing Crops*

The damage arising from lost crop was determined to be the market price of the crop less the cost of production.

Fruit trees, mulberry trees, tea plants, bamboo damage was estimated to be market value of plant or tree at time of destruction, less unexpended costs of production.

Firewood and charcoal materials was estimated to be the market price time of destruction.

Rental of buildings was estimated to be the average rental for like buildings in the same area.

Damage for destroyed buildings was estimated to be the market price of building at time of destruction.

Damage for wells, tombs, reservoirs, stone walls, water tanks, sugarmills, was estimated to be the cost of restoration to the condition when damaged or destroyed.

Damage for collapsed or lost land (washed away by action of the sea), was estimated to be the fee value of the land at time of loss.

Building relocation expenses was estimated to be actual reasonable cost involved.

12. *Surface Fisheries*

The damage arising from loss of fishing rights is confined to licensed inshore fishing. Damages arising from loss of fishing in international waters were not considered.

The number of persons, equipment, geographical areas and time involved is as follows:

Name	Number of vessels used	Number of fishermen	Amount claimed	Years covered
Ie Association	35	88	$78,640	6 years 4 months.
Tokumoto TAKAMINE of Naha Shi	9	13	33,358	Do.
Nakazato-Son Association	59	130	118,657	Do.
Saburo TAMASHIRO of Itomau Cho	4	24	25,562	4 years.
Tonaki-Son Association	60	198	117,282	3 years 10 months.
Yonagusuku-Son Ikei Association	3	25	10,811	6 years 4 months.
Chatan-Son Association	30	73	102,131	Do.
Yomitan-Son Association	27	108	52,913	Do.
Katsuren-Son Association	16	48	17,223	Do.
Total	243	712	562,607	

The existing evidence establishes that claimants have been excluded by the United States from fishing in the inshore areas above described, and have suffered the losses arising from said exclusion. The Committee could not find exactly the amount of actual loss sustained because the fish catch from inshore

areas of the ocean, the sale price of the catch, and costs of fishing vary from year to year, and also because of fishing licenses were seldom, if ever, sold by the owners.

13. Severance damage to lands was estimated to be the actual damages sustained.

14. General property damage arising from tortious acts was estimated to be the actual cost of repair or restoration of the property at the time of damage.

15. *Personal Injury and Death.*

a. The Committee, to estimate damage arising from personal injury and death, adopted a standard average daily wage of $1.52 for an adult male private employee, $0.98 for adult female private employee, and $1.56 for military employee and self-employed. Incomes in excess of $3.80 were considered to be $3.80. When the amount of daily funeral expenses exceeds $2.94, it shall be fixed at $2.94. Income of infant was set at $0.82 per day, school children $0.98 per day, college students $1.14 per day, wife $0.98 per day, and unemployed adults $0.98 per day. These amounts represent the daily average wage during 1958, except for infants, housewives, unemployed. In the latter case the daily average wage was adopted. The formula is: Average daily wage × 1,000 days, plus 27.3 cents per day for dependent spouse, and 14.6 cents per day for a surviving minor dependent less than 18 years of age, for a deformed or disabled child, and for dependent parents.

b. Funeral costs to the bereaved survivors was fixed at 60 days standard wage or income of the deceased.

c. Personal injuries: Eighty percent of the amount obtained by multiplying average daily wage or income × actual days physically unable to work.

d. Physical handicaps or permanent damages were graded from 1 to 14, according to severity or degree of disability.

Grade 1: Maximum recoverey period of 1,340 days×daily wage
Grade 2: 1,190 days×daily wage
Grade 3: 1,050 days×daily wage
Grade 4: 920 days×daily wage
Grade 5: 790 days×daily wage
Grade 6: 670 days×daily wage
Grade 7: 560 days×daily wage
Grade 8: 450 days×daily wage
Grade 9: 350 days×daily wage
Grade 10: 270 days×daily wage
Grade 11: 200 days×daily wage
Grade 12: 140 days×daily wage
Grade 13: 90 days×daily wage
Grade 14: 50 days×daily wage

e. Where the injured was employed, an additional sum was added to certain degrees of permanent physical damages as follows:

Grades 1 to 3: $0.56 per day
Grades 4 to 7: $0.49 per day
Grade 8: $0.29 per day
Grade 9: $0.15 per day

f. Hospitalization costs, although free of charge prior to 31 March 1948, were fixed at 28 cents per day, and home treatment was fixed at 14 cents per day. From 31 March 1948, or end of free medical treatment, hospitalization costs were fixed at 75 cents per day, plus 28 cents per day as additional expenses. Outpatient or home treatment expenses were fixed at 57 cents per day, plus 14 cents per day as additional expenses.

g. In the event the injured died from said injuries, the damage was estimated to be cost of medical treatment, plus compensation for loss of wage, plus bereaved family costs, plus funeral costs.

h. The damage arising from rape was fixed at daily wage×500 days, plus cost of medical treatment, and in case of physical injury, compensation for loss of wages, plus permanent disability damages, if any. In the event of death arising from rape an additional amount is added for funeral rites and bereaved family compensation.

16. *Findings of the Committee*

a. The Committee, after examining, analyzing, and reviewing the available evidence and facts, finds that between 1 January 1947 and 1 July 1950 the United States used and occupied claimants' lands without payment of rentals as follows:

Year	Tsubo	Equivalent acres
1947	74,992,944	61,268.75
1948	61,321,238	50,099.05
1949	57,262,766	46,783.31
1950	54,943,393	44,888.39

and that a fair rental for these lands during the time used and occupied, based upon the agreed formula, is the sum of $14,939,539.

b. For restoration compensation:

(1) Nishihara Airfield: The committee finds that the cost of restoring the land in this are damaged by the United States is $755,623.

(2) The area of lands damaged by quarrying, hard surfacing, grading, etc., and released prior to 28 April 1952, is 3,180,218.75 *tsubo*. The fair cost of restoration is the sum of $698,296.76.

(3) The area of lands damaged by quarrying, hard surfacing, grading, etc., and released after 28 April 1952, is 971,365.65 *tsubo*. The fair cost of restoration is the sum of $1,064,798.95.

c. Loss of water rights.

