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Testimony Before the Senate Committee on Veterans Affairs on the Filipino Veterans Equity Act

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to appear before the Senate Committee on Veterans Affairs to discuss the Filipino Veterans Equity Act. I have introduced this legislation in the last four Congresses to right a wrong that has been committed and to provide fair and equitable treatment to Filipino veterans of World War II.

The Philippine Islands became a United States possession in 1898 when they were ceded from Spain following the Spanish-American War. The Islands remained a possession of the United States until 1946. In 1934, the Congress enacted the Philippine Independence Act (Public Law 73-127), which provided a 10-year time frame for the independence of the Philippines and, in the interim, established a Commonwealth of the Philippines with certain powers over its internal affairs. Full independence was delayed for two years due to the Japanese occupation of the Islands during 1942 to 1945. Between 1934 and final independence in 1946, the United States retained certain sovereign powers over the Philippines, including the right, upon order of the President of the United States, to call into the service of the United States armed forces all military forces organized by the Commonwealth government.

On July 26, 1941, President Roosevelt issued an Executive Order calling members of the Philippine Commonwealth Army into the service of the United States Armed Forces of the Far East. Under this order, Filipinos were entitled to full veterans benefits. More than 100,000 Filipinos volunteered for the Philippine Commonwealth Army and fought alongside the

United States armed forces.

The United States Armed Forces of the Far East fought to reclaim control, not only of the Philippine Islands, but also of the entire Western Pacific. During this crucial effort to oust our wartime enemy from United States territory, Filipinos fought under the command of General Douglas MacArthur. Filipinos were in the front lines of the battle of Corregidor, fought at Bataan, walked in what became known as the Bataan Death March, and were held and tortured as prisoners of war. These men remained loyal to the United States during the Japanese occupation of the Philippines. They fought valiantly for the allies in the Pacific, waging a guerilla war against the Japanese and helping to delay the Japanese advance across the Pacific.

These loyal and valiant men fought, suffered, and, in many instances, died in the same manner and under the same commander as other members of the United States armed forces during World War II. Yet, on February 18, 1946, the Congress betrayed the Filipino veterans by enacting the Rescission Act of 1946. The Congress declared the service performed by the Philippine Commonwealth Army veterans as not active service, thus denying many benefits to which these veterans were entitled. In practice, benefits for Filipino veterans covered under the 1942 Act have been limited to little more than service-connected disability or death benefits, and, to limit those benefits to 50 percent of the amounts to which they are otherwise entitled.

Shortly after the Japanese surrender, the Congress enacted the Armed Forces Voluntary Recruitment Act of 1945 for the purpose of sending American troops to occupy enemy lands, and to oversee military installations at various overseas locations. A provision included in the Recruitment Act called for the enlistment of Philippine citizens to constitute a new body of Philippine Scouts. The New Scouts were authorized to receive pay and allowances for services performed in the Philippine Islands, Japan, and elsewhere in the Far East. Although hostilities had ceased, wartime service of the New Philippine Scouts continued as a matter of law until the end of 1946. The force gradually disbanded and was disestablished in 1950.

Shortly after passage of the Recruitment Act, the War Department took the position that the New Philippine Scouts were members of the regular army and therefore entitled to veterans benefits on the same basis as the Old Philippine Scouts, which were considered part of the United States armed forces. However, on May 27, 1946, the Congress enacted the Second Supplemental Surplus Appropriation Rescission Act, which included a provision to limit benefits. This provision essentially duplicated the language which limited benefits under the First Rescission Act, and made it applicable to veterans of the New Philippine Scouts.

Congress took this action in spite of the fact that Filipino veterans in our armed forces rendered services that were identical to that rendered by other, non-Filipino soldiers who were American nationals or who held United States citizenship. Thus, the Filipino veterans that fought in the service of the United States during World War II are precluded from receiving most veterans benefits which were available to them before 1946, and which are available to all other veterans of our armed forces regardless of race, national origin, or citizenship status.

The Congress has tried to rectify the wrong committed to Filipino veterans of World War II. More than 50 years ago, the Congress amended the Nationality Act of 1940, and granted our Filipino allies the privilege of becoming United States citizens for having served in the United States Armed Forces of the Far East.

The law expired at the end of 1946, but not before the United States withdrew the naturalization examiner from the Philippines for a nine-month period. This effectively denied Filipino veterans the opportunity to become citizens. Forty-five years later, under the Immigration Act of 1990, certain Filipino veterans who served during World War II became eligible for United States citizenship. Between November 1990 and February 1995, approximately 24,000 veterans took advantage of this provision and became United States citizens. However, this law did not confer veterans benefits on these American citizens.

Last year the Congress passed a joint resolution which recognized and honored the Filipino veterans of World War II. The next logical step in righting the wrong committed against Filipino veterans of World War II, is to provide the same rights, privileges and benefits granted to Americans. I realize there are budget concerns associated with my bill. I am confident this Committee will do what is best and try to reach a compromise. For many years, Filipino veterans of World War II, who are now in their twilight years, have sought to correct the injustice by seeking equal treatment for their valiant military service in our armed forces. We must not ignore the recognition they duly deserve as United States veterans.