

FINAL REPORT

The Future Political Status Study Commission
of American Samoa

January 2nd, 2007

*For presentation to the Governor of American Samoa, the
Legislature, the Chief Justice and the general public, as
per P. L. 29-6; P. L. 29 – 24; and P. L. 29 – 25.*



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FUTURE POLITICAL STATUS STUDY COMMISSION

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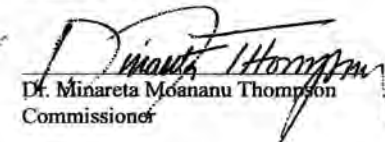
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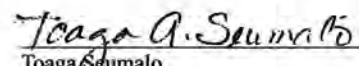
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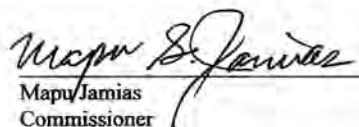
Pursuant to the requirements of Public Law 29-6, as amended by P.L. 29-24 and P.L. 29-25, the American Samoa Future Political Status Study Commission is pleased to present on this day its final report to the Governor of American Samoa, President of the Senate, Speaker of the House of Representatives, and the Chief Justice of the High Court. In further compliance with the law, copies of this Report are deposited at the Feleti Barstow Foundation Public Library, and the Library of the American Samoa Community College, for information of the general public.

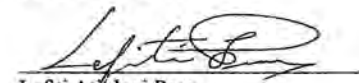
It is our hope that this work will in some small measure contribute to the future political development of our Territory.


Tufele F. Li'amtua
Chairman

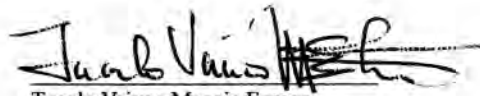

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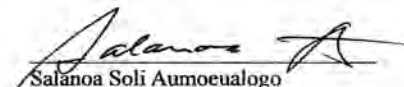

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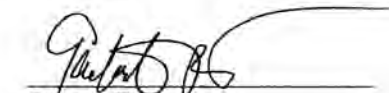

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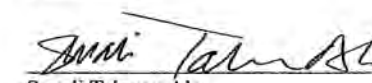

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PART I - INTRODUCTION

Creation

The Future Political Status Study Commission (FPSSC) of American Samoa 2006 was created under P.L. No. 29-6, signed on June 13, 2005. Confusion over the date of submission of the Final Report led to the passage of P.L. No. 29-24 to provide a firm date for the termination of the Commission and to provide funding. A third law, P.L. No. 29-25 was signed on August 6, 2006 to extend the final date of the submission of the Final Report.

The FPSSC is American Samoa's third political status study commission. The first Commission was established July 8, 1969 by P.L. 11-39. Its report was submitted to the Eleventh Legislature in 1970. A second political status study report was published in 1975 by the Office of the Delegate at Large to Washington, D.C. in response to a request from the Legislature of American Samoa for a study on whether an organic act was necessary for American Samoa. The title of this report was "Memorandum in Support of Appropriate Organic Act for American Samoa."

The Commissioners

In accordance with P.L. 29-6, Sec. 2.1401 eleven commissioners were appointed as follows:

- (a) by the President of the Senate - Senator Salanoa S. Aumoeualogo of Vaifanua, and Senator Tuaolo M. Fruean of Maoputasi;
- (b) by the Speaker of the House of Representatives - Vice Speaker Savali Talavou Ale of Alataua, and Rep. Gaoteote Tofau of Vaifanua;
- (c) by the Governor - HC Tufele Liamatua, District Governor, Manua; Dr. Minareta Moananu Thompson, Community

- College of American Samoa; Lt. Col. Mapu Jamias (U.S. Army, Ret.); and Mrs. Toaga Seumalo, Director of Nursing;
- (d) by the Chief Justice - HC Lefiti Atiulagi Pese, Associate Judge;
- (e) by the Board of Higher Education - Mr. Fainuulelei Ala'ilima-Utu, Member, Board of Higher Education;
- (f) by the Delegate to the U. S. Congress - HC Senator Faiivae A. Galeai.

Staff

By Executive General Memorandum No. 55-2006 issued on May 23, 2006, Gov. Togiola A. Tulafono appointed a staff to assist the Commission as follows: Fofu I. F. Sunia, Executive Director; Tapa'au Dr. Daniel Mageo Aga, Assistant Executive Director; Marcellus Talaimalo Uiagalelei, legal counsel; Kueni Hisatake, Chief Administrator. Other staff included Fiafia D. Sunia, Recorder.

The diversity of backgrounds of the Commissioners created a rich mixture whose great value would become evident as the study progressed. The mix consisted of five legislators, two attorneys, a district governor who was also the first elected lieutenant governor of American Samoa, one associate judge, two businessmen, four veterans, one college educator with a PhD in Samoan studies, and a Registered Nurse who is the director of nursing services. There were two lady commissioners. The staff included a former U.S. Congressman, and local senator, who is one of the two surviving members of the first future political status study commission (1969), the Dean of the land grant program at the American Samoa Community College, and an attorney.

The Mission

The law requires the Commission to:

- (a) study alternative forms of future political status open to American Samoa and assess the advantages and

- disadvantages of each;
- (b) study and appraise the history, the development and the present status of political units comparable or relevant to American Samoa, both within and without the jurisdiction of the United States, and shall assess the advantages and disadvantages of each;
- (c) determine whether a single document is needed to set forth American Samoa's political status and relationship with the United States;
- (d) study and evaluate the impact of American Samoa's political status and relationship with the United States as to the economic, cultural, land tenure, health, safety and social needs of American Samoa;
- (e) assess the need for a comprehensive study of Swains Islands.

The Preamble of P.L. 29-6 declares that a territorial constitution review awaits the report of this Commission. The Commission interpreted this to mean that because its work is to be the basis of the review of the Revised Constitution of American Samoa, political status issues relative to the Constitution are to be included in its scope of study, determination, and report.

Organization and Launch

The Commission was organized in a meeting at the Governor's Conference Room on May 31, 2006. HC Tufele Liamatua was elected Chairman. Senator Tualo M. Fruean was elected Vice Chairman. To draw public attention and generate interest in the matter of the Territory's political status, the Commission decided to launch its work in a formal ceremony to be carried on television and reported in the media. The ceremony was held at the Senate chambers on June 5, 2006 attended by the Governor as well as government,

political and traditional leaders, and members of the public. A luncheon followed at the Senate's Samoan ceremonial *fale*.

PART II – THE WORK-STUDY PLAN

Based on an analysis of the requirements and scope of study as provided in the legislation, the Commission designed a work-study plan to determine and recommend the best possible future political status for American Samoa. Members agreed that the best political status was one *where people are free to pursue happiness, secure in the knowledge that their freedoms and rights as Americans, and as Samoans, are guaranteed.*

The Commission realized that the depth and scope of study ordered was challenged by the constraints of time, funding and staff availability. The decision was made to limit the study to status options most practical and most likely to be adopted if recommended. A further limitation was that members and staff held vitally important posts which could not be abandoned for extensive periods for Commission work.

Phase One: The American Samoa Study

The first part was a review of American Samoa's own political status as an *unorganized and unincorporated* territory, and to update Commissioners on how the American Samoa Government (ASG) functions under that status. Commissioners needed to be on the same page as to facts pertinent to the study, the application of such facts to the topics assigned by law, and be in agreement as to the meaning of applicable terms. All agreed that a comparison of American Samoa with other political statuses and assessing their advantages and disadvantages, would be easier when made against a background of American Samoa that was up to date. It was important that Commissioners reach a

common understanding and agreement on the meaning of the two terms that describe American Samoa's Political Status.

(a) Definition of Status

(1) *Organized and Unorganized.* An *organized* territory is one that has established a civil government under an organic act passed by Congress (Van Dyke, 1993, 450). The form of government under an organic act is determined by Congress. Each organic act has its own special conditions. Thus, Guam is an organized territory which is governed under the terms of its Organic Act passed by Congress on August 1, 1950. The Commonwealth of the Northern Mariana Islands (Saipan) is an organized territory governed under its Organic Act formally called the "Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States" which Congress approved in 1975. The terms of each organic act were negotiated between the individual territory and Congress, but the final determination of all contents of each organic act was made by Congress.

The power of Congress to provide for governments and supervise the administration of territories of the United States is provided in what is referred to as the "Territorial Clause" of the U.S. Constitution. The clause provides that:

"The Congress shall have Power to dispose of and make all needful rules and regulations respecting the Territory or other Property of the United States; and nothing in the Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State" (U.S. Con. Art. IV, § 3).

There have been several efforts to challenge and question the power of Congress over the territories. In case after case, the Supreme Court has upheld the plenary nature of Congress' power to provide for the government and administration of the territories of the nation. The Court first expressed its affirmation of the complete authority of Congress in a case in the Territory of Dakota in 1880, *First National Bank v. Yankton County* (101 U.S.

129 (1879)). The Court said,

“All territory within the jurisdiction of the United States not included in any State must necessarily be governed by or under the authority of Congress. The Territories are but political subdivisions of the outlying dominion of the United States”

“... Congress may not only abrogate laws of the territorial legislatures, but it may itself legislate directly for the local government.... In other words, it has full and complete legislative authority over the people of the Territories and all the departments of the territorial governments....”

In a decision in the case of *Murphy v. Ramsey* (114 U.S. 15 (1885)) on issues of bigamists and polygamists, the Court further reaffirmed the plenary powers of Congress over the territories. It said,

“The people of the United States, as sovereign owners of the National Territories, have supreme power over them and their inhabitants. . . *But in ordaining government for the Territories, and the people who inhabit them, all discretion which belongs to legislative power is vested in Congress; and that extends, beyond all controversy, to determining by law, from time to time, the form of local government in a particular Territory, and the qualification of those who shall administer it”*

The Court has continued its support of complete Congressional authority in decisions rendered in recent years. American Samoa’s government will continue to be called *unorganized* until such time as Congress passes an organic act to establish a government for the Territory. The first government in American Samoa was established on February 19, 1900 by President McKinley who placed Tutuila under Commandant John D. Long, Secretary of the Navy Department (General Order; Navy Department, No. 540, Washington, February 19, 1900). The present government operates under the Revised Constitution promulgated by the Secretary of the Interior in 1967.

(2.) *Incorporated and Unincorporated.* The concepts *incorporated* and *unincorporated* were introduced by Supreme Court decisions called the “Insular Cases”.

These cases are a group of some 14 decisions that involve the application of the United States Constitution and bill of rights to overseas territories. The insular cases marked the beginning of defining territorial status at the turn of the 20th century when the United States acquired overseas territory in places such as Hawaii, Guam, the Philippines, Puerto Rico, Virgin Islands, Panama Canal, and Tutuila and Manu'a.

In the case *Downes v. Bidwell* (182 U.S. 244, 287-344 (1901)), Justice Brown wrote that if a government had the power to expand its territory by any means, then that power also included the right to establish and determine the status of the newly-acquired territory. In the concurring view, Justice White explained that a newly-acquired territory does not *automatically* become “incorporated” and does not achieve that status until Congress acts to “incorporate” it. The provisions of the Constitution are fully applicable to the residents of an incorporated territory, but does not necessarily apply to those in an unincorporated territory. The concept of incorporated has been used to refer to those territories which are destined to be states. However, the basic provisions of the U. S. Constitution that address the rights of all citizens (or nationals) of the United States, clearly apply to American Samoa (Van Dyke, 2006). As in the case of organized and unorganized territories, the power to grant the incorporated status is also in the hands of Congress. Four of the five U.S. territories are organized. Only American Samoa is unorganized. All five are unincorporated.

The government of American Samoa is unorganized because Congress has not passed a law to organize its government, and unincorporated because Congress has not taken legislative action to incorporate it into the United States and only certain provisions of the U. S. Constitution are applicable to it.

As Samoan is the working language of the Commission, it was necessary to find a translation that is practical and as close as possible to the English terms. A word for word translation was not possible as there are no equivalent Samoan terms. Phonetic

translations were not appropriate. Translations by meaning are longer but clearer. The following were agreed to: *Unorganized -- e le i pasia e le Konekeresi sona tulafono faavae faateritori. Unincorporated -- e le i tuufaatasia atoatoa i le tino o le Unaiite Setete, ma e na'o ni vaega o le Faavae o le U. S. o loo aafia ai.*

(b) History of Political Development

A brief recital of major steps was therefore prepared and was labeled *Incremental Changes*. The same was printed as a flyer for public distribution. A copy is included in the Appendices.

(c) American Samoa: Data and Information

Gov. Togiola T. Tulafono, department and agency heads, provided the Commission with the latest available information on the operations of the Government of American Samoa. Facts on the economy, employment, population, education, health, the environment, government finances – local and federal sources as well as expenditures, imports and exports, and territorial GDP were presented. Data and information on the population, government financing, the economy, employment is included in the Appendices. Commissioners delved extensively into the issues listed in the law: economic, cultural, land tenure, health, safety and social needs.

The role of the Department of Interior was examined and its position in the disbursement of federal funds appropriated by Congress for the Territory was a topic of extensive questioning.

A listing of federal grants is included in the Appendices.

The Office of Samoan Affairs gave testimony on the administration and functions of district, county, and village government system. The Commissioners evaluated the impact of the present political status on that system.

(d) Territorial Government Under the Present Status

This part of the study focused on two key issues:

1. Is ASG's responsibility to deliver public services, aided, impeded, or in any way impacted by its present political status?
2. Are the people of American Samoa free to pursue happiness and enjoy their rights as Americans and as Samoans under the present status?

After careful consideration of all testimonies and presentations, the Commission reached the conclusion that the present political status of American Samoa is not adversely impacting the normal functions of government nor impeding the delivery of public services.

Similarly, federal government services, e.g. Social Security, Parks, postal services, social assistance services, and many others that are operated in conjunction with ASG agencies, are not adversely impacted by the present political status.

(e) Consultants

Section 2.1403 of P.L. 29-6 allows the employment of consultants and experts to assist the Commission in its study. The Commission retained the services of Mr. Arnold Leibowitz of Washington, D. C., legal expert on matters of territorial constitutional development and political status; and Dr. John Van Dyke, Professor of constitutional law at John Burns Law School, University of Hawaii, also a specialist in matters of territorial constitutions and political status. Both lawyers are recognized in the field and enjoy the distinction of citations by federal courts. [See Appendices.]

A list of issues relative to political status were submitted to the consultants for research. In meetings held at Los Angeles and Honolulu, the Commissioners interacted directly with the consultants thereby gaining new insights on old issues. Commissioners were very pleased with the presentations of Mr. Leibowitz and Dr. Van Dyke. Both consultants submitted written responses to questions from the Commission and agreed

to the unrestricted use of their research. The complete text of consultant research is included in the Appendices.

Phase Two: Study of Alternative Political Statuses

(a) Selecting Alternatives/Options for Study

The law did not specify the political status alternatives/options to be studied. Sec. 2.1402 (a) states, “the Commission shall study alternative forms of future political status open to American Samoa and shall assess the advantages and disadvantages of each.” The Commission decided it was practical and cost effective to limit its study to six statuses:

1. Republic of Palau – an independent and *freely associated state*;
2. Commonwealth of Northern Mariana Islands (CNMI) – a territory operating under a *commonwealth* status;
3. Guam – an *organized* territory of the United States;
4. The Indian nations within the United States;
5. The creation of a Hawaiian nation within the state of Hawaii;
6. The Independent State of Samoa, a State where the Samoan culture is central in its governance.

The selection was limited to alternatives or options which were considered realistic and most likely to be adopted should American Samoa desire a change. Palau, CNMI, and Guam met the above criteria. These statuses were also studied by previous political status Commissions.

The apparent freedom of the Indians to operate their local governments, much on the basis of their traditions, interested the Commission. Commissioners were curious to learn how the Indians are able to enjoy special considerations under the U.S. Constitution.

The efforts of native Hawaiians to form a Hawaiian nation within the State of

Hawaii with special constitutional considerations had become a national issue. The Commission was interested in the possibility of American Samoa receiving similar special constitutional considerations.

The closest political entity to American Samoa is the Independent State of Samoa. Facts of common heritage, history and continued close ties are well known. American Samoans' overwhelming desire to operate a government which allows them to continue living their culture and preserving it for future generations made a study of Samoa very important. Samoa is the only other government that operates on the basis of the *faaSamoa*. It has made important strides in its march toward democracy while maintaining that basis.

The Commission was aware of public sentiments about the cost of the study-tour and the areas selected. If one picture is worth a thousand words, one on-site visit is worth more than all the book studies. The law allowed only a short study period. Funding was limited. A leisurely pace was not possible. The study-tour was an opportunity to view the statuses in actual operation, see how the people lived under their political status, and collect the views of Samoans residing in off-island communities.

To understand the true effectiveness of a political status, it is necessary to possess the basic facts about that political entity and how it functions under its status. The discussions of each area will begin with a definition of its political status, a presentation of pertinent facts, and some general observations on the significant or outstanding features of the area and the people. The closing will be a brief statement of Advantages and Disadvantages and comparison to American Samoa.