(1) At Takamine-Son the United States, without compensation, prior to 28 April 1952 appropriated the entire flow of a water point, which had formerly been used to irrigate approximately 41.65 acres of land and to supply water for domestic purposes.

The average normal flow of the water point is 1,000,000 gallons per day. During the rainy season the average daily flow is 2,000,000 gallons.

The Committee finds that the claimants have suffered damages in the sum of $34,882.70 from converting said lands from wet farm land to dry farm land, from the loss of market value of lands, and from the loss of domestic water.

(2) At Chinen-Son the United States, without compensation, prior to 28 April 1952, appropriated the flow of a water point, which had been used by claimants for irrigation, domestic use, to generate electricity, and to provide hydraulic power for a small rice cleaning mill. The average daily flow of the water point is 500,000 gallons, which increased to 1,000,000 gallons during the rainy season.

The Committee finds that the claimants have suffered damages in the sum of $15,494.30 from converting wet farm land to dry farm land, from the loss of market value of lands converted, from decreased production due to lack of water, from the loss of hydraulic power and from the loss of domestic water.

d. Personal Injury and Death.

Uncompensated personal injuries and deaths caused by United States personnel to Ryukyuans, the Committee estimates to be $831,032.60.

The injuries and deaths arose from traffic accidents, aircraft accidents, explosions of ammunition, explosions of gasoline, physical attacks with dangerous weapons, assault and battery, accidental poisoning of water supply, rapes, and ship accidents.

In August 1948 an LCT loaded with ammunition exploded at Ie Jima wharf; 103 persons were killed immediately, and 77 persons were seriously wounded.

An auxiliary tank fell from a military aircraft, killing nine persons in the city of Naha.

The death and injury cases are supported by written evidence, and are believed to be true.

From 15 August 1945 to 28 April 1952 the following were killed and injured by United States personnel:

(1) Killed, 346. By accidents, rape, personal violence, etc.

(2) Injured, 382. By explosions, personal assaults, accidents, etc.

Solatia payment in the sum of $6,804.55 was given to the victims of the LCT explosions by United States organizations. The *solatia* payment has been deducted from the total amount of damages sustained.

e. Improvements.

Growing crops were destroyed on 118,749.42 *tsubo* of land, causing damages in the sum of $5,019.00.

Fruit trees, mulberry trees, tea plants, were destroyed on 1,048,778.68 *tsubo* land, causing damages in the sum of $431,066.00.

Standing trees, bamboo, firewood and charcoal material totaling 139,177.10 *koku* (16,412,320.34 board feet) were destroyed, causing damages of $99,867.00.

Six hundred and four buildings were occupied, having a reasonable rental of $73,908.00.

Three thousand two hundred and fifty-five buildings, having a reasonable value of $610,982.00, were destroyed.

There were 1,332 wells, 941 tombs, 52 reservoirs, 1,994 stone walls and 219 water tanks destroyed, causing damages in the sum of $1,193,914.00.

Lands were eroded and lost from tidal and water action in the amount of 42,259.5 *tsubo*, causing damage in the sum of $236,469.00.

Two sugar mills, having a reasonable value of $8,376.00 were destroyed.

Inshore fishery losses caused by the areas being closed to fishermen damaged the affected persons in the sum of $562,607.00.

Due to requisition of lands by the United States, 3,751 buildings were moved to other locations at a reasonable expense of $219,259.00.

Severance damages to 31,136 *tsubo* of land created a loss of $13,293.00.

There were 257 instances of property damage to residences, business buildings, etc. from accidental explosions of ammunition, aircraft accidents, etc., which caused damages in the sum of $80,097.00.

17. *Recapitulation*

The Committee finds, from available evidence, that the claimants have suffered damages, for which compensation has not been made, as follows:

1. Land rentals	$14,939,539.00
2. Restoration of lands	2,518,718.71
3. Water rights	50,377.00
4. Personal injury and death	831,032.69
5. Growing crops	5,019.00
6. Fruit trees, mulberry trees, tea plants	431,066.00
7. Standing trees and bamboos	609,334.00
8. Firewood and charcoal material	18,399.00
9. Rental for buildings	73,908.00
10. Buildings destroyed	610,982.00
11. Wells	111,281.00
12. Tombs	81,468.00
13. Reservoirs	65,569.00
14. Stone walls	393,423.00
15. Water tanks	13,807.00
16. Collapsed and destroyed lands	236,469.00
17. Sugar mills destroyed	8,376.00
18. Loss of inshore surface fishing	562,607.00
19. Removal and relocation of buildings	219,259.00
20. Severance damage	13,293.00
21. Property damage from tortious acts	80,097.00
Total damages	21,874,524.40

18. The supporting documentary evidence of the claims reviewed is so voluminous that it cannot be attached to this report. However, all of said written evidence is available and in the possession of the government of the Ryukyu Islands at its storage place in Naha, Okinawa.

The Committee recommends that the findings of the nature and amount of damages sustained by claimants be approved.

Respectfully submitted this 23d day of March 1962.

United States members:	Ryukyuan members:
JOHN P. KING, *Chairman.*	RYOJUN KUGAI, *Cochairman.*
FELIPE T. SANTOS, *Member.*	CHOKO KUWAE, *Member.*
EUGENE V. SLATTERY, *Member.*	HIROSHI MAKINO, *Member.*
RICHARD ROSE, *Member.*	IBI NAKAMOTO, *Member.*

Mr. ZABLOCKI. One of the difficult problems we had in the other claims legislation was the amount that could be paid for services rendered.

Section 3 of the bill provides "No remuneration on account of services rendered on behalf of any claimant in connection with any claim shall exceed 5 percent of the total amount paid."

The language in this section 3 indicates that three or four different people could each collect up to 5 percent. What is your intention under section 3?

For example, it seems to me that an American attorney—an attorney in the United States, could charge 5 percent for his services and a local Ryukyuan lawyer also could charge 5 percent?

Under the Philippine War Damage Claims Act, the language of section 6 was worded differently. It plainly said that the total remuneration on account of services rendered shall not exceed 5 percent of the amount paid to each applicant.

