

HOPKINS COMMITTEE
REPORT FOR THE SECRETARY
ON THE
CIVIL GOVERNMENTS
OF
GUAM AND AMERICAN SAMOA

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FOREC'D

NAVAL AIR STATION,
MOFFETT FIELD, CALIFORNIA

25 March 1947

Honorable James V. Forrestal,
Secretary of the Navy,
Washington 25, D. C.

Dear Mr. Secretary:

Herewith we respectfully submit our report in accordance with your precept of 8 January 1947 appointing us a civilian committee "to study the Naval administration of Guam and American Samoa, and to prepare a report embodying specific recommendations thereon."

Itinerary and Procedure

Your committee and staff, with the exception of Dr. Ryerson who joined us in California, assembled in Washington on 15 February and flew that night to Moffett Field, California. There the privilege was extended to us by Dr. H. H. Fisher, Director of the Hoover Library at Stanford University, for extended conferences with members of the staff of the School of Naval Administration at Stanford University and particularly with Dr. Fisher himself and with Dr. F. M. Keesing, professor of anthropology at Stanford and a well known authority on Pacific Island matters. In most cases members of the staff, supplementing the wide knowledge of Doctors Fisher and Keesing, had a recent and intimate acquaintanceship with the affairs of one island or the other and in some cases of both. We also had the benefit of a conference with Mr. James Green of the Department of State, just returned from the Canberra Conference on the South Pacific.

Tuesday night, 18 February, we went on to Honolulu for further conferences both with civilian scholars familiar with life and affairs in Guam and Samoa and with officers in the service with like acquaintanceship, as well as with officials of the U. S. Commercial Company. Among the many others who gave us invaluable information and counsel is to be mentioned particularly Sir Peter Buck of the Bishop Museum at Honolulu who has spent his life studying the lives and habits of the peoples of the South Pacific and who advised at length with us.

Saturday night, 22 February, we took off for Guam, missing the 23rd completely because of the international date line, and arriving the next afternoon, the 24th, after having stopped briefly at Kwajalein. We remained on Guam until the evening of 9 March. Here we adopted what was to be our procedure, consisting of formal hearings with the Governor of Guam and members of his staff, open public hearings without attendance of any members of the Governor's entourage or of the Naval establishment, attendance upon a session of the Guam Congress, and numberless personal interviews with representatives of civic organizations or those having personal views which they wished to express. In the open hearings, providing ourselves with interpreters, we extended an invitation for speakers to express themselves in Chamorro when utterances would be easier for them in their native tongue, and this opportunity was eagerly accepted by many.

Because of the fact that no complete divorce of interests between Guam and the Marianas as a group seems possible we visited Saipan, Tinian and Rota. In addition Dr. Myerson visited Koror, Angaur and Peleliu of the Palau Islands.

On the 9th of March we left Guam for Samoa, recovering en route the day we had lost going out and arriving at Pago Pago at about the same time on Sunday that we had left Guam on Sunday.

In Samoa we profited greatly by the briefing we had been given in Honolulu on native culture and customs and, with advice and counsel of the Governor and the native interpreters, we performed acceptably, we believe, in the succession of ceremonies in which we were honored. Besides our meetings on Tutuila, we were enabled by the Governor's courtesy to make the sixty mile trip by water to Manu'a and to have a hearing there, as well as again to be honored there with a royal kava ceremonial. Incidentally, members of the committee likewise had opportunities for brief talks with Mr. Jennings, the proprietor of Swain's Island, two hundred miles distant, but visit there was impracticable.

We left Samoa on the 16th of March, arriving at Honolulu that evening. Here for four days we worked over our material and checked on various details before leaving for Moffett Field, California, where this report has been prepared.

Prior to leaving Washington the members of the committee familiarized themselves generally on the background of the present conditions on Guam and Samoa by means of study of documentary material on the islands furnished by the Island Governments Section of the Office of the Chief of Naval Operations, Navy Department, independent research, and conferences with persons familiar with the islands. Thereafter, throughout the trip, many additional documentary and statistical matters were collected and received our constant study.

Appreciations

Members of your committee are appreciative in maximum degree for the provisions made and for the facilities offered by you for full and uncolored observation of all matters falling within the scope of the committee's responsibilities. In addition to our gratitude for the highly efficient cooperation of Captain Gross and staff always available to us we would especially bespeak our sense of indebtedness for making available to us the wide experience and sound judgment of Mr. J. Henry Neale, as counsel, upon whom we have constantly leaned for assistance and who has sat constantly with us in all our sessions. Moreover, hospitality proffered and cooperation made available all along our course made possible contacts and free access to data which otherwise would have been unavailable in a survey as restricted by the limits of time as necessarily ours was.

Parenthetically we would add that the solicitude on our part that utmost consideration be given to the interests and highest welfare of loyal American nationals proved to be fully equalled by a like concern of those naval officers in charge of the affairs of the respective islands we visited. In all cases respect for the native populations was expressed together with assertion of the hope that, except for limitations imposed by requirements of national security, the desires and aspirations of these loyal island residents should receive as favorable consideration as could be given.

Of General Matters

In the strong convictions to which we came not only as to the desirability but as to the obligation of the United States Government to take early and advanced steps toward extension of rights and privileges to the island peoples of Guam and Samoa and in suggestion as to what some of these steps should be, your committee wishes to make plain that it is not ignoring the progress already made or the magnitude of the Navy's accomplishment against what must at times have

seemed to have been overwhelming odds. The aftermath of war has disorganized the economies of these islands and to considerable extent has undermined their social structures. It was in such situations that the naval officers named island governors, and members of their staffs, found themselves called upon to restore and enhance peacetime conditions. As if the magnitude of this task was not enough, they were subjected to the paralyzing losses of administrative assistance incident to demobilization. This was followed on Guam by physical devastation incident to the worst typhoon in years. That so much recovery and real progress as has been achieved is existent is a mark of careful planning and indefatigable effort on the part of the naval officers responsible, for which they are entitled to deep appreciation from the American people.

The complexities of their problems and the ever increasing scope of responsibilities of men in these positions give rise to the question whether, if the Navy is to continue to govern the islands, a special Bureau of External Affairs for the training, assignment and grading of career men should not be set up within the Navy Department, or under the proposed Department of National Defense if this develops. The qualifications for enrollment in this should be on the basis of training in such a permanent course as that already set up by the Navy and now being maintained at Stanford University in the School of Naval Administration.

As to the source from which the government of these islands should emanate, it is clear that if other than the Navy should be deemed desirable its dependence on the Navy nevertheless would be almost complete. By no other means could problems of transportation and of communications, of providing indispensable supplies across thousands of miles of water and of maintaining health and other essential services at their present highly efficient level be effectively and economically met. So far as public or private sentiment in these islands is concerned, respect for and confidence in the respective governors were constantly expressed. Nowhere did your committee find any expression of desire to be removed from under the auspices of the Navy but on the contrary, whenever discussion of the matter came up, apprehension was expressed as to whether from any other department than the Navy, services so vital to them as these in their possession could be afforded.

There is one extraneous matter which should be mentioned. It is a predominant and all pervasive cause of unhappiness and discontent in American Samoa. Obviously however any recommendation in regard to it is beyond the province of this committee. Our reference is to the barriers existent between American and British Samoa. The average native in his frequent exasperation does not reason beyond the fact that some one ought to correct a perplexing and irritating situation that divides people of a common heritage from each other, makes complicated and difficult family relationships, and renders contacts among friends subject to red tape and official complications. Meanwhile the more thoughtful argue that the original division between the respective islands was an arbitrary one in which no consideration was given to the interests of the populations, that with the passage of time the iniquities have increased, and that a great and wise government ought to be able to do something about it.

In like manner, the problem of Guam in the future is closely tied in with the other Marianas Islands. Should the United Nations act favorably upon the present application of the United States for sole trusteeship over this territory, Guam and the other Marianas should be administered as a single unit.

To summarize, before passing to detailed recommendations, we have found a devotedly conscientious and capable group of Navy representatives working eagerly under difficult and frequently adverse conditions for the rehabilitation of peoples disorganized through no fault of their own by the war.

In the case of Samoa, it is the island economy which has been disrupted and its ancient culture, of which its people have been so proud, is threatened. The people there are fearful of being modernized too rapidly and are resistant to many of the changes in life which the war has forced upon them. It is to have more control at such points that they are eager for early action giving them greater self-determination.

In the case of Guam, the war brought wide-spread destruction of homes, public buildings and utilities. But over and beyond this it brought deaths to many, brutalities to more, and ruthless oppression to all over a long period. Now months after cessation of hostilities they find themselves, because of the strategic position of their native island, outnumbered in population by military forces of Army, Navy and Marines to be stationed there. In considerable number they are dispossessed of home and lands which have been destroyed or taken

from them and they are without adequate understanding of the processes by which to secure replacement or compensation for these. This statement is not in disparagement of government officials stationed there who are bending every effort to bring order out of chaos, or of any government department, bureau or agency. All of these are working within the limitations of legal restrictions and prescribed technical routines which seemingly it has proved over-difficult to modify or speed up. There is no lack of knowledge on the part of Navy officials as to what ought to be done or how to do it if appropriations could be secured and made promptly available for an adequate reapportionment of lands and reconstruction of homes. Only so can justice be done to a valiant group of Americans who at great cost to themselves remained steadfastly loyal during the war but many of whom still lack housing to replace that destroyed by our bombs and shells or who still lack land for subsistence to replace that taken from them for military uses. It would seem to your committee that in so special a case as this our government could well be very generous in method of distributing its relief as well as generous in amount awarded. It has been neither.

Herewith in summary form, are our conclusions and recommendations, followed by a detailed discussion of the various points. Also submitted are drafts of our proposed organic acts for Guam and American Samoa, including conferring of American citizenship on the local inhabitants.

Respectfully yours,

Ernest M. Hopkins

ERNEST M. HOPKINS
Chairman

Maurice J. Tobin

MAURICE J. TOBIN
Member

Knowles A. Hyerson

KNOWLES A. HYERSON
Member

CONCLUSIONS AND RECOMMENDATIONS

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COMMITTEE CONVENED BY PRECEPT OF THE SECRETARY OF THE NAVY
DATED 8 JANUARY, 1947

R E P O R T

Conclusions and Recommendations

I General

A. The people of both Guam and American Samoa are entitled to full American citizenship and should be made citizens at the earliest possible date by Act of Congress.

B. Separate Organic Acts should be enacted by Congress for both Guam and American Samoa constituting each a body politic with its own Bill of Rights as its guaranty of personal liberties and establishing a framework for the form of government for each area.

C. For the immediate future at least, the Navy Department should retain general cognizance of and supervision over both Guam and American Samoa, subject, however, to the general limitations and provisions as presented in the separate Organic Acts.

1. To the greatest extent possible, administrative and judicial posts should be filled by natives of the islands.
2. Longer tenure of duty on the part of naval officers occupying administrative positions in the island governments is essential. Such a tour should have an absolute minimum of two years and a period of three years would be most desirable.
3. Continued use must be made of naval officers with specialized training and experience, as well as interest and aptitude, in the problems of government in general and of the Pacific Islands in particular, and any existing statutes or naval procedures or customs that interfere should be changed.

4. Certain positions requiring a high degree of specialized training and experience, and also where a long period of service is desirable, in such fields as education, business administration, the judiciary and the law, should be filled by civilians from the United States, in the event that qualified natives are not available.

D. Consideration should be given toward the establishment of a separate agency of the Federal Government chargeable with the administration of and general supervision over all the Pacific Island areas (other than the Territories of Hawaii and Alaska) under the sovereignty or jurisdiction and control of the United States.

II Guam

A. Citizenship.

1. All natives of Guam residing in the island on April 11, 1899, and all natives of Guam born since that date should, by Act of Congress, be made citizens of the United States.

B. Organic Act.

1. The future government of Guam should be under an Organic Act, enacted by Congress. Such an Organic Act should not be too detailed in its requirements, but should provide for the following:
 - a. There should be a Bill of Rights, similar to that contained in the Constitution of the United States and of most states, with the exception of the provision for trial by jury.
 - b. The legislative power, except for the reserved power of the Federal Congress to make future provisions affecting the island, should be lodged exclusively in a local congress, constituted according to local law.

- (1) Acts of the Guam Congress should be subject to veto by the Governor. However, such veto may be overridden by two-thirds vote of each house of the Guam Congress, provided, however, that the President then approve such act.

c. The executive authority should be vested in a Governor.

- (1) The Governor should be appointed by the President, by and with the advice and consent of the Senate, and should hold office at the pleasure of the President.
- (2) The Governor may be a person from civil life or an active, retired or reserve officer of the Army, Navy or Marines and, if such an officer, may, in the discretion of the President, remain on active duty in the naval or military service during his term as Governor and may likewise have additional duty in the Army, Navy or Marines.
- (3) The Governor should appoint all heads of departments and subordinate executive officials except as such power of appointment may be limited by applicable local law and except for the head of the department of education who should be appointed by the head of the executive department or agency of the Federal Government which is charged with general supervision and jurisdiction over the Government of Guam. Heads of executive departments and their chief assistants may be officers of the Army, Navy or Marines on active duty.

d. The judicial authority of the island of Guam should be vested in one high court and in such courts of inferior jurisdiction as may be established by local law.

- (1) The judge of the high court should be appointed by the President, by and with the advice and consent of the Senate, to hold office during good behavior.

(2) There should be right of appeal from all decisions of the high court to the District Court of the United States for the District of Hawaii, with further appeals on up through the federal judicial system in accordance with federal law and practice.

e. All existing laws now in effect on the island of Guam, as promulgated by presently or previously existing naval governments, should continue in full force and effect, except as same may be inconsistent with the provisions of the Organic Act.

f. Since it may take some time to secure passage of an Organic Act, certain changes in the form of the local government should be instituted.

(1) Change the name of the government to "Island Government of Guam."

(2) Give more legislative authority to the Congress by obtaining their approval for all new laws and changes in law and inaugurate measures to improve the internal workings of Congress.

(a) Establish a committee system whereby small committees will be assigned specific functions and departments.

(b) Have all department heads present at all meetings of Congress to explain, when called upon, policies, procedures and problems of their departments.

(3) Create a new post of Secretary of Guamanian Affairs to assist the Civil Administrator in dealing with local matters, with particular reference to broadening the channels of communication to the local inhabitants to give more publicity on the policies, procedures and problems of the government.

- (4) Reconstitute the present Court of Appeals to provide for two Guamanian members to be elected by the Congress and three additional members appointed by the Governor subject to ratification by the Congress, all five to serve for fixed terms rather than at the pleasure of the Governor. Also, if possible, at least two of the Court should be legally trained.

C. Rehabilitation.

1. Due to a combination of circumstances most of which were beyond the control of the local Island Government, the settlement and payment of war damage claims and claims incident to the military occupation of the island has been proceeding much too slowly. Immediate steps should be taken to hasten this process and to remove unsound and unfair distinctions in the allowance of claims.
- a. The Meritorious Claims Act (Public Law 224, 79th Congress) should be amended immediately to allow direct settlement and payment on the spot by authorized representatives of the Federal Government, without reference to Washington for approval or further action, of all claims, both property and for death and personal injury, up to \$10,000.
- b. Immediate action should be taken to process for payment all claims which have been approved in the field but which under the present law require further action by Congress (viz. all property claims above \$5000 and all personal injury or death claims regardless of amount).
- (1) Such an amendment should also afford relief to any person who has voluntarily reduced the amount of his claim to \$5000 or below in order to obtain prompt payment.
- c. The procedure presently required by the regulations implementing the Act for submission, proof, allowance and review of the claims should be greatly simplified.

- d. The regulations should be amended to eliminate values or standards as of December, 1941, as the measure of damage and more liberality should be practiced in passing upon claims.
 - e. The regulations should be amended to allow payment of rental claims for the use of private property by the U. S. forces up to the date of acquisition of title by the United States or relinquishment of possession to the owner.
 - f. Claims which have been duly filed should receive consideration at the Bank of Guam as collateral for prospective loans.
2. The general rehabilitation and reconstruction of the island has been proceeding too slowly and should be speeded up greatly so as to eliminate or lessen the feeling of uncertainty and insecurity that is the prime cause of economic and social unrest.
- a. The military services, Army, Navy and Marines, should promptly make final determination of their permanent postwar requirements of land.
 - (1) No additional land should be taken by the military services unless that particular area is essential to the defense of the nation and any land presently occupied by them and not in fact essential to defense should be released to the local inhabitants.
 - b. Reconstruction of the destroyed cities and villages should have first order of priority on the island and every possible effort should be brought to bear on the construction of utilities and roads in Agaña and Agat. Likewise, plans for the other villages should be made ready so that work may be commenced as soon as funds are made available by Congress.
 - (1) Reconstruction should be limited to the bare essentials until it is certain that funds will be made available to provide the necessary facilities for all communities on the island.

- (a) The specific plans for reconstruction should receive careful consideration by the Secretary of the Navy or some other responsible official having a clear view of the overall problem.
 - (b) The enactment at this time of a zoning ordinance covering the entire island is not recommended. Any such drastic change in existing conditions should proceed with caution and it would be more advisable to limit such regulations at this time to the new city of Agaña.
- 3. The plans for land acquisition and transfer of land to Guamanians appear unduly complex and of doubtful practicability. Land acquisition should be pushed to a speedy conclusion and should be handled as a unit for each community.
 - a. The Code of Guam should be amended immediately to simplify the condemnation procedure.
 - b. A special land court should be constituted under the Code of Guam, with a stateside judge appointed by the Secretary of the Navy, to determine valuations in condemnation.
- 4. Prompt aid should be given by the Federal Government to the Guamanians in the form of making available housing materials of all kinds. These should be furnished at the lowest possible cost and, if necessary, should be carried to the island in Navy ships.

D. Economy of the Island.

- 1. The future economic basis for Guam will be centered around the facilities and establishments of the Army, Navy, and Marines. Most of the people on the island will either work for the government or service those who do. The question of civilian wage scale is therefore of paramount importance.
 - a. As far as possible, all employees of the Army, Navy and Marine establishments on the island should be native Guamanians.

b. In principle, there should be equal pay for equal work, except for the special bonus, or cost of living payment, given to stateside civilians working temporarily overseas. The immediate imposition of such a wage scale would, however, be disruptive of the island's economy and the sounder procedure is to advance by easy stages. The march toward equality in pay rates, nevertheless, should be expedited as much as possible.

2. The present Island Government has been sound in its treatment and encouragement of local business and industry. Such efforts should be continued, but in the interests of the consumer public of the island other services should be made available as soon as possible.

a. In the event of shortages of essential items, a program of rationing should be established and reasonable prices made mandatory.

3. Although the future economy of Guam cannot be founded on agriculture and in fact it can probably never again be self-sufficient agriculturally, the following measures should be taken to develop agriculture to the greatest possible extent:

a. Establish an active agricultural demonstration farm to show the people better methods of farming and raising livestock and also to serve as an experimental farm.

b. Encourage the teaching of vocational agriculture in the public schools.

c. Encourage as much as possible improved small subsistence farming including livestock and poultry raising.

d. Set up a quarantine system to keep out pests and diseases.

(1) Enlist the cooperation of U. S. Department of Agriculture in combatting major area-wide pests, such as giant African snail, rhinoceros beetle, etc.

- e. Limit removal of phosphate fertilizers now being taken from the near-by Palau Islands and sent to Japan.
- f. Have a study made of the possibilities of a long-range forestry program.
- g. Fishing on a commercial scale in the waters near the island is a distinct possibility. If local enterprises on Guam cannot be interested, the possibility of outside firms should be explored.