1. THE REPUBLIC OF PALAU – A FREELY ASSOCIATED STATE

Definition

Palau is an independent nation that is in free association with the United States. It has complete control and management of local affairs but coordinates its foreign relations with the United States, and depends on the United States for military protection. United States laws do not apply to Palau, but certain rules must be complied with as a condition for receiving U. S. funds. The most essential element defining a relationship of free association is that Palau has the freedom to unilaterally modify its status without the agreement of the United States (Van Dyke, 2006, 6).

The people are citizens of Palau. Citizenship can only be acquired through descent from original native Palauans. Therefore, children of aliens residing on Palau cannot become citizens.

The islands were discovered and settled by people from Indonesia 4,000 years ago. Palau has a current population of 20,000 spread on eight main islands. It has 250 other islets known as the Rock Islands. By terms of its Compact negotiated with the U.S., Palau citizens are free to enter and reside in the United States. This population drain has drastically reduced the labor force as well as the pool of professionals and potential future leaders. Today, there are small Palau communities in Honolulu and other metropolitan areas on the West Coast. Palau has a large number of immigrant contract laborers.

English and Palauan are official languages. Currency is the U.S. dollar. National income per capita is \$8,600. Total exports in 2005 (fish and handicrafts) was \$6 million, against imports of \$107 million (fuel, food, beverages, and manufactured goods). Tourism is the main industry. Main tourist sources are Japan, Taiwan, China, Korea, Australia

and Guam.

Palau has a culture that evolves around 16 high chiefs who form a Council of Chiefs which is recognized by government only as an advisory body. There are 16 states, each with its own state government. The national legislature is bicameral and the chief executive is elected every four years. Palau citizens may own land, most of which is communal. It is very strict in the control of immigration and keeps a tight control on the number of laborers and skilled workers allowed in.

Spain had control of Palau first and sold it to Germany following its defeat in the Spanish-American war. Japan took over in 1914. After the Second World War in 1945, the United Nations made it part of the U.S. Trust Territories of the Pacific Islands under U.S. administration. The Territories formed the Federated States of Micronesia (FSM) in 1979. Palau left the FSM shortly thereafter to negotiate its own independence from the United States. In 1994, the Compact of Free Association with the U. S. entered into force and granted independence to the Republic of Palau.

Advantages and Disadvantages – Comparisons to American Samoa

1. Independence. Independence allows the people of Palau the freedom to make their own laws, whereas American Samoa makes its laws by authority of its Constitution which was promulgated by the Secretary of Interior, through authority granted to the President of the United States by the U.S. Congress. American Samoa may not pass any laws that are in conflict with laws of the United States.
2. Special Protections. Palau has laws that protect land ownership on the basis of race. Only descendants of native Palauans may become citizens. While Chiefs have no government authority, their Council is recognized by law and so their control of native lands remains strong. American Samoa has special provisions in its constitution and laws to

protect communal lands and culture. There is always concern that federal courts might declare these special protective laws as unconstitutional, opening Samoan lands to purchase by outsiders. While it has found some comfort in recent federal court rulings favoring special protective land laws in CNMI (*Wabol v. Villacrusis*; *Diamond Head Co., Ltd. v. Matsunaga*; *Commonwealth of the Northern Mariana Islands v. Atalig*), there is no guarantee federal court judges will not change their position in the future.

3. Financial Aid. One of the most attractive features of the Freely Associated status of Palau is the package of financial assistance agreed to by the United States. By terms of the Compact, the assistance will last 50 years. It includes \$450 million for the first 15 years with a payment of \$142 million on the first year (1994), a Trust Fund to provide continued budget support after the 50-year period (now worth about \$150 million), and eligibility to about 40 different U. S. federal grant programs. Palau is not included in the Social Security system. A special one-time grant to upgrade health and education is being phased out, and assistance like school buses and student lunches are ending. The first 15-year period will be over in 2009 and Palau is preparing for the second round of negotiations. Negotiators have been appointed and are working and their mood is positive.

By comparison, American Samoa is the only territory that receives an annual grant-in-aid (\$23 million) from the U. S. Congress each year. DOI pays for part of the judiciary and provides technical assistance from its discretionary funds where needed. A total of about \$ 125 million in a variety of federal grants is received each year. Social Security payments,

medicare and medicaid, Food Stamps, assistance for women and children of low income families (WIC), programs to assist senior citizens and other social aid programs are making marked contributions to the total economy and welfare of the people. For example, \$2 million is received each year for the Day Care program. The Department of Health is entitled to and receives assistance annually for 13 different federal health care programs.

4. Economic Development. The backbone of Palau's economy is tourism and its proximity to Asia and Australia guarantees a steady flow of tourists. The high year was 2004 when nearly 100,000 tourists visited. A downturn in 2005 resulted from a change in airline policies, evidencing the suffering that can result when others control key elements of a development program. American Samoa is disadvantaged by its remoteness and distance from main tourist sources. It has no natural attraction like the Rock Islands of Palau. The sea around the 250 islets is pristine clear and the potentials in water sports and numbers of tourists who come just to watch colorful fishes in their natural habitat are tremendous.

Palau lacks a major industry like American Samoa's canneries. If it started one today, it would have to import most of the labor, primarily from the Philippines. The potential does exist because of its proximity to fishing grounds. Labor shortage is a concern. Palau lacks the tax base provided by the canneries and related activities. Palau became a member of the United Nations in 1994 and has also joined other international organizations. It is free to negotiate for assistance from other countries in the world and has done so with

admirable results. Palau count their membership in the United Nations and vote in the General Assembly as one of their most valuable assets. American Samoa does not enjoy this great advantage of an independent state.

5. The Palau society. Palauans on the whole are healthy. They are committed to a clean environment – both land and water. The native culture of Palau, while possibly older than Samoa’s, is observed, but subtly – a marked difference from Samoa where culture is apparent in everyday life.
6. Defense. The United States is responsible for the defense of Palau. Its strategic location makes Palau a very important part of the American defense posture in that part of the world. It is realistic to assume that the Defense Department is prepared to assist Palau in the development of its infrastructure, especially airport and harbor, as part of good defense preparations. The primary interest of the Defense Department in American Samoa is the recruitment and training of troops.

General Comments

Palauans are extremely proud and fiercely protective of their independence. Pains and problems of growth are obvious. But their willingness to pay the price for independence is heartwarming and inspiring. The simple view is that Palau cannot survive as an independent nation without the benefits of U.S. assistance. But many achievements in history were founded on faith and determination. We saw that spirit in the people, especially the leaders of Palau who say they may not need all of 50 years to become economically independent.

As to the Commission’s test question of “are the Palauan people happy living under

their present political status?" -- the answer is affirmative. Would American Samoans be happy in a Freely Associated State? The answer requires further detailed study in which all of the above elements are considered.

2. THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS (CNMI)

Definition of Status and People

The term "Commonwealth" has many shades of meaning, depending on the context in which it is used, and the entity to which it applies. In most cases, "commonwealth" means self-governing. Several States and the Territory of Puerto Rico use it in their formal designations. Northern Mariana Islands chose it as its formal designation. The Organic Act approved by the U. S. Congress in 1975 was called the "Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States."

As used in connection with insular political communities affiliated with the United States, the concept of a "commonwealth" anticipates a substantial amount of self-government over internal matters and some degree of autonomy on the part of the entity so designated (Van Dyke, 1993, 451). Perhaps the most attractive feature of the "commonwealth" is that it derives its authority from both the United States and the consent of the citizens in the commonwealth. It is a flexible concept designed to allow both the entity and the United States to adjust their relationship as appropriate over time. While it appears that the power of Congress may be compromised by an agreement to grant commonwealth status, it should be pointed out that "the U. S. Supreme Court continues to refer to the broad power of the Territorial Clause of the U S. Constitution" (*Harris v. Rosari*, 446 U.S. 651 (1980)).

The Commission was made aware that there is a strong move in Guam, as will be discussed below, to change their status to “commonwealth” from the present Organic Act. It was also pointed out that Puerto Rico which is presently a “commonwealth” is seeking an “enhanced commonwealth” status. Guam and Puerto Rico have been organized territories for over fifty years. Why are they now seeking a change to their statuses? The answer would be of utmost interest to American Samoa and suggests continued study.

The CNMI is a chain of 14 volcanic islands of the Mariana group (which include the Territory of Guam.) Saipan, Rota, and Tinian are the largest islands in the CNMI and most of the population live there. Saipan is about 120 miles north of Guam and is a two-hour jet flight east of Palau, seven from Honolulu, and nine time zones west of Washington, D.C. Over ninety percent of the total population of CNMI live on Saipan which name is commonly used in place of the longer legal designation of the Territory. The total land area of the CNMI is 176.5 square miles (Saipan, 46.5; Rota, 38.3; Tinian, 39.2; all others, 55.3). Some of the smaller islands are uninhabited. The islands were first occupied by Asians about 3500 years ago. The two main ethnic groups today are the Chamorros who arrived about 1,000 years ago, and the Carolinians who spread over from Truk and Yap in the 1800s. The people refer to their communities as villages. Their villages are not organized in the style of Samoan villages. There are no fixed or surveyed boundaries of villages, nor are there any cultural or traditional institutions equal to our *saofaiga* (council of village chiefs).

Like Palau, Saipan was a part of the U. S. Trust Territories of the Pacific Islands formed under auspices of the United Nations after World War II. They voluntarily left the Trust Territory to negotiate a separate political status with the United States. In 1975, the U. S. Congress passed the CNMI Organic Act which is commonly known as the Covenant. By that Act of Congress, the CNMI became organized but remains unincorporated. Some elderly residents preferred to remain as U. S. Nationals (Sen. Rep. No. 94-433 94th Cong.,

1st Sess., p. 71 (1075)). Section 302 of the CNMI Covenant allowed residents to choose to become U. S. citizens or remain as U. S. Nationals. The opportunity to choose was made to accommodate the desire of the elders (Leibowitz, 2006, 6).

The economic boom of the 1970s necessitated the importation of contract laborers, mostly from the Philippines. The 2000 census showed a total population of 69,221. One third were indigenous Chamorros and Carolinians. One third were Filipino immigrant workers. The other third was made up of Chinese, Japanese, Koreans, Micronesians, Indonesians, and Americans.

The garment factories of the 1970s and 1980s are mostly gone. Tourism is now the major industry with its fortunes tied to economic and political conditions of its main tourist sources - Taiwan, Japan, South Korea, and China. There is at present a slow down in tourism but expectations are high that they will come back soon, and signs of such comeback were evident during the Commission visit. The tourist facilities, equal in quality to those of Guam and Waikiki, are kept in top condition. The proximity to its rich tourist markets is a fixed reality. There will certainly be a spillover from the present burst of the Guam economy generated by unrestricted tourism and increased military presence. Saipan is thirty minutes from Guam. The CNMI has its own tax system and is in charge of its own Immigration and Customs.

Large U.S. Navy war supply ships anchor outside the main island on a year-round basis, an affirmation of the importance of the CNMI in the defense posture of the U.S. Understandably, the Defense Department must be sure that the CNMI infrastructure is always in good shape and quality service facilities are available on Saipan, as a matter of sound defense preparedness. The military presence is subtle and there is no apparent involvement in the policies and conduct of the local government. But one has the feeling they are in the background nearby.

The CNMI and American Samoa are entitled to the same federal grants. CNMI enjoy

the convenience of having a federal court on island. Political leaders take their calling with all seriousness. The Commission was very impressed with the professionalism of high government officials and their supporting staff. Education is priority in the government budget allocations. They claim a cultural heritage that is being preserved, although the Commission had no opportunity to see the manifestation of such culture. The people are pleasant and hospitable and there is a small but growing Samoan community.

Advantages and Disadvantages – Comparison with American Samoa

1. The Organic Act and Special Protective Provisions. In their Organic Act (the Covenant), Congress included language which authorizes the CNMI to “restrict acquisition of any lands in the Northern Mariana Islands to persons of Northern Marianas descent.”

This provision has been approved by the U. S. Court of Appeals for the Ninth Circuit (*Warbol v. Villacrusis*, 958 F.2d 1450, 1462 (9th Cir. 1992)). The CNMI has clearly trail-blazed for American Samoa on grounds where we have been most apprehensive to tread. The advantage of having an organic act with protective provisions specially tailored to meet specific needs, as Congress did for the CNMI, is clear. It follows that a similar arrangement can be made for American Samoa, should it wish to seek an organic act passed by Congress. This is the most important finding of the Commission study.

2. U. S. Citizenship. The people of CNMI are proud of their citizenship and their loyalty to the U. S. is unquestioned. While the differences of the status of citizen and that of national are minor, and both are equally treated in federal programs, certain states require U.S. citizenship to hold government jobs and be entitled to certain programs. The CNMI and American Samoa receive equal treatment

in almost all cases from federal grant agencies.

3. Federal court and general federal presence. There is a federal court in Saipan providing convenience and cost saving for residents. The federal government is also represented by other small offices that carry out the usual federal functions -- Social Security, weather, federal investigative offices, and several others. American Samoa has been against the establishment of a federal court on the strength of two arguments:
 - 1) federal intrusion into the Territory, and
 - 2) the possibility of review by federal courts of land and *matai* matters.
4. Government Finance. The CNMI has its own tax law. American Samoa uses a mirror of the federal tax code. The CNMI enjoys the cover over of taxes collected from federal employees in the Commonwealth. American Samoa began collecting this rebate in mid-2006. They are equally entitled to all federal assistance programs. American Samoa is the only territory that receives an annual grant in aid from the U.S. Congress.
5. Defense Presence. The CNMI is located in a part of the world that has become increasingly important in the defense strategies of the United States. While benefits of defense presence is a major contribution to the development of the Commonwealth, the nearness to trouble areas is always a source of concern. While American Samoa does not enjoy the same degree benefits derived from defense spending, it is less anxious about safety concerns.

General Observations

The Commission determined from interviews with leaders, discussions, studies,

and brief tours that on the whole, the people of the Northern Mariana Islands are very pleased with their commonwealth status because it gives them a greater measure of self governance. They are particularly delighted that the special protective provisions for land ownership in their Covenant, have been consistently upheld by the federal courts.

3. THE TERRITORY OF GUAM

Political Status

On August 1, 1950, the U. S. Congress passed an Organic Act to provide a form of government for the Territory of Guam. The terms are sufficiently described above. Guamanians are citizens of the United States.

History

Guam is the major U.S. territory in the northwestern Pacific and possesses one of the most colorful histories of any island in the region. Guam was discovered and settled by people from South East Asia about 3600 years ago. The Spanish navigator Ferdinand Magellan, first to circumnavigate the globe, made his first Pacific stop in Umatac Bay, Guam on March 6, 1521. The Spanish era began then and ended only in 1898 when it sold Guam to the United States for \$20 million, following its defeat in the Spanish-American War. The U. S. Navy administered Guam until December 1941 when a Japanese invasion overpowered a much smaller defense force of U.S. Marines and local residents. In 1944, the United States lead a coalition of Allied forces in the liberation of Guam. Liberation Day, March 30th, is the major holiday in Guam.

The estimated population in 2005 was 168,564, made up of Chamorro - 37%; Filipino - 26.3%; other Pacific Islanders - 11.3%; all others - 1.3%.

Economy

Tourism boomed in the 1980's and 1990's, overshadowing military expenditures.

Defense spending will soon return to its dominant role in the economy. Governor Camacho told the Commission that 9,000 U.S. Marines are being moved from Okinawa to Guam, necessitating increased defense spending in the buildup of infrastructure – roads, schools, health care facilities and housing. The Defense Department plans to expend \$5.2 billion in the next five years. This will lead to an unprecedented economic growth that will require the importation of more immigrant laborers. Guam residents are already troubled by the size of the alien population.

One of the more serious complaints is the loss of trained Guamanians to the States because salaries at home were low. The government has begun a campaign to interest Guamanians with professional skills to return and work in the Territory.

Contentions between the Defense Department and Guam over land is historical. Guamanians maintain that large tracts of land held by the military rightfully belong to them and should be given back.

Political Concerns

The political status of Guam has been a cause of local controversy throughout their years as an organized territory. Most people seem to want to change some part of the Act. The loudest complaint is that the status of U.S. citizen is meaningless because they cannot vote for the President of the United States. Four of the groups actively seeking changes voiced their arguments before the Commission. Most prominent is the group seeking a *commonwealth* status like that CNMI. Why are they pushing for a commonwealth status? Because it would allow the negotiation of a new organic act between two parties – the U.S. Congress and Guam. They see how their smaller neighbor to their immediate north, a newer member of the U.S. family, is enjoying a larger measure of autonomy. Considering also their crucial position in the defense strategies of the country, they feel unjustly deprived of the benefits of a more equitable union with the United States. Other groups which appeared before the Commission advocated *independence, statehood, and a*

union with Northern Marianas to form a single Commonwealth of the Marianas. Guam is the largest island in the Mariana chain of island. One thing is certain – most people want a modified status where they can have more local autonomy.

The original inhabitants of Guam were Chamorros. A plebiscite on the issue of changing their political status is being held up by the argument that only people of Chamorro descent should vote in a determination of Guam’s political status. Chamorros today make up one-third of the population. At the polls, they are outnumbered by recent immigrants. The challenge of maintaining their identity and a majority in their own country is very serious, and many Chamorro-Guamanians are vocal about the issue.

Guam’s legislature is unicameral and appears to be working effectively in the at-large voting system. Legislative costs have dropped from \$7 million to \$3.5 million during the tenure of the current Speaker and his party. Local politics are organized along party lines.

