STUDY

RETENTION OF RECORDS RE PROCUREMENT, WAGE AND CONTRACT CLAIMS

STUDY - 13

~~GRADES AND PROMOTIONS, PHILIPPINE SCOUTS~~

File

AG 150 1st Ind

Subject: Records Pertaining to Procurement, Contract and Wage Claims Against the Philippine Commonwealth Army.

HQ, PHILIPPINES COMMAND (AIR FORCE) AND THIRTEENTH AIR FORCE, CLARK AIR FORCE BASE, APO 74 18 APR 1950

TO: Commanding Officer, Adjutant General Records Depository, APO 900

1. This headquarters agrees in general with contents of inclosed study.

2. Copy of inclosed study has been forwarded as requested in paragraph three of basic communication. The balance of the inclosures have been retained at this headquarters.

3. The workload imposed upon your headquarters, through completion of staff studies is appreciated. It is suggested that this effort be held to a minimum unless officially requested or deemed essential to the efficient continuance of your operations.

52991 BY COMMAND OF MAJOR GENERAL TURNER:

GUSTAV A. NEUBERG
Lt Col USAF
Adjutant General

59

18 APR 1950

SUBJECT: AGRD Judge Advocate's General Functions

TO: Commander-in-Chief Far East
APO 500
Attention: Lt Col John F. Reed

1. During a recent staff visit of authorities your headquarters to the Adjutant General Records Depository, Manila, an interest was expressed in the feasibility of retaining in the Manila area, or retiring to the continental U. S., all records pertaining to procurement, wage and contract claims resulting from World War II.

2. The interest displayed by the staff visitors prompted the Commanding Officer, AGRD to effect completion of a study in this matter. A copy of this study is inclosed for your information, and such action as deemed appropriate.

3. This headquarters concurs in general with the recommendation of the Commanding Officer, AGRD, that no action be taken at this time to retire these records to the Zone of Interior.

FOR THE COMMANDING GENERAL:

1 Incl:
a/s

GUSTAV A. NEUBERG
Lt Col USAF
Adjutant General

Copy for AGRD
Original & incl to Cinc Far
gm/kr

HEADQUARTERS
ADJUTANT GENERAL RECORDS DEPOSITORY
PHILIPPINES COMMAND (AIR FORCE) AND THIRTEENTH AIR FORCE
APO 900

AGRD 2 March 1950

SUBJECT: Records Pertaining to Procurement, Contract and Wage Claims Against the Philippine Commonwealth Army.

TO : Commanding General
Philippines Command (AF) and 13th Air Force
Clark Air Force Base
APO 74

1. Attached hereto for your information is staff study concerning the feasibility of retaining in the Greater Manila Area or retiring to the United States all records pertaining to procurement, wage and contract claims resulting from World War II.

2. Considering the findings contained in the staff study, recommend no action be initiated at this time to retire these records to the Zone of Interior.

3. In view of the fact representatives of GHQ, FEC, upon a recent visit to this headquarters, expressed an interest in such a study, request a copy be furnished that headquarters (Attention: Lt Col John F. Reed, G-1 Section).

26500

Wm M Gold
Wm. M. GOLD
Lt Col AGD
Commanding

1 Incl:
As stated.

HEADQUARTERS
ADJUTANT GENERAL RECORDS DEPOSITORY
PHILIPPINES COMMAND (AIR FORCE) AND THIRTEENTH AIR FORCE
JUDGE ADVOCATE SECTION

APO 900
27 February 1950

AGRD 151

MEMORANDUM FOR: Lt Col Wm. M. Gold
Commanding Officer, AGRD

SUBJECT: Procurement, Contract and Wage Claims Against the Philippine Commonwealth Army

1. PROBLEM

The feasibility of retaining in the Greater Manila Area all records pertaining to procurement, wage and contract claims resulting from World War II.

2. DISCUSSION

a. Historical Background

The Adjutant General Records Depository has 187,228 folders containing 382,135 claims against the Philippine Commonwealth Army resulting from United States Government commitments to subsist and service said Army from about September 1941 through 30 June 1946. The word "Claim" as hereinafter used includes all evidence submitted by the claimant in support of his claim as well as contradictory evidence developed by this headquarters. (For detailed information concerning the Judge Advocate Liaison Section, AGRD, the using agency, please refer to Tab A.)

b. Responsibility

The function of settlement of subject claims is a responsibility of the Judge Advocate General's Corps, which Corps has deemed it necessary to physically place a liaison section in the Greater Manila Area.

c. Basic Considerations

(1) The following factors favor the retention of procurement, contract and wage claims records in this Area:

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(a) The availability of guerrilla and USAFFE 201 files (These files will not be returned to ZI) enables the investigating agency to determine whether or not the procuring officers and affiants were recognized members of the Philippine Commonwealth Army and if recognized whether they were in the areas as stated in their respective affidavits.

(b) The availability of other United States agencies in the area enables the investigating agency to compare sworn statements made by claimants in other types of claims, such as claims for War Damage, etc.