Mr. RESOR. Our intention is that the total would not be more than 5 percent. The aggregate fees should not exceed 5 percent.

Mr. ZABLOCKI. The aggregate amount of $22 million.

Mr. RESOR. That is right.

Mr. ZABLOCKI. Each individual claimant cannot pay more than 5 percent for any and all services rendered.

Mr. MATSUNAGA. "In excess of."

Mr. ZABLOCKI. How can you control that a claimant will pay no more than 5 percent of the claim funds received for services rendered by an individual in connection with the claimant's interests?

Mr. MATSUNAGA. Mr. Chairman, if I might make a suggestion there——

Mr. ZABLOCKI. If I may add this: What is the situation if an attorney represents an association or a group of claimants. The Department of the Army and naturally the Government has done most of the work in connection with the administration of the claims. This attorney representing the association could claim 5 percent of the total paid claims of members of that association; is that right? This could be a windfall; could it not?

Mr. MATSUNAGA. According to the language of section 3, Mr. Chairman, "In connection with any claim." That is on behalf of any claimant. I would think this would be applied to the individual claimant's case rather than to any group of claimants.

Mr. RESOR. I think that a fair interpretation of this would be that it would preclude payment by any single claimant of more than 5 percent and would preclude the aggregate of the fees from exceeding 5 percent of the total claims paid.

Mr. ZABLOCKI. And you have machinery to see that anyone seeking remuneration for services rendered would be in a position to show that he actually did represent the claimant?

Mr. RESOR. I would prefer to say that we have a copy, which I am advised is a true copy, of the fee agreement between the American counsel for the claimants' association, and the fees are much smaller than 5 percent, in the total.

We can furnish a copy of that to the committee. Secondly, we are not aware of any Ryukyuan attorneys acting on behalf of the claimants.

Mr. ZABLOCKI. Do you know how many U.S. attorneys are working——

Mr. RESOR. So far as we know, there is only one law firm involved, and we have a copy of the letter of agreement between that law firm and the association.

Mr. ZABLOCKI. Would that law firm be in the position to collect 5 percent for all of the claims paid to the membership of the association?

We will pursue this at 2:30.

Mr. RESOR. And I will refresh my recollection of the fee agreement.

Mr. ZABLOCKI. The subcommittee stands adjourned until 2:30 this afternoon when we will meet in executive session.

(Whereupon, at 11:30 a.m., the subcommittee was recessed, to reconvene at 2:30 p.m., the same day in executive session.)

AFTERNOON SESSION—EXECUTIVE

The subcommittee reconvened at 2:30 p.m., in room 2255, Rayburn House Office Building, Hon. Clement J. Zablocki (chairman of the subcommittee) presiding.

Mr. ZABLOCKI. General, we are now in executive session so if you have any unfinished remarks from the morning session, you may continue.

STATEMENT OF LT. GEN. ALBERT WATSON II, U.S. ARMY, HIGH COMMISSIONER OF THE RYUKYU ISLANDS

General WATSON. Very well, sir.

I would like to add an additional statement to that which I gave in response to Mr. Whalley's question on why the United States did not buy this real estate which we are now leasing in the Ryukyu Islands.

Mr. ZABLOCKI. Is that a short statement?

General WATSON. It is very short, about three sentences.

Mr. ZABLOCKI. Very good.

General WATSON. At the time I answered that the main reason is that we recognize that the Ryukyus are a part of the homeland of Japan and will eventually revert to the control of the Japanese Government, at a time which is not now foreseeable.

An additional reason why we have not attempted to buy the land which we lease there is that the Ryukyuans themselves have an aversion, actually, to parting with land which they own. They just do not like to sell it. In fact, in about 1958 or 1959, there was considerable difficulty in the Ryukyu Islands, and Okinawa specifically, because there was a feeling that we were going to attempt to buy a large quantity of land. It has been my experience in the year I have been there that they are quite averse to selling their land to an outside national or outside individual or representative of a national government.

This simply amplifies my answer to the first question.

Mr. ZABLOCKI. You addressed yourself to the purchase of land, but there were certain lands that we returned to the Okinawans. One of the complaints that I hear on the floor from my colleagues is how badly we have treated the Okinawans with respect to returned lands. It has been said that we would return to them a piece of their land which had been farmland and it might now be either a runway or a road. We give it back to them and they cannot possibly till it because of its condition. Is this not the situation in certain instances?

General WATSON. Specifically, I know of no such instance, but will ask my expert over here who has been involved in this for a long time—Mr. Santos, who is a member of the U.S.-Ryukyuan Joint Committee which heard the claims which we are considering here. He is a member of the U.S. Army Engineer Office there in the Ryukyus, and is involved in real estate matters constantly. I know of no instance where we have not made proper compensation for land which is returned to the Ryukyuans. If he knows of some, I would like him to state it.

STATEMENT OF FELIPE T. SANTOS, REAL ESTATE DIVISION, U.S. ARMY ENGINEER DISTRICT, OKINAWA

Mr. SANTOS. Yes, sir, there are many cases where the United States acquired land and subsequently released it in such condition that the lands could not be farmed by the owners. In fact, included in these claims before the committee are restoration claims of the nature that we are talking about. One of them is Nishihara Airfield.

General WATSON. Either we propose to rectify or correct that error in the present legislation which your committee is hearing, or we have made compensation for it in the past if it were possible under other laws. Is that so?

Mr. SANTOS. Because of the legal question, if the damage occurred prior to July 1, 1950, under the present situation we cannot pay any restoration legally, under our contract. So, all these are part of the claims that we are reviewing at this time.

Mr. ZABLOCKI. How many of the people whose land we have used for military purposes have been relocated to other areas?

Mr. SANTOS. I do not have the exact figures, sir, but there are a number of them. Personally, I have seen some of the farmers remove the stones and pavement by hand in order to convert the land to a condition that they could farm it. If these claims are given favorable consideration, it is one way of rectifying the situation.