Advantages and Disadvantages

1. Organic Act. The one feature of an organized territory that sets Guam apart from American Samoa is the possession of U.S. citizenship. Many Guamanians complain that their citizenship is meaningless because they cannot vote for the President. Another major complaint is the difficulty in making changes in local self-government, because amendments to their Organic Act require Acts of Congress and the process is often forbidding. Unlike American Samoa, Guam does not have a Constitution. The local government is operated under the Organic Act.

It is difficult for the Commission to recommend an organic act for American Samoa when the majority of Guamanians are seeking

an alternative status.

The traditional American Samoa arguments against becoming an *organized* territory are well known. Recent information regarding federal court decisions supportive of the special protective provisions in the CNMI Covenant, and that territories are able to negotiate their status with Congress may in time change Samoan attitudes toward an organic act.

2. Economy. There can be no meaningful comparison between the economic situation of Guam and American Samoa, because of the sizable military contribution to Guam's economy, and the fact of its proximity to tourist markets of Japan, China, South Korea, Taiwan, and the growing affluent countries of South East Asia.

General Observations

From all outward appearances, Guam is well governed and the delivery of public services is not adversely impacted by its organized status. The Commission had the opportunity to tour the island and was impressed with the standard of living of the people. Recently, they had just completed a general election where the governor was reelected. Large infusions of military funds have begun and will reach over \$5.2 billion in the next five years. Priority will be on housing, roads, schools, health care facilities. In light of all their benefits and high standard of living, it would be interesting to see how the campaign for a change in political status turns out.

4. THE AMERICAN INDIANS

The Indians are the original native Americans. Each Indian tribe has its own treaty or treaties with the United States where rights, privileges, and responsibilities are provided and delineated. Through the years, both the U.S. Congress and the Supreme Court have come down in support of special treatment for Indians. This was clear in the Supreme Court opinion in *Morton v. Mancari*, where the court upheld a federal policy giving preference to Indians in employment in Indian reservations, claiming this was “fulfillment of Congress’ unique obligations to the Indians...” The court ruled this was “residential” not “race” preference. But a degree of Indian blood was necessary to be able to reside in the reservation in the first place. One of our consultants feels the court “feared that if the law was declared unconstitutional then many laws derived from this historical relationships and explicitly designed to help only Indians, were deemed invidious racial discrimination, an entire Title of the United States Code (25 U.S.C.) would be effectively erased. . .” (Leibowitz, 2006, 13).

The Commission decided that American Samoa should study more closely the special treatment of Indians by Congress and the federal courts. The possible application of “special constitutional considerations” for minorities or native groups within the U.S. is always of great interest to American Samoa.

5. THE HAWAIIAN NATION

Professor John Van Dyke, Commission consultant and also legal counsel to the Office of Hawaiian Affairs (OHA), arranged a Commission session with the Chairman and the Board. It was a most worthwhile session. The Hawaiians are in pursuance of

special treatment under the Constitution of the United States. American Samoa aspires for similar treatment by the Congress and federal courts.

The widely publicized Akaka Bill failed to pass the Senate in early 2006 by a very narrow margin. But not before it attracted a great deal of national interest in the efforts of descendants of the original Hawaiians to create a special entity for themselves within the State of Hawaii. The Hawaiians have been to court over one facet or another of this complicated issue for a number of years. The failure of the Akaka Bill was a setback but the closeness of the vote indicated there will be a renewed effort.

In 2000, the Supreme Court in *Rice v. Cayetano* struck down the race-based voting qualifications for nine trustees chosen to administer the Office of Hawaiian Affairs (OHA). The court said race-based qualifications was unconstitutional. This was difficult to fathom in the light of considerations granted to Indians in *Morton v. Mancari*.

On December 5th 2006, the Ninth Circuit Court of Appeals issued a majority opinion which upheld the Hawaiian blood-based admittance policy of the Kamehameha School. "While the Ninth U.S. Circuit Court of Appeals majority opinion is written to apply only to the school's educational programs, the decision marks a turning point in the series of legal woes set off by the U. S. Supreme Court's ruling in the *Rice v. Cayetano* ..." (The Honolulu Advertiser, Dec. 5, 2006, 1). Circuit Judge Susan Graber in her majority opinion included language that recognized the special relationship between the federal government and Native Hawaiians. In a concurring opinion, Circuit Judge William Fletcher went a step further by saying that the "Kamehameha admission policy doesn't violate federal civil rights laws since Native Hawaiians aren't merely *racial classification* but also are a *political classification*" (The Honolulu Advertiser, Dec. 5, 2006).

These seeming contradictions in the rulings of the federal courts raise a concern about protective provision in American Samoa's Constitution, suggesting the need for constant monitoring.

6. THE INDEPENDENT STATE OF SAMOA

Samoa became independent in 1962. The new nation is founded on the trinity of principles – Christianity (Faavae Samoa i le Atua), Democracy, and the Samoan culture. After more than 40 years, it has manifested a growth that has become a model for many small countries. In the Commission’s view, the success emanates from an unswerving dedication to its founding principles and reliance on modern education. Even before independence, the need for well educated leaders and public servants was recognized. In his keynote speech at the celebration of the Samoa College Golden Jubilee, Deputy Prime Minister Misa Telefoni Retzlaff said, “When Samoa College was opened in 1953 it was a critical part of an overall strategy by Government to prepare the people of Samoa for political independence. Education was recognized as pivotal to the development of great leaders and skilful people to take over the reigns of government from colonial administrators.” The United Nation’s response to a plea for self-government was “Education before Independence” (Retzlaf, T., 2003). The words of the Honorable Misa echoed the often quoted sentiments of Tama-a-Aiga Tamasese Meaole at the first flag raising, “Tupulaga o Samoa, o le Malo leni na faavae i o matou loto, ae faamoemoe e faamautu i lo outou potu.” (Youth of Samoa, this nation was founded upon the strength of our will and place our hopes for its growth in your educated minds).

The Commission was impressed with the result of the “education first” policy. The two most noticeable characteristics of the Samoan independence are the fierce pride of country and the high standard of professionalism and dedication of its leaders and public servants.

Prime Minister Tuilaepa Malielegaoi Sailele assembled his Cabinet and the chief executive officers to meet with the Commission, with himself taking the lead in providing a detailed description of the functions and programs of government. The Commission

saw a picture of a small country with minimal resources but with large ambitions and far vision.

Foreign aid from major nations finance the infrastructure and the construction of major facilities. These activities generate other projects of development. For example, the new sports complex at Faleata has a world-class aquatic facility financed and built by China. The facility has begun to attract international competitions – boosting tourism. The construction of a major resort hotel at the Mulifanua Beach testifies to the confidence in the future growth of tourism. In a matter of a few years, Samoa has moved out of the “poorest countries of the world” category, and has built a reputation as an emerging country with a stable economy. The growth of small industries in agriculture, aquaculture, fishing, and manufacturing, in types and sizes that are within the ability of locals to start with the aid of local financing, attest to a well designed plan of economic diversification. These small businesses contribute to the growth of exports and also of internal commercial activities. The people seem pleased with the delivery of public services - roads, schools, health care, communications, and others.

Advantages and Disadvantages – Comparison with American Samoa

1. Independence. The primary advantage of *independence* is the unrestricted observance of the *faaSamoa* in governance and in daily lives of the people. Samoa has the ability to make any law it chooses to protect, preserve and promote the Samoan culture, consistent with their regard for Christian values and democratic principles. American Samoa, on the other hand, cannot be in conflict with the Constitution of the United States and standing decisions of the Courts.
2. Foreign assistance. Samoa’s major projects of infrastructure are mostly financed with loans and grants from foreign countries and international organizations. Low repayment rates allow the

multiplier effect of foreign dollars to generate further economic growth in the country, and direct the bulk of the nation's own internally generated revenues to improving services to the people. American Samoa, as a territory of the United States, is not allowed to seek assistance from foreign nations. In fact, as was demonstrated in the recent denial of its application for observer status at the Forum of Pacific Nations, the State Department does not support territorial mingling with foreign countries.

3. Pride of Nationality. Samoans are extremely proud of their status as citizens of an independent country. American Samoans share their loyalty between two entities – America and Samoa. The ease of movement between the Territory and the States has led to a status of *faaaigalua* (two families) among many American Samoans, that has created a kind of transitory society.
4. Education. Education was important at the founding of the new nation and it still is. Samoans appear determined to push the education of its people to the maximum, on the premise that an educated population will always find ways to resolve problems and move forward.

To the bottom line question of whether the people are happy – the answer is affirmative.

PART III - PUBLIC OPINION AND PREFERENCES

A political status can be successful only if understood, appreciated and favored by the governed. On that premise, the Commission took the question to the people. First, publicity and public education were necessary. Television was selected as the most effective media. Programs were designed to make clear the purposes of the law, including the meaning of alternative status studied and their advantages and disadvantages. Literature was printed and circulated. As it soon became obvious, the public awareness programs were well worth the effort.

Off-island Study-Research Tour

More American Samoans live on the U. S. mainland and the State of Hawaii than on Tutuila, Aunu'u, and the Manua islands. There were 91,376 Samoans living in the United States according to the US Bureau of Census in 2000. California has 37,498 Samoans or 41%. While Hawaii has 16,166 Samoans or 18%.

The Commission decided to seek the input of this large group for the following reasons:

1. American Samoans who reside off-island are still American Samoans. Their original home is in Samoa. Hawaii and the mainland are second homes where they stay while educating their children, work at better jobs, or to simply spend time visiting children or relatives. The off-island Samoans have a vital interest in what goes on at home and feel strongly about their right to be involved.
2. American Samoans have taken their traditions and treasures of heritage to their second homes, including their religiousness. Samoan churches off-island continue the pattern of close ties and formal association with mother churches in Samoa and maintain an atmosphere of

Samoan worship.

3. Many families have lived off-island so long that they have second and third generations. Many are well educated and skilled.
4. The thinking of many local residents on public issues is influenced by family members living off-island.
5. Some *matais* of rank live off-island and visit home only on occasions.

For all these reasons and more, the Commission felt obligated to seek out their views, give them the feeling of inclusion, and in the process develop a report that reflected the thinking of all American Samoans.

The following hearing sites were selected: San Diego (with a side visit to the Barona Indian Reservation), Oceanside, Los Angeles, San Francisco, Tacoma, Seattle, Laie (council of chiefs), Honolulu, and the Kuhio-Kalihi Association of Senior Citizens. Sufficient mention of the details of the visits have been publicized that no further elaboration is necessary here. A summary of their views and the Commission's observations follows:

1. American Samoans residing off-island are overwhelmingly in favor of remaining a territory of the United States;
2. Samoans off-island want to be assured that the culture of Samoa -- customs, matai system, and the Samoan language -- will not be adversely impacted by a change in political status. This pride in their "Samoanness" was strong even with the second and third generations.
3. Citizenship. There is uncertainty and confusion as to the process of naturalization and the importance of being U.S. citizens. Some asked for a bill that would make the grant of U. S. citizenship automatic for American Samoans arriving in the U.S. A few felt it was time to seek

the status of U.S. citizenship, as in Guam.

4. Civic Participation. American Samoans in all these major cities have formed associations to maintain contacts and continue to exercise and promote customs, to help each other, and attract attention and assistance of state and federal governments. The leaders are young and active and very proud of their heritage. Their efforts are recognized by city and state authorities, a testimony to their aggressive leadership.
5. They recognized the historical significance of the Commission's mission and were deeply appreciative of being included.

Other views expressed were directed at constitutional issues or matters of government administration. They will be included in the proper sections of this report.

On-Island Study Hearings

A number of public hearings were held on island. Special hearings were organized for the traditional leaders and the local government under the auspices of the Office of Samoan Affairs. Members of the legal profession appeared as a group. A hearing was also held especially for *fai'feaus*. [See Appendices for complete listing.]

PART IV - RECOMMENDATIONS

Introduction

Commission Recommendations are presented in six sections:

- (A) Main Recommendation;
- (B) Urgent Supporting Recommendations;
- (C) Recommendations for Constitutional Review;
- (D) Issues of Public Concern – Social Issues;

- (E) Issues for Negotiations with the Department of the Interior;
- (F) Recommendations for Negotiations with the U.S. Congress.

Recommendations on two other issues assigned for Commission study – the Deeds of Cession and Swains Island - are presented as part of the discussion of those issues.

Two Final Points of Introduction

1. To produce its recommendations, the Commission compiled, reviewed, and considered all the information gathered in studies and researches, staff presentations, testimonies, reports by government agencies, and public views. Information learned from study tours of areas outside American Samoa was useful in framing these recommendations. Some recommendations might have been better addressed directly to the attention of the ASG administration. They are included in this Report because they were raised in public hearings and indicate how the people feel about the effectiveness of government under the present political status.
2. In forming their recommendations, the Commission recognized the value of public views, in the belief that for any political status to succeed, it should be appreciated and favored by those who will be governed thereby. The Samoan public, from leaders to the rank and file, both on and off-island, overwhelmingly emphasized two major points:
 - (a) American Samoa must remain part of the American family of states and territories;
 - (b) be certain that a chosen status will not adversely affect customs and culture, and the perpetuation of the Samoan language.

A. MAIN RECOMMENDATION

- 1. American Samoa shall continue as unorganized and unincorporated territory and that a process of negotiation with the U.S. Congress for a permanent political status be initiated.**

Points:

- (i.) A specially tailored Act of Congress is needed to reaffirm the special protective provisions for lands and titles in the Constitution of American Samoa.
- (ii.) Such an Act may be passed without changing the present political status.
- (iii.) Federal courts have upheld similar special protections provision in the congressionally approved Covenant of CNMI.

B. SUPPORTING RECOMMENDATIONS - URGENT

The Commission found the political status to be basically sound. However, American Samoa must make improvements and take corrective actions immediately to preserve opportunities for present and future generations.

1. Immigration

Background and Policies

American Samoa is not included in the definition of the United States for U. S. immigration law purposes (8 USC 1101(a)(38)). The governing statutes are provided in Sections 41.0202 et seq. of the American Samoa Code Annotated.

There is an immigration crisis in American Samoa today. Its beginning can be traced to the start of the canning operations in 1954 by the Van Camp Sea Food Company, and Starkist Samoa in 1962. Labor shortage was critical to the success of the canneries and Western Samoans were encouraged to come to work there. Cannery success spawned ancillary businesses. Congress appropriated more federal monies and construction projects called for more workers. The exodus initiated by the Navy departure in 1951 continued taking away many employable young adults. It also became clear that many young adults did not wish to work in the canneries. American Samoa's population was only about 20,000. A kind of open door immigration policy emerged to attract the needed manpower. By 1970, cannery employment had reached nearly 4,000, seventy-five percent were citizens of (Western) Samoa. (By the year 2000, cannery employment was more than 5,200.) Policy planners and lawmakers knew and accepted this heavy presence of Western Samoans and Tongans because it was critical to the success of both the canneries and the construction industry. There were groans about the growing number of aliens, but we had to have them in order to realize the opportunities in economic development.

Today's dilemma is different. The public is concerned about the presence of large numbers of foreigners from Asia and the Philippines. Immigration officials say the quota system is being followed with diligence. But the public is still worried. They suspect aliens are finding ways to enter and reside illegally. Some have escaped official notice for years. (In Samoa, the public always knows and the *uaealesi mosooi* is usually right.) The law allows businesses to sponsor skilled workers if none can be found here. That seems to be the loophole in the law.

Additional Findings

- (i) There is severe pressure on land.
- (ii) Cost of government services has increased.
People assistance services are overloaded.
- (iii) Aliens have a firm hold on business opportunities and skilled jobs.
- (iv) Some of the most serious crimes which have brought shame to the Territory were committed by aliens.
- (v) While some are married to Samoans and live as Samoans, most aliens live outside the Samoan system.
- (vi) All children of aliens born in American Samoa are “U.S. Nationals” which status entitles them to everything including the right to be governor.

The threat of being overwhelmed – loss of identity and loss of future opportunities - has become very unsettling to most American Samoans. In its public study tours, the Commission heard emotional calls for immediate corrective action.

RECOMMENDATION

- 2. The Governor and the legislature are urged to enact laws that further restrict alien entry and residence in the territory, and to place full responsibilities for aliens on their sponsors.
- 3. The Government and the Legislature are urged to consider elevating the Office of Immigration to Cabinet level.

2. Cultural Preservation

Coordination of Efforts

The *unorganized* and *unincorporated* status is favored by the majority of American Samoans for two main reasons:

- 1) continuation as a part of the United States, and
- 2) the freedom to live by our culture.

The twin pillars of our political status are, therefore: association with the United States; and continuation of the Samoan culture. The Commission is concerned about the firmness of the foundation of the recommended status [See “Oneone pe Papa?” in Appendices]. The solidity of the United States and our ties thereto are not questioned. The stability and strength of Samoan customs and way of life is a cause for concern.

There are many programs on cultural education, preservation and promotion, sponsored by government, schools, churches, and private organizations. Governor Togiola recently made a moving presentation before the *Faleula o Fatu'aiupu* on the topic of preserving the Samoan language [See Togiola 2005 speech in Appendices]. There is no lack of interest and concern. But efforts to preserve and promote are fragmented and suffer from lack of coordination. If the situation continues, the Commission fears that our political status will be resting on shifting sand.