(1) Encourage subsistence fishing in local waters.

E. Revenue and Finance.

- 1. With the military services planning to occupy permanently almost one-half of the land on the island, it is unreasonable to expect the local inhabitants to bear the entire cost of the Island Government. The National Government should contribute each year a fair proportion of the total cost, either by way of outright appropriation to the Island Government, considered to be in lieu of local taxes or in payment for services rendered, or by supplying certain services, facilities and personnel of other government departments (such as the Navy), or by a combination of such methods.
- 2. Any federal taxes collected on the island should be deemed to be revenues of the Island Government and expended on the island or for its benefit.
- 3. The pending studies by the Island Government of revision of the tax structure of the island should be pushed vigorously to a prompt conclusion.
- 4. The local inhabitants should accustom themselves to the payment of value for services rendered, and to that end any person occupying government erected dwellings should pay compensation therefor.
- 5. In general, the government should not make a profit from the supplying of essential services and in that respect a careful study should be made of utility services and bus fares to determine if they may be lowered.

F. Education and Public Health.

1. The present educational organization and program is considered sound. Existing imperfections are recognized and are being overcome as rapidly as possible.
2. The public health program is on a sound basis. A new hospital is sorely needed but it is understood that the prospects are that work on this will be started within the year. If possible, additions should be made to the nursing and medical staff of the hospital as the present groups are very badly overworked. The addition of a public health officer to the staff of the Island Government, which it is expected will take place shortly, will relieve the directing heads of the hospital from the supervision of preventive measures and will fill a presently-existing need.

G. Miscellaneous.

1. Aid should be secured from other departments and agencies of the Federal Government; e.g., Veterans' Administration, Federal Security Agency, Department of Agriculture, etc., in order that Guam may be treated on the same basis with the United States, its territories and other possessions.
 - a. A careful study should be made of just what services and facilities of the Federal Government are available to states, territories and possessions and immediate steps should be taken to see that Guam is included, obtaining legislation therefor if that should be necessary.
2. The Guamanian people rendered heroic service to the Nation in the recent war and displayed great courage, fortitude and loyalty. Such services, equivalent to service on the field of battle, should be recognized, both collectively and, in specific cases, individually.

III Samoa

A. Citizenship.

1. All natives of American Samoa residing there on December 7, 1941, and all natives of American Samoa

born since that date should, by Act of Congress, be made citizens of the United States.

B. Organic Act.

1. The future government of American Samoa should be under an Organic Act, enacted by Congress. Such an Organic Act should not be too detailed in its requirements but should provide for the following:

a. There should be a Bill of Rights, similar to that contained in the Constitution of the United States and of most states, with the exception of the provision for trial by jury.

b. The legislative power, except for the reserved power of the Federal Congress to make future provisions affecting the island, should be lodged in the local Fono, or Congress, constituted according to local law, and the Governor. No act passed by the Fono shall be effective except with the approval of the Governor. Between sessions of the Fono the Governor may issue interim orders which shall have the effect of law until the next session of the Fono.

c. The executive authority should be vested in a Governor.

(1) The Governor should be appointed by the President, by and with the advice and consent of the Senate, and should hold office at the pleasure of the President.

(2) The Governor may be a person from civil life or an active, retired or reserve officer of the Army, Navy or Marines and, if such an officer, may, in the discretion of the President, remain on active duty in the naval or military service during his term as Governor and may likewise have additional duty in the Army, Navy or Marines.

(3) The Governor should appoint all heads of departments and subordinate executive officials of the Island Government except as such power of appointment may be limited by applicable local law and except for the head of the department of education who

C. Economy of the Island.

1. Since the principal sources of cash for the people of American Samoa are employment by the Island Government and the Naval Station, production of copra, and the manufacture of handicraft items, the Island Government should continue to be greatly concerned about these enterprises.

a. The wage scale of the Island Government and the Naval Station should receive careful study to determine whether it is in line with the cost of living on the island.

b. The Island Government should continue to handle the copra crop, should continue its efforts to increase the production of copra, and should use aggressive measures to check the depredations of the coconut beetle.

c. The Department of Native Industry has demonstrated its usefulness and should be maintained and expanded.

2. Continued efforts must be maintained to keep down the cost of living for the natives by ensuring a steady supply of essential items such as cloth, kerosene, some food products, etc., and by maintaining price control to prevent profiteering.

3. In order to develop the agriculture of the island to the greatest possible extent an active agricultural demonstration farm should be maintained to show the people better methods of farming, to introduce new crops, and to serve as an experimental farm and training center.

a. A quarantine system should be set up to keep out insect pests and diseases and the cooperation of the U. S. Department of Agriculture should be enlisted in combatting them.

4. Additional water transportation services between the islands and to and from Western Samoa should be encouraged and likewise air travel.

a. The pending application for permission to use Tafuna airport by a commercial airline should be acted upon promptly.

5. Action upon the remaining unpaid war claims should be speeded up as much as possible.

D. Revenue and Finance.

1. Since the United States for reasons of its own assumed possession of American Samoa and has been to a considerable degree responsible for change in the old Samoan way of life, it is unreasonable to expect the natives to bear the entire cost of the Island Government. The National Government should contribute each year a fair proportion of the total cost, either by way of outright appropriation to the Island Government, considered to be in lieu of local taxes or in payment for services rendered, or by supplying certain services, facilities and personnel of other government departments (such as the Navy), or by a combination of such methods.
2. Any federal taxes collected on the island should be deemed to be revenues of the Island Government and expended on American Samoa or for its benefit.
3. A study of the existing tax structure and of possible other sources of revenue should be undertaken immediately with a view both to gain more revenue and also to remove some existing inequalities and to proceed more along the lines of ability to pay.
4. In general, the government should not make a profit from the supplying of essential services and in that respect a careful study should be made of the prices for utility services and bus fares to determine if they may be lowered.
5. The Island Government at present is in the extremely fortunate position of having a cash surplus on hand, due to increased revenues during the war period and the curtailment of expenditures during that same period. That surplus fund should be put to work for the benefit of the islands with a five or ten year plan providing for the expenditure of part of it at least for construction of public works, new roads,

bridges, channels through the reefs, etc.
and for teacher training, new facilities for
schools, and the like.

- a. The existing practice of not undertaking any public works benefitting a particular village except upon the application of that village and agreement on its part to assume the total cost of construction should be changed so that part of the cost is borne by the Island Government.

E. Education.

1. The change made last year in the educational system so as to provide a professionally trained educator as Director of Education in place of the chaplain for the time being is eminently sound and should be maintained.
2. The establishment of the high school with trained American teachers is a step in the right direction and fills a void existing during the wartime period.
 - a. Continued emphasis should be placed on vocational training for both boys and girls for the various fields in which employment exists on the islands.
3. The greatest need at present in the schools of American Samoa is trained teachers. Efforts to accomplish better training and education of the present staff of teachers are commendable and should be maintained.
4. A plan should be devised for the use of audio-visual aids in the education of both the school children and adults.

F. Health.

1. The public health program is on a sound basis and no major improvements or changes appear necessary at present.

- a. A small airplane should be furnished for more effective, more economical and safer use of D.D.T. and other insecticides in the control and elimination of insects and pests, especially the malaria and filariasis bearing mosquito.
- b. The services of specialists should be employed for more effective rodent control.
- c. The small colony of lepers from American Samoa now cared for in the Fiji Islands should be transferred to the leper colony in the Hawaiian Islands in the interests both of economy and of securing better cooperation from others who are perhaps now infected with the disease.

Ernest M. Hopkins

ERNEST M. HOPKINS
Chairman

Maurice J. Tobin

MAURICE J. TOBIN
Member

Knowles A. Nelson

KNOWLES A. NELSON
Member

Naval Air Station,
Moffett Field, California
25 March 1947.

DISCUSSION AND EXPLANATION

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DISCUSSION AND EXPLANATION

I General

IA.

Our first conclusion and recommendation is that the people of both Guam and American Samoa are entitled to full American citizenship and should be made citizens at the earliest possible date by Act of Congress. For almost fifty years these people, although denominated "American Nationals", have virtually been people without a country, the forgotten people of the United States of America. The American Indians have been granted full rights of citizenship, with some additional rights and privileges. The residents of the Hawaiian Islands, who, like those of American Samoa, voluntarily ceded themselves to the United States and who are of the same race and basic culture as the Samoans, were granted citizenship in 1900, almost immediately after the raising of the American flag. The Puerto Ricans, whose island, like Guam, was granted to us by Spain in the Treaty of Paris following the Spanish-American War, were also made citizens in 1900. The Virgin Islanders were granted citizenship in 1932. Of our insular possessions, only Guam and American Samoa remain outside the pale.

A detailed discussion follows, under the specific consideration of each locality, so the matter will not be covered further at this point. Suffice it to say the committee, under one of the major points of the precept, has come to the unanimous and emphatic conclusion that both peoples should be made citizens at the earliest possible date.

IB.

Likewise with respect to the matter of an Organic Act, or basic statute, providing the basic framework for the Government of the Islands, we have come to the conclusion, and recommend, that the Congress should enact such statutes so that both Guam and American Samoa shall henceforth be bodies politic, with their own Bill of Rights made a part of the fundamental law of the land and with a form of government established. All the other insular possessions have such statutes, differing in detail but embodying the same general principles, and have had them for long periods of time. Although a government by men may fill all fundamental needs and may even provide "better" and more enlightened rule than would otherwise be the case, a government by law is always more desirable and more in accord with the aspirations of human souls.

The principle is now firmly established in the United Nations Charter (Chapter XI, Article 73) that

"Nations which have responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, ... the well-being of the inhabitants of these territories, and, to this end;

a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;

b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;"

The United States of America can now do no less with its possessions of Guam and American Samoa. We believe that the time is overdue for such action to be taken and there should be no delay in carrying out our obligation. We have prepared separate proposed Organic Acts which embody the principles and the details thereof that we believe should be extended to these islands. We recommend the submission of these bills to Congress and we hope that Congress will pass them. A summary of each of these proposed statutes, with the reasons for our recommendations, is set forth under the specific recommendations for each area.

IC.

During the past few weeks, since the announcement of the appointment of this committee and its start on its mission, certain segments of the press have intimated that there was involved a controversy between the Department of the Navy and the Department of the Interior concerning jurisdiction over these insular possessions. To the best of our knowledge there exists no such conflict; certainly such question did not form any part of our precept, nor do we consider it in any way our function to pass ultimate judgment with respect to the merits of one or more executive departments of the National Government. Throughout, our concern has been solely as to what is best for the local inhabitants of Guam and American Samoa, having in mind always the fundamental principles of our people.

We believe the conclusion inescapable that the Navy Department, for the immediate future at least, should have the general cognizance of and general supervision over both Guam and American Samoa, and particularly Guam. This would certainly be more economical in both dollars and man power, so that the National Treasury would benefit by such retention. It would also serve for more efficient and capable administration, since the Navy has a pool of trained officers, regular and reserve, who have already had considerable actual experience in the field and special instruction in this work at the various training schools in government and civil administration. The islands are now dependent upon the Navy for health service, communications, transportation, supply and public works. In addition, on Guam the Navy is in the midst of the difficult and complex problem of relief and rehabilitation. No other agency exists that can step into the Navy's place in these matters, or in the general and special civil administration of the local populace.

Nor is it any answer to suggest that the Navy could continue to handle many of these matters with control by another agency superimposed at the top. It is obvious that this would greatly increase costs and also, at the same time, would create great practical difficulties of administration and control. We are convinced that the people of Guam and American Samoa would suffer greatly by any such attempt to divide responsibility.

General control over the islands should be retained in the Navy Department, or perhaps in the proposed new Department of National Defense, for the immediate future. That term, "immediate future", is not susceptible of clear definition by anyone not possessing the powers of a clairvoyant. It might be only two or three years; it might extend for five or ten years, especially in the light of considerations of national defense in a troubled world still some distance from a sure permanent peace. Time only can tell when a shift, if a shift is ever to be made, can be performed.

This is not to say that no changes should be made in the past and present methods of handling these islands. Fundamental changes of paramount importance are, of course, the previous two basic conclusions and recommendations; namely, citizenship and Organic Acts. With the granting of citizenship and the enactment of Organic Acts such as we propose, no one can fairly characterize the government, even if still retained under the general jurisdiction of the Navy Department, as "military government". It is civil government, basically under the control of the local people themselves and of Congress. Such government does not cease to be "civil government" in the true sense of the term merely because the executive head and some of his assistants may sometimes wear a military uniform and be responsible to a department of the executive branch of our National Government which is primarily concerned with our national security and defense.

Besides these basic changes with respect to the rights and privileges of the local inhabitants, the Navy Department should undertake some further changes in regard to its method of handling the administration of these local governments.

IC 1.

If qualified natives can be found, they should fill various positions in the government of the islands. The ideal would be to have all executive and judicial posts, as well as the legislative, filled by natives of the islands. That obviously cannot be done at present, but such goal should be always in mind and wherever possible a native should be selected. In the beginning, this perhaps may only be done with minor officials but as time goes on they can be advanced to more and more responsibility.

IC 2.

Longer tours of duty for naval officers assigned to island government work is essential. In the past, eighteen months has generally been regarded as the limit and with the decimation caused by demobilization much shorter tours have recently been the practice. The policy should be adopted of having at least two years as the absolute minimum and we regard three years as the more desirable period. Only in this way can the persons in authority acquire a sufficient degree of familiarity with the locality, its problems, and its people and, in turn, the people become well acquainted with the man. Too often in the past has a Governor or one of his chief subordinates been moved away just as he had learned his job.

Considerations of health no longer preclude a longer stay than was the past practice. Both places are now quite healthy and free from disease. The great strides in improvement in transportation that have occurred in the past few years bring both Guam and Samoa within thirty-six hours or less of the mainland. Persons on duty there are no longer isolated, or forgotten men. Guam particularly is the crossroads of the Pacific with daily planes from Hawaii and the States. There is no reason why a man may not retain all his efficiency and zeal for doing a good job for a three-year stretch, with perhaps a leave of two or three months half-way through the period.

IC 3.

If the Navy is to be responsible for the government of the islands and if it is to continue to carry the responsibility for some time, naval officers with specialized training and experience must be provided. This training and experience for the most part is not included in the training for line officers. The present basis for promotion for officers places those engaged in

Island Government positions at a real disadvantage, and they undertake such duty at distinct risk of personal careers. Tenure of duty is at present not set by island needs but by traditional rotation procedure.

If naval officers are to do an effective job in the positions in which they must be used, a separate group or corps recruited for island administration should be set up with its own procedures for advancement and tenure of duty, planned in accordance with the needs of the natives as well as general national security.

The specialized training needed by such officers has been provided by various special schools for military government conducted during the war at Columbia and Princeton Universities and now continued at Stanford University as the School of Naval Administration. This school should be maintained and expanded to provide all specialized training that naval officers should need in the various phases of Island Government.

It is recognized that in many positions in both Guam and Samoa naval officers will be required for naval duty but could in addition carry on duties in Island Government positions. The economy of the islands does not warrant adding civilian specialists where a naval officer on the ground is both qualified by training and time available to serve. Under such conditions dual duty is advisable and should be practiced but not to the disadvantage of the officers so detailed.

10 4.

There are certain positions in which specialized training and long and special experience in the field are essential. They cannot be normally acquired along with a regular naval career. They require full time professional training and experience and continued long tenure. This is especially true in the fields of education, the judiciary and legal positions, and for business administration. Some of these positions can be filled by natives when adequate educational advantages are available to them; some can be filled now. In the meantime such positions for which natives cannot qualify should be filled, if possible, by civilians from the United States, chosen especially for training, experience and personal qualifications for duty in the islands.

12.

Ultimately, and especially if other areas of Micronesia are to be administered by the United States, some change from Navy Department jurisdiction may be considered advisable. No question, however, if change to any other particular department of the government would be most desirable. The problems of these

islands really overlap many departments, so that no one department can be considered the logical place for them. (If any one department would seem to have prior claim, we believe it to be the Department of National Defense as proposed under S. 752 and H.R. 2319, now before Congress, since the main consideration involved in these islands is national defense. The proposed Secretary of National Defense is on a high enough level and is possessed of means of contact, through the National Security Council and similar bodies, with all other interested departments of the government, so as to be able to give sufficient attention to the islands.)

We believe that a separate independent agency of the Federal Government may very well be the best place in which to lodge general supervision over all Pacific Island areas, excepting Hawaii and Alaska, under the sovereignty or jurisdiction and control of the United States. This concept, involving as it does the development of a career group of "colonial service" administrators, should be explored and we believe it offers distinct advantages over placing these islands, important as they are to national security and also important to the individuals residing therein, under a particular internal department.

II Guam

IIA. Citizenship

Guam was ceded to the United States under the Treaty of Paris, terminating the war with Spain in 1898, and in Article IX of that Treaty it is provided:

"The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by Congress".

For almost fifty years Congress has done nothing in this respect. A search of the Congressional Record Index for twenty years, back through the 69th Congress, shows only one concerted attempt to correct this situation. In 1937 bills were introduced in both the Senate and the House "To confer U. S. citizenship upon certain inhabitants of the Island of Guam and extend the naturalization laws thereto". Hearings were had and representatives journeyed from Guam to plead their case but the bill was not reported out to either house and died in committee. Congress before and since occasionally discussed the general situation in Guam on the floor and enacted some legislation concerning the island but has done nothing more.

In our opinion citizenship is long overdue and should be granted forthwith. Indeed an apology is due the Guamanians for the long delay and they are also entitled to the Nation's thanks and recognition for their heroic service rendered during the recent war. The people are in all respects worthy of being welcomed into full brotherhood of the United States, with all rights and privileges, and the Nation will be the gainer for it.

The proposed Organic Act which we have prepared and submit herewith includes a section granting citizenship (section 4). If, for any reason, the Organic Act as a whole is disapproved, it would be a simple matter to lift out that section and enact it separately.

The section is considered self-explanatory, except perhaps in one respect; i.e., the date specified. April 11, 1899, is the date when the Treaty of Paris was proclaimed with ratification exchanged. Under this statute citizenship would be granted, without further action on their part, to all persons coming within the scope of the specifications. We consider that more desirable than requiring individual application and separate individual action.

In addition to this provision, the Nationality Act of 1940, Public Law 850, 76th Congress, should be amended to include Guam in its scope.

II B. Organic Act

As stated above, the Treaty of Paris promised that the civil rights and the political status of the native inhabitants of Guam would be determined by Congress. So far as research discloses, there was not even a bill introduced in Congress dealing with their form of government until July, 1940. The failure to recognize and remedy the situation before now may well be characterized as shocking. We feel that it is time to correct this and to have an Organic Act enacted by Congress that will delineate the form of government of these people.

A proposed Organic Act is submitted herewith and is recommended for adoption. Its terms should speak for themselves, without further elucidation, but a word or two of explanation on some points may be helpful.

The main effort has been to be not too specific or detailed in the provisions, setting up instead a general framework which may be filled in as the future dictates, usually by the local government itself but subject always, of course, to the reserved power of Congress to intervene.

The Act does not undertake to specify just what executive department or agency of the National Government shall have

jurisdiction of and supervision over the Government of Guam. Instead that is left to the President, section 3 providing that supervision shall be by "such executive department or agency of the Government as the President may direct." Thus the head of the executive branch is left free to dispose of the problem in such manner as he sees fit, being able also to make a change at any time in the future should that be desirable.