General WATSON. Under the second category, restoration of land, there is an amount of $2.5 million, which is based on the principle that any person who leases or rents real estate is obliged to restore the property involved to its condition when leased, or to make appropriate reimbursement for any damage done to it during the period of the lease. As to whether there are others that are not covered by this legislation where we have an obligation, I am not informed.

Mr. SANTOS. I am speaking of lands which have been released already which we took in 1945 and released after the peace treaty entered into force on April 28, 1952, but which were damaged prior to July 1, 1950. Under the terms of the lease instrument which we have now, we cannot pay any compensation, since the damage occurred prior to July 1, 1950. So, many of the restoration claims of this nature are included in these claims which we are presenting.

Mr. ZABLOCKI. Related to the question which Congressman Whalley asked, and your earlier reply concerning their reluctance to sell the land, what is their attitude toward a settlement for the land which is no longer usable when they really prefer the land? Will they be satisfied with payment?

General WATSON. This is a psychological question. May I explain the reason to you, at least what I have learned over the year?

They are very honest folks. They are very frank. They are hard-working people. They appear to be slow to anger. They cooperate. All in all, they are a very friendly and courteous race of people.

That is not to say that they are different from the Japanese, but the Ryukyuans, as I know them, are very courteous, indeed. They call their land, the Land of Courtesy. They have a term which means land of courtesy. I would think that, if they are not justly handled, they would harbor a resentment about it [security deletion].

Mr. ZABLOCKI. Referring back to a question I raised, before the subcommittee adjourned to respond to a quorum call, concerning payment by claimants of up to 5 percent in fees for services rendered. The claimants, as I understand it, are all members of an association which is represented by the Washington, D.C., law firm of Stitt & Hemmendinger. The only services being paid for by the claimants are to this firm, are they not? If that is so, what is the arrangement for payment? How much monthly retainer is paid? Can you give the subcommittee some idea as to what is involved?

STATEMENT OF HON. STANLEY R. RESOR, SECRETARY OF THE ARMY

Mr. RESOR. I have here some correspondence between that law firm and the claimants. Mr. Hemmendinger said, before lunch, that this correspondence sets forth in full the arrangements of that firm. From this correspondence, it appears that the firm has been receiving a retainer of $10,000 a year, beginning on May 1, 1958; and that, in addition, they will receive, if the claims are paid and contingent on such payment, 5 percent of the amount recovered up to $1 million, plus 3 percent of any amount up to the second $1 million, plus one-half of 1 percent of all amounts above $2 million.

I am informed that that computes to be $180,000, if the full $22 million is paid. If you add to that the $80,000 of aggregate retainer, through this current year, it gives a total of $260,000, which is just slightly more than 1 percent of the full $22 million.

Mr. ZABLOCKI. That may be very true, but the passage of this legislation would in effect give approval to one law firm being paid a substantial sum as a percentage of the payment of the claims satisfied. Why should one firm be the sole beneficiary of any claims paid?

Mr. RESOR. As far as we know, this is the only American law firm that has performed any service, and that is what Mr. Hemmendinger has stated. To our knowledge, there are no Ryukyuan attorneys, although, of course we have no way of knowing for sure what arrangements any individual claimant may have made.

Mr. ZABLOCKI. Would it be inequitable for the committee to write into the legislation a limitation on the amount that any one firm can receive directly or indirectly for their services? After all, $260,000 is a pretty good amount for a few letters and correspondence.

Mr. RESOR. I believe that the committee is in the best position to make a judgment about whether to limit the fee for any one firm. As to the extent of the firm's services, I do know that they filed a brief with the U.S. Government. I would not be in a position to comment on the relative value of its services.

Mr. ZABLOCKI. It is of real concern that one firm, in effect, will be the beneficiary of a fairly good payment if the legislation is acted upon favorably. If we can find some way of assuring that there will be no windfall to one firm I think this would enhance the possibility of favorable action on the legislation, very frankly, Mr. Secretary.

We will have to try to work that out. I am not an attorney. So, we will look into that later.

STATEMENT OF HON. SPARK M. MATSUNAGA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF HAWAII

Mr. MATSUNAGA. Are we in executive session?

Mr. ZABLOCKI. We are in executive session.

Mr. MATSUNAGA. If I might make a statement in regard to that issue, if one law firm happens to be the only law firm which thought there was merit in the case of the Ryukyuans and pursued the matter, if it was a matter of voluntary contract between the claimants and the attorneys, I cannot see anything really wrong with it as an attorney, myself, because I have taken cases where other lawyers have refused, and made recovery, in accident cases. It does not mean that, because I was the only one who was willing to take that case, I should not be getting a 33⅓-percent fee in damage suits. I feel no scruples about having to deal with only one law firm or, rather, to pass legislation which would mean the payment of fees by the claimants to any one law firm.

From the statement just made, a 1-percent fee is really a minimum amount. Over a period of 8 years, I can imagine what must have gone on between the claimants and the attorney. Being an attorney, I can say that you can be hounded, especially where there are 80,000 claimants.

Mr. ZABLOCKI. How many of the 80,000-plus claimants have agreed to retain this law firm to act on their behalf?

Mr. MATSUNAGA. I do not know anything about that.

General WATSON. There are approximately 80,000 claimants, 180,000 claims.

Mr. RESOR. As I understand, they were the attorneys for the association which represented all the claimants.

Mr. MATSUNAGA. All the 80,000 claimants?

Mr. RESOR. Yes.

Incidentally, I might give you a copy of this correspondence.

Mr. ZABLOCKI. We would be happy to have it for the subcommittee files.

Mr. MATSUNAGA. I might state further that the average claim, as I stated in my testimony, runs to about only $275. What attorney would represent a client who has only $275 in claims? He couldn't find one. It is only because of the association getting them all together, each one paying $2 or $5, that they were able to hire counsel.

Mr. ZABLOCKI. Congressman, are you saying that the larger claimants—for example, the city of Naha—did not retain Hemmendinger as their attorney?

Mr. MATSUNAGA. I do not know, Mr. Chairman.

Mr. RESOR. I think that they are one of the members of the association.

General WATSON. They should be.