RECOMMENDATION

4. ASG must take the lead in bringing together educators, agencies, churches, private and public organizations, federally supported groups and all interested, to consider and forge a plan of cultural education and preservation, establish goals and devise means to coordinate efforts.

Individualization and Restrictive Land Ownership

The communal ownership of land is at the core of the Samoan way of life. The Samoan people must continue to have and to hold their land in communal fashion, however it is threatened mainly by the existence of laws that allow the individualization of family lands. To preserve the core of the Samoan system, individualization of lands must cease. Whatever action is needed to achieve that goal must be made with haste.

Our restrictive policy and laws on acquisition and ownership on the basis of descent are similar to those of the CNMI. Section 805 of the 1975 Covenant between the U.S. and CNMI restricts the acquisition of lands to persons of Northern Mariana descent. This provision has been upheld by the U.S. Court of Appeals for the Ninth Circuit (*Warbol v. Villarcruis*, 958 F.2d 1450 (9th Cir., 1992); cert denied, 506 U.S. 1027 (1992)). The Federal court has recognized on several occasions that the CNMI has a unique political status within the American political community (*Commonwealth of the Northern Marianas Islands v. Atalig*, 723 F. 2d 682 (9th Cir., 1984)). The Commission believes that the federal courts will give American Samoa's land protective laws similar treatment in the event of a challenge. However, as stated in the Main Recommendation, a specially tailored Act of Congress is needed to reaffirm the special protective provisions for lands and titles.

Accordingly, the Commission urges the system – Registrar, Land Commission, and the Governor – to enforce to the maximum the restrictive policies on land acquisition by persons of non-American Samoan descent.

RECOMMENDATION

5. The Governor and the Legislature are urged to review the present laws to cease individualization and alienation of communal lands and to make them stronger.

The Matai System

The Samoan communal way of life is built around the *matai*. For our way of live to continue, it is absolutely necessary to protect and preserve the integrity of the *matai* system. To do that, the present system -- from the selection process to the conduct of *matais* as heads of families, members of village councils, and holders of government posts -- must be reviewed.

The march of time and changes in life style cannot be turned back. American Samoans need to adjust and adapt to be in tune with the times while holding firm to the principles of the *matai* system. *E sui faiga, a e tumau faavae* (ways change, but foundations remain). The number of people in American Samoa living outside of the *matai* system, and the size of the economy under their control continues to grow. That is a clear threat to the system. The greater threat to the continued survival of the *matai* system, however, is the number of young Samoans untrained in and having no appreciation of their own culture.

American Samoa must also concerned about the federal reaction to the continued stability of the *matai* system. If federal courts perceive the culture to be losing its value they may take a different view on the special protective policies. American Samoa needs to show that the *matai* system is still at the core of its way of life, thus, there is a compelling need to protect it.

RECOMMENDATION

6. The Legislature is urged to recognize the critical need to preserve the integrity of the *matai* system and to consider legislation to:
 - (i) place the weight of *matai* selection on the *aiga potopoto*;
 - (ii) enhance the mediation role of the Office of Samoan Affairs;
 - (iii) reaffirm the power of senior *matai* (*Sa'o*) to manage family affairs

including the assignment of communal lands to family members, and the appointment of lesser matais of the family;

- (iv) review guidelines for court evaluation of qualifications of candidates in matai title cases, to put emphasis on “tautua” to the family, and also reconsider the weight placed on the first qualification-blood;
- (v) review the criteria of “usefulness of matai” to place weight on “usefulness to the family”.

Public Education

The Constitution of American Samoa “encourage[s] qualified persons of good character to acquire education, locally and abroad, both general and technical, and thereafter to return to American Samoa to the end that the people thereof may benefit” (Title I, sec. 15). The need recognized by the authors of the Constitution writers fifty years ago is ever more acute today. The goal is not just to educate future potential leaders, but the general public as well. In its recent tour and series of hearings, the Commission clearly understood the need for a good public education system. The task is almost forbidding for as American Samoa tries to catch up, the world keeps forging ahead. The American Samoa Government has done a good job in recent years in the construction of school buildings. The program is trying to keep up with population growth.

SCHOOL ENROLLMENT

| August 2005 to June 2006 Pre-School to Secondary | | |
|--|---------------|------------|
| Total | 19,236 | 100% |
| Public Schools | 16,154 | 84% |
| Private Schools | 3,082 | 16% |

The Commission saw the beginning of a program to upgrade local school teachers to the level of stateside certification. The Commission had the opportunity to interview Dr. Lui Tuitele, former Director of Education, and his replacement, Dr. Claire Poumele.

RECOMMENDATIONS

The Governor is urged to:

7. Revive the Board of Education and appoint members from diverse sectors of the community, and require the Board and Director to submit an annual report on the state of education in the Territory.
8. Accelerate the teacher certification program, provide more teacher scholarships, and reclassify teacher salaries.
9. Review the constitutional requirement for investment in professional and technical training.

The Economy

The Director of the Department of Commerce presented a picture of the economic conditions of the Territory [See Appendices]. The Commission heard from Hon. Papalii Cohen, Director of Territories, on the initiative to attract businesses. The Commission is also aware of Governor Togiola's active pursuance of opportunities nationally, internationally, and in concert with other entities in the region.

The 1984 Economic Development and Environmental Management Plan for Manua islands began with the statement, ". . . it is apparent that economic development for Manua islands has seen very little progress. The same development obstacles exist and the documented recommendations have not advanced an inch." That is the story of all economic plans of the past causing local residents to lose interest and faith in economic plans.

Governor Togiola's diversification approach, in the Commission's view, is a move in the right direction. The Commission saw the success of economic diversification in Samoa. Except for the Yasaki assembly plant, Samoa has no huge labor intensive industries like the canneries of American Samoa. Instead it has a program to develop small businesses which can be started and managed, and financed locally. Examples are the raising and exportation of 'ava, nonu, coconut products, export of Samoan hardwood, daily fish catches, coconut jams, banana and taro chips, crushed cocoa, quality handicrafts, and a variety of tourist related small businesses. Samoa is clearly on the verge of an economic boom, due in large part to the creative spirit, the aggressive nature of small business people, and the pragmatic attitude of government.

The spirit of entrepreneurship in American Samoa is demonstrated by the current restoration of the Rainmaker Hotel (Sadies by the Sea), the growth of Blue Sky Telecommunications, and the beginning of the newly owned private television station (Malama TV).

Samoa has become a tourist destination -- the goal of all tourism planners. This is a direct result of hands-on involvement of government in the various steps of planning and development of the entire industry. American Samoa can benefit as an extension of the Samoa destination.

RECOMMENDATIONS

10. ASG maintain its "diversification" as a viable route to local economic development, and bring together representatives of the public, the American Samoa Development Bank, and the business community, to formulate development plans.
11. The American Samoa Development Bank must put greater

emphasis on its original mission and investing more of its time and resources in the development of local businesses.

12. Consider a new strategy in tourism to align with Samoa and other areas in the region.

C. CONSTITUTIONAL ISSUES

The Preamble to P.L. 29-6 states that an upcoming review of the American Samoa Constitution awaits the submission of this Report. For that reason, the Commission accepted and recorded Constitutional issues raised during its studies and hearings. While these issues may have little or no direct relation to the political status, they were publicly raised and may be used to gauge the degree of satisfaction with the current political status.

Calls for changes in the legislative branch was the leading topic of public expressions. While the Commission is not offering recommendations on certain topics, they are included here for the information of the Constitution Review Committee.

1. Legislative Reapportionment

Constitutionality of Present Senate Selections

The question of the constitutionality of the Senate as the *matais* only chamber has been a point of continuing public debate. What if a challenge is made in the federal courts and Congress? The *matai* system and land ownership by ancestry are the most important questions in the view of an overwhelming majority of American Samoans. The legal consultants retained by the Commission researched the issues and provides the most recent outlook on what might be the federal view. Their studies give American

Samoa assurance that special provisions protecting the *faaSamoa* can withstand possible legal challenges.

RECOMMENDATION

13. The Commission recommends that the Constitution Review Committee take note and make use of the researches prepared for this Commission on political status and constitutional issues, and to recognize these researches as the most current.

Senate Seats

Strong presentations were made by Manu'a leadership for the return of the two Senate seats to the district of Manua and equalization of District representation in the Senate. Following is a brief review of facts and history.

The 1960 Constitution allotted Senate seats on the basis of traditional counties thereby giving each District five seats. It was the continuation of the arrangement agreed to by Tutuila and Manua in a general review and reshaping of the Legislature in 1953.

In the Review of 1966-67, the Supreme Court ruling of "one man one vote" in the case of *Reynolds v. Simms* (377 USC 533 (1964)) was applied to the local Senate on the advice advanced by Judge Morrow, the convention advisor, that to ignore the "one man one vote" ruling would open the American Samoa constitution to a finding of unconstitutionality by the federal courts. The Manu'a delegation objected strongly arguing that if constitutionality was a concern, then the race-based land protection, and the *matais* only Senate were equally problematic. The arguments failed and the Manua delegation walked out. The change was approved. Eighteen senatorial districts were drawn based on population: Manua, 3; West, 6; East, 9.

Manua has been complaining because each of Tutuila's traditional counties received at least one seat. The larger counties of Sua and Tualauta each received two, while Maoputasi received three. Population growth and shifts have made the 40-year old seat allocation even more unfair as Ituau and Tualauta counties outgrew everyone's expectation. Manua District is the only district calling for a return to the original arrangement of five seats per District.

RECOMMENDATION

14. The Constitution Review Committee is urged to consider the Manu'a call for a return to the five Senate seats per District allocation.

Matai Only Requirement

Article II, Sec. 3 of the Revised Constitution requires that a Senator "be the registered *matai* of a Samoan family who fulfills his obligations as required by Samoan custom in the county from which he is elected." The provision was devised to allow the traditional Samoan "*tofa* and *faautaga*" in the lawmaking process. From time to time, calls for election of the Senators are heard, growing louder with each report of a dispute or confusion in the county selections. Some disputes have been decided in court, others by a vote of the Senate itself under the provision that "each house of the legislature shall be the judge of the elections, returns, and qualifications of its own members and shall chose its officers" (AS Con., Art II, sec. 2).

The record of disputes is long. Some have brought out the worst in the *matai* system. At such times, the general public asks whether the matais should continue to have this special privilege in the lawmaking process if they do not possess the *tofa* and *faautaga* to solve their differences. Every aspect of the Senate selection process has been the cause of

a dispute: the call, performance of *monotaga* in the village and county, registration of title, legitimacy of membership in the council, the decision making process of council, rank of candidates, and the truthfulness of the County Chief's report. The involvement of the Office of Samoan Affairs in the process is not required in either the Constitution or the Code. The Commission firmly believes that the matais only Senate should continue and the selection should be on the basis of leading *matais*.

RECOMMENDATION

15. The Constitution Review Committee should focus on the causes of disputes, evaluate, and make necessary adjustments in the Senate selection process.
16. The Commission recommends that the Constitution Review Committee consider the advisability of requiring that Senators be leading matais.

House of Representatives Reapportionment

The present apportionment of seats was set in the Revised Constitution of 1967. The one man one vote ruling was applied replacing the old one seat per traditional county system. The Review Committee attempted to equalize the number of votes per seats using 300 voters per seat as a guideline, but making sure that each traditional county received a seat. Effort was made to place the seats within traditional divisions of counties. Where the Review Committee was unable to identify natural or traditional divisions within large counties, as in Ituau and Tualauta, two seats were allocated to the county as a whole. Where natural or traditional divisions were identifiable, as in counties of Sua and Maoputasi, the committee assigned seats on the basis of such divisions. The new counties were styled for purposes of identifying seats, as Representative Districts. To accommodate possible

future population growth and shifts, a provision for reapportionment in five years was inserted (AS Con., Art. II, Sec. 2). No reapportionment has ever taken place.

The gulf of inequality continues to widen. For example, in the recent election 1078 voters in representative county No. 9 which is the main village of Pago Pago, elected one member. The neighboring representative district of Atuu and Leloaloa with a total of 368 voters also elected one member. The same disparity exists in the case of Fofu, Dist. No. 13 with 1183 voters, yet has only one seat. Tualauta, Both Dist. No. 15, with 2603 voters; and Ituau, Dist. No. 12, with 1944 voters have two seat each.

RECOMMENDATION

17. The Constitution Review Committee is urged to carry out a reapportionment of seats in the House of Representatives as required by the Constitution and in accordance with the latest population statistics.

A Unicameral Legislature

The Commission viewed the proposal for a Unicameral or Single House Legislature and decided against recommending it. Samoa's parliament is unicameral. The Territories of Guam and Virgin Island, and the state of Nebraska, have unicameral legislatures. The majority of Commissioners feel the idea should be further studied and that a change of the present system is not necessary.

The advantages and disadvantages of the present two-house legislature are well known. It has been in place since the Fono was founded in 1948, and it follows the two-house style of the U.S. Congress, and resembles the British two-chamber House of Lords and House of Commons.

In Guam, the Commission learned the features of the unicameral legislature in its discussions with the Speaker. In Apia, the Speaker, Vice Speaker, and the Clerk of the Samoa General Assembly discussed in detail the workings of a unicameral legislature.

Advantages

- lower cost per capita [Guam has a 15 member Senate for a total population of nearly 160,000. Samoa has 47 members of Parliament for a population of about 180,000. American Samoa has 38 legislators for a total population of 60,000.]
- simplifies procedures leading to fast resolution of issues
- eliminates constant contentions between houses
- allows higher compensation for members, and the hiring of personal staffs
- carries more power in the game of checks and balances

Disadvantages

- a shortened legislative procedure allows less opportunity to study, understand, and address issues
- fewer people have opportunity to become legislators
- concentration of power in fewer people

D. PUBLIC CONCERNS

1. United Nations and the Colony Designation

RECOMMENDATION

18. The Commission has determined that American Samoa's designation by the United Nations as a non-self governing territory is inconsequential in determining any future political status, and recommends that the Territory move forward irregardless of the U.N. designation.

2. Public Education on Political Status

The Commission discovered during its recent study the need to increase public awareness of political status and related issues. And inasmuch as the final decision on a political status rests with the people, it is imperative that they be well informed.

RECOMMENDATION

19. The Commission recommends that the American Samoa Government develop a public awareness program on the political status of the territory.

E. SUPPORTING RECOMMENDATIONS THAT REQUIRE NEGOTIATIONS WITH THE DEPARTMENT OF INTERIOR

DOI received its authority to administer the Territory by Executive Order of the President (Executive Order No. 10264, June 29, 1951, 16 F. R. 6419). That authority is not in question. American Samoa's right to self-government is not in question either. It has consistently declared its determination for self-government within the American family of States and Territories. In 1960, DOI authorized the people of American Samoa to write a Constitution which the Secretary promulgated. But the continuing hold of the DOI Secretary on a number of important aspects of the Territory's political system is delaying a full exercise of self government in the American spirit of democracy.

In 1983, Congress passed a bill requiring congressional approval of all amendments to the Constitution of American Samoa (Act of Dec. 8, 1983, P.L. 98-213). That act removed the possibility of unilateral amendment by the Secretary of Interior. Recently, Congressman Faleomavaega announced his plans to introduce a bill to repeal the 1983 law. If passed,

the amendment procedure of the Constitution of American Samoa would revert to that provided in Title V, Section 3, Amendments. In that procedure, amendments are proposed in the Legislature and upon approval by the voters, are submitted to the Secretary for a final decision. The possibility of his initiating and approving an amendment, without the approval of local voters, would exist once again.

The 1983 law addresses amendments only. But the Secretary, arguably could still abrogate the entire document with one strike of his pen. While no such threat has been made since his first promulgation in 1960 and again of the Revised Constitution in 1967, and nor is there one anticipated, the possibility remains unsettling.

Congressman Faleomavaega advocates that the amendment authority is best left with the Secretary. In his view, that would avoid congressional notice of American Samoa's special protective provisions in its constitution.

The argument remains that since the Secretary promulgated the Constitution of American Samoa, he also has the power to annul it. Other authorities say that abrogating the Constitution means abolishing a government recognized by Congress, the federal courts, and everyone else for 50 years, and no Secretary would do that.

Given the foregoing discussion and concerns related above on the issue of special protections land tenure and *matai* system, recognizing the Department of Interior's administrative authority over the Territory, and the plenary powers of Congress over the Territory, the Commission feels obliged to offer the following recommendation.

RECOMMENDATION

20. American Samoa must seek the assistance and support of DOI to engage the US Congress in a dialogue concerning passage of special protective legislation on land tenure and the *matai* system.

Review of Court Decisions of the High Court of American Samoa

The Constitution of American Samoa gives the Secretary of the Interior the authority to appoint the Chief Justice and Associate Justices of the High Court of American Samoa (AS Con, Art. IV, Sec. 3). The Appellate Court of American Samoa includes two justices appointed by the Secretary from other jurisdictions. There is no provision in the Constitution authorizing the Secretary to review, approve, or overturn decisions of the High Court of American Samoa.