Besides United States citizenship, provision is made in section 5 for an additional special kind of citizenship, called citizenship of Guam, the qualifications for this to be as determined by the local Government of Guam. In this way certain rights and privileges may be reserved by them for local inhabitants, thus affording a means of protection against outside exploitation.

In section 6, the existing laws of Guam, unless inconsistent with the Act, are continued in force, subject of course to future amendment or repeal by the Government of Guam or by Congress. Rather than provide that all United States laws be made applicable to Guam, it has been deemed advisable to provide that no law of the United States shall be effective on Guam unless made so specifically by Congress. In this way the unforeseen effect of a multitude of Federal statutes and regulations will be avoided and undue shock to the existing system prevented. Each law will have to be considered individually on its own merits.

The Bill of Rights, in section 7, is of fundamental importance. A Bill of Rights was promulgated for Guam by Governor (now Congressman) Bradley in 1930 and this Bill of Rights has remained undisturbed since. Nevertheless, theoretically at least, some future Governor under the present system could repeal or modify this by his own executive order. The people are entitled to the protection of an Act of Congress extending the Bill of Rights, with its guaranties of personal liberty, to the island of Guam. As drafted, this section parallels the Bill of Rights contained in the first ten amendments to the Federal Constitution with only one important exception. No provision is made for indictment or trial by jury, as to date the concept of a jury trial is quite unknown to the Guamanians and it is considered unwise to require it by Congressional enactment.

The provision of the 14th Amendment guaranteeing equal protection of the laws has also been omitted in order that the Government of Guam may have sanction for, or at least no prohibition against, setting up certain rights and privileges for citizens of Guam not otherwise possessed by other citizens of the United States.

The sections dealing with the legislature (sections 8 to 15) in general continue the present Guam Congress, with the very important and fundamental addition that they will have sole legislative power. All enactments, like those of the legislatures

of the United States and all states, are subject to the veto of the Governor, but in turn may be passed over the veto if the President concurs, or fails to act within ninety days. This latter provision is similar to the laws governing Puerto Rico and the Virgin Islands. Make-up including the decision as to whether there should be one or two houses, elections, and sessions of the Guam Congress are left to the local government, with the provision that the present situation shall continue until changed locally. In this way there will be flexibility in development and exercise of the new powers.

There will continue to be a Governor, and he will still be appointed by the President, subject to confirmation by the Senate. Section 16 further provides that he may be from civil life or an active, reserve or retired officer of the Army, Navy or Marines. Flexibility is thus provided, with complete power in the President to pursue whatever course he wishes. The powers of the Governor are spelled out, in general they being as at present except that he may no longer promulgate or repeal law.

An important change from the existing system is made in the judiciary, sections 19 to 21. The Chief Justice will be appointed by the President, with confirmation by the Senate, he and the Governor being the only ones requiring action at that high level. All decisions of the local courts will be subject to appeal to the federal courts. Rather than providing for appeal direct to a Circuit Court of Appeals, it has been considered advisable to provide for appeal in the first instance to the District Court of Hawaii, in view of the generally informal nature of the court procedure on Guam, with perhaps a hearing de novo held by that District Court. Rather than spell out in detail such matters as jurisdiction, procedure, minor court officers and inferior courts, all of which may have to change rather frequently as experience dictates, this has all been left to the local government.

It is not claimed that this proposed Organic Act is perfect, but our study of the situation convinces us that it will serve the purpose in a desirable fashion and give the people of Guam a self-government that can grow and develop as they become more adept in the art of handling their own affairs. At the same time the interests of the National Government are not abandoned. We recommend the adoption of this Act without basic change in the principles it expresses.

IIC. Rehabilitation

The rehabilitation of Guam involves three distinct, although inter-related, problems -- settlement of war damage claims, reconstruction of the war-ravaged communities, and land acquisition and resettlement. Congress has acted on all three

of these points and both the Island Government and the Navy Department is engaged in the administrative task of acting under those statutes and attempting to solve the problems in the most desirable and in the speediest manner.

IIC 1. Claims

American forces landed on Guam, in the battle for its reconquest from the Japanese, in July, 1944, and after heavy fighting the island was declared secure in August. The Japanese invasion and occupation resulted in extensive damage to private property and death or personal injury to many of the local inhabitants, all American nationals, and a good deal more damage resulted from our reconquest. A bill for the relief of the residents of Guam, through the settlement of meritorious claims was introduced in Congress in early 1945 and the bill was passed and became law on November 16, 1945 (Public Law 224, 79th Congress).

The Meritorious Claims Act provides that "for the purpose of granting immediate relief to the residents of Guam by the prompt settlement of meritorious claims" the Secretary of the Navy, under regulations prescribed by him, may appoint a claims commission to determine amounts as just compensation on account of damage, loss or destruction of private property as the result of or incident to hostilities or hostile occupation. Payment to the claimant of the amount determined as compensation may be made by the authorities on Guam if the amount involved does not exceed \$5,000. If a claim for property damage in excess of \$5,000, or a claim for death or personal injury, in any amount, is deemed meritorious, such claim may be certified to Congress as a legal claim for payment out of appropriations that may be made".

Except for sporadic claims that may hereafter be made on account of damage done by the few Japanese stragglers still in hiding on the island or occasional damage resulting from non-combat activities of the military forces still on Guam, the period fixed by the statute for the filing of claims has now expired.

Prior to January 1, 1947, 229 property claims had been settled and paid, in the total amount of \$258,000, and 52 death and injury claims (26 of each) had been processed to Washington in the recommended total amount of \$48,872 for the death cases and \$29,131 for the injury cases. As of January 1, 1947 the following cases were pending:

	<u>Total</u>	<u>Claimed Amount</u>	<u>Estimated Value</u>
Property under \$5,000	3,834	\$6,367,000	\$ 5,730,000
Property over \$5,000	353	\$5,278,000	4,225,000
Rental claims under \$5,000	1,513		145,000
Rental claims over \$5,000	<u>6</u>		<u>75,000</u>
Total	5,706		\$10,175,000
Injury and death claims	<u>659</u>		<u>\$ 1,318,000</u>
Grand total of claims	6,365		\$11,493,000

During January and February, 1947, 83 property claims were settled and paid (total amount \$120,000) and 55 death and injury claims (total amount \$35,000) were processed and sent to Washington. In the last three months of 1946, 123 property claims (totalling \$153,000) and 49 death and injury claims (totalling \$67,000) were paid or processed, so that there has been no material acceleration of the rate of disposition. It is obvious that the process of settlement and payment has been advancing too slowly and that if there is to be any benefit whatsoever to the stricken Guamanians some changes in procedure must be made.

The slow rate of progress can by no means be blamed on the members of the Claims Commission on Guam or the Island Government. A considerable period of time elapsed between the passage of the Act and the issuance of the regulations by the Navy Department thereunder; the demobilization process and the difficulties in recruitment of qualified personnel hampered to a considerable degree getting into high gear the machinery for adjudicating the claims; and the Act itself and the regulations have proved to be unwieldy and cumbersome in some major respects.

IIC 1a.

The Act should be amended forthwith to allow direct settlement and payment on the spot of all claims, both property and for death and personal injury, up to \$10,000. Personal injuries and death resulting in the loss of husbands and fathers should be treated on the same plane at least as property claims. It is difficult to see any reason for a distinction in the power of the local representatives of the Secretary of the Navy to settle on their own authority on the one hand property damage claims up to \$5,000 but on the other hand not personal injuries or death. If it is sound to allow field representatives to authorize payment of one class, and we believe that that is eminently sound, it is equally proper to allow the same thing in the other case.

The removal of this distinction by an amendment of the Act would materially speed up payments to widows and orphans and would be carrying out the express purpose of the Act to grant immediate relief by the prompt payment of meritorious claims. It would also cut red tape in the Navy Department in Washington and Congress by obviating the necessity for further review and process of the small claims there and separate Congressional action.

Furthermore, the authority for direct action in the field should be raised to \$10,000. Officials of the Claims Commission have testified to the basic honesty and fairness of the Guamanians in presenting their claims. Review in Washington of claims between \$5,000 and \$10,000 does not seem to serve any useful purpose. Sufficient reliance and trust should be placed on the authorities on the spot to safeguard the national interest. The savings of the increased expense to the government involved in the presently required additional processing and in maintaining the Claims Commission and its personnel for a longer period of time in order to complete its mission would seem to create an ample offset to the stray claim that might possibly, although not probably, fail to be screened out by reason of the change in procedure. Besides approval of the Claims Commission, settlements above \$2,500 must be approved by the Governor of Guam so that the interests of the National Government seem to be amply protected.

III 1b.

In this connection, immediate steps should be taken to process for final payment all claims which have been approved in the field but which presently require further action by the Navy Department in Washington and the Congress. To date 46 death claims and 61 personal injury claims, in the total amount of \$113,000, have been approved by the Claims Commission and sent to Washington in accordance with the Act, but payment to the claimants has not been made. This situation should not continue and everything possible should be done to ensure the prompt receipt by the injured parties of the amount which has been adjudicated as due them.

III 1b (1).

The amendment to the statute above proposed should also make provision for relief to any person who has voluntarily reduced the amount of his property claim to \$5,000 or under in order to obtain prompt payment. When many claimants are advised that the local Claims Commission has power to settle and make immediate payment of claims not in excess of \$5,000 but that claims above that amount must go to Washington for

further action with an indefinite time required for payment, they offer or agree to reduce their claim to below \$5,000 and accept the loss above that amount, so as to get some cash for much-needed personal rehabilitation. If the law should be changed so as to allow settlement in the field up to \$10,000, provision should be made for claimants who, having filed for an amount between \$5,000 and \$10,000, voluntarily reduced their claim.

IIC 1c.

The regulations issued by the Navy Department to implement the Act seem unduly complicated and restrictive. The Commission should be allowed to make its own rules of procedure rather than having prescribed the procedure of courts of inquiry and boards of investigation as a guide (Rule 3a), for although it is only stated to be a guide the tendency is to adhere to it rather strictly. The "paper" requirements for each claim (Rule 3d) are exceedingly burdensome and serve no useful purpose. They should be eliminated. The requirements of proof with respect to title to real property (Rule 4d) could be simplified. All these requirements of the regulations increase the difficulty and burden of the work of the Commission, cause considerable delay in effecting payments and hinder unduly the speedy completion of the task of giving redress to the unfortunate victims of the holocaust of war.

IIC 1d.

The regulations provide in Rules 4a and 5b that the market value of damaged or destroyed real or personal property shall be determined as of December 6, 1941, and that loss of prospective support in a death case or loss of earning power in a personal injury case shall be computed on the basis of average monthly earnings of the person concerned for the first eleven months of 1941. Replacement costs are far in excess of 1941 values and so called relief is apt to be only a hollow gesture when the amount received is a small fraction of what will be needed to acquire a new home, or furniture or tools or of what is required for present-day family support.

Furthermore, under the regulations, injury and death claims require an involved computation based on the procedure for the computation of future installments of compensation under the regulations governing the administration of the U. S. Employees Compensation Act of September 7, 1916, and an over-all ceiling on the amount of lump sum settlement is fixed at \$4,000. This involves elaborate and difficult computation. For example, assume a claim involving a guardian and three minor children

whose father was beheaded by the Japanese. The Commission must first ascertain the date of death and the birthdays of each child and the fact that their guardian is duly appointed. Then they must ascertain the average monthly income of the deceased father during the year 1941. The computation is divided into two parts, that which accrued on the date of settlement and that which would accrue until each child reaches the age of 18 years, this latter sum then being commuted into a lump sum by deducting 4% compounded annually. The claims are much complicated not only by the large number of minor children in the average family on Guam but also because of the fact that in many instances both parents have been killed and the one who died last may have a legal claim through his or her administrator for any sum which would have accrued up until the date of his death. When the calculation is finally computed, the amount awarded is often a mere pittance. Some simpler procedure should be devised and more latitude should be given to the Commission to arrive at just and equitable figures in view of all circumstances.

II C 14.

Although the statute made no such limitation, up until last October the regulations did not allow claims for rent in the case of occupation of real property by the military forces. Such claims are now allowed but only up to July 1, 1946. There does not appear to be any valid reason for drawing the line at that date, and whenever the Army, Navy or Marines have occupied private property since July 1, 1946, a fair rental should be paid the owner until the United States acquires valid title or until the land is released to the owner.

Also rental claims, although trivial in amount--1,513 claims for less than \$5,000, totalling in all \$175,000, and 6 large claims totalling \$75,000--under present procedures require detailed proof of real estate title with supporting data and many other documents. It is estimated that four months of full time effort by the Commission and its staff will be needed to dispose of these claims alone. The small amount of money involved, of itself, would seem to call for drastic simplification of the present requirements.

II C 15.

The Bank of Guam does not accord any consideration to monies due on account of claims. In meritorious cases, it would seem, due regard could properly be given to these assets so that loans against their security might be made, thus aiding in the financing of the reconstruction of the island.

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HOPKINS COMMITTEE
REPORT FOR THE SECRETARY
ON THE
CIVIL GOVERNMENTS
OF
GUAM AND AMERICAN SAMOA

Cincpac flt No. II

IIC 2. Reconstruction

At the public hearings and in our private talks with the people of the island there was constantly evident the undercurrent of uncertainty and insecurity caused by the fact that great numbers of families had lost their homes and did not know what the future had in store for them. Agaña, the capital and metropolis of the island with a prewar population of over 12,000, was laid completely waste by the war so that scarcely a house was left standing. Many smaller municipalities were severely damaged. In addition, with the reoccupation by American forces and the development of the island as a major base for the onslaught on Japan, thousands of others were forced to move from their homes and their sites taken for air fields, supply centers, ammunition dumps, housing areas, recreation spots and the like. None of the municipalities which have been projected to take the place of those destroyed or preempted is yet ready for settlement or resettlement, and there is no clear indication when they will be. Also, many Guamanians find themselves still unable to go back to their small farms or "ranches", to live or even to farm in an effort to raise fresh food stuffs to supplement that which is on sale in local stores.

IIC 2a.

The first order of business must be the final determination by the military services--the Army, the Navy and the Marines--of their permanent postwar requirements of land. At present, of the 138,000 acres or 217 square miles of land on Guam, the Federal Government is occupying 76,000 acres or 120 square miles. Of this, 27,000 acres or 42 square miles is owned by the United States, being former crown lands of Spain which passed over to us under the Treaty of Paris, and 52,000 acres, or 80 square miles, are owned by citizens of Guam. (All the above acreage figures are approximate.) It is recognized that the national defense should be and is of prime consideration. However, the military forces have given some indication that they do not need permanently all the land they are now occupying and that they intend to release some. The uncertainty is the crippling force in this connection, as regards the local inhabitants, and if the final determinations can be speeded up and made known promptly it would be of tremendous advantage.

IIC 2a (1).

By the same token, no additional land, not recently occupied by the military forces, should be taken if it can possibly be avoided. Only if such land is actually essential to the national defense should the casting of the local residents even be considered. Merely because a particular site happens to strike someone's fancy is no justification for calling upon the might of the National Government and the eventual exercise of the power of eminent domain. If another location now owned

or occupied by the Federal Government would serve the purpose, the status quo should be maintained.

IIC 2b.

The Navy Department has by no means been niggardly in its plans for the reconstruction of the destroyed cities and villages of Guam. In October, 1945, the Navy Department went before Congress with the request that \$15,000,000 be authorized for the rehabilitation of Guam, for public works, roads, sewers, water-works, public buildings and other facilities of permanent nature, to fulfill the needs of the civilian populace. Major General Larsen, the then Island Commander of Guam, journeyed to Washington to testify on the proposal and extensive hearings were held. Congress, however, saw fit to cut down the request and when the bill was finally enacted on August 1, 1946 (Public Law 583, 79th Congress) the amount was fixed at \$6,000,000. This amount had been included in the First Supplemental Surplus Appropriation Rescission Act, 1946, approved February 18, 1946 (Public Law 301, 79th Congress) providing that "not to exceed \$6,000,000 shall be available toward reconstruction of the civilian economy of Guam."

This amount has been allocated to various projects and contracts have been let, but no actual work on the ground has as yet been done. \$3,447,000 has been set aside for Agaña, as follows:

Roads	\$ 840,700
Walks	23,000
Utilities--sewer, water drainage, electric systems, telephone and fire pro- tection	1,566,700
Site preparation	139,600
Civic buildings--courthouse, police station, Guam Congress	500,000
Post Office	190,000
Bank of Guam	187,000
Total	\$ 3,447,000

and \$1,883,000 for Agaña, as follows:

Roads	\$ 341,000
Walks	14,000
Utilities	1,241,000
Site preparation	147,000
Civic center, town hall offices, police station, dispensary	140,000
Total	\$1,883,000

In addition \$170,000 has been set aside for architects' and engineers' services and \$500,000 for land acquisition.

For various reasons--delay in getting authorization from Congress, difficulties in placing the contract, demobilization of personnel resulting in much lost motion on plans, technical engineering difficulties, and scarcity of essential material--actual reconstruction has not yet commenced. It is estimated that the work in Agat will not be complete before the end of the year and that Agana will not be in shape for construction of new houses and business buildings in its main portion (the first to be done) in less than a year from date. And these estimates are on the liberal side, assuming that no further handicaps develop.

It is essential that these two municipalities be rebuilt promptly. The economy of the island stagnates while the weeds grow in the former streets of its metropolis and general unrest and uneasiness flourish. Reconstruction must proceed apace if the island is to be a healthy place economically and socially. This situation is no fault of the Island Government, nor is it the fault of any particular person or group. It is a situation which exists and which should be changed if it is humanly possible to do so.

IIC 2b (1).

Since there are some indications that funds may not be as readily available in the future as was once anticipated, reconstruction should be limited to the bare essentials until it is definite that enough money is on hand to provide the necessary facilities for all communities. It will hardly do to have a beautiful new model modern city of Agana within walking distance of towns still half ruined and with only primitive makeshift arrangements. In that connection, the wisdom of spending almost \$400,000 for a post office building and the bank may well be questioned. Perhaps the Post Office Department could be induced to take care of its own building, and the bank in its present good financial position should finance its own structure.

IIC 2b (1)(a).

It would seem a wise course to pause a bit now and take stock of the needs of the island and the present plans. What seemed wise and practical two years ago may have a different tinge in the light of present-day conditions. It is recommended that a special survey be made of the whole problem

at a high level, having a broad over-all viewpoint, to ascertain if there should be any modification in the Guam projects, both those now under way and those currently planned and also those on the agenda for future action.

IIC 2b (1)(b).

The planning Commission of the Island Government has prepared a proposed detailed, comprehensive, island-wide zoning ordinance. A careful reading of this proposed ordinance leads to the conclusion that it should not be enacted at this time. It is too detailed and restrictive in its provisions for the greatest portion of the island. Zoning is still a foreign concept to most, if not all, Guamanians and it is suggested that this rather radical change in their past and present customs and way of life should in the beginning be limited in its application to the more metropolitan community of new Agaña.

IIC 3. Land Acquisition and Transfer

Mention was made above of the vast areas of land on Guam now occupied by the Federal Government, most of which is still owned in fee by individual Guamanians. Congress has acted in two different ways to meet this situation. The Land Transfer Act (Public Law 225, 79th Congress) was passed along with the Territorial Claims Act and became law on the same day, November 15, 1945. Under this statute the Secretary of the Navy is authorized, "for the purpose of effecting the rehabilitation and resettlement of the residents of Guam", to transfer to the Naval Government of Guam public lands belonging to the United States Government, which are not required for military or naval use, for transfer or sale by the Naval Government in replacement of lands acquired from the Guamanians for military or naval purposes. The Land Acquisition Act (Public Law 594, 79th Congress), approved August 2, 1946, authorizes the Secretary of the Navy to acquire by purchase or otherwise, in the name and for the use of the United States, land and rights of land on Guam. The Act expressly provides that the authority therein granted includes acquisitions for the purpose set forth in the Land Transfer Act, namely acquisitions for the purpose of effecting the rehabilitation and resettlement of the residents of Guam.