Mr. ZABLOCKI. Concerning the nearly $1 million to be paid to various cities and towns. It would seem that our moral obligations if any should relate only to individuals. Why should the United States have a moral obligation to Naha City? Over the years the United States has given many millions of dollars in economic aid, a substantial part of which was directly beneficial to cities and towns. Are we taking that into consideration or have we taken that into consideration?

Mr. RESOR. I think General Watson will respond to that, but I just might make one comment.

The Hague Convention No. IV, expressly refers to municipalities, as well as to individuals, and states the principle that the property of municipalities, as well as of individuals, should not be taken without due compensation.

General WATSON. I would like to follow right in trail with that. We are right in sequence very nicely. Article 56 states:

> The property of municipalities, that of institutions dedicated to religion, charity and education, the arts and sciences, even when State property, shall be treated as private property.

Mr. ZABLOCKI. May I pursue another point?

Mr. RESOR. I might add one other thing, if I may.

Mr. ZABLOCKI. Yes, Mr. Secretary.

Mr. RESOR. We have given aid, and Congress has authorized aid to the Ryukyus during the period of occupation. But it is my understanding that the congressional intent, as clearly reflected in the reports relating to that so-called GARIOA aid, made it quite clear it was nonreimbursable aid. If we were to offset the claims of the city of Naha against the aid that has been given, we would, in effect, be securing reimbursement for the aid.

Mr. ZABLOCKI. Another matter—and we had testimony on this this morning—was that Japan has already contributed $2.8 million to pretreaty claimants. Who received the Japanese contribution, and how were the recipients selected, or who selected the recipients? Doesn't this contribution make it appear that Japan has accepted total responsibility for pretreaty claims despite the fact that they have disclaimed such responsibility publicly?

I think we ought to have a reply to that point on the record.

General WATSON. Should we provide it for the record?

Mr. ZABLOCKI. If you provide it for the record it will expedite the hearing this afternoon.

General WATSON. We will be glad to provide it for the record.

(The information is as follows:)

> Background details concerning the Japanese Government's solatium payment of 1957 are set forth in the opening statements which were presented to the subcommittee this morning by Secretary Resor and Ambassador Berger.
>
> With regard to the first question (as to who received these funds), it should be noted that this gratuitous contribution of 1 billion yen (about $2.8 million) was but a small fraction (1/17th) of the 17 billion yen (about $47 million), which was the total amount of the claims on record as of that time. The Japanese Government paid out these funds (through the GRI) to the individual landowners, across the board, on a pro rata basis. As noted in Secretary Resor's opening statement, these payments have been deducted from the claims covered by the proposed legislation, and a specific provision has been included therein, precluding disbursement of funds appropriated thereunder for claims already satisfied by the Government of Japan.

With regard to the second question (as to whether, by making this payment, Japan has accepted the total responsibility for them), this matter has been the subject of a number of interpellations and replies by Japanese Government officials before various committees of the Japanese Diet, particularly during 1956 and 1957. In these discussions, the Japanese Government has consistently presented its position as denying any legal liability on Japan's part for Ryukyuan pretreaty claims. For instance, Prime Minister Kishi stated as follows on March 18, 1957, in answering an interpellation before the Budget Committee of the Lower House of the Diet: "It is because the Government cannot leave the people of Okinawa in difficulties as they are, and not because Japan is responsible for payment, that the Government decided to pay a solatium. It is our belief that the United States has to make payment."

Two days later (on March 29, 1957), Japanese Finance Minister Hayato Ikeda made the following statement in this matter before the Budget Committee of the Upper House of the Japanese Diet: "According to a view of the Japanese Government, Japan is not responsible for compensation. The United States is responsible. The Government believes so, despite there are many arguments in connection with the peace treaty."

Further, the Japanese Cabinet decision of May 8, 1957, which authorized the payment, clearly indicated that his action was in the nature of a solatium contribution.

Mr. ZABLOCKI. Congressman Whalley, do you have any questions?

Mr. WHALLEY. In Mr. Matsunaga's presentation in the third paragraph he said, "This includes claims for personal injury and death." Suppose there was a death, how could you arrive at the amount of the claim? Was that just for the death of the person?

Mr. MATSUNAGA. For wrongful death, of course, where a soldier of our Armed Forces happens to run over a person in negligence.

Mr. WHALLEY. By the U.S. military forces?

Mr. MATSUNAGA. Yes. How the damages were actually assessed, I do no know. Those who served on the Joint Committee might better be able to say. The claims do include private tort claims.

Mr. RESOR. We have the answer for that here.

Mr. WHALLEY. In other words, in any death caused by our military, was there a set figure for each one, or was it a different figure, according to income or some other basis?

General WATSON. May I ask Mr. Slattery to respond? Mr. Slattery is the lawyer.

STATEMENT OF EUGENE V. SLATTERY, GOVERNMENT ATTORNEY, U.S. CIVIL ADMINISTRATION, RYUKYU ISLANDS

Mr. SLATTERY. The procedures for determining death claims in the Ryukyus are based on the Labor Standards Act of Japan, which has been incorporated, by enactment of a similar law, into the laws of the Ryukyu Islands. A death claim beneficiary would receive a salary equal to his wages for 1,000 days, plus some other benefits. I might say that the claims average roughly between $1,500 and $1,600. As I recall there were about 345 death claims, in the overall averaging from $1,500 to $1,600. But the regular schedule is followed, to determine the amounts that are paid to the surviving widow and the children, if it happens to be the male member of the family.

Mr. WHALLEY. The presentation also said that the per capita income was $319 average. Now you say $1,500, on the basis of a thousand days, so that would be above the average per capita.

Mr. SLATTERY. I cannot answer that.

General WATSON. It just comes out that way; 319 times 3 years. A thousand days is roughly 3 years; $957.

Mr. WHALLEY. In proportion to the $319 annual per capita income, the $275 average claim would be approximately 80 percent, or something similar. So the claims are really higher than you think, for people from that particular area.

In this country, if you give the claimant 80 percent of his annual salary it would be a sizable figure.

Mr. MATSUNAGA. By Okinawan standards?

Mr. WHALLEY. Yes.