When Gov. Peter Coleman challenged the propriety of the decision of the High Court in denying him the opportunity to run for a third term, he asked the Secretary to overrule the High Court. While the local decision was allowed to stand, the DOI issued a statement which declared for the record the total power of the Secretary over American Samoa:

“... The Secretary determined that the High Court had made its decision only after all parties had fair opportunity to present both written and oral arguments to the High Court. While the Secretary is authorized to intervene, he concluded the process had been fair and hence there was no reason for his intervention” (Emphasis supplied) (Dept. of the Interior, News Release, Oct. 1, 1984).

In 1987, the LDS Church asked Secretary Hodel to overrule the local High Court (*Corp of the Presiding Bishop of the Latter Day Saints (LDS) v. Hodel*). In a letter to the church’s legal representative Wilford Kirton, Jr., the Secretary said,

“... Pursuant to 48 U.S.C. sec. 1661(c) and Presidential Executive Order No. 10264, the Secretary of the Interior (“Secretary”) exercises “all civil, judicial, and military powers of government in American Samoa.” Therefore, it is within the authority of the Secretary to review the decision and determine whether to intervene. . .

. . .For these reasons, I choose not to intervene. . . .”

It is clear from above citations that the Secretary continues to hold complete

authority, and will intervene or not intervene, as he chooses.

The issue here is in the authority and role the Secretary plays in reviewing the work and decisions of jurists. It is unheard of for a judicial decision to be subject to or overturned by administrative review. The Secretary is not a judge and may not even be a lawyer. The people he sends to check local court decisions and advise him on possible overturns are usually staff members of the Office of Territories and International Affairs. There are no established and announced rules for Secretarial reviews. By accepting requests for review, the Secretary has opened himself to anyone wanting to challenge.

RECOMMENDATION

21. Engage DOI in negotiations to allow decisions of the High Court of American Samoa to stand final.

The Territory and the Federal Court System

The subject of establishing a federal court in the Territory was reviewed by the Commission. On July 19, 2006 Congressman Faleomavaega and other members of Congress asked the General Accounting Office (GAO) to conduct a comprehensive review of the judiciary system of American Samoa. [See Appendices.] The Commission feels that the best course of action at this time is to await the results of the GAO study.

The Legislative Override Process

Article II, Section 9 of the Constitution of American Samoa provides that a bill re-passed over the Governor's veto and again disapproved by him, shall be sent to the Secretary of the Interior with the Governor's comments. "If the Secretary of the Interior approves it within 90 days after its receipt by him, it shall become a law; otherwise it shall not."

The Legislature argues that this provision may have been a sound policy at the early stages of local legislative experience. After 60 years, it has certainly come of age and is sufficiently experienced and matured to handle all local legislation, not in conflict with federal laws. Every Territorial legislature presently enjoys that part of the democratic political system. Why not American Samoa? To allow the American Samoa Legislature the power to override is a step toward balance the power among the three branches of government, and a step forward in the march towards true self-government.

RECOMMENDATION

22. Negotiate with DOI to allow the Fono's veto-override to stand final.

F. ISSUES FOR NEGOTIATIONS WITH CONGRESS

The Commission is aware that only the U.S. Congress has power in matters of nationality, and that the Delegate is the voice of American Samoa in the U. S. Congress. By copy of this Report, the Commission brings these recommendations to his attention. By law, this Report, must be submitted to the Legislature and the Governor, and to those authorities, together with the Delegate to Congress, we leave the disposition of these issues.

U. S. Nationality

Everyone born in American Samoa is a U.S. National. This includes children born to non-U.S. Nationals and non-U.S. citizens. There is a growing concern among native American Samoans that too many foreign nationals come to American Samoa and give birth to children who then become U. S. Nationals -- equating them to children of native American Samoans. These new nationals, born of two alien parents, are entitled to participate in the political and social life of the Territory. They can run for office and may

even be governor. If the present trend continues, the children of the native American Samoans may soon become a minority in their own home. The problem cries for an urgent solution.

Parental Birthplace: 2000

| Parental Birthplace | Total | Both parents born in American Samoa | Only one parent born in American Samoa | Neither parent born in American Samoa |
|---------------------|--------|-------------------------------------|--|---------------------------------------|
| | 57,291 | 10,996 | 15,086 | 31,209 |
| | | | | |
| | 100% | 19.3% | 26.3% | 54.4% |

Source:

US Bureau of Census, American Samoa 2000 Census ASG Department of Commerce

Congress needs to be informed about the effects of the present growing situation on limited land and absence of natural resources, and the need to protect the customs and traditions of the Samoa people against the strong assault of foreigners and their cultures. Immediate action is necessary. Congress can pass a bill -- separate and independent of an Organic legislation for American Samoa -- to address the immediate serious problem.

RECOMMENDATION

23. The Commission urges the Delegate to Congress to introduce and diligently pursue passage of a bill that restricts the status of U. S. National to children born in American Samoa of parents whose ancestors were residents of the Territory in 1900 and Swains Island in 1925.

U. S. Citizenship

To become or not to become? This is the question American Samoa has debated for a hundred years. At several points during its association with the United States, a number of proposals were introduced in the Congress to grant citizenship to American Samoans. H. R. 4500 was the last serious effort. It was sponsored by the Department of the Interior in 1948 as it was preparing to assume the administration of this Territory [See Appendices]. The bill polarized the community and led to serious political factionalism. DOI sent an officer to survey the local leaders and feel the pulse of the Territory on the issue (Gray, 1960). His report led to the withdrawal of the bill.

The traditional objections had always been: first, American Samoans would be subjected to federal taxation because all citizens must pay taxes; second, outsiders would buy up all Samoa lands.

We know now that taxes are based on income, not on nationality. Also, we know now that land is sold only by agreement of the owner, and that over 90 percent of land in American Samoa is communally owned and may not be alienated without consent of the entire family. In addition, there is very little land available for sale, and most purchases are made between Samoans themselves. Has such knowledge changed attitudes towards citizenship? Public views expressed to the Commission indicate the anti-citizenship attitude remain strong especially among the elders. One of their fears is that if we become U.S. citizens, the constitutional provisions protecting matai titles and communal lands would be more readily challenged.

American Samoans have a right to “immediate citizenship after establishing domicile in one” of the 50 states. (Van Dyke, 2006, 12). Domicile is established after 90 days of continued residence. “Congress could certainly pass legislation to grant citizenship to the people of American Samoa, in an isolated statute, (or) as a part of a more comprehensive organic act regulating affairs with American Samoa, or pursuant to

a negotiated agreement revising and clarifying the status of American Samoa within the U. S. political community” (Van Dyke, 2006, 13).

In hearings on the mainland, off-island Samoans asked that ASG negotiate an arrangement where they can receive special consideration in their efforts to be naturalized because they are already U.S. Nationals. Some recommended that American Samoa change to a political status which guarantees U.S. citizenship. For while the margin of difference between citizenship and national is minor, there are cases where States and municipalities require U.S. citizenship to qualify for certain programs.

A special provision was approved by the U. S. Congress in Section 302 of the CNMI Covenant, which allowed the choice of becoming a U. S. citizen or remaining a U. S. National. The allowance was made mostly to meet the wishes of a small number of older residents of CNMI who felt much like their counterparts in American Samoa (Sen. Rep. No. 94-433, 94thth Cong., 1st Sess., p. 71 (1975)).

Can American Samoans become U.S. citizens under its current status as an unorganized and unincorporated territory? Yes.

Residents of our sister territories – Guam and Saipan – are U.S. citizens. Saipanese are happy and proud of their status. On the other hand, many Guamanians complain that they are “second class citizens” because they do not vote for the President of the United States.

U.S. citizenship is still the most precious national status in the world, because of the might of the country to which it belongs. As the world faces terrorism and other challenges, citizenship in the most powerful country in the world can be a most comforting and reassuring thought.

RECOMMENDATION

24. The Commission recommends that American Samoa not seek US citizenship for its people at this time.

PART V - ADDITIONAL TOPICS OF STUDY

Two additional topics were assigned for study by the Commission:

1. Deeds of Cession

Introduction

Section 2.1402 (c) requires the Commission “to determine whether a single document is needed to set forth American Samoa’s political status and relationship with the United States.” The issue was raised by the Delegate to Congress on several occasions. He claims that as of today, American Samoa’s government is not properly established, because there is no legal document that shows an agreement between Tutuila and Manu’a to unite. He recommends a General Assembly of Tutuila and Manua be convened to formally enter into a contract of unity and then to form a new government on the basis of that agreement (Faleomavega, 2006). Local leaders responded. The Fono wants the Commission to study the issue and *determine* if a single document is needed.

History

The full history of events leading to the U. S. takeover of Manua and Tutuila in 1900 is well documented and need no further elaboration. Two events that occurred prior to 1900 should be pointed out as it puts the takeover in a more understanding perspective. In 1872, U. S. Commander Richard Meade made an agreement with Mauga and chiefs

of Tutuila for the use of Pago Pago harbor in exchange for U. S. protection (Meleisea, 1987). In 1873, the chiefs of Tutuila sent a petition through business channels “to annex these our islands to the United States of America.” While denying the offer, President Grant left the door open, possibly in anticipation of changing world situations. Grant wrote in 1874 that it was “. . . his ‘prayer’ that Samoan unity and independence. . . may ever remain inviolable, *except by the general consent of your people* (emphasis supplied)” (Leibowitz, 2006, 2). These notes indicate the U.S. takeover of Tutuila was a surprise. There were previous exchanges with chiefs. In 1878, Le Mamea Maka (The Tattooed Prince) negotiated a Treaty with Washington which confirmed the right of the U.S. to establish a Naval Station in Pago Pago. It bound the U.S. to use its good offices in the event that Samoa should become engaged in a quarrel with a third nation.

The U. S. takeover was authorized under the Berlin Treaty where Tutuila and Manua were not represented. Even before the Tutuila Cession was signed, Capt. Tilley had declared the authority of the U. S. over Tutuila and Manua. His authority came from the President and the Secretary of Navy, a clear indication that the U. S. did not feel the need for any formal cessions to organize a territorial government. In his book, *Amerika Samoa*, Capt. Gray of the U. S. Navy wrote that when Tuimanua refused to attend the first flag raising on Tutuila in April 17, 1900, Capt. Tilley told him, “But. . .whether you come or not, the authority of the United States is already proclaimed over this land” (Gray, 1960, 110).

The U. S. clearly did not need the Cessions to proclaim its rule or form a territorial government. Why then did the U.S. Navy insist on Deeds of Cession? It needed absolution from the forceful taking of these islands. This was a violation of independence and sovereignty -- the very thing Grant in 1874 prayed would not happen. The 1929 Ratification was an act of necessity because in 1925, Swains Island was recognized and added to a Territory whose cessions were still not formally recognized.

Annual Meetings of the chiefs of Tutuila and Manua started in 1905 by authority of the Navy governor until the Fono was established in 1948. The chiefs of Manua and Tutuila held three General Assemblies -- 1945, 1947, and 1948 -- prior to establishment of the Fono (Sunia, 1998). Voters of American Samoa elected their governor for the first time in 1977 and a Delegate to the U. S. Congress in 1980. From the beginning until now, annual allocations are made by the U. S. Congress for *American Samoa*. For purposes of making grants and considering programs, agencies of the federal government treat American Samoa as one unit. In reviewing and ruling on cases involving American Samoa, the federal courts place no significance on the fact that there were two Deeds of Cession (Liebowitz, 2006, 4). It is clear from the above citation of past events, that it is not necessary to write a new document of an agreement between Tutuila and Manua to form one government.

On the suggestion that a new single Deed of Cession be fashioned, a Manua high orator-chief told the Commission, "the Manua Deed of Cession was approved and signed by our King. No one in Manua today or tomorrow has power or authority to change that. The two deeds are parts of one history. Why do we seek to change history?"

When the question was put to the public in hearings, and to leaders who appeared to testify, the overwhelming response was against redoing the historical documents. In his report to the Commission on the issue of the Cessions, consultant Arnold Liebowitz wrote, "From the point of view of status change, therefore, I would conclude the Samoan government can take what action it will under the existing situation. If the action gains both Samoan popular support and the U. S. acceptance, the fact there were once two cessions, which have led to one government, will be of no consequence. Reviewing and attempting to replay the historical process resulting in the U.S.-Samoa relationship, however awkward and, perhaps, questionable it was, seems unnecessary and not likely to yield any benefit."

RECOMMENDATION

25. The Commission has concluded that the two Deeds should remain separate documents; and that a merger of the two is not needed in the event a new political status is decided upon. The two Deeds are part of American Samoa's treasures of history and should remain so.

2. Swains Island

Geography and History

Swains Island is an atoll located about 200 miles north of the island of Tutuila. Total land area is one and a quarter square miles (about 800 acres) with a lagoon in the middle. The lagoon is nearly 40 feet at its deepest point and the water is impotable, useful only for washing. The island's original name was Olohenga (Olosega) and was a part of the Tokelau group. It is about 100 miles from the closest Tokelau island. Swains was discovered in 1606 by a Spanish navigator named Pedro FernandezDe Quiros. An American, Captain W.C. Swains sometime prior to 1840 and believed to have discovered a new island. He informed Commodore Wilkes of the U.S. Navy about the new island and Wilkes confirmed it.

In 1856, an American from New York, Eli Hutchinson Jennings, Sr. acquired the island from a Captain Turnbull. Mr. Jennings and his Samoan wife Mele from Upolu moved to the island and raised a family there. The island remains the private property of his heirs. The island had a coconut plantation which produced copra that was sold in Apia. The copra business was profitable. The islanders also produced high quality handicrafts for the Apia and Pago Pago markets. Mr. Jennings died in 1878.

Claims and counterclaims followed the passing of Mr. Jennings. Great Britain,

the United States, and New Zealand were involved in one way or another. In 1925, Secretary of State Charles Evans Hughes succeeded in having Congress pass legislation (Public Resolution No. 75, 68th Congress), formally placing Swains under the control of the United States, and also making Swains a part of the Territory of American Samoa. In May 1925, Lt. Commander C. D. Edgar, USN from the Tutuila Naval Station raised the U. S. flag on Swains Island.

Since there is no longer a world demand for copra Swains' sole industry has ceased to exist. At present there is no signs of any new economic development by the owners.

The population has fallen from high of 100 to 16 at the end of 2006. Public services are provided and paid for by ASG. The government vessel makes a call to the island about once every three months. The Department of Health maintains a nurse on the island.

Swains is represented in the Legislature by a non-voting delegate whose salary and benefits are comparable to those of regular members. The Commission chooses not to comment on the economic aspects of the island which are the responsibility of the owners.

The residents of Swains Island who were born there are U.S. Nationals. They are entitled to health care, education, and all other public services enjoyed by their fellow nationals who reside on Tutuila and Manu'a. However, the cost of delivering all such services are prohibitive in view of the number of residents to be served.

RECOMMENDATION

26. The Commission recommends that to avail themselves of the public services to which they are entitled, the US Nationals of Swains Island consider relocating to the main islands of American Samoa.
 27. The Commission recommends that the constitutional process for the election of the Swains Island delegate be made more practical.
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Ripoti

a le

Komisi Saili Tulaga Faamalo o Amerika Samoa mo le Lumanai 2006

Tauaao i le Kovana o Amerika Samoa, Fono Faitulafono,
Faamasino Sili ma le Lautele e tusa ma le
T.L. 29-6; T.L. 29-24; T.L. 29-25

Ianuari 2, 2007

Faaaliga:

- (1) Ina ia fesoasoani i le faaliliuga, ua tuuina le faaupuga faaPeretania i totonu o ni puipui () e sosoo tonu ma le faaupuga faaSamoa e faasino i ai. Faatusa: tulafono faavae faateritori (Organic Act).
- (2) O mau e faamaonia ai taofi (citations) o lenei Ripoti, e maua i le itu faaPeretania o le Ripoti.
- (3) E iai nisi taimi e foliga tele ai upu faaSamoa nai lo le faaPeretania, e mafua i le manao ia manino le uiga o se mataupu ua faaliliuina. O nisi foi taimi, ua vaevaeina i faailoga koma ma pesifaasoo nisi fuaiupu, pe faaopoopo fuaiupu, ona o le mana’o ia manino le faitauga faaSamoa.
- (4) E lua faaliliuga o le upu *federal* o loo faaoga iinei. O le *feterale* poo le *malo tele* (federal government). E tutusa uiga.
- (5) E iai upu ua faaali atu lo latou uiga pe a faaliliu, ae faaogā pea lava le upu faaPeretania, ona e umi le faaSamoa. Faatusa: *commonwealth*.

VAEGA MUAMUA - FAATOMUAGA

Faavae. Na faavae le Komiti Suesue Tulaga Faamalo Lumanai o Amerika Samoa 2006 (Komisi) i lalo o le T.L. Nu 29-6, na sainia ia Iuni 20, 2005. O le fenumia’i o le aso e tuuina mai ai le Ripoti Faaiu na toe pasia ai le T.L. 29-24 e faamautu ai le aso e faamuta ai le Komisi ma saunia ai le faatupega. Na sainia ia Aokuso 6, 2006 se isi foi tulafono, T. L. 29-25 e faaopoopo ai aso mo le tuuina mai o le Ripoti Faaiu.

