

DECLASSIFIED
Authority E.O. 13526

STUDY-PROCUREMENT OF AFFIDAVITS, INFORMATION, DOCUMENTS, ETC.

STUDY - 4

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DECLASSIFIED
Authority NND 88-3078

Staff Study - Procurement of Affidavits, Information, Documents, etc from Sources other than RPRS Records Holdings

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26 Jun 53

Maj Johnson/672/eg

1. PROBLE:

To determine whether or not it is desirable to continue to obtain records or information from sources in the Philippines in order to construct a record of service of alleged Philippine Army personnel in the service of the United States Armed Forces of the Far East during the period 1941-1946.

2. ASSUMPTIONS:

It can be assumed that:

a. There will be violent protests from various veterans organizations both in the United States and in the Philippines if present plan is discontinued. Similar protests can be expected from claimants.

b. No additional program to obtain large groups of records pertaining to individuals discussed in this study will be undertaken.

c. All records that can be considered reasonably pertinent to this program have been accumulated and are in the custody of this Center, with the exception of those presently at Philippine Army HQS, Camp Murphy, P.I. It is assumed any obtained now would possibly be altered from their original state.

3. FACTS BEARING ON THE PROBLE:

a. Some persons in the Philippines, though not entitled to benefits afforded by law, are seeking such benefits through the machinations of unscrupulous lawyers and others interested in financial gain from the United States.

b. Due to exigencies of the War (1941-1945), records and documents were lost or destroyed, not regainable, which renders the United States in the position of determining through the undesirable medium of secondary evidence, usually in the form of affidavits, whether a person had service.

c. Doubt exists as to the acceptability of affidavits attesting to minute details of incidents occurring 10-12 years past.

d. Doubt exists as to the reliability of supposedly official documents obtained from various sources in the Philippines.

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e. The Department of the Army, in conferences with the Veteran's Administration during the years 1948 and 1950, agreed to certain actions that would be adhered to by the Army and the VA. A copy of the resultant Technical Bulletin No. TD 8-198 dated 3 December 1951 (revised) is attached as Appendix A. Under these agreements, the Department of the Army is bound to continue to obtain records and to develop service data where not of record in record holdin's of the former Philippines Command.

4. DISCUSSION:

a. The program now in effect requires that the Department of the Army certify a record of service to the Veterans Administration in all cases wherein it is determined by the Department of the Army that the subject individual had service with the USAFFP (United States Armed Forces in The Far East).

b. Upon the entry of the liberation forces in the Philippines, a program was effected to recover all personnel who were in the service of the United States Government in one form or another. The plan to effect this program is contained in "The War Department Plan For Casualty Administration Upon Reoccupation of Philippines". At the same time, a program to recover as many records pertaining to these individuals as possible was undertaken. A group of personnel under the direction of Lt Col Grigger, and known as "The Grigger Board", toured the length and width of the Islands of the Philippines gathering records from all sources possible. These records were forwarded to Manila and placed under the custody of the Recovered Personnel Division, Hq, AFWESPAC, who undertook to review and classify the various types of records obtained. Part of these records eventually became part of individual 201 record holdings and some were maintained in RPRM and subsequently the former AGRD. Other archives records were used in determining the identity and service of individuals. Through a process of progressive elimination the record holdings of AGRD eventually pertained only to Philippine Army personnel but continue to be the property of the United States. Other records were retired for various reasons. Contract Claims utilized many records as did the processing of Project "J" personnel under the provisions of PL 490 (Missing Persons Act). The accomplishment of the "Arrears in Pay" Program for all Philippine Army personnel was conducted under a liberal program which required less conclusive evidence of service than is now required to establish eligibility for VA benefits.

c. The records retained in the former AGRD now located in this Center were never complete enough in detail to effect conclusively that a person had service. It was necessary to seek additional information usually in the form of affidavits, from various sources, i.e., Mayor of subject's barrio, relatives, former members of same unit claimed by subject, Hq National Defense Forces, Philippines, etc. While this system has assisted materially in many cases it has brought out the fact

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that a majority of affiants are not reliable nor are the certificates and extracts of supposedly official records retained at various offices in the Philippines. In examining affidavits as to their acceptability, the 201 file of the affiant is drawn from the files and a review made to determine if the affiant is in a position to attest to the statements contained in the affidavit. Some of the points involved are:

- (1) Is affiant a former member of the USAFFE?
- (2) Did he belong to the same unit?
- (3) Was he present at the time and place that the alleged incidents took place?
- (4) Has the affiant's integrity been questioned previously?
- (5) Are the statements in the affidavit sufficient?

While it is considered that there is no attempted fraud in the majority of cases, it is felt that everyone in the Philippines assisting in the prosecution of a claim is exceedingly zealous in their attempt to attest to the "right" facts that will effect a positive determination in the claim. Experience in the evaluation of affidavits and documents received from sources outside the U. S. Government has indicated an almost complete unreliability of such records. As a result, it is not accepted as good policy to utilize such records in determining a case for VA or other types of benefits. This results in a negative determination unless other records available in the holdings of this Center can be determined to pertain and prove service. Some cases are made positive by the acceptance of affidavits.

d. Some instances where additional information is required are indicated below to reflect more clearly the use of such information.

(1) For personnel allegedly inducted into the USAFFE prior to 6 May 1942 (date of general surrender):

(a) In the absence of any official record such as casualty record indicating subject was killed in action, etc., POW records and Death Certificates of those concentrated in enemy concentration camps, payrolls, rosters, appointments, special orders, and records of similar nature, the policy at present as well as in the past, requires affidavits from at least two (2) former members of the USAFFE who belonged to the same unit as the subject (not larger than a regiment).