Mr. MATSUNAGA. I believe Mr. Slattery can make a comment on that, but the standards I believe were measured by prewar standards. Right now, the standards in Okinawa are such that it is almost equal to American standards.

Mr. WHALLEY. You mean higher?

General WATSON. They are higher in Okinawa than prewar Okinawa. There is no question about it.

Mr. WHALLEY. Don't you think it would make the statement stronger if you had a $275 claim and the per capita income was $10,000 or $15,000, rather than a per capita income of $319 with a $275 claim?

Mr. RESOR. The per capita income includes men, women, and children, so the wage earners as an individual, would have a higher annual income than $319. Actually, if the $22 million were broken down among the entire population of 930,000 in the Ryukyuan Archipelago, would mean about $24 a person.

Mr. WHALLEY. I am thinking when you get the bill before the House, that someone might say that the claim seems to be low, but it is not low compared to the $319, where in reality today you say it is more like American standards. It would seem to me to have a better opportunity of getting a better hearing. Thank you, Mr. Chairman.

Mr. ZABLOCKI. Mr. Ambassador, do you have any knowledge as to whether or not Japan is presently considering making any additional contribution to the Ryukyuans for pretreaty claims?

STATEMENT OF HON. SAMUEL D. BERGER, DEPUTY ASSISTANT SECRETARY OF STATE FOR FAR EASTERN AFFAIRS

Mr. BERGER. We have no information that they have any intention excepting that one contribution in 1957. They are considering providing additional economic assistance.

Mr. ZABLOCKI. Is there a part of these pretreaty claims outstanding that the Japanese still owe to the Ryukyuans, or are they all settled?

Mr. BERGER. The Japanese take the position that they have no legal responsibility for these claims. That is their position. In 1957, they made a $2.8 million contribution.

Mr. ZABLOCKI. As I understand it they assumed responsibility for a portion of the pretreaty claims. Have they satisfied that entire amount that they have taken responsibility for?

Mr. BERGER. As I understand it, they decided to make a payment in the amount of 1 billion yen, to relieve the hardship of people of Okinawa in the Ryukyus, who had had these claims. This is Prime Minister Kishi:

It is because the Government cannot leave the people in Okinawa in difficulties as they are, and not because Japan is responsible for payment that the Government decided to pay. It is our belief that the United States has to make the payment.

This is the only payment we know of that they have made or intend to make.

Mr. ZABLOCKI. Mr. Secretary, the Department of the Army carries out a substantial economic aid program to the Ryukyus. What is the nature of the total amount contributed over the last 5 years?

General WATSON. May I take that, sir?

Mr. ZABLOCKI. Yes, General.

General WATSON. The last 2 years, it has been $12 million each year. The current request before the Congress is for $12 million. That is for fiscal 1966. In fiscal 1965 it was also $12 million. In just a very short moment, I can find the backup sheet which has the 3 preceding years, if you would like to have me submit that for the record or give it to you now. I can do it. I have it right here.

Mr. ZABLOCKI. Is it expected that the $12 million of grant economic assistance will continue for some time to come.

General WATSON. In my personal opinion, without making an expectation of the pleasure of Congress [security deletion].

Mr. ZABLOCKI. At any rate, I am coming to the point that I would like to have your opinion on, General. You would emphasize to the subcommittee that the amounts of aid that the Army gives to the Ryukyu Islands should not be offset to the private claims.

General WATSON. I would very definitely say that they should not. Furthermore, I would like to point out that, in addition to the observation just made, it is against the specific appropriation act for us to apply these aid funds to claims.

Mr. ZABLOCKI. To pursue a question which has been the crux of the Philippine war damage claims, it was maintained in the other body that the claims could be handled easier if we paid a lump sum to the Government of the Philippines, and let that Government settle the outstanding claims against the United States. Therefore, it would not be a payment by the U.S. Government directly to the claimants, but a lump sum settlement with the Philippine Government. You do not foresee any possibility or need for such a procedure in this instance?

General WATSON. I would say not. I do not think that it is a possibility. I would also like to point out, for one thing—and I believe that there is a difference in this matter between the Ryukyus and the Philippines—that the Ryukyuan government is, in effect, not an independent national government. It is under the provisions of the Executive order of the President of the United States that the government of the Ryukyu Islands is established and conducted.

Mr. ZABLOCKI. Yes, I understand. Just to pursue again the policy and method of payment, you believe that it would not be satisfactory to increase the $12 million annual aid to, say, $20 million and use the $8 million to pay the claimants in part.

General WATSON. It definitely would not, Mr. Chairman. This, I think, is a very strong point. This matter of aid to the Ryukyu Islands is an entirely separate and distinct activity and operation from the payment of claims.

I would say that it would be quite undesirable for any such mixture of nonhomogeneous expenditures to be covered by placing them all in the authorization for economic aid to the Ryukyu Islands.

Mr. ZABLOCKI. General, I realize that the authorizing legislation under which you aid the Ryukyus would have to be amended for you to be able to do this. But wouldn't this be the easiest way as far as Congress is concerned?

General WATSON. You are aware of the Price Act, which sets an annual ceiling on the aid appropriation. That is specified at $12 million, plus administrative expenses—which amount to about $2.7 million in our current budget request which is now before the Congress. There is a ceiling in the Price Act, which I would think would take a great deal of activity to lift, in time to be effective. As I said, this would be mixing two types of activities, really. This payment of claims is a—pardon the slang expression—a one-shot operation. It will take place over a period of not more than 2 years, as you have noted from the language which we have proposed, and then it is completed and finished. If we request funds for these claims through the normal channel, I think we would have a very complicated matter.

I think that it would be a very difficult thing to get straightened out.

Mr. ZABLOCKI. General, I agree that this is a one-shot approach. I just wonder if the authorizing legislation under which our $12 million aid is given could not be amended to provide a ceiling higher than $12 million with the understanding that the increase between 12 to 20 be $8 million earmarked for the payment of claims. What I am trying to say is that authorizing legislation from the Armed Services Committee has easier going on the floor of the House than that legislation from the Foreign Affairs Committee.