O lona tolu lenei o suesuega e uiga i se tulaga faamalo o Amerika Samoa. Na tofia le uluai komisi ia Iulai 8, 1969 i lalo o le T.L. 11-39. Na tauaao lana ripoti i le Nofoaiga Sefulutasi a le Fono Faitulafono i le 1970. O lona lua o suesuega o se tulaga faamalo na faia i le 1974 e le Ofisa o le Sui Aoao i Uasigitone, D. C. e ala i se talosaga a le Fono Faitulafono o Amerika Samoa ina ia suesue poo ua tatau se tulafono faavae faateritori (organic act) mo Amerika Samoa. O le igoa o lea ripoti o le “Folasaga e Lagolago ai se Tulafono Faavae Faateritori e Tatau ai mo Amerika Samoa.”

Komesina. E tusa ma aiaiga o le T. L. 29-6, sa tofia komesina e toasefulutasi e faapea:

- (a) e le Presetene o le Maota Maualuga – Senatoa Salanoa S. Aumoeualogo, Vaifanua; Senatoa Tuaolo M. Fruean o Maoputasi.
- (e) e le Fofofoga Fetalai o le Maota o Sui – Sui Fofoga Fetalai Savali Talavou Ale o Alataua, ma Faipule Gaoteote Tofau, Vaifanua.
- (i) e le Kovana Sili – Afioga Tufele Liamatua, Kovana Itumalo, Manua Tele; Dr. Minareta Moananu Thompson, Kolisi Tuufaatasi o Amerika Samoa; Lt. Col. Mapu Jamias (U.S. Army, Ret.); ma le Faletua o To’aga Seumalo, Pule o Tamaitai Tausimai.
- (o) e le Faamasino Sili – Afioga Lefiti Atiulagi Pese, Faamasino Lagolago.
- (u) e le Komiti Faafoe o le Kolisi Tuufaatasi o Amerika Samoa – Tofa Fainuulelei Utu, loia.
- (f) e le Sui Aoao i le Konekeresi o le U. S. – Afioga a Senatoa Faiivae A. Galeai.

Aufaigaluega. Na tofia e Kovana Togiola A. Tulafono i le Talaiga Faasalalau Nu. 55-06 sa tuuina mai ia Me 23, 2006, se aufaigaluega e fesoasoani i le Komisi e faapea: Fofō I. F. Sunia, Pule Faatonu; Tapaau Dr. Aga, Faatonu Fesoasoani; Marcellus Talaimalo Uiagalelei, loia fautua, ma Kueni Histake, Failautusi/Pule o le Ofisa; Fiafia D. Sunia, faamaumauga, pu’eleo ma pu’eata.

O le eseese o matātā e tula’i mai ai Komesina na maua ai se aofia tāua na aliali lona aogā ina ua faagasolo galuega a le Komisi. Na aofia i le Komisi faipule e toalima, toalua loia, o le ulua’i lutena kovana palotaina ua avea nei ma kovana itumalo, o se faamasino lagolago, toalua faipisinisi, toafā fitafita sa i taua, tasi se faiaoga o le kolisi e umia se faailoga PhD i suesuega tau le aganuu a Samoa, ma le pule o galuega faatausimai. E toalua komesina tamaitai. Na aofia i le aufaigaluega lē sa faipule i le Konekeresi o le U. S. i tausaga e valu, sa senatoa foi i le Fono Faitulafono i tausaga e

valu, ma o se totino o le ulua'i komisi saili malo (1969); le pule o le Porokalama o le Eleele Foai i le Kolisi Tuufaatasi o Amerika Samoa, ma se loia.

O le misiona. Sa faatonu e le tulafono le Komisi ia:

- (a) suesue tulaga faamalo eseese e avanoa mo Amerika Samoa, suesue ma iloilo itu lelei ma itu faaletonu o tulaga taitasi;
- (e) suesue ma iloilo talaaga ma le atinae o tulaga faamalo e talafeagai ma Amerika Samoa, i totonu ma fafo atu o le puleaga a le Unaitete Setete, ma itu lelei ma itu faaletonu o ia tulaga faamalo taitasi;
- (i) iloilo pe manaomia se tusitusiga se tasi e faatulaga ai le fesootaiga faamalo a Amerika Samoa ma le Unaitete Setete;
- (o) suesue ma iloilo poo le ā le aafia o le tamaoaiga, aganuu, eleele, soifua maloloina, saogalemu ma manaoga tau le soifuaga lautele o Amerika Samoa, i lona tulaga faamalo o loo iai nei;
- (u) iloilo pe tatau ona faia se suesuega faalaua'itele o le motu o Swains.

O loo ta'u i le Faatomuaga o le T.L. 29-6 faapea o loo faatali se iloiloga o le Faavae o Amerika Samoa i le ripoti a lenei Komisi. Ona o lea faaupuga ua faapea ai se finagalo o le Komisi - e tatau la ona ia taga'i toto'a i matapu e aafia ai le Faavae ma ia aafia i ana iloiloga ma lana ripoti.

Faagaioiga, Faasalalauga. Na faia le ulua'i fonotaga i le Potu Fono o le Kovana Sili ia Me 31, 2006. Sa filifilia le Afioga a Tufele Liamatua e fai ma Taitaifono, ma Senatoa Tualo M. Fruean e avea ma Sui Taitaifono. Ina ia silafia e le atunuu ma faatupu le 'ana'ana i le mataupu o le tulaga faamalo o le Teritori, sa taofi le Komisi ia faia se sauniga e tatala aloa'ia ai lana galuega, ma ia faalauiloa e ala i le televise ma nusipepa. Sa faia lea sauniga i le maota fono o le Senate i le aso 5 o Iuni 2006 ma sa faaatasi ai le Afioga i le Kovana Sili, faapea ta'ita'i o le malo ma le atunuu, ma le lautele. Na faaiu i se taumafataga na faia ai lava i le maota talimalo o le Senate.

VAEGA LUA - TA'IALA O LE GALUEGA SUESUE

Sa faatulaga e le Komisi se ta'iala o ana galuega e faatatau i faatonuga ua tuuina mai e le tulafono ina ia ana maua ma fautua se tulaga faamalo e sili ona lelei mo Amerika Samoa i le lumanai. Sa ioe uma komesina, o le tulaga faamalo e sili ona lelei, o se tulaga lea *e mafai ai e tagata ona saili sa'oloto le soifuaga fiafia, a e to'amalie i le lagona o loo malu puipuia o latou sa'olotoga ma aiā tatau faaAmerika ma faaSamoa.*

Sa silafia vave e le Komisi e lautele ma loloto le suesuega e ao ina faia a ua faatapulaa e le taimi, le aofai o le tupe, ma le aofai o le afaigaluega ua tofia mai. E lē gata i lea, a e tofia le komesina ma le afaigaluega ma galuega ma tofiga tāua e lē mafai ona tuu i ni taimi uumi ona o galuega a le Komisi. Sa faia loa le faaiuga ia faatapulaa le suesuega i ni tulaga faamalo e sili ona talafeagai ma e mafai ona faagaioia ai le Malo o Amerika Samoa pe a see i ai, ma e mata e ono talia e le atunuu pe a fautuaina.

Itu muamua: Suesuega o Amerika Samoa

Sa muamua le suesuega o le tulaga faamalo o loo iai nei Amerika Samoa – *e lē i faavaeina i se tulafono faateritori (unorganized), ma e lē i faaofia (unincorporated)* – ma ia iloa e le Komisi poo faapefea le faagaioiga o Amerika Samoa i lalo o lea tulaga faamalo. E tatau ona silafia tutusa e komesina mea moni uma (facts) e aafia i le suesuega, le fesootā'iga o na mea moni ma mataupu ua faatonu mai e le tulafono e iloilo ma suesue, ma malilie tutusa i le faauigaga o upu o le a faaoga i le suesuega. Na ioe uma e faigofie ona fai le faatusatusaga o Amerika Samoa ma isi tulaga faamalo, pe a mautu muamua le malamalamaga i le tulaga o loo iai Amerika Samoa i le taimi nei. E tāua ona tutusa malamalamaga o le komisi i le uiga o faaupuga e lua o loo faamatala ai le tulaga faamalo o Amerika Samoa.

(a) Uiga o le tulaga faamalo:

1. *“Organized”* ma le *“unorganized”*. A ta'u se teritori faapea ua *organized*,

o ia lena ua faavae lona malo i se tulafono faavae faateritori (*organic act*) na pasia e le Konekeresi. E pulea e le Konekeresi vaega taitasi uma o lena tulafono faavae faateritori. E tofua le tulafono faavae faateritori ma ona uiga faapitoa. E lē tutusa uma. O Kuama o se teritori o loo pulea i aiaiga o lona Tulafono Faavae Faateritori na pasia ia Aokuso 1, 1950. O le Commonwealth of the Northern Mariana Islands (Saipani) o loo pulea i lalo o lona tulafono faavae faateritori e ta’u aloaia o le “Feagaiga e Faavae ai le Commonwealth of the Northern Mariana Islands i se Fesootaiga Faamalo ma le Unaiete Setete”, na pasia e le Konekeresi i le 1975. E mafai ona feutaga’i se Teritori ma le Konekeresi i aiaiga o lona tulafono faavae faateritori. A o le faaiuga o mataupu uma ua aofia i lea Tulafono Faavae Faateritori, e faia e le Konekeresi.

O le malosi o le Konekeresi e aiaia ai tulaga faamalo ma leoleo le pulea o teritori o le Unaiete Setete e maua mai le vaega o le Faavae o le Unaiete Setete e ta’u o le “Kolose o Teritori” (Territorial Clause). Fai mai lena kolose:

“O le a i le Konekeresi le malosi e fai ai ma faatino tulafono ma poloaiga tataua uma e faasino i Teritori poo Meatotino a le Unaiete Setete; ma e leai se vaega o le Faavae e mafai ona faauigaina faapea e teena ai soo se Puleaga (Claims) a le Unaiete Setete, poo soo se Setete.”

E tele faamasinoga sa lu’i ma fesiligia ai le malosi o le Konekeresi e pulea teritori. I ia faamasinoga uma, sa faamaonia pea e le Faamasinoga Sili (Supreme Court) i ana iuga le atoatoa o le malosi o le Konekeresi e aiaia ai ma faatino le pulea o teritori o le malo. Na muamua faailoa e le Faamasinoga lana faamaoniga o le atoatoa o le malosi o le Konekeresi i se faamasinoga i le Teritori o Dakota i le 1880. Fai mai le Faamasinoga:

“O teritori uma i lalo o le puleaga a le Unaiete Setete e lē o aofia i totonu o soo se Setete e tataua ona pulea i lalo o le malosi o le Konekeresi. O Teritori ua na o ni vaega o loo salalau solo e aofia i lalo o le pulega a le Unaiete Setete. . . .

. . . . E lē gata ina mafai e le Konekeresi ona soloia tulafono a fono faitulafono o teritori, a e mafai foi e ia lava ona faia tulafono e pulea ai ia faigamalo faalotoifale. . . . I se isi faaupuga, ua ia te ia le malosi atoatoa e faia ai tulafono e pulea ai tagata o i Teritori ma matagaluega uma o malo faateritori. . . .”

I le i'uga o le faamasinoga o le *Murphy vs. Ramsey* i le mataupu o le fai o āvā e lua ma le fai 'autaunonofo, na toe faamaonia atili ai e le Faamasinoga le atoatoa o le malosi o le Konekeresi e pulea ai Teritori. Fai mai le iuga:

“E i tagata o le Unaitē Setete, o i latou e ōna Teritori o le Malo, le pule atoatoa i ia teritori ma tagata o nonofo ai A o le faamamaluina o o ni faigamalo mo Teritori, ma tagata o nonofo ai, o faaiuga uma na e aofia i le malosi faafaitulafono ua tuumau i le Konekeresi; ma e oo atu lena, ma sopo'ia ni finauga uma; i iloiloga faaletulafono, i lea taimi ma lea taimi, o le faatulagaga o le faigamalo i soo se Teritori, ma agavaa o i latou o le a pule ai. . . .”

Sa faaauau pea e le Faamasinoga lona lagolagoina o le atoatoa o le malosi o le Konekeresi i isi ana iuga i tausaga ua mavae atu. O le a ta'u pea le malo o Amerika Samoa e “unorganized” vagana ua pasia e le Konekeresi sona tulafono faavae faateritori. Na faavae le ulua'i malo i Amerika Samoa iā Fepuari 19, 1900 e ala i le Poloaiga a Peresetene McKinley sa tuuina atu ai Tutuila i lalo o le Failautusi o le Fua – o Commandant John D. Long. O le malo o loo iai nei, o loo faagaoioia i lalo o le Faavae Toeteuteuina na faamaonia e le Failautusi o le Initeria i le 1967.

2. *Faaofi, ma, e lē i faaofia.* O faaupuga ia - *incorporated* ma le *unincorporated* - na tula'i mai i i'uga a le Faamasinoga Sili e ta'u o “Faamasinoga o Atumotu” (Insular Cases). O faamasinoga ia e 14 e faasino i le aafia o teritori i fafo, poo atumotu, i le Faavae o le Unaitē Setete ma le Pili o Āiā (Bill of Rights). O faamasinoga o atumotu na amata ai ona faaupu le uiga moni o le tulaga faateritori, i le amataga o le seneturi 20th, ina ua maua ma umia e le Unaitē Setete motu pei o Hawaii, Kuama, Filipaina, Puerto Rico, Virgin Islands, Kanala o Panama faapea Tutuila ma Manua.

O le faamasinoga o *Downes v. Bidwell* na faapea ai se faaupuga a Faamasino Brown, afai ua i se malo le malosi e faalautele ai lona tino i soo se ala lava, e aofia foi la i lena malosi le āiā e fililifili ai ma faatulaga se faigamalo o lena itutino fou. Sa lagolago

lea í'uga e Faamasino White i sana faaupuga faapea e lē otometi ona “aofia mai” (i le tino o le Unaitē Setete) sea teritori fou, ma e lē mafai ona oo i lea tulaga, vagana ua faia e le Konekeresi se tulafono e “faaofi” mai ai. O aiaiga la o le Faavae e aafia atoatoa ai ē o nonofo i teritori ua uma ona faaofi mai, a e lē aafia faalaua'itele ai faapena ma teritori e lē i faaofia mai. O le agaga o le “faaofi” (incorporated) sa faaaoga e faasino i teritori o loo aga'í atu ina avea ma setete. Aepeitai, o aiaiga autū (basic provisions) o le Faavae o le U. S. e faasino i āiā o sitiseni uma poo nesionale o le Unaitē Setete, e mautinoa lava le aafia ai o Amerika Samoa. E faapei la o le tulaga o teritori ua pasia o latou tulafono faavae faateritori (organized) ma latou e lē i pasia ni o latou tulafono faavae faateritori (unorganized) - na o le Konekeresi foi e iai le malosi e tuu atu ai le tulaga faaofi. E fa teritori, mai le toalima, ua uma ona pasia o latou tulafono faavae faateritori. Toe o Amerika Samoa e lē i pasia sona tulafono faavae faateritori. E lē i faaofia teritori uma e lima.

O loo iai pea Amerika Samoa i le tulaga “e lē i iai se tulafono faavae faateritori” auā e lē i pasia e le Konekeresi se tulafono faapea mo ia, ma o loo tulaga pea i le “e lē i faaofia” aua e lē i faia foi e le Konekeresi se tulafono e faaofi atu ai i le tino o le Unaitē Setete, ma ua na o ni vaega o le Faavae o le Unaitē Setete o loo aafia ai.

Ona o le gagana Samoa le gagana galue a le Komisi, sa saili ni upu e aupito latalata uiga i upu faaPeretania o loo faaigoa ai le tulaga faamalo. E leai ni upu o le gagana Samoa e mafai ai ona faaliliu ai - upu i le upu. E lē mamalu foi pe a faaliliu i faaleoga. E umi pe a faaliliu i uiga, a e manino ai uiga. O faaliliuga nei sa malilie i ai: Unorganized – e lēi pasia e le Konekeresi se tulafono faavae faateritori. Unincorporated – e lē i faaofia atu i le tino o le Unaitē Setete, ma e na o ni vaega o le Faavae o le U. S. o loo aafia ai.

(e) Talaaga o le atinae faamalo

Sa saunia se pepa e ta'u o *Suiga Auaua'i* (Incremental Changes) e lisi ai i ni faaupuga pupuu, suiga tetele uma o le atinae faamalo. Sa lomía lea pepa ma

faasalalau. Ua avea foi ma vaega o lenei Ripoti.

(i) Amerika Samoa: Tala i tulaga eseese

Sa autovaa mai i luma o le Komisi ta'ita'i o le malo, mai iā Kovana Togiola T. Tulafono e oo i ulu o matagaluga ma ofisa eseese, e fola faamatalaga e faasino i le faagaoioiga o le Malo o Amerika Samoa. O tala moni (facts) e uiga i le tamaoaiga, tagata faigaluega, faitau aofai o tagata, a'oga, soifua maloloina, si'omaga, tupe, tupe maua i le teritori ma le malo tele faapea tupe faaaogā, oloa aumai ma la'u atu, atoa ma le tau aofai o gaioiga faaletamaoaiga i totonu o le teritori (GDP). Na faamamafa sailiiliga i mataupu o loo ta'u ma'oti i le tulafono: tamaoaiga, aganuu, laueleele, soifua maloloina, saogalemu ma manaoga lautele o le atunuu. Sa iloilo mae'a le faiga a le Matagaluga o le Initeria (DOI) o loo faagaoioi ai le tatalaina mai o tupe ua uma ona vavae e le Konekeresi mo le Teritori.

