

Report of the WCC

Claims For Personal Injuries And Property

(A Summary)

The intent of Congress to secure a comprehensive view of the total problem of war claims is clearly stated in Section 8 of the War Claims Act. There is ample precedent in international and domestic law for recognition and reparation of war damages but the legislative and administrative approaches in the past have been piecemeal and often confusing, especially for individuals with small claims. Section 8 of the Act marked the first time that a Congress had sought an overall picture of war claims before attempting to legislate for their settlement. This report still does not achieve the goal set by Congress, since the scope of the study was sharply limited by the length of time and number of staff available for the work.

Section 8 of the War Claims Act of 1948 directed the War Claims Commission to inquire into and report on numerous matters involving personal injury and property damage arising out of World War II. The report was submitted to the President on March 31, 1950 and transmitted to the Congress on May 3, 1950.

Aim and Scope

The report of 135 typewritten pages, exclusive of charts and other supplementary material, is a limited survey of the types and categories of World War II claims and a review of existing means for satisfying them. Included are recommendations for appropriate legislative action and suggestions for administrative methods for re-enforcing the recommendations. The Commission recommends giving priority to legislation which would authorize the satisfaction of personal injury and death benefit claims. It also urges that authority be granted to receive and adjudicate claims for real or personal property losses, while evidence is available, although there is no immediate prospect of payment of such claims.

The War Claims Commission takes full responsibility for the recommendations made in the report. However, at least six of the eleven legislative changes recommended had been introduced in some form in the House or Senate, as amendments to the present War Claims Act, before the report was submitted and several before the Commission was organized.

Bases for War Claims

The term 'war claims', purposely not defined in the Act, made it necessary for the War Claims Commission to arrive at a working definition broad enough to apply to modern warfare but specific enough to permit reasonable adjudication. The definition adopted recognizes a distinction between "war losses" and "war claims". War claims, therefore, include loss, injury, or damage which would not have occurred except for the existence of a state of war; and, such loss, injury, or damage must be the result of action not normally incident to the conduct of hostilities. United States nationality at the time of the loss, injury or damage, must also be established, with certain exceptions.

As an aftermath of hostilities, war claims are not new. The new elements are the techniques of modern warfare which blur the line between combatants and non-combatants. International law has held as fundamental the distinction between combatants and non-combatants and the obligation to keep non-combatants from harm.

World War II claims have at least two other bases, in addition to the implicit principles known as international common law: international agreements to which the United States is a party, and existing United States domestic law.

Method of Study

Besides reviewing the necessary historical background for war claims settlement by the United States Government, for purposes of the report, it was decided to:—

- (1) Analyze and classify representative samples of "war claims" accumulated by the Department of State during World War II;
- (2) Secure further information by means of questionnaires, letters and depositions;
- (3) Review existing local remedies for satisfying war claims by United States nationals by examining a negotiated Treaty of Peace (Italy), an enemy country without such a treaty (Japan), a country with which we were not at war and which was well advanced in the recognition and settlement of war claims (The Netherlands); further, this method permitted study of two European countries (Italy-The Netherlands), an Asiatic country (Japan), and a country with far-flung territories and possessions (The Netherlands).

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lently stride on, his head bent slightly away from the coffin on his shoulder, a stout pick gripped in his free arm. She stood still watching him until he was at last swallowed in the blue in the distance. After a while, she turned and went up the stairs into the hut, and seated herself at the open window.

It was well late in the afternoon when he reached the end of his journey. He laid down the coffin beneath the shade of a tree, and after resting for a minute, went forth to search for a spot in which to dig the grave. It was not long before he came to a level space where the grass grew lush and tall and thick.

He began immediately to dig with the pick. His limbs were stiff and after the long trek, but he struck the earth hard underneath the dense deceptive growth and soft upper layer with swift, measured might. Soon he found himself deep in his breast in a hole large as to allow his body to turn freely in a circle.

He clambered out of the hole, casting the pick to one side, and went forth to fetch the coffin. Back at the hole with the coffin, he circled circled the rope he had brought along thrice round the coffin. In this fashion he lowered it gently into the grave. The end of the rope in his hands he threw in after the coffin.

Perspiration broded his forehead and trickled over his eyes. He paused to wipe it away with his hand. His breath came fast. He waited until he breathed easier, and blew upon his sweating chest.

At last he filled the grave with the loose earth, shoving it with his hands and feet. He squatted himself down even the better to do so. in large lump masses. Then he picked up the clods that remained and which had eluded his search. The mound piled high. This he stamped to level with his feet and the pick.

Finally, he gathered the grass that he had dug up and tossed to one side, and carefully placed them over everywhere the earth showed sign of the grave, as if the earth has never been before disturbed.

The sun was in the horizon in a magnificent crimson flame. He rose and flung the pick onto his shoulder. His legs swung wider, even faster now than he did before when he came. Soon the cool twilight breezes fanned his face and arms and night came on with the promise of starlight.

"I am glad you are back", the woman welcomed him as he mounted the stairs of the hut.

He smiled at her in return.

SEAU: Is It A Beginning...

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produced a new class of *nouveaux riche* from a motley crowd of former racketeers and political opportunists. As their stuccoed and towered mansions rose, the slums increased and the mass of the people were subjected more and more

to their ruthlessness. The new ruling class of plunderers fawned upon the cupidity of foreign interests to win them as an ally in further stabilizing their usurpation of power and authority. But as the oppressiveness of this class increased, the corresponding decadence set in and those very powers it once courted turned away from it. Even imperialist interests that gladly used it as a willing tool before, now think of discarding it for another set that still retains some confidence of the people.

It is in playing a leading role in ridding the Southeast Asian countries of these unworthy elements, it is in leading the move for a more sincere attention to the wants and human interests of the Southeast Asian masses, it is in showing the courage that a Southeast Asian nation is capable of in the face of both internal and external threats that the Philippines can truly demonstrate dynamic leadership and show that the SEAU, barren as it was, can be an auspicious beginning.

Report Of The ...

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Forces of an Allied Nation.

- (9) Authorization to reopen for one year the date for filing claims for personal property lost by military personnel under the Military Personnel Claim Act of 1945.

Among the other recommendations was one that the Veterans Administration make scientific studies of former prisoners of war to determine the degree of permanent health damage incurred as a result of malnutrition and injuries sustained during imprisonment. It is believed that the findings would be applicable also to civilian internees, although in different degree.

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