General WATSON. This is a tactical matter I am not qualified on, sir. You have me way out of my department on this one. I would like to say, sir, in answer to that question I answered earlier in which I gave my judgment. [Security deletion.]

Mr. ZABLOCKI. The $12 million is for the purpose of assisting the Ryukyuan economy.

General WATSON. Not alone; education, welfare, well-being, industry.

Mr. ZABLOCKI. Would not the $8 million also indirectly perform the same functions.

General WATSON. So far as the individuals would apply this money and put it into the system, that is true, it would. There is no argument against that point. I agree with that.

Mr. ZABLOCKI. The purpose of having this colloquy is because of the argument and debate on similar legislation, in the case of the payment of the Philippine War Damage claims; I must say I do not disagree with you at all.

General WATSON. Thank you, sir.

Mr. ZABLOCKI. As a matter of fact, you are confirming my past position for which I was severely criticized.

General WATSON. I might add one point here. I think I should emphasize that we do intend to pay these claims mechanically, through the government of the Ryukyu Islands. But as a result of a separate authorization, and not part of the annual budgetary process.

Mr. ZABLOCKI. [Security deletion.]

General WATSON. [Security deletion.]

Mr. ZABLOCKI. This is a technical matter. Even if we pass the authorizing legislation is there anybody from the executive branch in the position to tell us whether this is in the budget?

General WATSON. Yes. If I may get that for you—$15 million and $7 million; 15 this year and 7 in the year to follow.

Mr. WHALLEY. These are calendar years?

General WATSON. I am talking fiscal. Fiscal 1966, fiscal 1967; 15 in the first, and 7 in the next.

Mr. ZABLOCKI. The fact that it is in the budget should be a helpful argument. But those who are opposed to it will say that does not make any difference. If it is not in the budget, they use it as an argument to vote against it.

I am very happy it is included. Are there any other questions?

General WATSON. Pardon me, sir, I want to clarify this. After consultation, I understand the financing of these claims is covered by an item, proposed for separate transmittal, on page 396 of the fiscal 1966 budget. It indicates that, subject to the enactment of pending authorization legislation, $22 million will be requested for appropriation under the joint resolution as new obligational authority. It further estimates that $15 million will be spent in fiscal 1966 and the remaining $7 million in fiscal 1967. This takes in the full $22 million. That indicates that, subject to enactment of pending legislation, $22 million will be requested for appropriation, under the joint resolution as new obligational authority.

Mr. MATSUNAGA. This would require a supplemental appropriation, would it not?

General WATSON. Yes.

Mr. WHALLEY. Is the State Department in complete agreement with the military figures used in their presentation?

Mr. BERGER. They are responsible for the administration of the Ryukyus. We do not have that responsibility. We are in agreement with the general proposal. We have not taken part in the claims analysis; that is not our job. We assume they have done their job. We are in general agreement with the proposal.

Mr. WHALLEY. [Security deletion.]

Mr. RESOR. The current request before the Congress is for $12 million.

General WATSON. For fiscal 1966 it is $12 million.

Mr. WHALLEY. What is the population?

General WATSON. 930,000 odd.

Mr. WHALLEY. Does it increase much annually?

General WATSON. Yes, 1½ percent rate of increase.

Mr. WHALLEY. Thank you, Mr. Chairman.

Mr. ZABLOCKI. General, if I could return to whether the funds are budgeted or not, in the letter of January, the Department of the Army states if this legislative proposal is enacted it is estimated that the bulk of this sum would be expended within 1 year. This amount has not been included in any estimate of appropriations submitted through budget channels by either the Department of Defense or the Department of the Army. This is on page 6 of the letter to the Speaker of the House.

Mr. RESOR. Secretary Ailes' letter was written early in January, and the budget went up toward the end of that month. I think what we just read to you as the budget provisions is correct.

General WATSON. The letter is previous to the statement which I gave earlier, which said that the financing was covered by an item, proposed for separate transmittal, on page 396 of the fiscal 1966 budget.

Mr. ZABLOCKI. Is there any document that dates it?

Mr. RESOR. We can get a copy of the budget.

I am sure it will show what is actually said there.

Mr. ZABLOCKI. And date. In our report, you see, Mr. Secretary, we will have in our hearings a statement by the witnesses saying that it is budgeted, while the letter to the Speaker of the House would indicate that it was not budgeted.

General WATSON. The letter was dated January 8, if you notice, sir.

Mr. MATSUNAGA. Should not that letter be superseded by a subsequent letter to the Speaker?

Mr. ZABLOCKI. The hearings will develop that.

Mr. RESOR. I think it would be better if the record reflects what the budget actually says, and we will get that for the record.

Mr. ZABLOCKI. Very well, have some statement to correct the impression given in the Secretary's January letter.

(The information is as follows:)

The following statement appears in the letter by which the Secretary of the Army forwarded the administration's legislative proposal in this matter to the Speaker of the House of Representatives: "If this legislative proposal is enacted, it is estimated that the bulk of this sum would be expended within 1 year. This amount has not been included in any estimate of appropriations submitted through budget channels by either the Department of Defense or the Department of the Army." The letter was dated January 8, 1965.

The fiscal year 1966 budget, which the President submitted to the Congress later that month (on January 25, 1965), included a provisional budgetary estimate with regard to these claims, for the advance information of the Congress. This item indicated that a supplemental appropriation, in the amount of $22 million, would later be requested of the Congress, in the event that the authorizing legislation, now being considered by the subcommittee, should be enacted into law. The relevant item follows (from p. 369 of the appendix to the fiscal year 1966 budget):

Proposed for separate transmittal:

RYUKYUAN PRETREATY CLAIMS

Program and financing

[In thousands of dollars]

	1964 actual	1965 estimate	1966 estimate
Program by activities:			
10 Payment of claims (obligations) (object class 42.0)			22,000
Financing:			
44 New obligational authority (proposed supplemental appropriation)			22,000
Relation of obligations to expenditures:			
71 Total obligations (affecting expenditures)			22,000
72 Obligated balance, start of year			
74 Obligated balance, end of year			7,000
90 Expenditures			15,000

"Under proposed legislation, 1966.—A supplemental appropriation is anticipated to cover a contribution to certain inhabitants of the Ryukyu Islands for death and injury to persons, and for use of and damage to private property, arising from acts and omissions of the U.S. Armed Forces, or members thereof, after August 15, 1945, and before April 28, 1952."