The strictly acquisition features, for the military services, is a part of the problem discussed above under IIC 2 and IIC 2a. Although the Land Acquisition Act has been on the books for over seven months no use has as yet been made of it, partly because the military services have not yet reached definite conclusions as to just what land they want permanently,

but also because no money has as yet been appropriated by Congress for these acquisitions. (Although the act authorized the appropriation of \$1,630,000 to accomplish the purposes of the Act, no actual appropriation has as yet been made.)

Nor has any land been conveyed to Guamanians under the Land Transfer Act. Persons who have been dispossessed of their homes and land by military forces have yet to receive any land, comparable or otherwise, in return. (The Island Government is doing what it can in this respect, and thousands of Guamanians are living, rather comfortably, in villages erected for them by the Military Government. However, this is, and must be regarded as, only a temporary arrangement and resettlement must be hastened as much as possible).

The essence of the whole plan, which has been sanctioned by Congress, under which the authorities have been proceeding for almost two years is that the Federal Government would acquire title to land which it needs permanently, and then the land which has been owned by the Federal Government since the time of the cession, and which is not now needed for military purposes, would be set up as a pool from which could be allocated suitable parcels of land for purchase by those citizens of Guam whose land has been acquired by the United States. At best, there would necessarily be a considerable interval between the two ends of the transaction. As the principal Navy witness testified before the Senate Naval Affairs Committee:

"In effect we propose a series of exchange deeds. Actually there would be a purchase and condemnation program under which the land to be sold by the Federal Government is acquired; and then, when the entire program is completed, it is proposed that the Government land not acquired for any Government purpose be made available for sale to those whose land has been taken in connection with permanent installations."

When it is considered that the purchase or condemnation program has not even been started as yet, and that it is estimated that eventually some 5,000 separate tracts will be involved in the land to be acquired, with perhaps another 2,000 individuals other than the fee owners having an interest in the land, the magnitude of the problem can be seen. The Governor of Guam estimates that, if the present short-handed conditions with regard to personnel continue to exist, the present program cannot be completed before a minimum of six and a maximum of ten more years.

Two further features cause complications. The first is that the land to be acquired and the land available for transfer and resettlement is by no means comparable land. An acre of land in one part of the island will equal an acre in another part in number of square feet, but the similarity may stop there. Because of this, it may prove difficult to work out equitable and satisfactory adjustments. The question of value and adjudication in condemnation also must be considered. Unless comparable land is available at the same price as received for the land taken by the Government, someone is going to be disappointed, and injured financially. Where improvements are involved, this question of value gets even more complicated. 1941 or even 1944 values of houses will only produce a fraction of what is needed to rebuild at 1947, or 1948 costs.

The foregoing discussion dealing with land acquisition and retransfer by the Federal Government is equally applicable, or even more so, to the question of rebuilding the cities, particularly Agana. The plan is for the Island Government to acquire title to the entire area of the city, by negotiated purchase or condemnation, and then after the new city is laid out in the same general location but with new street and new lot layouts, to transfer the land back to those who wish to rebuild and resettle in the city. The difficulties with this scheme are many. There is the sheer physical, or clerical and legal, labor involved in acquiring title to so many separate parcels, and the extraordinary task of agreeing on values for each, or determining their value in condemnation. There is the necessary time lag between acquisition of title and resale. There is the complex problem of allocation of priorities to desirable lots in the new layout for, since the city's face and features will be entirely changed, it will be impossible to resell lots as such to former owners. And there is the question of values and costs of rebuilding. In theory, every former owner whose house was destroyed in the war would receive enough from the settlement of his claim under the Meritorious Claims Act and from the condemnation of his land to be able to acquire a comparable parcel and a comparable house. Considerable doubt may be expressed as to whether this will actually work that way in practice.

Recommended solutions or even guides are very hard to suggest. The situation deserves constant and diligent attention and study, looked at from an over-all viewpoint so that the mind is not bogged down in detail. The problem is important and serious enough to justify the sole attentions of a topflight administrator, with a common-sense practical approach and possessed of a high degree of authority.

IIC 3a.

Some ameliorating suggestions as to details may be made. The Code of Guam should be amended immediately to simplify the condemnation procedure so that when the dam is broken the flood will not be held up by another even thicker obstruction downstream. Fortunately it is a simple matter to amend the Code and while there should be no slackening of due process, several procedural reforms might well be made:

Requirements of notice should be kept to the minimum in keeping with due process. Appointment of guardianships for infants should not be required when the infant's share in the proceeds is only nominal, say \$50 or less; in such case the money could be paid to the natural guardian, and thus save the expense, delay and paper-work of having a legal guardian appointed. Proof of title need not be as rigorous as now demanded; since the condemnation is an in rem proceeding, a valid title is obtained by the condemnation, and payment of the amount found due could well be made to the reputed owner, following a simple in rem proceeding in the nature of an action to bar claim, with perhaps an indemnity agreement and covenant to repay if a prior title holder should appear within a reasonable time. Other time-saving and simplified procedures should suggest themselves to those on the spot and familiar with the Code. Legal technicalities should be swept away in the interests of getting Guam to a sound peace-time basis.

IIC 3b.

One major change in the condemnation procedure should be effected right away. A special land court should be established, with a judge appointed by the Secretary of the Navy, to handle all condemnation matters. The judge should be an experienced and well-trained practising lawyer or judge, with considerable background and knowledge of real estate. Under the present Guam Code the condemnation proceedings are handled by a native judge who, while thoroughly honest and competent in the general run of matters coming before him, is not a trained lawyer and is not familiar with condemnations or the principles involved. Furthermore, he is a native and would probably be disqualified by consanguinity in a great number of cases and would be embarrassed by friendship in many more. Also the Guam Code calls for three commissioners to make the first finding, subject to confirmation or rejection by the court, and this procedure will prove too cumbersome when the rush comes. A single state-side judge perhaps assisted by two Guamanians elected by the Guam Congress and sitting with him on all questions of valuation

handling on these and all other land matters, will do the work expeditiously and fairly.

II C 4. Building Materials

One very important feature in the practical side of rehabilitation is the matter of building materials. Practically every family on Guam, certainly every other one, requires a new home. Getting the land is only part of the problem; lumber, pipe, concrete, plumbing fixtures, electrical equipment, are also all required. There is practically no building material for sale on the island. There may be some, or a large amount, in various places on the island under naval or military control. Any such material that is not necessary for the military services on the island in the immediate future should be made available for civilian use. It should be sold, through the Naval Supply Center, at cost, with a system of priorities evolved to insure fair distribution to consumers or to established dealers who will undertake to seek only a reasonable profit. If this cannot be done under existing law or practice, the law or practice should be changed so it can be done. If there are no excess materials on the island, any Navy excess elsewhere that can be transported to Guam without undue expense should be so transported and made available as above. And if the Navy has no excess, it should undertake the procurement of such necessary material and see that it gets to Guam, any necessary change in any restrictive law being obtained. The United States of America should not stand by and see its own people, the only Americans who saw their villages and countryside ravaged by the war, without homes except temporary shacks.

II D. Economy

The future economy of Guam will be comparable to that of an American city of about 50,000 population, with limited farming in the suburban areas. The economic problem of our mythical city of Guam is even more complicated because when we reach its corporate limits instead of passing into surrounding farm areas we pass into the broad expanses of the Pacific Ocean.

A prewar economy that was primarily agricultural has been largely reduced to a status comparable to our mythical American city's victory gardens. At present it is no exaggeration to state that the native inhabitants are as dependent upon off-island sources for food and other necessities of life as our comparable American city would be dependent on sources beyond its corporate limits.

III 1 and 2.

The Guamanians are dependent on imported necessities of life with costs much higher than on the mainland. Despite the two increases in wages that have been granted, the wage rate is inadequate to meet the cost of living. The committee strongly recommends an immediate generous increase in wages and further recommends a rigid enforcement of price control and the continuance of rationing including all items in short supply.

With a full appreciation of the dangers of inflation and the necessity of not creating too great a disparity between private wages and government pay scales it is difficult to understand the wage rate differential that has existed and does now exist between Guam and American Samoa.

American Samoa from an agricultural self-sustenance point of view remains unaffected by the war. Under the Latai system inflation or depression does not have the economic effect that results in a typically American economy such as Guam.

Guam, on the other hand, is the only part of the United States now under the American flag that felt the full devastating effect of the war. Its homes are leveled. Most of the richest agricultural land on the whole island has been taken over for military purposes and yet the average government mechanic employed on Samoa receives \$1.60 per hour, while on Guam a comparable worker receives \$0.54 per hour.

Guam's economic future from the point of view of a favorable balance of trade will be dependent almost entirely upon the wages of Guamanians working for the U. S. Government in various capacities and wages of Guamanians rendering personal service to the military and civilian personnel. Agricultural exports will be so small as to be almost inconsequential in any consideration of the island's economic problems.

The civilian industries of the island were not in growth days, and are not now, of major importance. It has one soap manufacturing plant temporarily out of operation, the entire production of which will be disposed of locally. In addition, there are two soft drink bottling plants and one ice manufacturing plant now in operation.

Every reasonable encouragement should be extended by the Bank of Guam to the business men of the island.

IID 3. Agriculture

The island of Guam comprises an area of approximately 217 square miles or 138,000 acres, the larger portion of which is non-agricultural. The island is divided roughly into two parts, the northern half being a raised fairly level plateau sloping gently to the north; the soil is thin, and rests on top of porous limestone. The area is covered with native forest growth with some grassy areas. Very few farms have been developed here because of thinness of soil and lack of water during the dry season.

The southern half of the island is rolling to mountainous land of volcanic origin. Heavy soils predominate which, with abundant rainfall, make agricultural development possible on the gentle slopes, along water courses and along the narrow coastal plain that fringes the southern portion of the island. The main mass of the southern half of the island is too steep and rugged for cultivation. Where forests may once have existed grasslands now flourish. The area is heavily eroded from overgrazing and repeated burning. Much of it is still government land and could be developed into better grazing and forest lands if given adequate attention and study.

Little new land appears available for development except a portion of the north central area which is apparently not to be taken for military installations. According to Guamanian agriculturists, this area would be especially suitable for poultry farming as the soil is relatively light, thin, and well drained. However, extensive development would depend upon an adequate water supply throughout the dry season. This remains to be determined.

While the rainfall for Guam is high, averaging yearly 69.13 inches, yet, because of the permeability of the northern half of the island and the steep elevation and rapid runoff of the southern portion the amount of water retained is not as great as might be expected. Water surveys have been made of the island indicating fairly substantial reserves but whether the continual heavy drain on this supply by permanent military installations, especially in the north, will leave any over for irrigation is still uncertain. There are some reported indications that heavy use during the war lowered the underground supplies dangerously. Until the final installations are in and normal use determined over a period of time, the question of an adequate supply for irrigation development cannot be answered.

In the southern half of the island, supplies are now adequate and water conservation measures already recommended by special investigators can augment the supply. Re-vegetation of the eroded areas through planting of grasses and forest trees should be investigated in an effort to check erosion and retard runoff, permitting deeper penetration of ground water.

In 1940, the last year an agricultural census was taken, there were 4330 acres of field crops harvested and, in addition, there were indicated 12,000 to 13,000 acres of coconut plantations. At that time there were 1950 farm owners and tenants, and between 500 and 600 part-time farmers.

The impact of war and its aftermath have reduced the number of farmers this year to 431 with approximately 2800 acres of arable land, an average of $6\frac{1}{2}$ acres per farmer. At present only approximately 1200 acres of this are actually under cultivation, but this amount is being steadily increased. Many holdings are smaller since it is estimated by a native official of the Guamanian Department of Agriculture that 25% of the present farmers have holdings of 10 acres or more, though this seems high. One of the main reasons for this large number of small farms is the numerous town and city dwellers who maintain a "small ranch" in the country where they produce a considerable portion of their own food.

While the amount of land available for agricultural development on Guam has never been large, the necessity for expanding military installations by the Army, Navy and Marines has drastically reduced this area. Of the total island area of 133,000 acres, the armed forces now are occupying approximately 79,500 acres. This is almost 60% of the total land area; however, since much of the island is rough, mountainous and non-agricultural and much also unsuited for military use, it follows that a very large percentage of the arable land is permanently withdrawn from agricultural use for military purposes. This is a basic factor determining the agricultural picture on Guam.

Except for parts of the extreme southern end of the island which were but slightly disturbed by the war, no permanent stable agriculture can be undertaken until the land needs of the military forces are definitely determined, acquired and paid for. At present there are approximately 2,000 tracts of suburban land now occupied by armed forces which will be acquired from private ownership. As pointed out above in the discussion under IIC 2 and IIC 3, this acquisition should be pushed and definite decisions and payments made. Until this is done, all efforts of the Island Government to encourage the

resumption of land cultivation by Guamanians will be of little avail.

It is anticipated that portions of land areas acquired for military purposes may not be completely occupied by installations. Consideration should be given to the use of this land for agricultural purposes by leasing it to Guamanians when security conditions permit. A small amount might be used for recreational purposes by garrison troops who wish to grow some of their own vegetables for the fun of it. This was quite common during the war.

Prewar agriculture on Guam was based upon copra as its principal cash crop, with a primarily subsistence agriculture developed to provide local foods. These included field crops such as taro, arrow root, yams, corn, tobacco and fruits, including breadfruit, bananas, citrus fruits, pineapples, papayas, cocoa and coffee.

Livestock had been introduced by the early Spanish settlers, so cattle, hogs and to a much smaller extent horses had become a permanent part of Guamanian farm economy. The carabao was early introduced from Asia as a beast of burden but was already losing its importance before the war. Poultry was a staple source of meat.

Certain definite changes had already taken place in Guamanian agriculture before the war. World conditions had already eliminated coffee, cocoa and tobacco as possible cash crops. Corn to some extent was replacing rice and starchy foods in the Guamanian diet. Poultry and hogs were increasingly supplying meat for the ordinary diet.

IID 3a.

During the period 1909-1932 the Office of Experiment Stations of the U. S. Department of Agriculture maintained an experiment station on Guam which developed a considerable body of information concerning agricultural production on Guam. When funds became short during the depression the station was discontinued as a U.S.D.A. activity. The Navy attempted to keep its activities alive, but with the coming of war the station ceased to exist. The buildings were destroyed in the military actions preceding and during the American recapture of Guam and the area was used for war installation. It cannot be rehabilitated on the old site.

However, an adequate demonstration and experimental farm is indispensable to an intelligent and effective improvement

of Guamanian agriculture and is among the important primary needs of Guam. The Governor has recommended the purchase of part of the U.S.C.C. Farm for this purpose, including the site of the shops, offices and warehouses. An area of at least 200 acres should be included to provide adequate land for test and demonstration plots, collections of improved varieties and land for use in demonstrating farm practices.

Such a farm will not be primarily a research station, but the facilities for some experimentation and field research should be available there. Its primary functions should be:

1. To bring together and study the best types and selection of island crops--bananas, breadfruit, citrus fruits, pineapples, papayas, coconuts--and to work out improved methods of propagation and distribution.
2. To test types and varieties of field crops, grasses and vegetables and to disseminate seeds and planting material.
3. To demonstrate desirable agricultural practices including soil management, use of fertilizers, irrigation, drainage, pest and disease control, and use of such farm machinery as is adaptable to Guamanian farms.
4. To demonstrate improved methods of handling copra.
5. To demonstrate modern methods of raising hogs, cattle and poultry and to aid in the introduction of improved types and breeds.
6. In addition to the above-mentioned direct aids to agriculture, the farm should serve as a training center, supplementing the vocational agriculture to be developed in grammar and high schools. It should give special and short courses in various branches of agriculture in cooperation with the school system. In time, an advanced practical school of agriculture beyond high school level could well be developed here, similar to that conducted at the old experimental station before the war.

With all the impact of the war and the drastic reduction of agriculture by withdrawal of agricultural lands, the basic

pattern of Guamanian agriculture remains the same with even greater emphasis placed on subsistence agriculture. Copra will be the principal cash crop, but will play a far less important role after the war. As has been indicated earlier in the report, the economy of the island will be determined by its permanent development as a main military base for the U. S. armed forces. Most of its income will be derived from employment in and services to the military installations. Production and sale of specialties such as fruits, vegetables, poultry and eggs to members of the armed services and their families will continue to be a minor agricultural occupation. However, with rapid refrigeration transport, it is anticipated that the primary needs of the armed forces for fruits, vegetables, meat, dairy and poultry products will be met from mainland United States or other temperate zone countries where such large scale industries are possible, and possibly to some extent from Tinian and Saipan as those islands are developed.

What then can the Guamanian farmer, on full time or part time, expect to do? He can expect to provide in addition to a small but substantial copra production a large amount of his own needs in the way of fruits and vegetables and meat in the form of poultry, pork and to a lesser extent beef.

To do this he is in need of and entitled to technical help in improving varieties of crops and animals produced, control of insect pests and diseases, soil management including use of fertilizers, supplementary irrigation and drainage and other cultural practices. Such aid is in the American tradition and is what mainland farmers as well as those in Puerto Rico and Hawaii have long enjoyed.

Because the agricultural resources of the island are so limited they should be developed to their greatest possibilities through every aid available.

At present world prices for copra are at an all time high. Copra produced anywhere has a ready market. As the great producing areas of the Philippines, the East Indies and elsewhere are restored to heavy production, and as other competitive oils are also restored to world markets, profits from copra more than ever will depend upon a high quality product produced at a reasonable cost.

Evidence at present indicates that the bulk if not all the copra which may be produced from Guan's reduced acreage can be used on the island for edible cooking products and soap, and the coconut meal all used for livestock feed. The proximity

of the island to high-producing, low-cost areas, however, renders it imperative that every effort be made to develop the Guamanian industry to its highest efficiency. In the furtherance of this objective a thorough study of the present coconut plantings and production methods should be made. This should include the selection of the largest and highest-producing strains of nuts, proper spacing of trees, control of undergrowth, fertilization, and control of insects. Also, emphasis should be placed on the use of the more advanced methods of processing the copra.

Two insect pests especially threaten the industry at this time, the rhinoceros or coconut beetle, already present in the Marianas and other island groups, and the Brontispa beetle. The rhinoceros beetle has been a serious pest throughout the Pacific Islands for some time. It has almost wiped out coconut palms on Koror. Its possible control requires far more resources than those available on such a small island as Guam. Studies looking toward this end should be undertaken by the specialists of the Federal Government in cooperation with those of other countries already working on it.

Improvement in drying and storing techniques should be studied and growers made acquainted with them through demonstrations so that a first quality product is obtained and kept until sold with minimum deterioration. The installation of a modern oil press and soap-making equipment is urgently needed to make use of present supplies and to provide needed coconut meal for livestock food.

Much copra is now going to waste because of the labor shortage and continuing demands for rehabilitation and military construction. Present high prices for copra may return some labor to this industry. The eventual completion of military installations should release an adequate labor supply for the preparation of the amount of copra the island may be able to produce.