O loo faapipii atu i Faaopoopoga (Appendices) le lisi o fesoasoani foa'i (grants) mai le malo tele.

Sa molimau le Ofisa o Mataupu Tau Samoa i ana fatuaiga ma le pulea o le malo faalotoifale. Sa fuafua e le Komisi le aafia o le faigamalo faalotoifale i le tulaga faamalo lea o loo i ai nei.

(o) Pulega o le Malo i lalo o lona tulaga faamalo o loo iai nei

E lua itu na taula'i i ai suesuega o le mataupu lenei:

1. Poo fesoasoani, faalavelave, po o āfāina foi i se isi lava ala, le tuuina atu o tautua faalemalo i le lautele, ona o le tulaga faamalo o loo iai nei?
2. Poo sa'oloto tagata o Amerika Samoa e saili lo latou soifuaga fiafia ma saafiafi i o latou āiā tatau faatagata o Amerika ma tagata o Samoa, i lalo o le tulaga faamalo o loo iai nei?

Sa iloilo toto'a e le Komisi molimau ma faamatalaga uma na folasia e ofisa eseese o le Malo, ma ua talitonu le Komisi e lē o āfaina pe faalavelavea le tuuina atu o tautua masani faamalo ona o le tulaga faamalo lea o loo iai nei Amerika Samoa.

O tautua uma foi a le malo tele – saogalemu fealoa'i, paaka, meli, fesoasoani eseese i tagata, ma isi e tele o loo faagaioia e ala i fesoota'iga ma le Malo o Amerika Samoa (MAS) – e lē o āfaina foi poo faalavelavea ona o le tulaga faamalo o loo iai nei.

(u) Fautua

O loo faataga e le Maga 2.1402 o le T. L. 29-6 le faafaigaluegaina o fautua ma ē ua agavaa faapitoa e fesoasoani i le galuega suesue a le Komisi. Sa filifilia e le Komisi le Susuga a Arnold Liebowitz o Uasigitone, D. C., o se loia agavaa faapitoa i mataupu tau le atinae o faavae o teritori ma tulaga faamalo; ma Dr. John Van Dyke, Porofesa of tulafono tau Faavae i le John Burns Law School, Univesite o Hawaii, o se alii atamai faapitoa foi i mataupu tau faavae ma tulaga faamalo o teritori. O ia alii loia ua lauiloa i nei mataupu ma ua aloa'ia a la tusitusiga i iuga a faamasinoga.

Sa tuuina atu i loia fautua lisi o fesili tāua i mataupu tau tulaga faamalo e fai i ai a la suesuega. Na maua e Komesina le avanoa e faafesagai ai ma fetufaa'i ma alii loia fautua i Los Angeles ma Honolulu. O ia fetufaa'iga na faatupu manatu fou i Komesina - e uiga i fesili masani o le tulaga faamalo. Na faamalieina le Komisi i folasaga a alii fautua. Sa la tuuina mai i le Komisi tali tusitusia i fesili na tuu atu i ai, ma malilie e faaoga e le Komisi e aunoa ma se tapulaa, a la suesuega. O loo aofia i Faaopoopoga le atoaga o tusitusiga a alii fautua.

Itu e Lua: Suesuega o isi tulaga faamalo

(a) Filifiliga o tulaga faamalo mo le suesuega

Fai mai le Maga 2.1402(a), “O le a suesue e le Komisi nisi tulaga faamalo e avanoa mo Amerika Samoa ma iloilo ni lelei ma ni faaletonu o ia tulaga taitasi.” Na

taofi le Komisi e sili ona aoga le tupe pe a faatapulaa le suesuega i tulaga faamalo e ono:

1. Palau – tutoatasi a e fesoota’i saoloto ma le Unaiete Setete;
2. Commonwealth of Northern Marianas (CNMI) – o se teritori ua iai lona tulafono faavae faateritori e ta’u o le *commonwealth*;
3. Guam – teritori ua iai lona *tulafono faavae faateritori* e ta’u o le Organic Act;
4. Faigamalo o tagata Initia i totonu o le U. S.;
5. Faavaega o se setete o tagata Hawaii i totonu o le Setete o Hawaii;
6. Malo tutoatasi o Samoa, o se malo e ogatotonu le aganuu a Samoa i lona pule’aga.

O lenei filifiliga sa faatapulaa i tulaga faamalo e ono mafai ona see i ai Amerika Samoa pe a manao e sui. E feagai le Malo o Palau, CNMI, ma Guam ma lea tapulaa. Ua uma foi ona suesueina muamua ia faigamalo e isi a tatou Komisi saili tulaga faamalo mo le lumana’i.

Sa fia maua e le Komisi se malamalamaga i le mafuaga o le saolotoga o tagata Initia e fai o latou lava malo faalotoifale e faatāua ai a latou aganuu, a e faamalumu pea e le Faavae o le U. S.

Ua lauiloa i Amerika atoa taumafaiga a tagata Hawaii e faatu so latou faigamalo faapitoa i totonu o le Setete o Hawaii, ma ia iai ma ni puipuiga faapitoa a le Faavae. Sa fia iloa foi e le Komisi pe ono iai se avanoa o se tulaga faapea mo Amerika Samoa.

O le malo aupito lata mai i Amerika Samoa, o le malo tutoatasi lea o Samoa (i Sisifo). Ua lausilafia tulaga uma o lo tatou tupuaga tutusa. Ona o le finagalo o le fulisia i se faigamalo e malupuipua ai aganuu mo tupulaga o le lumanai, sa tāua ai tele le

suesuega i le malo o Samoa. Na o Samoa le malo e faagaioi i se faavae e faatāua ai le aganuu faaSamoa. Ua mamao foi lona laa atu i le atoatoa o malo faatemokarasi, a o taofi pea lona faavae.

Na silafia e le Komisi faitioga i le tau o lana malaga suesue faapea faigamalo ua filifilia e suesue. Afai e tusa le ata e tasi ma upu e afe, e tusa la le asiasiga e tasi i se faigamalo ua filifilia, ma ni tusi uma ua tusia i lea faigamalo, ma e lē lava se taimi e nonofo ai i lalo ma faitau. E 'uti'uti le tupe ma le taimi o le suesuega ua faataga mai e le tulafono. O malaga suesue na fuafua ina ia maua se avanoa e vaaitino ai i le faagaioia o faigamalo ua filifilia, ma faafofoga i finagalo o Samoa o loo alaala i fafo atu o le atunuu.

Ina ia malamalama lelei i le tāua o se tulaga faamalo, e ao ina iloa uma mea moni e uiga i ia malo, atoa ma lona faagaioia i lalo o lona tulaga faamalo. O le a amata le talanoaina o tulaga faamalo taitasi i le folasaga o le uiga sa'o o lea tulaga faamalo, sosoo ma le folasia o mea moni e uiga i ai, ma se manatu ua maua i le vaaiga faalautele i ni tulaga maoa'e ma uiga o tagata o soifua ai i lona faigamalo. E faaiu nei vaega taitasi i se folasaga puupuu o lelei ma faaletonu ma se faatusatusaga ma Amerika Samoa.

1. MALO O PALAU - FESOOTA'I SA'OLOTO MA LE UNAITE SETETE

Faaugaga

O Palau o se malo tutoatasi, a e faaauau la la fesoota'iga sa'oloto ma le Unaitē Setete. E pulea atoatoa e ia lona lava malo, a e galulue fesootai ma le U. S. i mataupu tau le va i fafo, ma faalagolago i le U. S. mo lona puipuiga faamiliteli. E lē aafia Palau i tulafono a le U. S., a e iai aiaiga e ao ina usita'ia ina ia maua le fesoasoani tau tupe. O le elemeni aupito taua o le "fesoota'iga sa'oloto" o le iai lea iā Palau o le saolotoga e fai ai

suiga i lona faigamalo, e aunoa ma se maliega o le Unaitē Setete.

O ona tagata o “sitiseni” o Palau. Na o i latou e tupuga Palau e mafai ona avea ma sitiseni. E lē mafai la e fanau a tagata mai fafo o loo nonofo i Palau ona avea ma sitiseni.

Na tō'ai ane ma nofoia nei motu e tagata mai Initonesia poo ua 4000 tausaga talu ai. O lona faitau aofai i le taimi nei, e 20,000 tagata o loo nofoia motu e valu. E 250 ona motu laiti e ta'u o Rock Islands. I lalo o lana Feagaiga na aiaia ma le Unaitē Setete, e saoloto sitiseni Palau e ulufale atu ma nonofo i le Unaitē Setete. Ua avea lenei avanoa ma ala ua faaitiitia ai leipa ma tagata e galulue faaporofesa, aemaise tagata agavaa e ono fai ma ta'ita'i i le lumanai. Ua iai nei ni faapotopotoga o tagata Palau i Honolulu ma isi aai tetele i le itu i sisifo o Amerika. E toatele tagata leipa mai fafo o loo galulue faakonekarate i Palau.

E taualoa uma le gagana Palau ma le faaPeretania. O le tupe Amerika e faaaoaga. E tusa ma le \$8,600 le fua o le tupe maua i le tagata e toatasi. I le 2005 e \$6 miliona le tau aofai o ana oloa na faatau atu i fafo (i'a ma galuega tau lima), ae tusa ma le \$107 miliona le tau o oloa faatau mai fafo (suauu, mea'ai, meainu, ma oloa gaosia). O le turisi le pisinisi pito telē. E malosi le turisi mai Iapani, Taiuani, Saina, Kuama.

E iai le aganuu a Palau mai anamua, e faauluulu i alii e toasefuluono. E taualoa e le Malo le Aofia o Alii i se tulaga faufautua. E 16 setete – e tofua ma lona malo. E lua maota o le fono faitulafono ma e ta'i fa tausaga ma palota le Peresetene. E mafai e sitiseni o Palau ona umia eleele, ma e tele i eleele faaleaganuu. E malosi le puipuiga o le ulufale mai fafo, ma e tausisia malosi le aofai o leipa ma ē e iai le atamai faapitoa e mafai ona ulufale mai.

Sa pulea muamua Palau e Sepania, ona faatau lea iā Siamani ina ua faiaiina i le taua ma Amerika i le 1898. Na maua e Iapani i le 1914. Ina ua uma le Taua Tele II o le Lalolagi i le 1945, na tuuina atu e Malo Afaatasi e avea o se vaega o Teritori Tausi

o Motu o le Pasefika i lalo o le vaaiga a le Unaitē Setete. Na avea ia atumotu ma Malo Soofaatasi o Maikeronesia i le 1979. E lē i umi a e vavae ese Palau ma faia ni feutana'iga ma le Unaitē Setete mo lona tutoatasi. O le 1994 na maua ai lona tutoatasi i se Feagaiga o le Fesoota'i Saoloto ma le Unaitē Setete.

Lelei ma Faaletonu - Faatusatusa ia Amerika Samoa

1. Tutoatasi. O le tutoatasi ua maua ai e Palau le saolotoga e fai ai ana lava tulafono. O Amerika Samoa e fai ana tulafono i lalo o se Faavae na faamaonia e le Failautusi o le Initeria, i le malosi na tuu ane e le Konekeresi i le Peresetene. E lē mafai e Amerika Samoa ona faia se tulafono e feteenai ma tulafono a le malo tele.
2. Puipuiga Faapitoa. Ua fai tulafono a Palau e puipui ai ona eleele, e faalagolago i le toto. Na o suli o Palau moni e mafai ona fai ma sitiseni. E ui ina leai se malosi o alii i tulaga o le malo, e aloa'ia la latou aofia e le tulafono ma ua malosi ai pea la latou puipuiga i eleele faale aganuu. E iai aiaiga i lalo o le Faavae ma tulafono a Amerika Samoa e puipui ai ona eleele ma le aganuu. A e iai pea le popolega ina ne'i soloia e faamasinoga fetetale ia puipuiga faapea e feteenai ma le Faavae, ona matala ai lea o eleele o Samoa i le 'au faatau fanua mai fafo. E ui ina ua tau maua sina to'a i i'uga a le faamasinoga talu ai nei o loo taualoa ai tulafono o puipuiga faapitoa o eleele i Saipani, a e leai se ta'utinoga mautu faapea e lē toe suia le manatu o le faamasinoga i se aso.
3. Fesoasoani Tupe. O le tasi o itu pito moomia o le Fesoota'iga Saoloto a Palau, o le aofai o le fesoasoani tau tupe ua malie iai le Unaitē Setete. I lalo o le Feagaiga, e 50 tausaga o le fesoasoani. E aofia ai le \$450 miliona i tausaga muamua e 15, a e \$142 miliona e faamatuu mai i le tausaga

muamua o le Feagaiga (1994), o se Tupe Tausi Tumau (Trust Fund) e amata ona faaoga pe a uma le 50 tausaga (ua oo nei lena tupe i le \$150 miliona), ma e agavaa mo porokalama fesoasoani a le malo tele (federal grants) e 40. E lē aofia Palau i le Saogalemu Fealoai. Ua tauau ina uma le fesoasoani faapitoa mo a’oga ma le soifua maloloina, ma o isi foi porokalama pei o pasi a’oga ma mea’ai a tamaiti a’oga, ua amata ona lē toe maua. E uma le 15 tausaga muamua i le 2009 ma ua sauni nei Palau mo le isi toe feutana’iga ma le Unaitete. Ua uma ona tofia sui mo lea faamoemoe ma ua amata ona tapena. E loto tetele i latou.

A faatusatusa, na o Amerika Samoa le teritori o loo ona maua nei se fesoasoni tausaga (\$23 miliona) mai le Konekeresi. E totogi e le Initeria le isi vaega o le Ofisa o Faamasinoga ma e tãpã foi fesoasoani faapitoa mai lana tupe faaleoleo mo isi fesoasoani moomia. O loo maua i tausaga taitasi le \$125 miliona mai porokalama fesoasoani eseese a le malo tele. O loo ala mai isi miliona tãlã e tele mai le Saogalemu Fealoa’i, tausiga o ma’i, pepa mea’ai, fesoasoni mo tinã ma tamaiti o aiga e maualalo tupe maua, fesoasoani mo tagata matutua, ma isi. Faatusa: E \$2 miliona e maua i le tausaga mo le porokalama o le tausiga o fanau i le ao (Day Care). E 13 porokalama a le malo tele o loo talia ma faaoga e le Matagaluega o le Soifua Maloloina.

4. Atinae o le Tamaoaiga. O le ivitũ o le tamaoaiga o Palau o le turisi, ma o lona tulata i Asia ma Ausetalia ua mautinoa ai le solo mai pea o turisi. Sa pito maualuga le 2004. Na lalata i le 100,000 turisi. Sa palasi teisi i le 2005 ona o suiga i gaoioiga a kamupani vaalele, ua molimauina ai le fitã e oo i ai se atinae pe a pulea mai e isi itu tãua o porokalama atiae. E lē o maua e Amerika Samoa lenei tulaga manuia ona o le tu’ese ma le taumamao mai maketi o turisi. E leai ni ona vaaiga faalenatura pei o Rock Islands o Palau.

O le sami o loo siomia ai ia tama'i motu e 250 e manino pei o se tioata, e faatosina i turisi fia matamata i'a atoa ma e fia 'auai i taaloga o le tai.

E leai se pisinisi tele a Palau pei o kamupani tuu'apa i'a a Amerika Samoa. Afai foi e amata nei sana pisinisi faapea, e toe aumai nisi leipa se toatele mai Filipaina. A e mautinoa le i'a, auā o loo tu lotolotoi i ogāsami e fagota ai i'a tetele. E faafitauli le lē lava o leipa. E leai la se faavae lautele o ni lafoga e pei ona maua i kamupani tuu'apai'a.

Na aveia Palau ma totino o Malo Afaatasi i le 1994 ma ua 'auai foi i isi faalapotopotoga a malo o le lalolagi.

E saoloto e fai feutana'iga ma ia malo ma ua manuia ana taumafaiga i lea itu. E faitau e Palau lona 'auai i Malo Afaatasi ma lana palota i lona Aofia Tele o se tasi o ana aseta aupito sili ona tāua. E lē o maua e Amerika Samoa lea faamanuiaga, auā e lē tutoatasi.

5. O le soifuaga o Palau. E soifua solo lelei tagata Palau. E 'ana'ana tele i le tumāmā i le laufanua ma lona gataifale. E iai le avanoa e matua atu le aganuu a Palau na i lo Samoa. A e pei e tāotāo lana aganuu e lē aliali tele i le soifuaga o aso taitasi pei o le aganuu a Samoa.
6. Puipuiga faamiliteli. O le fatuaiga a le Unaiete Setete le puipuiga faamiliteli o Palau. O lona tulata i atunuu vevesi o le lalogi e tāua ai Palau i fuafuaga faamiliteli a le U. S. E lē taumateina le nofo sauni o le Matagaluega o le Puipuiga (Defense Department) e fesoasoani e atiae ma fausia galuega tetele pei o malae vaalele ma taulaga, pe a manaomia mo le puipuiga. A o Amerika Samoa, o le itu tāua i le militeli o le tapena o 'au tau.