(c) Agencies of the Philippine Government which afford information concerning such items as the individual's financial and loyalty status, and acreage and productivity of land, are available.

(d) Witnesses or other interested persons may be "called in" for additional information or cross-examination. (For detailed information please refer to Tab B.)

(2) The following factor favors shipment of the records to the ZI:

The records would be secure in that claimants would be physically separated from claims records. Thus the removal from the records of damaging evidence by meretricious employees would be eliminated.

(3) The removal of the records from Manila to Clark Air Force Base would seriously impair the efficiency of the operation, for the following reasons:

(a) A liaison group must be maintained in the Manila Area to cross-check the records of other agencies, and to obtain pertinent information from other sources.

(b) Additional personnel would be required to service the records after removal from AGRD.

(c) Considerable time would be lost in correlating and evaluating information.

(4) Analysis (Box Score):

	Location Claims Records		
	ZI	CAFB	Manila
Economy of Operation	Fair	Fair	Good
Production	Poor	Fair	Good
Accuracy of Investigations	Poor	Good	Good
Security of Records	Good	Poor	Poor
Cross-checking w/other Agencies	Poor	Fair	Good
Availability - Guerrilla 201 files	Poor	Fair	Good
Availability - Experienced Personnel	Poor	Good	Good

Allowing 3 points for "Good", 2 points for "Fair" and 1 point for "Poor", the score is: Manila - 19 points; CAFB - 15 points; and Zone of Interior - 10 points. Thus retention of claims records in Manila Area is clearly indicated.

3. RECOMMENDATION

It is recommended that procurement, contract and wage claims records remain in the Greater Manila Area.

Thomas M. Wells
THOMAS M. WELLS
Capt JAGC
Chief of Section

CONCURRENCES:

John W. Page
JOHN W. PAGE
Major AGD
Director, Service & Certification Division

John B. Chesson Jr
JOHN B. CHESSON, JR
Major CMP
Executive Officer, AGRD

A

B

APPENDIX 1

Staff Study - Subject: Feasibility of Retaining Procurement, Contract, and Wage Claims in the Greater Manila Area.

1. Present Activities.

a. Investigation and preparation of reports concerning claims arising in the Philippine Islands of a contractual nature for:

The Judge Advocate General
Court of Claims
General Accounting Office
Far East Command
Department of the Army Fiscal Center
The Adjutant General

(1) Application of regulations governing processing and disposition of claims.

(a) Department of the Army regulations
(b) Regulations and authority of Far East Command
(c) Precedents - Precedents established by findings in various United States Courts and in previous settlement of claims
(d) Policies and procedures peculiar to settlement of claims in the Philippine Islands

(2) Search of records for information having bearing on individual claims and interpretation of records.

(3) Cross check of the various records to determine true facts of historical nature as pertains to claims. Records currently being used are:

(a) Investigation files peculiar to settlement of contract claims in the Philippine Islands gathered and coordinated by Investigation Section of Adjustment Division.

(b) Card files prepared for the purpose of ready reference to commandeering officers; extent of commandeering of oommandeering officers, extent of comandeering of units, and information as to the credibility of testimony presented by commandeering officers.

(c) Records of outstanding obligations and paid accounts of the various recognized guerrilla organizations.

(d) U. S. Army and USAFFE records of various categories.

(e) Records of U. S. Army personnel and War Department employees on duty in the Philippines.

(f) 201 files of persons claiming recognition as guerrillas.

(g) Files of claims previously filed with Adjustment Division of AGRD.

(h) Rosters of recognized guerrilla units.

(i) Valuation tables for the Philippine Islands.

(4) Checks with other United States Government agencies for information having bearing on individual claims.

(5) Contact with possible witnesses by telephone and in person in the Manila Area and by use of mails to persons outside the Manila Area.

(6) Use of information gained from various Philippine Government agencies. The bulk of information concerning the Philippines is retained by the Philippine Government in the Manila Area.

b. Clean up work of Adjustment Division.

(1) Correspondence.

(a) Routine inquiries, requests, and indorsements.

(b) Resolving questions of law and/or policy.

(c) Preparation of correspondence to proper Government agencies where questions of a political implication are involved.

(2) Review of claims files in certain cases on inquiry from claimants, and forwarding of such files to JAGO in clear cases of administrative errors in filing or processing. No questions are raised locally concerning determinations properly made by Claims Commissions.

c. Indexing, filing, and maintenance of existing investigative records peculiar to claims investigation in the Philippine Islands.

2. Expected Activities.

a. Continuation of investigation and preparation of reports concerning claims in gradually increasing volume.

(1) There will be investigations until such time as the Statutes of Limitations pertaining to both the Court of Claims and the General Accounting Office bar further filing. The above volume is partially dependent upon the accuracy with which the various government agencies concerned identify specious and/or fabricated claims. Payment of a few such claims may result in a drastic increase in the rate of filings, with attendant increase in work load.