(b) Affidavits of two (2) former members of the USAFFE not necessarily members of same unit who can attest to fact of induction of the subject. These affidavits must be supported by affidavits from the Mayor and Chief of Police of the town from which the subject came, attesting to fact that subject received a call to service and departed to answer that call.

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(c) In the absence of official records, affidavits are obtained from church records, physicians, local civil registrars, disinterested persons and a corroborative statement of the next of kin to the fact that they observed the body of a deceased, the subject.

(d) Affidavits from personnel of the subjects locality indicating non-return to his home. Also, from personnel indicating subject was last seen at a certain place which if proven correct authorizes a missing status under PL 490.

(e) Affidavits identifying an individual to be the subject in a claim.

(2) Guerrillas:

(a) Affidavits from individuals recognized as belonging to the same unit of the subject who attest to his period of service and activities while a guerrilla.

(b) Affidavits that attest to the identity of an individual. The approved rosters of recognized guerrillas do not indicate next of kin or similar information that can positively identify the subject.

(c) Affidavits attesting to separation, sickness, absences, etc, which apply equally to USAFFE personnel.

e. There are cases of absolute attempted fraud on the part of some individuals and organizations. This is evidenced by investigations by the former AGRD of not only individuals but also in the case of units such as the Bataan Military District and the "Bagulo Ring" (an organization that attempted to prosecute illegal claims).

f. The continuation of this program will make it considerably more difficult to properly evaluate evidence as time passes. The longer the acceptance of affidavits is accomplished or that the Department seeks additional documents, and personnel records, the easier it will become for personnel in the Philippines to learn of the requirements of this office and the more difficult for this office to accept with credibility the documents received.

g. It is extremely difficult to resolve many cases at this time. This is due to questions reference to a status of the individual or discharge from the service or for that matter period of service. If records do not indicate the answer then it must be necessary to attempt to obtain such information from other sources. If this is not to be permitted, then it must be necessary to render a negative determination to the Veterans Administration. A negative determination rendered because of lack of sufficient evidence may impose an injustice to the individual as there may exist some fragmentary evidence that subject does have service but certain points of the case cannot be resolved.

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h. In seeking information from the Philippines, there must be considered the long period that a case will be in suspended action awaiting an answer to our queries. Experience in the Philippines indicated that a minimum of 120 days was effective in anticipating reply furnishing information requested. This condition is created by the unusually poor system of mail routing to the remote barrios and provinces. In addition, it will now be necessary to increase that period by at least 45 days to allow for land and water travel in the continental United States and the ocean. This results in 165 days delay in practically all cases wherein additional information is sought. With such a delay an undesirable situation in production exists from the management point of view. It creates a backlog of work units that will remain in existence for a considerable period of time. Also, the correct or desired information is not always received, which may necessitate another letter to the claimant which means another 165 days. Total delay now represents the better part of one year the case has been active but not resolved. In some instances, the claimants fail to respond at all to queries of this office. In such cases the determination must be negative due to insufficiency of evidence. Such cases usually result in subsequent inquiries.

5. CONCLUSIONS:

- a. That reliability of affidavits in most cases and documents in others, obtained from sources outside the United States is questionable.
- b. That determinations are extremely difficult without adequate information.
- c. That long periods of delay are experienced in suspending cases needing additional information.
- d. It seems there are three probable courses of action to be either continued or adopted.

(1) That the program of obtaining additional documents not presently in the custody of this Center be held to a minimum and that each case be handled on its own merits, and that qualified personnel of MPRC decide when additional documents may be required.

(2) The Recovered Personnel Records Section use only what records or information is available in the files maintained by that Section. That no attempt be made to obtain any information from the Philippines and that cases be resolved as negative if evidence available is insufficient to determine conclusively the period of service, separation or facts relating to a particular status etc. The adoption of this plan would facilitate the processing of requests from the VA but

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would in some cases perform an injustice against the individual, but it would on the other hand stop the attempt of some individuals from prosecuting a false claim.

(3) Another plan would be to notify, through the medium of the press and radio and through the American Embassy, all personnel of the Philippines that they have a deadline of 31 December 1954 (or a date to be established) in which to submit all evidence that they have including affidavits, etc, to help prove a claim regardless of whether such a claim has been submitted. Upon the deadline date being reached, RPRS would not accept any further information nor answer any inquiries from personnel in the Philippines but would proceed to effect a determination in every 201 file on hand. This represents a total of approximately 600,000 files. Once a determination is made, it would be final and not subject to redetermination. The program would be considered closed but the VA would continue to request information from this Section. Once the determinations were complete, a small number of personnel would remain with the records to furnish such determinations to the VA. The same policies now in effect would be used to complete this proposed program. The adoption of this plan would effect a savings to the United States Government in the future by a reduction of personnel, expense of operation, and the final determination of these types of cases. It is anticipated that from the deadline date imposed, it will require approximately 4 years to complete the determinations in all cases. This estimate is based on the number of personnel presently authorized the RPRS and with a productivity figure of 30 cases per week. There would be 59 persons available to actually work cases and not considered in supervisory or administrative capacity. The undesirable part of this proposal is the refusal of the right to appeal the determination. This has been taken into consideration and it is felt that if adequate time is given as outlined for the furnishing of all information these persons have, the appeal which might be submitted at a later date would not contain sufficient evidence to warrant a review of the determination.

6. RECOMMENDATIONS:

It is recommended that paragraph 5d(1) be continued. This is in consonance with the intent expressed by the Department of the Army in the press release dated 19 January 1953 which promises continued service to the Filipino veteran (Copy included as Appendix B.)

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1. Appendix A (in trip)
2. Appendix B (in trip)

ALBERT A. LINDBQUIST, Colonel, AOC
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