Mr. ZABLOCKI. General, then you would say the payments of Ryukyu claims at this time would be very much in the U.S. national interest?

General WATSON. Very definitely in our national interest. [Security deletion.]

Mr. ZABLOCKI. Any other questions?

Any other statements?

Mr. BERGER. [Security deletion.]

Mr. ZABLOCKI. If there are no further questions or statements, the subcommittee stands adjourned.

(Whereupon, at 4:15 p.m., the subcommittee was adjourned.)

(The following statement has been supplied for inclusion in the record:)

STATEMENT ON HOUSE JOINT RESOLUTION 251 BEFORE HOUSE SUBCOMMITTEE ON FAR EAST AND THE PACIFIC, COMMITTEE ON FOREIGN AFFAIRS, BY SENATOR DANIEL K. INOUYE, JULY 28, 1965

I appear before this committee in support of House Joint Resolution 251, which would authorize a contribution to certain inhabitants of the Ryukyu Islands for death and injury to persons, and for use of and damage to private property, arising from acts and omissions of the United States Armed Forces, or members thereof, after August 15, 1945, and before April 28, 1952.

I have introduced Senate Joint Resolution 32 jointly with the chairman of the Foreign Relations Committee, in the Senate on the same subject matter. I am happy that this matter, on which I introduced legislation in the 87th Congress and subsequent Congresses, first as a Member of the House and then as a Member of the Senate, is finally receiving the attention which it seriously deserves. Unfortunately, the recommendations of the Department of Defense were received too late for hearings in the last Congress. I am confident, now that these recommendations are again before us, that this committee as well as the Senate Foreign Relations Committee will give them full, serious and expeditious consideration.

I am glad to support the proposal of the Defense Department to effect compensation to the people of Okinawa for losses arising out of the acts of our Armed Forces there in the pretreaty period. The proposal is necessary, equitable, well reasoned, and more than timely.

The claims themselves, aggregating $22 million, and the particular basis of computation have been explored by the representatives of the Secretary of Defense. There is no need for me to enter into these details at this particular time. It may be useful, however, to briefly place this submission in perspective and to explain why it seems proper that this Government should effect compensation.

The battle of Okinawa stands as one of the bloodiest and most terrible in American military history. It was also terrible for the people of that small island who for centuries have lived quietly, making their living from the land and from the sea. Scarcely a building in all of Okinawa was left standing. Crops and croplands were badly damaged, and there were thousands of civilian casualities. It was years before some of the most elementary tasks of restoration of civilian life could be accomplished in Okinawa. The social and economic structure of the area was permanently changed by the fact that we did not pull our forces out, but remained to build the impressive military bases that we maintain today.

The local government of the Ryukyu Islands was not resumed, when hostilities ceased, although officials acting under the Japanese Government in Tokyo were removed. Because of the strategic importance of the area which was even then well grasped, the United States exercised direct governmental authority, much as it does today. The peace treaty with Japan, effective in 1952, accorded to the United States the right to exercise full powers of administration in Okinawa, in effect continuing the status which existed in the period 1945 to 1952.

During that period, there arose claims from the acts of U.S. forces in Okinawa which are normal in any area where troops are stationed from air, road, and sea accidents and from unlawful acts of soldiers. There arose also claims for the use of land by the military, because of the paucity of agricultural land in

Okinawa and the need for large areas for the air fields and attendent installations that we were building.

In retrospect, it seems to me clear that we should have made provision for payment of these claims by the time of the Japanese peace treaty in 1952, if not before. Why this was not done is not for me to judge, but I do want to stress that it seems always to have been conceded that the individuals concerned had just claims that should be compensated by somebody. Perhaps the authorities who had to deal with this matter were themselves confused by the peculiar international law status. Regarding it as an occupied enemy territory, it would have been perfectly normal that we insist that the sovereign concerned, namely, the Japanese Government in Tokyo, take responsibility for the compensation. However, this presumably did not seem reasonable or practical because the actual administration was not being returned to Japan. Logically, then, the United States should itself have assumed responsibility, and there were certain such indications which, however, did not lead to full and adequate payments.

While it is unfortunate that we have waited so long to deal with these claims, at least the passage of time gives us a clearer perspective. In this perspective, it is, I suggest, manifest that in exercising full and exclusive responsibility for the government of the Ryukyu Islands since the Japanese surrender, the United States has assumed the obligation toward the people of Okinawa to see that their just interests are respected. Speaking strictly from the standpoint of international law, the liability of the United States may be said to have been extinguished. The only foreign power that had the legal authority to raise such questions, which is Japan, waived such claims in the 1952 peace treaty. But from the standpoint of the responsibility of the United States as an administering power toward its wards, there has been no extinguishment of the claims, and there is a clear responsibility on our part to see that they are properly taken care of. International justice, if not legality, demands that this be done. Our present and future commitments in the area demand that this be done. For the sake of maintaining good relations with the Okinawan people, and for the sake of our own interests in the Pacific, immediate attention to this problem is necessary.

Before concluding, let me just say a word about the kinds of payments that are involved here and what they mean to the people concerned. I am not, of course, as familiar with the details as the gentlemen who are here from the Department of Defense, but I have made some inquiries, and I am satisfied that the compensation that this bill will provide is, in the main, for the ordinary Okinawan people—small landowners who stand to realize on the average between $200 and $300 each for utilization of their land and other losses for over a period of years. There are some 82,000 claims. In the nature of the social structure of the area, these are essentially claims of families and not of individuals. With an average of five members to a family, the claims affect perhaps 400,000 people, almost half the whole population of Okinawa. Thus, in a very real sense, we are not dealing with the vindication of the legal interests of a handful, but of the discharge of the responsibilities of the governing authority towards practically the whole people of the Ryukyus. An act of simple justice needs no further reason, but I am sure that the benefits that we will get from this act will far exceed the costs.

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