This report concerns primarily the island of Guam. The disposition of the other islands of the Marianas, the Palaus, Carolines and Marshalls is yet to be determined. Nevertheless, in developing a demonstration, experimental and teaching farm on Guam, its relation to agriculture on neighboring islands cannot be ignored or overlooked. Most of the contributions made by such an agricultural center will have direct bearing and application to other island groups. Agricultural facilities are expensive to develop and maintain; their use should

be as extensive as possible. Whatever the ultimate future disposition of the various island groups, the development on Guam of adequate agricultural demonstration, experimentation and teaching facilities will go far toward stabilizing agriculture in all the Pacific Island Areas on a firm footing.

IID 3b.

A start has been made in developing an extension service to bring to the individual farmer help and guidance in his problems. Three agents are now at work, one of whom has had training in Hawaii. This work should be developed and strengthened. It should include the initiation of 4-H Club work among boys and girls which has been so successful in Puerto Rico and Hawaii.

At an early date the development of vocational agriculture in the school system should be pushed. It is recognized that many improvements in Guamanian agriculture will come through the younger generation. A study of the Smith-Hughes, the Smith-Lever and related Acts designed to further extension and teaching of agriculture should be made and their application to Guam determined. If not already included within the terms of the Acts, provision should be made for such aid.

A beginning has been made in training Guamanian personnel in Hawaii. One agricultural extension agent has already completed a period of training and experience under the guidance of the agricultural extension service of the University of Hawaii and is back at work as an extension agent on Guam.

Hawaii offers a peculiarly favorable place for the training of agricultural and other technical personnel. The climate, soils and agriculture are related to Pacific Island areas. The atmosphere is friendly toward island peoples and there are at the University, the Bishop Museum, and the Hawaiian Sugar Planter's Experiment Station men with extensive experience in the Pacific Island areas. It is to be hoped that close cooperative relationships can be developed looking toward such training of personnel. It is also hoped that scholarships may be provided from public or private sources to aid worthy young Guamanians in securing greater educational opportunity not now available, especially when they plan to return to serve on Guam.

IID 3c.

In looking toward the type of subsistence agriculture that will be the inevitable postwar pattern for most of Guam, livestock will and should make a major contribution. The ideal set by the Island Government of one cow and two pigs for each

family is a practical one. Most of the livestock was killed off during the Japanese occupation. It is estimated that it will take from 2 to 3 years to bring the island hog population up to current needs and it will also take a considerable time to increase cattle population. The making available of improved types of cattle and hog sires by a central demonstration farm is a major contribution that should be included in the Island Government program. Poultry, especially heavy breeds, are recommended for increase throughout the island. The current hatchery program being carried out by Island Government with the selling of day-old chicks as well as laying pullets is making slow progress in this direction.

Current inflation on the island and the presence of ready money is, for the moment, working against the effectiveness of both hog and poultry-improvement programs. The shortage of meat and the willingness to pay any price for it have caused the Island Government to price hatching eggs at \$1.50 a dozen and laying pullets at \$4.00 each in an effort to restrain purchasers from eating them instead of keeping them for increase. Evidence seems to indicate that the high price is of little or no value in effecting such restraint.

In the case of hogs, an illustration will indicate the current difficulty. The native maid of an American official has twice within a month purchased fat hogs at \$45 and \$50 each respectively for family celebrations, roast pork being the traditional favored dish for such occasions. When even household help will spend such sums for hogs the difficulty of building up breeding stock is evident.

At present the Island Government is operating a hog and poultry farm for the distribution of improved types of hogs and chickens. It has imported Brahman bulls from Texas to up-grade island cattle for greater resistance to heat and ticks. The U. S. Commercial Company is continuing to operate its reduced war-time farm, supplying vegetables to the military establishments. It operates a commercial dairy, and has been selling both bull and heifer calves to Guamanians at a nominal price to build up the greatly reduced dairy stock on the island. A hog farm is also operated by this agency augmenting the efforts of the Island Government hog project to increase desirable breeding stock, but its stock has been sent primarily to other islands.

In addition to these incidental services, the U.S.C.C. farm has been renting tractors and farm equipment to Guamanian farmers and its specialists have been advising them on various farm problems as time from other duties permitted.

A nursery for the growing and sale of vegetable, fruit and ornamental plants has been maintained by the company, and this activity has served as a training center for young Guamanians, for plant propagation and nursery practice. The company has served also as an agency from which seeds, insecticides, fungicides, fertilizers and farm equipment could be purchased when unavailable elsewhere.

These activities are all temporary as the U. S. Commercial Company was and is primarily a war activity and will be discontinued in the not too distant future. The fact that it was a going concern at the war's end permitted some immediate help to farmers, but at the same time it inadvertently served to slow down the development of a much-needed strong agricultural department within the Island Government, a development still largely lacking.

The Governor has recommended an expansion and reorganization of the present agricultural activities of Island Government to provide adequate permanent facilities and personnel. The recommendation is in accordance with urgent island needs.

The small size of most Guamanian farms has already been indicated. They do not lend themselves to much mechanization, nor do they warrant the purchase of tractors and mechanized equipment by most individual farmers, even if suitable for small-scale operations. The situation is ideal for the cooperative purchasing of farm equipment that could be used by a group of farmers to reduce labor costs, take care of seasonal operations on time and control insect pests and diseases with modern methods. At present the U.S.C.C. is renting out tractors and equipment provided with competent operators. This operation might pave the way toward development of cooperative effort. Some steps looking toward such a project have been attempted by the Island Government and, while considerable interest was evidenced at first, initiative on the part of the farmers was lacking to go ahead at the time.

The cooperative purchase of seeds, fertilizers, dusts and sprays needed in pest and disease control offers a means of cutting down costs to individual farmers. The amounts needed on small farms are not great, but when ordered in small amounts the costs and handling charges are often high. If orders are pooled, quantity rates are available and considerable reduction secured. The apparent success of cooperative stores in the Carolines and Marshalls as set up by the U.S.C.C. in handling trade goods in those islands is some indication that such an operation should not be difficult for the Guamanians who are much more experienced in business than these other island peoples.

The dairy now operated by the U. S. Commercial Company was set up during the war at the request of the Island Commander in order to supply milk to the wounded in Army and Navy hospitals located on Guam. It has been continued since the war to provide milk for sale to hospitals, children and American families. With the discontinuance of the U.S.C.C. activities in the foreseeable future, the problem of its operation is a pertinent one at this time.

In view of recent advances in the production and use of powdered whole milk in the tropics (Mexico City now uses upwards of 125,000 quarts of milk a day derived from powdered milk) and its spreading use in tropical areas, it is not believed justifiable for the Island Government to carry the great expense of maintaining a commercial dairy. It should limit its dairy activities to assisting in the improvement of local island cows owned by Guamanian farmers. The introduction of breeding bulls of types more suited to tropical conditions, such as those of the Brahman type already brought in by Military Government during the war, and by private interests before the war, is a part of such program, as are improved feeding practices and disease control.

If a commercial type dairy is desired by enough of the service or island personnel who will pay the high cost of production to obtain fresh fluid milk, then it should be operated as a part of the supply section of the military forces and subsidized accordingly or else handled by a private commercial company as is done in Hawaii, Manila, Singapore and other tropical areas. The operation of the dairy up to now has been a decided advantage to the hospitals and for children during the war and the period immediately following. It has been a useful service for this temporary period but with the liquidation of the U.S.C.C. activities it should be handled by some agency other than the Island Government.

IID 34.

Guam has become the Western Pacific center for air traffic to and from the Orient and the East Indies, and will be a principal stop for round-the-world air transport. The daily commercial arrivals and departures are already large in number and constantly increasing. The port of Agaña is also a center of rapidly increasing ocean traffic. All of these

increased contacts with other lands also increase the hazard of introducing pests and diseases, not only for plants and animals, but also for man. It not only affects Guam but all areas of the Pacific, especially Hawaii and the United States.

To minimize this danger, adequate quarantine safeguards should be established. Competent specialists for inspection and detention are required so that promising new plant and animal introductions can be brought in under proper safeguards, dangerous pests and diseases intercepted in transit and their spread elsewhere prevented.

The giant African land snail, already on Guam, is a major pest whose spread must be stopped and the present infestation eradicated. It is a major threat and one that should receive Federal aid in addition to local support.

The war has already brought into Hawaii several potentially very serious new insect pests. With the cessation of hostilities it should now be possible to undertake proper quarantine safeguards throughout the Pacific Island area. Guam is a focal point where such provisions should be made.

IID 3c.

Soils of Guam, in common with most tropical soils, especially those subject to leaching by heavy rainfall, are deficient in the essential plant food elements of nitrogen, phosphorus and potassium. Mention has already been made of the need of fertilizer in producing crops on Guam. One of the important elements, phosphorus, is available in the form of phosphate at the comparatively near island of Angaur. It exists in a form that is immediately applicable to soil and does not require treating with sulphuric acid. This deposit should be primarily conserved for use in the Pacific Island area.

At the moment the stock-piles of the mined materials, left by the Japanese when the islands were taken, are being shipped to Japan to meet a critical need for increasing the food supply, seriously short in the Empire. However, this one principal source should not be entirely stripped, thus leaving the island areas with limited resources of their own. It is recommended that the shipments to Japan be limited to the present stock-piles and that no resumption of phosphate mining be undertaken for shipment to Japan or other outside areas.

IID 3f.

At present there is no permanent island forestry program on Guam. The north end of the island has some standing timber of various species but no inventory has as yet been undertaken. Considerable amounts of useable trees are being removed in this area for army installations; they should be salvaged and cut into much needed lumber. While the southern, mountainous area of the island may have, at some time in the past, supported a forest cover, it has long since disappeared. Grasslands have covered much of the area and these in turn have been overgrazed and overburned with resultant serious erosion and wastage of soil. The Japanese planned to undertake some forestry studies on Guam, and had started a nursery. They had already done considerable planting on Saipan.

Much of the southern area is government-owned land, and would lend itself to uniform reforestation studies. This is a job for a technical forester. It is recommended that a competent forester familiar with tropical conditions be secured from Federal or State sources or from the Territory of Hawaii to make a careful study on the ground, looking toward the maximum effective use of these lands in the long-time economy of Guam. In combination with pasture development they offer a means of increasing revenue, checking erosion and preventing excessive loss of needed water by runoff, following heavy rains.

IID 3g.

The largest probable single material economic resource available to Guam is still largely undeveloped. This is the ocean fishing, highly developed by Japan throughout the Western Pacific and the Mandated Islands. On Saipan alone, Japan based 183 fishing boats of various categories out of a total of 762 in the Mandated Island group reported in 1940. Assisting these were large installations for handling the catch, storage and for repairing ships. In addition, Japan maintained more than 20 modern, fully equipped fisheries research vessels in the Pacific determining the biological and oceanographical data upon which a large-scale fishery could be based. Nothing remains of the Japanese facilities throughout the area.

Large-scale commercial operations are beyond the facilities and financial undertaking of Guam alone, but their development in the area can be of real importance to Guamanian economy. Processing plants, storage and handling, ship supply and repair are all possible shore industries which might be developed in an over-all area fisheries program. Guamanians would find an opportunity for skilled and semiskilled labor.

Before a permanent large-scale American fisheries industry can be established in the Western Pacific, basic biological information in regard to all types of fish concerned as well as oceanographical and hydrographical data must be available. At present little of this information has been procured. It involves research in several fields. Russia is already beginning such research in the Pacific. The United States has yet to provide research facilities and we have been noteworthy lacking in the study of this, one of our most important food resources. We have yet to establish even basic fishing rights in this area.

The current bill in Congress, H.R. 859, introduced by Delegate Farrington on January 15, 1947, to provide for a fisheries research station, adequately equipped to study Pacific fisheries is designed to secure the basic data needed. This bill should have whole-hearted support. Until such studies are undertaken and basic data secured, no permanent large-scale commercial fisheries can be expected in Guamanian economy.

IID 3g (1).

Aside from the possibilities of large commercial fishing operations, there is also the possibility of greatly increasing the supply of fish for local Guam use. At present there are reported 71 fishermen operating, with a monthly production of between 40,000 and 50,000 pounds. Further development and expansion awaits availability of fishing boats, refrigeration ashore and afloat, adequate supplies of fishing gear and especially man power. There are ample supplies of suitable fish in the waters around Guam waiting to be caught.

III. Revenue and Finance

III 1.

The budget of the Island Government for the fiscal year 1948 calls for an appropriation of \$2,057,754. It is very improbable that any tax rate structure could be devised that would raise this amount of revenue from the island itself. It has been stated in the recommendations, "with the military services planning to occupy permanently almost one-half of the land on the island, it is unreasonable to expect the local inhabitants to bear the entire cost of the Island Government." Due to the unsettled situation now existing on the island, and the short period of experience with the present tax structure, it is not possible with any degree of accuracy to estimate the amount of revenue the present sources will produce. However, it can be safely predicted that they will fall far short of equalling appropriations.

The present tax structure calls for a 10% tax on soft drinks and the same rate on malt beverages. This committee recommends an increase in the tax on malt beverages.

III 2.

Since the reoccupation of the island no real property tax has been assessed. The continuation of this practice to homes that were seriously damaged or homes of temporary construction seems reasonable. However, the committee is of the belief that a real property tax should be levied on all structures undamaged by the war and located on land outside of the military area, as well as on all land capable of productive use.

Several mercantile houses and individuals engaged in commerce and trade have made very substantial incomes in the past year. No tax is levied on either personal or business income. This committee strongly recommends the extension of the Federal personal and corporation income tax law to the island of Guam, with the proviso that all revenue thereby derived shall be applied to the Island Government of Guam.

III 3.

At present the Island Government is studying the tax structure. This study should be pushed vigorously to a speedy conclusion. The committee suggests that in considering possible sources of revenue, levies on imports of "necessities of life" be not included in any recommendations, because of the already exorbitant cost of living.

III 4.

Following the reoccupation, the Military Government erected a considerable number of dwellings which are now being occupied by Guamanians rent free. It is only reasonable that some revenue be derived from this source, and that those who had previously occupied rented quarters should be charged a reasonable rent and that those who had formerly owned their homes should pay compensation in lieu of taxes.

III 5.

Efficient economical public transportation is absolutely essential to any well-run community. The present zone rate of a fifteen cent minimum in the immediate vicinity of Agaña and a twenty-five cent minimum in the remaining zones of the island is beyond the means of the average Guamanian. Rates should be established at levels no higher than the rates of a comparable service in the United States. The patronage suffers from free transportation provided for military personnel and for contractors' employees travelling to and from work and recreation.

In establishing a rate schedule, this operation should not be looked upon solely as a business enterprise with a profit motive, but rather from the point of view of rendering a necessary service at a reasonable cost. This committee recommends that a substantial reduction be made in the rate schedule, which should include short-haul zones at a rate of not more than ten cents a zone. The installation of such a revised rate schedule should result in a decidedly increased passenger load, and a high probability of a financial return comparable to that of the present rate schedule.

IIF and IIIE. Education

Perhaps the most important assertion to be made in regard to the school systems, whether of Guam or of American Samoa is that approximately fifty percent of the population is under sixteen years of age on either island and that under the population trends there is every reason to expect this proportion to increase. More and better facilities for education are greatly needed. There is on Guam insistent need for a new plant to replace the quonset huts and inadequate structures of other types now necessary to use. On both islands there is a shortage of school furniture and desirable equipment, particularly textbooks.

On both Guam and Samoa the progress being made in the schools is impressive in view of the handicaps under which they labor in lack of facilities and in the scarcity of trained personnel from which to draw teachers. But in each of the islands the interest and solicitude of the present Governor has resulted in establishment of sound procedures and in securing intelligent heads to direct the respective school systems. On Guam there is basis for hope that those well-trained and capable civilians now directing the educational development of the island may remain for a prolonged tenure and carry their programs through to completion. On Samoa there is some uncertainty because the Director of Education, a naval reserve officer, is leaving the service after but a few months in office. However, the civilian personnel is available to carry on effectively, though frequent changes in the Directorship cannot help being a detriment to the system's working to the best effect.

Recommendation has been made that the heads of the respective departments of education should be appointed by the head of the executive department or agency of the Federal Government which is charged with general supervision and jurisdiction over the Governments of Guam and Samoa. The arguments for this seem conclusive to your committee. Educational systems cannot be wisely developed and maintained except by men trained and experienced in the field of education. This is

particularly true in positions such as those under consideration where background of knowledge needs to be supplemented by open-mindedness and imagination in adapting method and purpose to environment. The importance of these posts and the qualifications indispensable in the men to be invited to them demand that major importance be assigned to such appointments and that they be dignified in every possible way.

Finally, until that eventual date when advanced standards of accomplishment, extension work and teacher training may have created conditions in which choice can wisely be made from natives of the islands, the appointments should be made from professionally qualified civilians. The enlistment of these for extended terms of service will be more effectively secured by Washington authorities than by the officials of local governments.

III. Miscellaneous

Over a considerable period of time various Federal laws have been enacted in aid of agriculture and forestry, such as the Smith-Lever and later Acts in aid of agriculture extension, Smith-Hughes and succeeding Acts in aid of vocational education.

It is urged that a prompt study of these and similar Acts relating to other phases of social and economic life other than agriculture, be made to see what portions, if any, might be applicable to the island of Guam, and if not now applicable, what steps should be taken to have the benefits of the Acts extended to include Guam in the same way as was enacted for Hawaii, Puerto Rico and the Virgin Islands.

It is also highly desirable to have a representative of the Veterans' Administration designated to help local veterans. There are more than 1000 veterans of World War II on Guam and to date it has been virtually impossible for them to enjoy the benefits to which they are entitled and even to learn of the legislation affecting them. The availability of all other Federal agencies, such as the Department of Commerce, the Federal Security Agency and the Department of Agriculture in making any contribution to the betterment of Guam should be fully explored by the Navy Department.

However, sound administration indicates that employees of any other non-military, Federal or territorial agency which may be detailed to carry on work on Guam should be under the Governor, and be detailed to him. Nothing could add more confusion in the minds of the island population than to have to deal with several independent agencies of government all reporting to territorial

or mainland offices. There should be but one organized civilian governmental agency presided over by one responsible head with authority to act. In this direction only lies orderly government; anything else causes confusion and chaos.

While this report concerns itself with islands under complete ownership of the United States, certain relationships cannot be completely ignored even though sovereignty matters over near-by Mandated Islands are yet to be determined.

Guam is one of the Marianas Islands. The others were under Japanese Mandate. Whatever their ultimate disposition, it is inconceivable that the United States would permit any other foreign power to dominate them. Any long-time view of Guam requires some consideration of inter-island relationships.

As has been pointed out, Guam will not be self-supporting in regard to food supply. Military installations have already greatly reduced her arable land. Distances to the mainland are great. What food supplies can be grown close by should be considered not only from the native point of view, but also from that of the military personnel.

The islands of Tinian and Saipan only 120 miles distant offer considerable promise. The Japanese have been entirely evacuated. Tinian probably has the largest amount of good agricultural land of any island in the entire Mandated area. In spite of the several large airfields, there are several thousand acres of good farming land now idle. Much of it consists of abandoned sugar-cane fields. Vegetable-growing operations of the Foreign Economic Administration during the war involving more than a thousand acres, demonstrated what could be produced. Cattle left by the Japanese have given some idea as to the suitability of the island for cattle production. Water surveys and war-time experience indicate an adequate supply of water for irrigation purposes for a considerable area.

The island offers an opportunity to develop certain food supplies near Guam. In turn Guam would offer a certain market for produce grown on the island, an opportunity not to be enjoyed as fully by any other island group. Tinian should be kept for development by individual farmers and not by large corporate holdings. It offers the best opportunity for the settlement of excess population bound to be crowding on Guam's limited boundaries in the foreseeable future.