(a) Expected increase in claims from the Court of Claims and General Accounting Office in view of the closing of the Adjustment Division, and notification that there is now no agency in the Philippines authorized to receive and process claims. It is expected that additional claims will be filed in the Court of Claims and in the General Accounting Office as the information that those agencies will receive such claims pending final barring by the Statutes of Limitations becomes generally known.

(b) Of the more than 1,000 claims known to have been filed with the Court of Claims, only a small percentage has so far been referred to this headquarters for investigation and report. There is a possibility that a backlog of these claims exists in the Court of Claims and that increasing references of claims to this headquarters will be made in the near future.

(2) A slight increase in work load may occur as a result of the stated desire of representatives of the Far East Command to carry investigations and communications with personnel now within the continental limits of the United States to a conclusion, prior to transfer of files of claims investigation to the proper agencies. A suspense file of some magnitude may be necessary, and the time essential to completion of work on any case will be considerably increased.

(3) A possible increase of workload dependent upon present Department of the Army level deliberations to determine whether or not the Command is still responsible for Commission settlement of claims against the U. S. Army. A determination finding the Command still responsible would mean the appointment of commissions and the probable processing and determination of claims concurrently being referred to The Judge Advocate General and to the General Accounting Office for settlement.

b. A gradual lessening of workload derived from clean-up of Adjustment Division activities.

(1) Routine correspondence with claimants should be processed entirely by the Records Branch of AGRD before 1 June 1950.

(2) Matters requiring the attention of trained legal and/or claims investigative personnel can be carried on by the JAG Section, providing records are maintained available for use.

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APPENDIX 2

Subject: Discussion of the JAG Liaison Section

1. Settlement of claims arising in the Philippines as a result of World War II is a special problem, in that it operates under regulations and policies completely peculiar to the Philippine Islands.

a. Regulations and policies have been created and established to meet requirements of contract settlements, both under the 5th Amendment to the Constitution and under special regulations arising from the induction of Philippine Army units into the Armed Forces of the United States and the recognition of guerrilla units as part of those forces.

b. The records listed under paragraph 1a(3), "Appendix 1", are necessary for the completion of the claims program and must be available for use if proper settlements are to be made.

c. Investigations and reports concerning claims should be a continuing function of a stabilized agency such as the JAG Liaison Section.

(1) Low operating cost gained from maintaining a small organization familiar with the problem and with access to sources of information.

(2) An operating agency can be maintained at a high level of efficiency with minimum expenditures of time and funds in the preparation of investigations and reports.

(3) Overall costs of investigation would rise if the task were thrown onto other agencies not familiar with the problem, both as to probable approval of questionable claims and through uncoordinated use of time and personnel.

(4) Emphasis is placed on the fact that the payment of just one claim which proper investigation could show should not be paid, would, in many cases, more than cover the entire annual cost of operating the JAG Section.

2. Need for combined storage of records.

a. In investigating claims, it is often necessary to cross-check the various records to complete the investigation. It is only through such cross-checking that the true facts concerning claims can, in many

cases, be determined. Statements and personal histories of individuals, histories, activities, and rosters of units, documents and card files are constantly checked to extract applicable information. In such investigation, the need is apparent for study of the various sources of information by an individual in a position to consider the entire sum of evidence available, to arrive at any just and equitable conclusion.

b. Files have been accumulated over a long period of investigation, and reference material to the files has been prepared, which are entirely peculiar to problems of claims in the Philippine Islands. Any scattering of these records would entail both extreme difficulty of storage and the possibility that much information currently available would become of no practical use. A case in point is the result found when the records of G-3 (Guerrilla Affairs Division) containing the information upon which recognitions of individuals and units were based, were shipped to the Records Depository at St. Louis, and the information contained therein, although vital to the processing of many claims, was not available to the Command. There is no question that substantial sums of money were expended for the payment of fabricated claims that could have been identified as such had the G-3 records been available for use.

3. The function of settlement of claims is a responsibility of the Judge Advocate General's Corps. Practically, it has been found that direct investigations are made outside of channels by the Judge Advocate Liaison Section of this headquarters for various government agencies, Branches, and Services. Although present operations have provided a practical solution in the interest of saving time and expenditure of effort, it has left the Judge Advocate Section in the position where its functions and activities have, up to this point, not clearly been understood by higher headquarters. The primary considerations are the assignment of a clear cut mission and the availability of necessary facilities for the completion of investigations requested by using agencies.

4. The transfer of PA 201 files to the Veterans Administration would substantially increase the difficulty of completing investigations of claims.

a. Files are constantly used for cross-check with other records now held in a centrally located group. Physical divorcing of the files would mean a continual travelling from one agency to another. However, if the records were maintained by the Veterans Administration in the same building as the records of AGRD for the duration of the claims program, no undue hardship would be created.

b. The 201 files represent at present the only alphabetical listing of recognized and/or unrecognized guerrillas available in this headquarters. Removal of such files would considerably increase the time essential for checking rosters to identify individuals, which would even then be doubtful in view of the fact that the 201 files are the only place where signatures of the individuals are filed.