Saipan to a much less extent offers development for exportable food supplies to Guam, and as a place to which an expanding population may migrate. It has much less available arable land, and probably less satisfactory water supplies, yet it could support a sizeable agricultural population, producing more than their subsistence needs.

Rota is apparently too dry and its soil resources too limited to support heavy agricultural production. It can support a greater population on a subsistence basis, but the island does not offer much of an opportunity for migration of surplus population.

III SAMOA

The people of American Samoa governed themselves before 1900. In that year President McKinley, following ratification of the Convention of 1899 between the United States, Germany and Great Britain which divided up the Samoan Islands, issued an executive order placing the islands now known as American Samoa under the control of the Navy Department. Then on April 17, 1900 the chiefs of the district of Tutuila voluntarily ceded that island to the United States. This was followed on July 14, 1904 by similar action by the chiefs of the three islands of the Manu'a group. The Attorney General of the United States ruled in 1904 (25 Op. Atty. Gen. 292) that the only administrative authority existing on Guam and American Samoa was that derived from the President as Commander in Chief of the Army and Navy, but that in his opinion there was no question as to the regularity of the appointment of the Governor by the President.

In this situation Congress still failed to act for over twenty years, although, as in the case of Guam, it did on several occasions expressly legislate for American Samoa on minor matters. Then on March 4, 1925 it recognized the sovereignty of the United States over American Samoa by providing:

"That the sovereignty of the United States over American Samoa is hereby extended over Swains Island, which is made a part of American Samoa and placed under the jurisdiction of the administrative and judicial authorities of the government established therein by the United States." (43 U.S.C. 1431)

Finally, by joint resolution approved February 20, 1929 (43 U.S.C. 1431a), Congress officially accepted the cession of these islands and provided for their government as follows:

"Until Congress shall provide for the government of such islands, all civil, judicial and military powers shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct; and

the President shall have power to remove said officers and fill the vacancies as occasioned."

That resolution further provided for a commission, to be appointed by the President, to recommend to Congress legislation concerning Samoa. Such a commission was appointed by President Hoover and, being headed by Senator Bingham of Connecticut, has become known as the Bingham Commission. It travelled to Samoa in late 1930, took extensive testimony, and submitted a report in January, 1931 giving as conclusions that "the administration of American Samoa for 30 years by the Navy has been admirable and one sincerely purposed to protect the Samoans;" that "the time has come to do away with administration by rules, regulations and orders and to begin that of law under an act of Congress", and that "the Samoans are capable of accepting and should receive full American citizenship". We concur in those conclusions, arriving at them independently sixteen years thereafter.

A specific Organic Act was submitted and was introduced. It passed the Senate unanimously in the closing days of the 71st Congress, which expired less than two months after the submission of the report, but died in the House Committee. The bill was reintroduced in the 72nd Congress and passed the Senate without objection in February, 1932. It was carefully considered by the House Committee on Insular Affairs which finally, on February 10, 1933, unanimously reported it favorably, with amendments. The amendments were mostly clarifying in nature, with no basic change in philosophy or approach, and resulted in an improved bill. This bill came before the whole House for consideration on February 24, 1933. In the debate which followed there were no partisan issues, members of both parties of the Committee on Insular Affairs, which had given extensive study to the matter, strongly supporting the bill, and other members of both parties strenuously opposing it for various reasons. A reading of that debate is extremely interesting to any one concerned about American Samoa, and Guam too, for that matter, not so much for the light thrown on the subject by the opposition as for the heat generated. Some were opposed to it on account of possible additional expense to the National Treasury, some because of a fear that it might expose us to trouble in the far East, some because they were not satisfied by the way citizenship and self-government had operated in Puerto Rico and the Virgin Islands, some because they were opposed to any

extension of U. S. citizenship on general principles, and some because they considered it a minor and picayune matter to discuss in a period of great depression and unparalleled financial distress, it being then just a week before the close of that Congress and the inauguration of President Roosevelt. A motion to reconsider was at first rejected but, when it was later renewed, it carried by a vote of 72 to 26 and the bill was killed.

In the succeeding Congress the Senate again passed the Samoa Bill unanimously, this time adopting the revised version of the House Committee, but it was not reported out of committee to the House. In the next two Congresses the same bill was reported to the Senate by the Senate Committee on Territories and Insular Possessions but was passed over on unanimous consent call due to the opposition of a single senator, and never reached a vote. Similar bills were introduced in the House each time but were not reported out. In the last ten years nothing more was done and so the matter has rested.

The foregoing is an abridged recital of the efforts to secure legislative sanction and an Organic Act for these people whose lands were divided by three great powers, without agreement or participation by the people concerned, and who thereafter voluntarily attached themselves to the United States. The above has been inserted at this point to show the long and tortuous path that it is necessary to traverse in order to accomplish such aim, and the many pitfalls and obstacles in that path. Nevertheless, we feel that with American Samoa, as with Guam, the time is overripe for definitive and final action.

IIIA. Citizenship

We concur in the conclusion of the Bingham Commission Report that the Samoans are capable of accepting and should receive full American citizenship. The proposed Organic Act, which we have prepared and are submitting, includes a section granting citizenship (section 4). If, by chance, the Organic Act should be disapproved as a whole, that section may be enacted separately.

The date specified here is December 7, 1941. We deem it impractical in Samoa to go back to the date of cession. In the first place, there were two separate cessions. Also, birth and other records are incomplete and it would be too difficult in many cases to ascertain definitely whether a person is qualified under the specifications. The last objection also serves to preclude taking February 20, 1929, as the date. On the other hand, fixing the date as the date of enactment of the Act would be undesirable because it would allow action now in anticipation of the Act's passage. We regard the date of

commencement of war as a fair and practical solution. Records have been kept in recent years and it would be a fairly easy matter to go back to that time. We also consider blanket coverage as more desirable than requiring individual application and separate individual action.

In addition, the Nationality Act of 1940, Public Law 853, 76th Congress, should be amended to include American Samoa.

IIIB. Organic Act

The proposed Organic Act which is submitted herewith is recommended for adoption. It follows closely the proposed Act for Guam, described above, but with several important differences which will be discussed hereafter. Here too, the principal aim has been to be not too specific or detailed but to provide instead a general framework. Congress will have its reserved power to step in and regulate further and the local government will have latitude for appropriate action as experience develops. The provision giving power to the President to direct what executive department or agency shall have supervision of the Government of American Samoa (section 3) is the same as that proposed for Guam.

Section 5 provides for a special kind of citizenship; namely American Samoan, in addition to American. This is particularly important in Samoa so that certain rights and privileges may be reserved for the natives, such as ownership of land. To be a citizen of American Samoa, a person must be a citizen of the United States and of full or part Samoan blood; other qualifications, as for example the proportionate amount of Samoan blood, will be as fixed by the local government through its legislative authority. These additional requirements may be changed from time to time, so flexibility and change in thinking is provided for. In this way the local government may handle the difficult problem of land ownership and other matters. This is considered better than attempting to have Congress pass on such complex and constantly changing concepts.

The sections on applicability of laws of the United States and the Bill of Rights (sections 6 and 7) are just about identical with the corresponding sections of the proposed Guam Act, and the discussion in IIB is appropriate here. It is in the provisions on the legislature and legislative power that there has been the greatest variance from the scheme for Guam. The main difference here is that the Governor's veto is final, with no power in the Fono (the legislature) to take any action on any bill that has been vetoed. Also, section 15 (Promulgation of Laws by Governor) is unique to Samoa. We consider

it advisable to confer some limited power on the Governor to legislate between sessions of the Fono. Anything which he does in that manner shall only remain effective until the adjournment of the next session of the Fono. If they approve what has been done, they may enact it in the regular way; if they disapprove, that temporary law will expire.

Our reason for these changes from the Guam Act, and for limiting to some extent the power of the Fono with corresponding increase in the authority of the Governor, is that we do not believe that Samoa is quite as ready for self-government as is Guam. The general level of education is somewhat lower; retention of former customs is much more pronounced. Still, the only way to learn to govern oneself is to practice it and the Samoans will never become more advanced than they are unless they can experience some self-government. We believe that our plan will accomplish this, at the same time preserving some restraints.

Except for the increased power of the Governor, the provisions relating to the executive branch are quite similar to the Guam Act; likewise with respect to the judiciary, so there does not seem to be any need to review those sections in detail. The Governor, although he will have somewhat more authority than his colleague at Guam, will have considerably less authority and power than he now possesses under his Presidential commission. Also, the local inhabitants, through the Fono, will have much more power and authority than they now have. In addition, there will be the Congressional sanction for the Bill of Rights and the inclusion of the courts in the Federal judicial system with judicial review off the island.

To repeat the conclusion of the discussion under the Guam Act, it is not claimed that this proposed Organic Act is perfect, but we believe that it will function in a desirable manner and will give the people of American Samoa rights and privileges which they do not now have and a self-government that can grow and develop as they become more experienced in handling their own affairs.

IIIC. Economy

IIIC 1.

The future of the economy of American Samoa is dependent upon three cash income factors:

1. The Navy Department's appropriation for the Fiti Fiti Guards and the Naval Station and the expenditure by the Island Government for local employment.

2. The quantity of production and the world price of copra.
3. The production and future off-island demand for native handicraft.

Almost 60% of the cash income of American Samoa is derived from naval sources. What the future income from these sources will be is entirely problematical. In all probability it will be slightly downward.

The price of copra is at an all time high. The peak may very likely have been reached and it may be that the history following World War I will repeat itself with a downward swing in price as soon as the pent-up world demand for fats comes in to balance with production. In the past copra has been the only agricultural source of native cash income. Every effort should be made to increase copra production to help stabilize the island's income in the years that lie ahead. This problem will be dealt with in IIIC 3.

Native handicraft offers the best possible future increase in cash income. Every effort should be made through the Department of Native Industry and by means of vocational training to increase the quality, quantity and variety of products.

IIIC 2.

Vitally important items essential to the average Samoan family are exceedingly high in price. An example will demonstrate the problem on the island of Ta'u in the Manu'a group where the following prices were posted in a so called "bush" store.

Kerosene--gallon	\$.80
Kerosene--5 gallon tin	3.50
Evaporated milk--can	.35

The strict enforcement of price control (which permits a maximum of 25% as a mark-up on essentials) is not sufficient to bring prices within the range of the purchasing power of the average Samoan. Uneconomical procurement and costly distribution are factors that call for intense and serious study. For example, kerosene is an essential item. The quantities consumed are not sufficient to warrant the use of a private tanker for transportation to Pago Pago and thence to private tank storage. So far as is known by this committee, there are no private tank storage facilities at Pago Pago. Thus the exorbitant price quoted previously is the result. In view of the extreme isolation of these islands, the costly methods

necessary for transportation of kerosene and the lack of adequate private storage tank facilities, it would seem to this committee advisable for the Navy to make this particular item available for sale at cost to wholesale or retail outlets.

To achieve a reasonable cost of living, consideration should be given to placing on the free list such staples as are determined to be under the classification of "necessaries of life." A study should be made of the practicability of the establishment of consumer cooperatives at wholesale and retail levels. Meanwhile, the strictest possible enforcement of the existing price control code should be maintained.

During the war years a great change occurred not only in the economy of the islands, but also in the habits, customs and tastes of the Samoans. Prior to the war less than 10% of the adult males were in the service of the Navy. During the war years almost every able-bodied adult male was employed by the Navy on the Naval Station, in the Marine Reserve or the Mita Mita Guard. This resulted in a change in the mode of living for most of the families. New tastes developed that now comprise a part of their basic cost of living.

During its stay on the island, the committee was unable to determine the increase in the cost of living from 1941 to the present. We strongly urge that such a study be made, and recommend that the compensation of the Naval Station and Island Government employees be increased in line with the present cost of living. Consideration could be given to the payment of an increased cost of living bonus in the event that the Island Government is of the opinion that the present basic wage scale will be adequate when economic postwar normal conditions have returned to American Samoa.

IIIC 3. Agriculture

The main island of American Samoa, Tutuila, is of volcanic origin as are all the islands of this group. It is to a large extent rugged and steep, 80% of its terrain being classified as mountainous and 20% suitable for agriculture. According to J. W. Coulter in his study, Land Utilization in American Samoa, 60% of the tillable land before the war was under some degree of cultivation and 4% was idle or given over to voluntary crops.

The land area available for agriculture is definitely limited. Some additional land could be cleared, especially on the plateau area on top of the ridge at the western end of the island to which a road has recently been built. Existing land could be

more intensively cultivated. Even by clearing all available land and using existing farm land more effectively, the rapidly increasing population will, within the foreseeable future, be pressing very heavily on the limited native food supply. The agriculture of American Samoa is one of subsistence. Commercial agriculture is out of the question, even with the production of copra being limited. Because of this subsistence character, agricultural production must be as high as possible. The soils of the island are variable, the most productive being along the coastal fringe of the southwestern plateau and in the small valley areas where alluvial deposits have been built up. On the steep mountainous slopes there is little chance to accumulate a layer of soil due to the heavy rainfall, which averages almost 200 inches a year, most of which is concentrated in the rainy season from December to March, but it is surprising what a plant cover these slopes maintain. The soils of the island are spotty, varying in fertility, and are uniformly low in needed plant food elements because of excessive leaching and utilization by the tremendous growth of tropical vegetation.

Copra forms the only agricultural cash crop, and is the island's only natural economic resource. The total production has never been large, but it will always be an important item in the native economy. For the year ending July, 1945 the return for the copra was \$39,167 at \$67.34 per ton. In 1946, at \$105 per ton the crop returned \$30,000. With the current price at \$215 per ton, it is expected that there will be an even greater increase in the copra output, especially as labor taken by the military installations and for the operation of the Naval Station has returned to its prewar activities.

Because of the importance of the copra industry, the Island Government has taken special steps to insure proper planting, cultivation, sanitation and insect control within the groves. These measures have been incorporated in the Samoan Code and provide for the appointment of inspectors to enforce them. A chief concern is for the control of the rhinoceros or coconut beetle which was introduced to the island more than 30 years ago.

Bananas, breadfruit and taro are the principal food crops grown, bananas being the most important single item in Samoan diet. They are consumed both fresh and cooked in various ways. In addition to these staple items, citrus fruits, pineapples, avocados and papayas are found scattered throughout the island. Sugar cane is grown primarily for thatching native houses rather than for edible purposes. Some mainland vegetables are grown, but native acceptance has been slow.

In 1932, an experimental farm was set up to aid native agriculture. It was placed under the care of the Radio Officer who was interested in agriculture. Unfortunately, succeeding radio personnel did not have the same agricultural interests and the farm suffered accordingly. By the time the war broke out it had ceased to function. During the war, efforts were started by the Board of Economic Warfare to undertake vegetable production for military personnel on the farm area. By the time land was cleared and equipment and seed were received from the mainland, the war had moved to other areas.

At present the farm is again being worked and is producing some fresh vegetables and fruits for the hospital and commissary store. A portion of the land has been given to the Peleti School for crop production, and a portion to the Hawaiian Sugar Plantation Experiment Station for the maintenance of sugar-cane variety and disease study.

The farm served primarily as a plant-introduction station, and a considerable number of fruit trees including several avocado varieties, orange, grapefruit and other citrus fruits, have been established there. A considerable number of temperate-zone vegetables were introduced and their culture was demonstrated as practicable. Little or no interest has been evidenced by the natives in the work of the farm and there has been little spread of influence. The matai system is not conducive to the improvement of existing conditions.

Despite the seeming lack of interest on the part of Samoans in the work of the farm to date, there is still a real need and place for a demonstration and experimental farm. The steadily mounting pressure of population which rose from 5,000 in 1900 to 18,000 in 1947, with a present annual gain of at least 500 will require the best possible use of all agricultural land and the growing of the highest-yielding crops. In addition to the introduction and testing of desirable new crops, the farm should gather for testing and propagation the highest-yielding and best-quality strains of the present native food crops, especially coconuts, bananas, breadfruit and taro. It is known that there is a wide variation of these now grown. The best strains of these food crops should be planted.

The farm should also serve as a fertilizer testing ground. At present the soils on the farm are worn out by constant cropping and are in no condition to be used for demonstration until built up through effective soil management. Fruit trees should be thinned out as they are now too crowded. They should also be pruned, sprayed for pest and disease control and given adequate

fertilization if they are to demonstrate their productiveness and value in Samoan life.

A farm also should serve as a training institution in co-operation with the schools and should ultimately conduct demonstrations and short courses on crop production, farm practice, pest and disease control, and simple farm mechanics adapted to Samoan agriculture.

A competent agriculturist with horticultural training should be procured to direct the work of the farm, train native extension agents and carry out extension work on farms and plantings throughout the island. This is in accordance with the request of the Governor for such an appointment and it is strongly endorsed.

While plant products have furnished the main portion of the Samoan diet, animal products also have had their place and should be considered. Hogs have always been grown in fairly large numbers, but are used for ceremonial and special feasts rather than as an article of daily food. There also have been a substantial number of cattle used both for milk and beef, but these were greatly reduced during the war. Poultry is raised primarily for meat rather than for eggs. The production of the latter is low because the fowl are allowed to run free.

Much can be done to improve the quality and quantity of the local livestock by maintaining purebred sires at the experimental farm, and by demonstrating better feeding and care, together with disease control. The farm should serve as a center for distribution of better animals and poultry. This can probably be a self-sustaining activity. A livestock specialist should be obtained for the staff of this farm in accordance with the Governor's recommendation.

The dairy farm presents a special problem. At present there is an apparent profit from the operation. The original herd was received from Christmas Island by transfer from the Army at no cost. However, replacements will be necessary in addition to the natural increase in the herd, and will have to be charged against the operation. Imported feed costs are high due to heavy freight charges (\$4000 freight for a shipment the cost of which was \$1700). With a charge of \$.20 per quart of milk, it is doubtful whether the dairy could meet its costs of operation.

As indicated under the discussion of the dairy on Guam, advances in the manufacture and use of powdered whole milk make it possible to use this in the tropics in place of fresh milk, and in the long run the maintenance of a dairy by the

cooperation of Governor Houser and former Governor Hanson, is negotiating for the purchase of a naval YMS. This added transportation should prove of invaluable aid in emergency cases that may arise on these three remote islands. It will also result in a more economical handling of freight to and from these islands. At present, except for Tutuila, all freight to and from a steamer is carried by long boats. An effort should be made to eliminate this inefficient double handling. Island Government engineers should study the practicability of channeling the coral reef and the construction of a wharf. This project would make an ideal appropriation from the Island Government's treasury surplus.

At present there is one first-class road on the island of Tutuila, on the southern coast of the island running east and west from Pago Pago, for a total distance of 40 miles. Except for trails, the north coast of the island containing 11 villages has only long boats for transportation to the southern coast. In our conferences the committee was informed that plans are under preparation for the extension of the main road completely around the island. These plans should be energetically pushed to completion. If necessary, expert road and bridge engineers should be assigned to the Island Government for the engineering of this project. The completion of this road will open up agricultural areas not now cultivated because of inaccessibility, and will provide improved emergency relief to the people of the area. If this project is ever to be constructed, now would appear to be the time. The Island Government has the funds. There is a plentiful supply of structural steel on Tutuila and the various islands of the Pacific under Navy control. The completion of this project will give the residents of the island a valuable permanent asset that will prove economically beneficial to all of American Samoa.

Since the termination of the war, water and air transportation between American Samoa and Hawaii or the United States has been confined almost entirely to that of the U. S. Government. Every effort should be made to induce transport lines of either water or air to make Pago Pago a port of call. There is at present an application pending before the Navy Department and the C.A.A. for permission to operate an airline on a charter service basis between Honolulu and Tafuna Airport. This application should be acted upon promptly.

IIID. Revenue and Finance

Admittedly, drafting a revenue program for a government with the unusual conditions to be found in American Samoa is not an easy task. However, it appears to this committee that taxes are not levied on the basis of "ability to pay". In lieu

of a business net income tax, the prosperous merchants and mercantile houses pay a gross receipts tax of 2, which is comparable to a sales tax and passed on to the consumer. Also, in lieu of a personal income tax, every able-bodied male over 18 years of age pays a \$10 poll tax. That this burden must be excessive on a great many individuals is graphically demonstrated by the decline in revenue from \$49,000 in 1944 to an estimate of \$20,000 for 1947.

This committee strongly recommends the extension of the federal personal and business income tax law to the islands of American Samoa, with the proviso that all revenues derived shall be applied to the Island Government. We further recommend that the present poll tax be reduced from \$10 to the average of the assessment levied in a municipal government in the United States.

The committee is aware of the fact that it is very easy to select one or two items in a revenue structure and readily make out a case for a change, not having in turn the responsibility for balancing the budget. Nevertheless, the committee is of the opinion that the present rate structure on the bus line is exorbitantly high and established at a level that does not take into consideration the ability of the people to pay. The Island Government's estimate for the year 1947 shows a prospective net profit of \$10,000 on a gross business of \$28,000. It is the history of public utility operation that a reduction in rates results in a corresponding increase in usage. We strongly recommend that bus fares be established at a rate not more than sufficient to enable revenues to balance expenditures. After such a rate change has been put into effect, the Island Government can be confident that there will be a greater use of public bus transportation, thus rendering a more useful service.

IIIC. Education

See discussion contained in IIF on pages 38-39.

IIII. Health

IIIF 1a.

In connection with the control of flies and mosquitoes, spraying and dusting with D.D.T. has been very effective. However, full use of this method has not been possible because of limitations of equipment. The only aircraft available for this purpose has been a PB4 which is too large and heavy to be readily maneuverable in the narrow confines of Pago Pago harbor where much of the treating must be done. The plane can be used only under the most favorable weather conditions and even then only at great risk to personnel and equipment. The providing of a

PROPOSED

"ORGANIC ACT OF GUAL."

A BILL

TO PROVIDE A GOVERNMENT FOR GUAM, AND TO CONFER UNITED STATES CITIZENSHIP UPON CERTAIN OF THE INHABITANTS THEREOF

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

GENERAL PROVISIONS

Section 1. Short Title

This Act may be cited as the "Organic Act of Guam."

Section 2. Area Included

The territory ceded to the United States in accordance with the provisions of the Treaty of Peace between the United States and Spain, concluded at Paris December 10, 1898, and proclaimed April 11, 1899, and known as the island of Guam in the Marianas Islands, shall be known as Guam.

Section 3. Establishment of the Government

The citizens of Guam shall constitute a body politic. A government is hereby established over Guam with its capital at Agana. The Government of Guam shall have the powers set forth in this Act and shall have power to sue and be sued by such name. Such government shall not enter into any treaty, alliance, or confederation. The Government of Guam shall be under the supervision of such executive department or agency of the Government of the United States as the President may direct.

Section 4. United States Citizenship

All Spanish subjects residing in Guam on April 11, 1899, all natives of Guam who were temporarily absent therefrom on that date, and all natives of Guam born subsequent to such date are hereby declared to be citizens of the United States, if they are residing on the date of enactment of this Act in Guam or other territory over which the United States exercises rights of sovereignty and are not citizens of the United States under any other Act: Provided, That any person hereinbefore described who is a citizen or national of a country other than the United States and who desires to retain his present status may do so by making, within two years of the effective date of this Act, or if a minor, within two years after attaining majority, a declaration under oath of such desire, said declaration to be in form and executed in the manner prescribed by regulations, and from and after the making of such declaration any such person shall be held not to be a citizen of the United States by virtue of this Act. The Commissioner of Immigration and Naturalization, with the approval of the Attorney General, is hereby authorized and empowered to make and prescribe such rules and regulations not in conflict with this Act as he may deem necessary and proper.

Section 5. Citizenship of Guam

The Government of Guam through the legislative authority thereof shall determine from time to time the qualifications necessary for citizenship in Guam, but no person shall be qualified to become a citizen of Guam who is not a citizen of the United States.

Section 6. Laws of Guam and Applicability of Laws of the United States

(a) The laws of Guam in force on the effective date of this Act, except as amended by this Act, are hereby continued in force, subject to modification or repeal by the Congress of the United States or the Government of Guam, and all laws of Guam inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency. Any laws of Guam not repealed by this Act but which by their provisions require amendment by the change, substitution, omission or addition of words of description, designation, exception or otherwise, shall be amended to conform to its provisions by the Government of Guam as soon as practicable after the effective date of this Act.

(b) Except as otherwise provided in this Act, no law of the United States shall have any force or effect within Guam unless specifically so made applicable by Act of Congress. The provisions of laws of the United States of which sections 1453 to 1459, inclusive, of title 48 of the United States Code, as amended and supplemented, are prima facie evidence, shall not apply to Guam.

Section 7. Bill of Rights and Restrictions

(a) No law shall be enacted in Guam respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of their grievances.

(b) The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrant for arrest or search shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.

(c) No person shall be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation; nor shall any person be subject for the same offense to be twice put in jeopardy of punishment; nor shall be compelled in any criminal case to be a witness against himself. In all criminal prosecutions the accused shall have the right to a speedy and public trial; to be informed of the nature and cause of the accusation and to have a copy thereof; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

(d) Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist in Guam.

(e) The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion or imminent danger thereof, the public safety shall require it.

(f) No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall be enacted.

(g) No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

(h) Excessive bail shall not be required, nor excessive fines be imposed, nor cruel and unusual punishments inflicted.

(i) No property or income qualification shall ever be imposed upon or required of any voter, nor shall any discrimination in qualification be made or based upon any difference in race, color, sex or religious belief.

THE LEGISLATURE AND LEGISLATIVE POWER

Section 8. Legislature and Scope of Legislative Power

(a) The legislative power of Guam, except as otherwise provided in this Act, shall be vested in a legislature, which shall be known as the "Guam Congress" and which shall consist of either two houses or a single house, according to the laws of Guam in force on the effective date of this Act and as amended or modified after such date. The members of the Guam Congress holding office on the effective date of this Act shall continue to serve as such until the next election held in accordance with the laws of Guam and until their successors have duly qualified. The Guam Congress in all respects shall be constituted and shall be organized and shall sit according to the laws of Guam in force on the effective date of this Act and as amended or modified after such date.

(b) The legislative power of Guam shall extend to all subjects of legislation not inconsistent with the provisions of this Act and the laws of the United States applicable to Guam.

Section 9. Organization and Membership of the Legislature

(a) Each house of the Guam Congress shall be the judge of the selection and qualification of its own members, except as otherwise provided in this Act. It shall choose its own officers, determine its rules and procedure, not inconsistent with this Act, and keep a journal. The Governor of Guam may attend the sessions of the Guam Congress and take part in its deliberations in an advisory capacity and he may authorize the attendance of, and similar participation by, other officials of the Government of Guam.

(b) No idiot or insane person, no person who has been or may hereafter be expelled from the Guam Congress for giving or receiving bribes or being accessory thereto, and no person who shall have been convicted of any criminal offense punishable by imprisonment for a term exceeding one year or more, whether with or without fine, shall sit in the Guam Congress or hold any office in, or under, or by authority of, the government unless the person so convicted shall have been pardoned and restored to his civil rights. No person shall sit in the Guam Congress who is not a citizen of Guam, who has not attained the age of twenty-five years, and who has not resided in Guam for at least five years immediately preceding the sitting of the Guam Congress in which he seeks to qualify as a member.

Section 10. Oath of Office

Every member of the Guam Congress and all officers of the Government of Guam shall take the following oath or affirmation:

"I solemnly swear (or affirm) in the presence of Almighty God that I will well and faithfully support the Constitution and laws of the United States and the laws of Guam, and that I will conscientiously and impartially discharge my duties as a member of the Guam Congress or as an officer of the Government of Guam (as the case may be)."

Section 11. Exemption from Liability and Arrest

(a) No member of the Guam Congress shall be held to answer before any tribunal other than the Congress itself for any speech or debate in the congress except as provided in this section.

(b) The members of the Guam Congress shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at the Congress and in going to and returning from the same.

Section 12. Sessions of the Guam Congress

The regular sessions of the Guam Congress shall be held at such times and at such place as may be fixed by the laws of Guam in force on the effective date of this Act and as amended or modified after such date. The Governor by proclamation may convene the Guam Congress in special session at such time and place as he may deem it necessary, setting forth in such proclamation the purpose of the special session and the time thereof, and due notice shall be given to each member. All sessions of the Guam Congress shall be open to the public.

Section 13. Signing Bills and Veto by Governor, with Procedure on Veto

(a) No bill passed by the Guam Congress shall become law until signed by the Governor, except as hereafter provided. Every bill which shall have passed the Guam Congress shall be certified by the clerk of the Congress and shall thereupon be presented to the Governor. If the Governor approves it, he shall sign it, and it shall become a law. If the Governor does not approve of such bill, he may return it, with his objections, to the Guam Congress. He may veto any specific item or items in any bill which appropriates money for specific purposes, but shall veto other bills, if at all, only as a whole. If the Governor does not sign or veto a bill within ten days after it is delivered to him, it shall become a law without his signature, unless the Guam Congress has adjourned sine die prior to the expiration of such ten days.

(b) Upon receipt of a veto message of the Governor, each house of the Guam Congress shall proceed immediately to reconsider such bill, or part of a bill, and again vote on it by ayes and nays, which shall be entered on its journal. If after such reconsideration such bill, or part of bill, shall be approved in each house by a two-thirds vote of all members thereof, such bill shall be again sent to the Governor who, in case he shall not then approve it, shall immediately transmit the same to the President. If the President approves such bill or part of bill, he shall sign it, and it shall become law; if he does not approve such bill or part of bill, he shall return it to the Governor, so stating, and it shall not become law. The President shall approve or disapprove an act presented to him under the provisions of this section within three months from and after its presentation for his approval; and if not acted upon within such time, it shall become a law the same as if it had been specifically approved.

(c) All laws enacted by the Guam Congress shall be reported by the Governor to the head of the executive department or agency designated by the President under section 3 of this Act, and by him to the Congress of the United States, which hereby reserves the power and authority to annul the same. The laws not annulled shall be published annually as a public document.

Section 14. Appropriations

(a) Appropriations, except as otherwise provided in this Act, shall be made by the Guam Congress.

(b) At least sixty days prior to the close of each fiscal year, as fixed by law, the Governor shall submit to the Guam Congress estimates for appropriations for the succeeding fiscal year. He may submit also such bills to the Guam Congress as he shall consider to be in the people's interest. The Governor is empowered to suspend the expenditure of funds appropriated by the Guam Congress whenever by reason of disaster or economic disturbance he deems such action to be necessary or desirable in the public interest.

(c) If at the termination of any fiscal year the Guam Congress shall have failed to pass appropriation bills providing for payments of the necessary current expenses of the government and meeting its legal obligations for the ensuing fiscal year, then the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be applicable, shall be deemed to be re-appropriated, item by item.

(d) All legislative and other appropriations made prior to the effective date of this Act shall be available to the Government of Guam.

Section 15. Right of Petition

The Guam Congress shall have the unrestricted right to petition the President and the Congress of the United States in any matter affecting the government or the welfare of the people of Guam. The Governor shall forward any such petition without delay with such comment as he may consider appropriate.

THE EXECUTIVE

Section 16. The Executive Power; the Governor; Acting Governor

(a) The executive authority of the Government of Guam shall be vested in a Governor, who shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and shall hold his office at the pleasure of the President and until his successor is appointed and qualified. The Governor may be a person from civil life or an active, retired or reserve officer of the Army, Navy or Marines, and, if such an officer, may, in the discretion of the President, remain on active duty in the naval or military service of the United States during his term as Governor, and may also, if so designated by the Chief of Naval Operations, if he be a naval or marine officer, or by the Chief of Staff, United States Army, if he be an army officer, take command of such naval or military establishments and forces in Guam, or the Marianas Islands, or the Southwestern Pacific area as the Chief of Naval Operations or the Chief of Staff, United States Army, respectively, may require.

(b) The Governor shall have general supervision and control of all executive and administrative departments, bureaus and offices of the Government of Guam. He shall be commander in chief of the militia of Guam, and he may grant pardons and reprieves and remit fines and forfeitures for offenses against the laws of Guam, and reprieves for offenses against the laws of the United States until the decision of the President thereon is communicated to the Governor. The Governor shall have power to issue executive regulations not in conflict with any applicable law or ordinance. He shall annually, and at such other times as may be required, make official report of the transactions of the Government of Guam to the executive department or agency designated by the President of the United States under section 3 of this Act, and such annual report shall be transmitted by such department or agency to Congress.

(c) The head of the executive department or agency designated by the President under section 3 of this Act may from time to time designate the head of an executive department of the Government of Guam or other person to act as governor in case of a vacancy, temporary removal, resignation or disability of the Governor, or his temporary absence, and such acting governor shall exercise all the powers and perform all the duties of governor under this Act during such vacancy, disability or absence.

Section 17. Enforcement of Law

The Governor shall be responsible for the faithful execution within Guam of the laws of Guam and of such laws of the United States as have force and effect within Guam. Whenever it becomes necessary, he may summon the posse comitatus or call out the militia to prevent or suppress lawless violence, invasion, insurrection, or rebellion in Guam; and he may, in case of rebellion or invasion or imminent danger thereof, when the public safety requires it, call upon the commanders of the naval and military forces of the United States in Guam to suppress such rebellion or invasion, or suspend the privilege of the writ of habeas corpus, or place Guam, or any part thereof, under martial law, until communication can be had with the President and his decision thereon be communicated to the Governor. He shall perform such additional duties and functions as may, in pursuance of law, be delegated to him by the President or by the head of the executive department or agency designated by the President under section 3 of this Act.

Section 18. Appointment, Removal, Duties and Salaries of Officers

(a) The Governor shall, except as otherwise provided in this Act or the laws of Guam, appoint all officers and boards of a public character that may be created by law and shall appoint such other executive and administrative officers as may, in his

discretion, be required. In making all such appointments, the Governor shall give due consideration to the natives of Guam. The manner of appointment and removal and the tenure of all other officers shall be as provided by law and the Governor may appoint or remove any officer whose appointment or removal is not otherwise provided for. All such officers shall have such powers and duties as may be conferred or imposed on them by law or by executive regulation of the Governor not inconsistent with any law. The salaries of all officers, except the salaries of those officers provided by the Federal Government, shall be paid from the funds of the Government of Guam.

(b) The head of the department of education shall be appointed by the head of the executive department or agency designated by the President under section 3 of this Act.

(c) Any person who is the head of an executive department of the Government of Guam or the chief assistant to a head of a department may be an active, retired or reserve officer of the Army, Navy, or Marines, and, if such an officer, may remain on active duty in the naval or military service of the United States during all or part of his tenure as head of a department or chief assistant.

(d) All persons holding office in Guam at the time this Act takes effect shall, except as otherwise provided in this Act, continue to hold their respective offices until their successors are appointed and qualified. Nothing in this section shall be construed to conflict with authority and powers conferred by section 8 of this Act.

THE JUDICIARY

Section 19. The Courts

The judicial authority of Guam shall be vested in a court to be designated the "Island Court of Guam" and in such court or courts of inferior jurisdiction as may have been or hereafter may be established under the laws of Guam. The jurisdiction of such courts and the procedure therein shall be as prescribed in the laws of Guam, but the jurisdiction of the Island Court shall at all times be superior to or concurrent with all other courts in Guam. The style of all process in the courts of Guam shall hereafter run in the name of the Government of Guam, and all prosecutions shall be carried on in the name and by the authority of the Government of Guam. The Governor shall not sit as a judge in any court.

Section 20. Island Court

(a) The Island Court shall consist of the Chief Justice of Guam who shall be appointed by the President by and with the advice of the Senate and who shall hold office for a term of six years and until his successor has been appointed and qualified, unless sooner removed by the President for cause. No person shall be appointed Chief Justice of Guam who has not been a member of the bar of the highest court of a State or Territory of the United States for at least five years. The Chief Justice of the United States shall be empowered to assign for temporary service in the

Island Court of Guam one or more United States District Judges whenever the Governor shall certify to him that the volume of business before the court is so great that it cannot be expeditiously handled by the Chief Justice of Guam, or whenever the Governor shall certify that the Chief Justice of Guam, by reason of illness or other incapacity, is unable to perform the duties of his office or that the office is vacant.

Section 21. Appeals

(a) The District Court of the United States for the District of Hawaii shall have jurisdiction to review by appeal and thereupon to confirm, modify or reverse final decisions of the Island Court of Guam in all cases, civil or criminal, wherein any provision of this Act or a statute or treaty of the United States, or any authority thereunder, is involved; in all other civil cases wherein the value in controversy, exclusive of interest and costs, exceeds \$5,000; in all other criminal cases where the offense charged is punishable by imprisonment for a term exceeding one year or by death; and in all habeas corpus proceedings. Such district court shall also have jurisdiction to review the interlocutory orders and decrees of the Island Court in cases in which it has appellate jurisdiction, and also, whenever any record on appeal is manifestly incomplete or insufficient for a satisfactory understanding of the appeal, to inquire further into the matters in controversy.

(b) Such district court shall provide by its rules the mode of appeals, taking into consideration the informality of procedure in the courts of Guam. For the purposes of this section special terms of such district court shall be held in Guam at such times and in such places as the judges of such court may deem expedient. All decisions of such district court upon appeal shall be subject to further review in the federal courts in accordance with the rules of procedure established by the Supreme Court of the United States for courts of the United States in both civil and criminal proceedings.

(c) There shall be right of appeal in all civil and criminal cases from the judgments and decisions of the inferior courts to the Island Court.

MISCELLANEOUS

Section 22. Salaries of Officers

(a) The Governor shall receive an annual salary of \$10,000, to be paid by the United States, provided, however, that if the Governor shall be an officer of the Army, Navy or Marines on active duty, he shall be entitled to no additional pay above his total pay and allowances as such officer and if he be a retired or reserve officer, the pay which he shall receive as Governor shall not exceed the difference between the amount received as pay and allowances as such retired or reserve officer and the sum of \$10,000.

(b) The Chief Justice shall receive an annual salary of \$8,000, to be paid by the United States, which amount shall not be reduced during his term of office.

(c) The Governor and the Chief Justice shall be entitled to transportation at the expense of the United States for themselves, their immediate families and their household effects from their homes in the United States to Guam upon their appointment and from Guam to their homes upon completion of their duties, provided, that such return transportation shall not be required to be furnished unless they shall have served in Guam for at least two years. They shall be entitled to three months leave of absence not oftener than every other year and during such periods of leave shall be paid their salaries at the rate provided in this Act, and shall be entitled to transportation at the expense of the United States for themselves and their immediate families from Guam to their homes in the United States and return. During their term of duty in Guam they shall each be entitled to receive appropriate quarters to be furnished by the United States.

(d) All other officers and employees of the Government of Guam shall be paid such compensation and shall receive such additional allowances or benefits as may be fixed under the laws of Guam, or, in case they be employees or officers of the executive department or agency designated by the President under section 3 of this Act, as fixed by or under the rules and regulations of such department or agency.

Section 23. Public Health

Subject to the laws of Guam, the maintenance and operation of the public health service of Guam shall be under the direction of the Governor, who shall establish quarantine stations at such places in Guam as he may deem necessary, and shall promulgate quarantine and sanitary regulations for the protection of Guam against the importation and spread of disease.

Section 24. Imports and Exports

Articles which are the growth, production or manufacture of Guam coming into any State, Territory or insular possession of the United States from Guam shall be entered at the several ports of entry free of duty.

Section 25. Public Property

Except as otherwise provided, the public property ceded and transferred to the United States under the cession referred to in section 2 of this Act shall be and remain in the possession, use and control of the Government of Guam, and shall be maintained, managed and cared for by it for the benefit of the people of Guam until otherwise provided for by Congress, or taken for the uses and purposes of the United States by direction of the President or the head of the executive department or agency designated by

the President under section 3 of this Act. Any such public property so taken for the uses of the United States may be restored to its previous status by direction of the President or such head of executive department or agency, and the President or such head may,

from time to time, transfer to the Government of Guam such lands, buildings, or interest in land or other property owned by the United States, and within the territorial limits of Guam, as in his opinion are no longer needed for the purposes of the United States.

Section 26. Effective Date

This Act shall take effect on the 1st day of the month next following after the expiration of sixty days after the date of approval thereof.

PROPOSED

"SANDWICH ORGANIC ACT"

A BILL

TO PROVIDE A GOVERNMENT FOR AMERICAN SAMOA, AND TO CONFER UNITED STATES CITIZENSHIP UPON CERTAIN OF THE INHABITANTS THEREOF

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

GENERAL PROVISIONS

Section 1. Short Title

This Act may be cited as the "Samoa Organic Act."

Section 2. Islands Included Within American Samoa

The islands acquired by the United States of America under the joint resolution entitled "Joint resolution to provide for accepting, ratifying, and confirming the cessions of certain islands of the Samoan group to the United States, and for other purposes", approved February 20, 1929, (U.S.C., title 48, sec. 1431a), and the joint resolution entitled "Joint resolution extending the sovereignty of the United States over Swains Island, and making the island a part of American Samoa", approved March 4, 1925 (U.S.C., title 48, sec. 1431), shall be known as American Samoa.

Section 3. Establishment of the Government

The citizens of American Samoa shall constitute a body politic. A government is hereby established over American Samoa with its capitol at Pagatogo on the island of Tutuila. The Government of American Samoa shall have the powers set forth in this Act and shall have power to sue and be sued by such name. Such government shall not enter into any treaty, alliance, or confederation. The Government of American Samoa shall be under the supervision of such executive department or agency of the Government of the United States as the President may direct.

Section 4. United States Citizenship

All persons of full or any part Samoan blood who, on December 7, 1941, resided in American Samoa, or having been born therein were then absent therefrom and are now permanently residing within the jurisdiction of the United States, and all persons of full or any part Samoan blood who were born in American Samoa subsequent to December 7, 1941, are hereby declared to be citizens of the United States, if they are residing on the date of enactment of this Act in American Samoa or other territory over which the United States exercises rights of sovereignty: Provided, that any person hereinbefore described who is a citizen or national of a country other than the United

States and who desires to retain his present status may do so by making, within two years of the effective date of this Act, or if a minor, within two years after attaining majority, a declaration under oath of such desire, said declaration to be in form and executed in the manner prescribed by regulations, and from and after the making of such declaration any such person shall be held not to be a citizen of the United States by virtue of this Act. The Commissioner of Immigration and Naturalization, with the approval of the Attorney General, is hereby authorized and empowered to make and prescribe such rules and regulations not in conflict with this Act as he may deem necessary and proper.

Section 5. American Samoan Citizenship

The Government of American Samoa through the legislative authority thereof shall determine from time to time the qualifications necessary for citizenship in American Samoa, but no person shall be qualified to become a citizen of American Samoa who is not a citizen of the United States, and is not of full or any part Samoan blood.

Section 6. Laws of American Samoa and Applicability of Laws of the United States

(a) The laws of American Samoa in force on the effective date of this Act, except as amended by this Act, are hereby continued in force, subject to modification or repeal by the

Congress of the United States or the Government of American Samoa, and all laws of American Samoa inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency. Any laws of American Samoa not repealed by this Act but which by their provisions require amendment by the change, substitution, omission or addition of words of description, designation, exception or otherwise, shall be amended to conform to its provisions by the Government of American Samoa as soon as practicable after the effective date of this Act.

(b) Except as otherwise provided in this Act, no law of the United States shall have any force or effect within American Samoa unless specifically so made applicable by Act of Congress. The provisions of laws of the United States of which sections 1453 to 1459, inclusive of title 48 of the United States Code, as amended and supplemented, are prima facie evidence, shall not apply to American Samoa.

Section 7. Bill of Rights and Restrictions

(a) No law shall be enacted in American Samoa respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of their grievances.

(b) The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrant for arrest or search shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.

(c) No person shall be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation; nor shall any person be subject for the same offense to be twice put in jeopardy of punishment; nor shall be compelled in any criminal case to be a witness against himself. In all criminal prosecutions the accused shall have the right to a speedy and public trial; to be informed of the nature and cause of the accusation and to have a copy thereof; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

(d) Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist in American Samoa.

(e) The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion or imminent danger thereof, the public safety shall require it.

(f) No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall be enacted.

(g) No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

(h) Excessive bail shall not be required, nor excessive fines be imposed, nor cruel and unusual punishments inflicted.

THE LEGISLATURE AND LEGISLATIVE POWER

Section 8. Legislature and Scope of Legislative Power

(a) The legislature of American Samoa shall consist of one body, which shall be organized and shall sit according to the laws of American Samoa in force on the effective date of this Act and as amended or modified after such date. The legislature shall be styled the "Fono".

(b) The legislative power of American Samoa shall extend to all subjects of legislation not inconsistent with the provisions of this Act and the laws of the United States applicable to American Samoa.

Section 9. Organization and Membership of the Legislature

(a) The Fono shall be the judge of the selection and qualification of its own members, except as otherwise provided in this Act. It shall choose its own officers, determine its rules and procedure, not inconsistent with this Act, and keep

a journal. The Governor of American Samoa may attend the sessions of the Fono and take part in its deliberations in an advisory capacity and he may authorize the attendance of, and similar participation by, other officials of the Government of American Samoa. The Governor may, in his discretion, preside over the sessions of the Fono or he may authorize another official of the Government of American Samoa to preside.

(b) No idiot or insane person, no person who has been or may hereafter be expelled from the Fono for giving or receiving bribes or being accessory thereto, and no person who shall have been convicted of any criminal offense punishable by imprisonment for a term exceeding one year or more, whether with or without fine, shall sit in the Fono or hold any office in, or under, or by authority of, the government unless the person so convicted shall have been pardoned and restored to his civil rights. No person shall sit in the Fono who is not a citizen of American Samoa, who has not attained the age of twenty-five years, and who has not resided in American Samoa for at least five years immediately preceding the sitting of the Fono in which he seeks to qualify as a member.

Section 10. Oath of Office

Every member of the Fono and all officers of the Government of American Samoa shall take the following oath or affirmation:

"I solemnly swear (or affirm) in the presence of Almighty God that I will well and faithfully support the Constitution and laws of the United States and the laws of American Samoa, and that I will conscientiously and impartially discharge my duties as a member of the Fono of American Samoa or as an officer of the Government of American Samoa (as the case may be)."

Section 11. Exemption From Liability and Arrest

(a) No member of the Fono shall be held to answer before any tribunal other than the Fono itself for any speech or debate in the Fono except as provided in this section.

(b) The members of the Fono shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at the Fono and in going to and returning from the same.

Section 12. Sessions of the Fono

The regular session of the annual Fono shall be held between the 1st and 15th days of November each year at Fagatogo unless that body shall by law select a different time and place. The Governor may convene the Fono in special session at such time and place as he may deem it necessary. All sessions of the Fono shall be open to the public.

Section 13. Signing Bills and Veto by Governor

No bill passed by the Fono shall become law until signed by the Governor, except as hereafter provided. Every bill which shall have passed the Fono shall be certified by the clerk of the Fono and shall thereupon be presented to the Governor. If the Governor approves it, he shall sign it, and it shall become a law. If the Governor does not approve of such bill, he may return it, with his objections, to the Fono. He may veto any specific item or items in any bill which appropriates money for specific purposes, but shall veto other bills, if at all, only as a whole. If the Governor does not sign or veto a bill within ten days after it is delivered to him, it shall become a law without his signature, unless the Fono has adjourned sine die prior to the expiration of such ten days.

Section 14. Appropriations

(a) Appropriations, except as otherwise provided in this Act, shall be made by the Fono.

(b) The Governor shall submit to the Fono estimates for appropriations for the succeeding fiscal year as fixed by law. He may submit also such bills to the Fono as he shall consider to be in the people's interest. The Governor is empowered to suspend the expenditure of funds appropriated by the Fono whenever by reason of disaster or economic disturbance he deems such action to be necessary or desirable in the public interest.

(c) In the case of failure of the Fono to pass appropriation bills providing for payments of the necessary current expenses of government and meeting its legal obligations, the Governor by executive order may make such appropriations as he deems necessary.

(d) All legislative and other appropriations made prior to the effective date of this Act shall be available to the Government of American Samoa.

Section 15. Promulgation of Laws by Governor

(a) If the Governor should determine, whenever the Fono is not in session, that the public exigency requires that any laws of American Samoa be amended, modified or repealed, or that a new law be enacted, he may amend the laws of American Samoa by changing, adding or deleting such provision or provisions as he may deem advisable. Any such amendment shall become effective and be fully promulgated when it has been duly signed by the Governor unless specified otherwise therein.

(b) Immediately upon such signature by the Governor, such amendment shall be published, by posting the same in English and Samoan at the government offices and by publishing the same in a newspaper of general circulation in American Samoa, if there be one.

(c) Such a law promulgated by the Governor shall remain effective only until the adjournment of the next succeeding annual Fono unless said Fono, in the manner prescribed in this Act, shall reenact such law.

Section 16. Right of Petition

The Feno shall have the unrestricted right to petition the President and the Congress of the United States in any matter affecting the government or the welfare of the Samoan people. The Governor shall forward any such petition without delay with such comment as he may consider appropriate.

THE EXECUTIVE

Section 17. The Executive Power; the Governor; Acting Governor

(a) The executive authority of the Government of American Samoa shall be vested in a Governor, who shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and shall hold his office at the pleasure of the President and until his successor is appointed and qualified. The Governor may be a person from civil life or an active, retired or reserve officer of the Army, Navy or Marines, and, if such an officer, may, in the discretion of the President, remain on active duty in the naval or military service of the United States during his term as Governor, and may also, if so designated by the Chief of Naval Operations, if he be a naval or marine officer, or by the Chief of Staff, United States Army, if he be an army officer, take command of such naval or military establishments and forces in American Samoa or the Southern Pacific area as the Chief of Naval Operations or the Chief of Staff, United States Army, respectively, may require.

(b) The Governor shall have general supervision and control of all executive and administrative departments, bureaus and offices of the Government of American Samoa. He shall be commander in chief of the militia of American Samoa, and he may grant pardons and reprieves and remit fines and forfeitures for offenses against the laws of American Samoa, and reprieves for offenses against the laws of the United States until the decision of the President thereon is communicated to the Governor. The Governor shall have power to issue executive regulations not in conflict with any applicable law or ordinance. He shall annually, and at such other times as may be required, make official report of the transactions of the Government of American Samoa to the executive department or agency designated by the President of the United States under section 3 of this Act, and such annual report shall be transmitted by such department or agency to Congress.

(c) The head of the executive department or agency designated by the President under section 3 of this Act may from time to time designate the head of an executive department of the Government of American Samoa or other person to act as governor in case of a vacancy, temporary removal, resignation or disability of the Governor, or his temporary absence, and such acting governor shall exercise all the powers and perform all the duties of governor under this Act during such vacancy, disability or absence.

Section 18. Enforcement of Law

The Governor shall be responsible for the faithful execution within American Samoa of the laws of American Samoa and of such laws of the United States as have force and effect within American Samoa. Whenever it becomes necessary, he may summon the posse comitatus or call out the militia to prevent or suppress lawless violence, invasion, insurrection, or rebellion in American Samoa; and he may, in case of rebellion or invasion or imminent danger thereof, when the public safety requires it, call upon the commanders of the naval and military forces of the United States in American Samoa to suppress such rebellion or invasion, or suspend the privilege of the writ of habeas corpus, or place American Samoa, or any part thereof, under martial law, until communication can be had with the President and his decision thereon be communicated to the Governor. He shall perform such additional duties and functions as may, in pursuance of law, be delegated to him by the President or by the head of the executive department or agency designated by the President under section 3 of this Act.

Section 19. Appointment, removal, duties and salaries of Officers

(a) The Governor shall, except as otherwise provided in this Act or the laws of American Samoa, appoint all officers and boards of a public character that may be created by law and shall appoint such other executive and administrative officers as may, in his discretion, be required. In making all such

appointments, the Governor shall give due consideration to the natives of American Samoa. The manner of appointment and removal and the tenure of all other officers shall be as provided by law and the Governor may appoint or remove any officer whose appointment or removal is not otherwise provided for. All such officers shall have such powers and duties as may be conferred or imposed on them by law or by executive regulation of the Governor not inconsistent with any law. The salaries of all officers, except the salaries of those officers provided by the Federal Government, shall be paid from the funds of the Government of American Samoa.

(b) The head of the department of education shall be appointed by the head of the executive department or agency designated by the President under section 3 of this Act.

(c) Any person who is the head of an executive department of the Government of American Samoa or the chief assistant to a head of a department may be an active, retired or reserve officer of the Army, Navy, or Marines, and, if such an officer, may remain on active duty in the naval or military service of the United States during all or part of his tenure as head of a department or chief assistant and may also have additional duty with the naval or military establishments and forces in American Samoa, or any one or more of them.

(d) All persons holding office in American Samoa at the time this Act takes effect shall, except as otherwise provided in this Act, continue to hold their respective offices until their successors are appointed and qualified. Nothing in this section shall be construed to conflict with authority and powers conferred by section 5 of this Act.

THE JUDICIARY

Section 20. The Courts

The judicial authority of American Samoa shall be vested in one High Court and in such inferior courts as may have or hereafter may be established under the laws of American Samoa. The jurisdiction of such courts and the procedure therein shall be as prescribed in the laws of American Samoa. The style of all process in the courts of American Samoa shall hereafter run in the name of the Government of American Samoa, and all prosecutions shall be carried on in the name and by the authority of the Government of American Samoa. The Governor shall not sit as a judge in any court.

Section 21. High Court

(a) The High Court shall consist of the Chief Justice of American Samoa who shall be appointed by the President by and with the advice of the Senate and who shall hold office for a term of six years and until his successor has been appointed and qualified, unless sooner removed by the President for cause. No person shall be appointed Chief Justice of American Samoa who has not been a member of the bar of the highest court of a State or Territory of the United States for at least five years. The Chief Justice of the United States shall be empowered to assign for temporary service in the High Court of American Samoa one or more United States District Judges whenever the Governor

shall certify to him that the volume of business before the court is so great that it cannot be expeditiously handled by the Chief Justice of American Samoa, or whenever the Governor shall certify that the Chief Justice of American Samoa, by reason of illness or other incapacity, is unable to perform the duties of his office or that the office is vacant.

(b) The Chief Justice of American Samoa may, from time to time, select two or more of the district judges of American Samoa to sit with him in a purely consultative capacity.

Section 22. Appeals

(a) The District Court of the United States for the District of Hawaii shall have jurisdiction to review by appeal and thereupon to confirm, modify or reverse final decisions of the High Court of American Samoa in all cases, civil or criminal, wherein any provision of this Act or a statute or treaty of the United States, or any authority thereunder, is involved; in all other civil cases wherein the value in controversy, exclusive of interest and costs, exceeds \$5,000; in all other criminal cases where the offense charged is punishable by imprisonment for a term exceeding one year or by death; and in all habeas corpus proceedings. Such district court shall also have jurisdiction to review the interlocutory orders and decrees of the High Court in cases in which it has appellate jurisdiction, and also, whenever any record on appeal is manifestly incomplete or insufficient for a satisfactory understanding of the appeal, to inquire further into the matters in controversy.

(b) Such district court shall provide by its rules the mode of appeals, taking into consideration the informality of procedure in the courts of American Samoa. For the purposes of this section special terms of such district court shall be held in American Samoa at such times and in such places as the judges of such court may deem expedient. All decisions of such district court upon appeal shall be subject to further review in the Federal courts in accordance with the rules of procedure established by the Supreme Court of the United States for courts of the United States in both civil and criminal proceedings.

MISCELLANEOUS

Section 25. Salaries of Officers

(a) The Governor shall receive an annual salary of \$10,000, to be paid by the United States, provided, however, that if the Governor shall be an officer of the Army, Navy, or Marines on active duty, he shall be entitled to no additional pay above his total pay and allowances as such officer and if he be a retired or reserve officer, the pay which he shall receive as Governor shall not exceed the difference between the amount received as pay and allowances as such retired or reserve officer and the sum of \$10,000.

(b) The Chief Justice shall receive an annual salary of \$8,000, to be paid by the United States, which amount shall not be reduced during his term of office.

(c) The Governor and the Chief Justice shall be entitled to transportation at the expense of the United States for themselves, their immediate families and their household effects from their homes in the United States to American Samoa upon their appointment and from American Samoa to their homes upon completion of their duties, provided, that such return transportation shall not be required to be furnished unless they shall have served in American Samoa for at least two years. They shall be entitled to three months leave of absence not oftener than every other year and during such periods of leave shall be paid their salaries at the rate provided in this Act, and shall be entitled to transportation at the expense of the United States for themselves and their immediate families from American Samoa to their homes in the United States and return. During their term of duty in American Samoa they shall each be entitled to receive appropriate quarters to be furnished by the United States.

(d) All other officers and employees of the Government of American Samoa shall be paid such compensation and shall receive such additional allowances or benefits as may be fixed under the laws of American Samoa, or, in case they be employees or officers of the executive department or agency designated by the President under section 3 of this Act, as fixed by or under the rules and regulations of such department or agency.

Section 24. Public Health

Subject to the laws of American Samoa, the maintenance and operation of the public health service of American Samoa shall be under the direction of the Governor, who shall establish quarantine stations at such places in American Samoa as he may deem necessary, and shall promulgate quarantine and sanitary regulations for the protection of American Samoa against the importation and spread of disease.

Section 25. Imports and Exports

Articles which are the growth, production or manufacture of American Samoa coming into any State, Territory or insular possession of the United States from American Samoa shall be entered at the several ports of entry free of duty.

Section 26. Public Property

Except as otherwise provided, the public property ceded and transferred to the United States under the cessions referred to in section 2 of this Act shall be and remain in the possession, use and control of the Government of American Samoa, and shall be maintained, managed and cared for by it for the benefit of the people of American Samoa until otherwise provided for by Congress, or taken for the uses and purposes of the United States by direction of the President or the head of

the executive department or agency designated by the President under section 3 of this Act. Any such public property so taken for the uses of the United States may be restored to its previous status by direction of the President or such head of executive department or agency, and the President or such head may, from time to time, transfer to the Government of American Samoa such lands, buildings, or interest in land or other property owned by the United States, and within the territorial limits of American Samoa, as in his opinion are no longer needed for the purposes of the United States.

Section 27. Effective Date

This Act shall take effect on the 1st day of the month next following after the expiration of sixty days after the date of approval thereof.