Vaaiga Lautele

E loloto le mitamita ma le faamalumalu o tagata Palau i lo latou tulaga tutoatasi. E lē ma 'alofia fitā ma tigā o malo tau atiae. A e faagaetia ma maofa le loto i lo latou

malilie e tali tigā – o le tau o lo latou tutoatasi. O le taofi taatele, e lē mafai e Palau ona tutoatasi e aunoa ma le lagolago a le U. S. Aepeitai, e molimau le talafaasolopito o le lalolagi i mea tetele na mafai ona faataunuu i le talitonu ma le finau. Na vaaia e le Komisi lena agaga tinoū i tagata o Palau, aemaise ona ta’ita’i. Fai mai latou, e lē uma le 50 tausaga a ua tutoatasi Palau i le itu i le tamaoaiga.

O le tali i le fesili a le Komisi, “poo fiafia tagata o Palau e soifua i lalo o latou tulaga faamalo lea o loo iai nei?” – o le tali o le ioe. Mata e fiafia tagata o Amerika Samoa i se tulaga Fesoota’i Saoloto? O le tali e faatoa maua i se isi suesuega auiliili e iloilo ai mataupu uma ua ta’ua i luga.

2. MALO O NORTHERN MARIANA ISLANDS (CNMI)

Uiga o le tulaga faamalo ma tagata

O le upu “commonwealth” e felanulanua’i ona uiga, e faatatau i le tulaga o loo faaoga ai, ma le tino o loo faasino i ai. O le uiga taatele, o le “commonwealth” o le atunuu e pulea e ia lona lava malo. E iai isi setete ma le Teritori o Puerto Rico, e faaoga ai lenei upu i o latou igoa. O le filifiliga lava a Northern Mariana ia ua faaoga ai i lona igoa. O le Tulafono Faavae Faateritori la lea na pasia e le Konekeresi i le 1975, na faaigoa o le “Feagaiga e Faavae ai le Malo o Northern Mariana e Pulea e Ia lava (Commonwealth) i se Sootaga Faamalo ma le Unaiete Setete.”

E pei ona faaogā i tulaga faamalo o teritori tu’ese a e iai fāiā ma le Unaiete Setete, o le ta’u “commonwealth” e faailoa ai e telē lana pule i ana lava mataupu faalotoifale ma e iai sona vaega i le pulea o ia lava. Atonu o le uiga e aupito moomia ai le “commonwealth” – e maua lona malosi e pule ai mai le U. S., toe maua foi mai sitiseni lava o le commonwealth. Ua fuafua lenei tulaga ina ia maua le avanoa o itu e lua – le

U. S. ma le commonwealth e fetuuna'i ai lo la va fealoa'i pe a tatau ai a o gasolo pea aso. E ui ina e foliga ua faamatuu atu e le Konekeresi se vaega o lona malosi ina ua malie e faataga se commonwealth mo se atumotu, a ia manatua "o loo faamanatu pea e le Faamasinoga Sili e lautele le malosi o le Kolose o Teritori o le Faavae o le Unaiete Setete."

Sa silafia e le Komisi le taumafaiga malosi a nisi i Kuama, e pei ona o le a talanoaina i lalo, e sui lo latou tulaga faamalo i le "commonwealth" a e alu ese mai le Tulafono Faavae Faateritori. O loo tā'ua mai foi le mana'o o Puerto Rico, o se teritori o loo faagaioia i lalo o se "commonwealth", e fia oo atu i se tulaga o le "commonwealth toe teuteuina." Ua ta'i limasefulu tausaga talu ona nonofo Kuama ma Puerto Rico i ni tulafono faavae faateritori. Aisea ua mananao ai e sui o la tulaga faamalo? E tāua tele mo Amerika Samoa ona silafia le tali o lona fesili, ma e tatau ai ona suesue pea.

O le CNMI o se filifili o motu e 14 o le atu Mariana (e aofia ai ma le Teritori o Kuama). E lapopo'a Saipan, Rota, ma Tinian ma e nonofo ai le toatele o tagata o le teritori. O Saipan e 120 maila i mātū o Kuama, ma e lua itula e lele ai i le tieti mai Palau aga'i i sasa'e, ae fitu itula aga'i i sisifo o Honolulu. E fitu sone o le taimi i sisifo o Uasigitone, D. C. E silia i le 90% o tagata o le teritori e nonofo i Saipan. O le igoa foi lona ua lauiloa ai le Teritori. E 176.5 maila faatafafa lona lapoa (Saipan, 46.5; Rota, 38.3; Tinian, 39.2; o isi uma e 55.3). O isi motu laiti e lē nofoia. Na ulua'i nofoia e tagata mai Asia poo ua 3500 tausaga talu ai. O vaega tetele e lua o tagata, o Chamorros na taunuu ane poo le 1,000 tausaga ua mavae, ma Carolinians na salalau ane mai Truk ma Yap i le 200 tausaga talu ai. E ta'u o latou nofoaga o nuu, a e lē o ni nuu e manino lelei ni faavasegaga pei o Samoa. E leai ni tua'oi tumau poo ni tua'oi ua uma ona fua o nuu. E leai foi ni aganuu poo ni potopotoga masani faaleaganuu pei o *saofaiga* a nuu Samoa.

E pei o Palau, o Saipan foi o se tasi o vaega o le Atumotu Tausi o le Pasefika na tuuina i lalo o le U. S. ina ua uma le Taua II o le Lalolagi. Na tula'i ese i lona lava malie ina ia fai fetuuna'iga ma le Unaiete Setete mo lona tulaga faamalo. O le 1975 na pasia

ai e le Konekeresi se Tulafono Faavae Faateritori mo le CNMI ua lauiloa o le Feagaiga (Covenant). O lena tulafono na avea ai le CNMI ma teritori ua pasia lona tulafono faavae faateritori, a e tumau pea i le tulaga e lē i faaofia. Sa iai tagata matutua o le CNMI na manano ia ta’u pea latou o “nesionale” (nationals) o le U. S. O loo faataga la i le Maga 302 o le Feagaiga tagata e filifili pe fai ma “sitiseni o le U. S.” pe tumau pea i le “nesionale o le U. S.” O lea avanoa e filifili ai sa faia lava e tali ai le manao o tagata matutua.

O le oso maualuga o le tamaoaiga i le 1970 ma tua mai, na māfua ai ona la’u ane tagata mo galuega leipa, e mafuli mai i Filipaina. E 69,221 le aofai o tagata o le Teritori o loo faaali i le Tusiga Igoa o le 2000. O le tasi o vaetolu o i latou o Chamorros ma Carolinians. O le isi tasi o vaetolu o tagata faigaluega faakonekarate mai Filipaina. A o le isi tasi o vaetolu ua tuufaatasi i ai Saina, Iapani, Korea, Maikeronesia, Initonesia, ma Amerika.

Ua leai ni fale su’i ofu tetele sa iai i le 1970 e oo i le 1980 ma tua mai. O le turisi lea ua maualuga, aepeitai o lona malosi e faalagolago i le tamaoaiga ma faiga a malo e omai ai, pei o Taiuani, Iapani, Korea i Saute, ma Saina. O loo fai si pa’ū o le aofai o turisi i le taimi nei. A o loo malosi le taofi ua lata ona toe tetele foi lea, ma ua amata ona aliali le moni o lea manatu. E faatusatusa le lelei o faletalimalo ma isi pisinisi turisi iā Kuama ma Waikiki. E tumau ona maketi turisi lelei. E telē foi le avanoa e masaa atu ai se isi vaega o le atinae malosi o le tamaoaiga ua sauni i ai Kuama, mai turisi ma porokalama a le militeli. E tolusefulu minute e lele ai mai Saipani i Kuama. E iai le tulafono lafoga a le CNMI lava ia. E pulea foi e le CNMI Femalagaa’iga ma le Tiute.

E iai vaa tetele o le militeli ua faatumulia i auupega ma mea tau, e taula i gatai o Saipan i le tausaga atoa, e molimauina i lena le tāua o le CNMI i fuafuaga o le puipuiga faamiliteli a le U. S. E mautinoa ai foi, e lē faatamala le militeli i le tapenaga ia tulaga lelei pea alatele, falemai, eletise, malae vaalele ma isi. E lē aliali tetele le iai o le militeli i

le CNMI, ma e lē āiā foi i le pulega o le teritori. A e lagona lava i tino o la e iai.

E tutusa āiā o le CNMI ma Amerika Samoa i foai fesoasoani a le malo tele. Ua latou fiafia i le iai o le faamasinoga fetetale i lo latou teritori. E matua tāua i ta'ita'i o latou tiute. Na talitonu le Komisi i le mao'a'e o le agavaa o ofisa o le malo ma ē lagolago atu i ai. E numera muamua a'oga i la latou tupe faasoasoa. Fai mai o loo puipuia pea a latou aganuu, a e lē i iai se avanoa e molimauina ai e le Komisi se faatinoga o ia aganuu. E aga fiafia ma talimalo lelei tagata. Ua tupu le aofa'i o tagata Samoa o loo nonofo ai.

Itu lelei ma vaivaiga - Faatusatusaga ma Amerika Samoa

1. Tulafono Faavae Faateritori ma Aiaiga Faapitoa o Puipuiga. O loo iai i la latou Tulafono Faavae Faateritori (Feagaiga), faaupuga a le Konekeresi e faataga ai le Malo o le CNMI e “faatapulaa le umia o soo se laueleele i le CNMI ia tau o tagata e tupuga mai le CNMI.”

Ua talia lenei aiaiga e le Faamasinoga o Tagi Lē Malie a le Fetetale, Li'o Iva (Ninth Circuit). O le mea moni, ua tatata e le CNMI le ala e ui ai Amerika Samoa i le mea o loo sili ona fefe e laa i ai. Ua anino iinei le lelei o le iai o se tulafono faavae faateritori e tusia ai ni aiaiga mo ni mana'oga faapitoa – pei ona faia e le Konekeresi mo le CNMI. O lona uiga, e mafai foi ona fai ni puipuiga faapitoa faapea mo Amerika Samoa, pe afai e loto i se tulafono faavae faateritori e pasia e le Konekeresi.

O le a'oa'oga sili lenei ona tāua na maua i le suesuega a le Komisi.

2. Sitiseni U. S. E mitamita tagata o le CNMI i lo latou sitiseni Amerika. E lē fesiligia lo latou lotonuu i le U. S. E moni e itiiti si eseesega o le “nesionale” ma le “sitiseni ma e āiā tutusa i porokalama a le malo tele, a e iai setete ma faigamalo laiti i totonu o le U. S. e manaomia ai le “sitiseni U. S.” mo galuega ma tofi.

3. Faamasinoga a le Malo Tele ma lona iai. E iai le faamasinoga a le malo tele i Saipani, ua taofia ai le feoa'i ma faasao ai tupe a tagata. E iai foi ofisa laiti e faatinoa galuega eseese pei o le Saogalemu, Vaai tau, ofisa suesue, ma isi. E lua finauga malolosi o loo teena ai pea e Amerika Samoa le faatu iinei o se faamasinoga feterale:
 - 1) o le āiā mai o le malo tele i le Teritori, ma
 - 2) o le a telē ai le avanoa e iloilo ai e faamasinoga feterale mataupu i laueleele ma suafa matai.
4. Faatupega o le Malo. E iai le tulafono o lafoga a le CNMI lava ia. E faaaoaga e Amerika Samoa le tulafono lafoga a le malo tele. E maua e le CNMI lafoga a tagata faigaluega uma o le malo tele e ao i le Teritori. Faatoa amata maua e Amerika Samoa lea ālāmanuia i le taulotoaiga o le 2006. A e na o Amerika Samoa e Teritori e maua tumau le faatupega mai le Konekeresi i tausaga taitasi.
5. Militeli. E tulata le CNMI i le ogālalolagi e tāua ai i fuafuaga o puipuiga faamiliteli a le U. S. E moni e manaia penefiti e ala mai le militeli, ae faatupu popole pea le tulata i nofoaga vevesi. E leai ni penefiti faamiliteli faapena i Amerika Samoa. A e leai foi ma se popole tele i le lata mai o ni fili.

Vaaiga lautele

Na lagona e le Komisi mai talanoaga ma ta'ita'i, suesuega, ma asiasiga atoa ma talanoaga ma tagata lautele, e fialia tele tagata o le CNMI i lo latou tulaga faamalo o le commonwealth aua e telē ai le avanoa e pulea ai e latou lo latou lava malo. E aupito sili lo latou fialia i le lagolagoina pea e faamasinoga feterale puipuiga faapitoa o ō latou laueleele o loo i la latou Feagaiga.

3. TERRITORI O KUAMA

Tulaga Faamalo

O Aokuso 1, 1950 na pasi ai e le Konekeresi le Tulafono Faavae Faateritori e aiaia ai le faigamalo o Kuama. Ua lava ona faamatala uiga o nei upu i luga. O tagata Kuama o “sitiseni” o le U. S.

Talaaga

O Kuama le teritori tele o Amerika i mātū sisifo o le Pasefika , ma e sili ona mata’iina lona talafaasolopito i lo soo se isi motu iina. Na mua’i nofoia e tagata mai Asia i Saute Sasa’e pe tusa o le 3600 tausaga talu ai. O le alii folau Sepania o Ferdinand Magellan, i le ulua’i malaga taamilo i le kelope, na afe i le fagaloa o Umatac i Kuama ia Mati 6, 1521. Na amata mai iina le puleaga a Sepania faato’a motusia ina ua na faatau Kuama i le Unaitete Setete i le 1898 mo le \$20 miliona, ina ua toilalo i la la taua. Ona pulea lea e le Fua a le U. S. se’ia oo ia Tesema 1941 na fāoa ai e Iapani ina ua na fāsia nai Malini Amerika ma tagata o Kuama sa latou ‘au faatasi e puipui le motu. O le 1944 na tuta ai ‘au a Malo Afaatasi ma faasa’oloto Kuama mai iā Iapani. O le aso o le “Faasa’olotoina”, Mati 30 o le aso malōlō aupito tāua lena i Kuama.

O le aofai o tagata i le 2005 e 168,564, ua aofia i ai pasene o Chamorro e 37, Filipino e 26.3, mai isi motu o le Pasefika e 11.3, ma isi uma e 1.3.

Tamaoaiga

Na oso malosi le turisi mai le 1980 aga’i ai i le 1990 ma sili atu tupe na maua ai na lo le militeli. A ua lata ona toe tu malosi tupe faaalu a le militeli i totonu o le tamaoaiga. Sa faaali e Kovana Camacho i le Komisi faapea e 9,000 Malini U. S. o le a siitia ane mai Okinawa i Kuama, o le a manaomia ai le fausia o mea e tele – alatele, aoga, falemai, fale nonofo, ma isi mea. O loo fuafua foi e le Matagaluega o le Puipuiga Faamiliteli e faaalu

le \$5.2 piona i Kuama i totonu o le lima tausaga lea e lumanai nei. E lē i oo muamua Kuama i se tulaga faapea o le tamaoaiga, ma o le a toe manaomia le aumaia o isi foi leipa mai fafo. O loo popole tele Kuama i le tele o tagata mai fafo.

O le tasi faanoanoaga o le tele o tagata popoto o Kuama ua saili galuega ma nonofo i Amerika ona o totonu. Ua amata ai nei e le malo se porokalama e faatosina ai tagata e iai agavaa faaporofesa, e foi atu e faigaluega i le Teritori.

Ua leva tausaga o finau pea Kuama ma le militeli i eleele. Fai mai tagata Kuama e tele naunau o latou eleele ua ave e le militeli ma e tataua ona toe faafoi atu.

Popolega o le tulaga faamalo. Ua tele tausaga o pisapisaō lava tagata Kuama i lo latou tulaga faamalo - o se teritori ua pasia lona tulafono faavae faateritori e le Konekeresi. Toetoe tofua tagata uma ma se vaega o la latou tulafono faavae faateritori e manao e sui. E pito leotele le faitioga faapea e lē aoga lo latou sitiseni U. S. ona e lē palota i le Peresetene. E fa vaega o loo mananao i suiga ma o loo tauivi pea i finauga. Sa taālo e Kovana Camacho e oo ane i luma o le Komisi ma faamalamalama a latou finauga. E malosia tele le finauga ia see i le *commonwealth* e pei o le CNMI ma Puerto Rico. Aiseā e mananao ai i se *commonwealth*? Ina ia toe avanoa ai se feutana'iga ma le Konekeresi. Ua latou vaai moomoo i lo latou uso laitiiti o le CNMI, e fou mai i le aiga o le Unaitete Setete, a ua telē atu lana pule i lona lava malo. A manatu foi i le telē o lo latou tāua i tulaga o le puipuiga faamiliteli o le U. S., ona faapea ifo ai lea ua lē tusa ma penefiti ua latou maua ma e ao ai ina toe faasa'o lo latou sootaga ma le U. S. O isi vaega e mananao ia *tutoatasi*, o isi ia *liu setete*, a o isi e loto ia *sosoo faatasi ma le CNMI* i se malo e tasi e ta'u o le *Commonwealth of Mariana* (o Kuama o le motu tele lena o le atu Mariana). O le mea mautinoa, e fulisia ia fai se suiga ia tele ai la latou pule i lo latou lava malo.

O tagata Kuama o tagata Chamorro moni. Ua taofia se pelepesite e iloilo ai se suiga o lo latou tulaga faamalo ona o la latou finauga ia tau o tagata Chamorro e āiā i le filifiliga o se tulaga faamalo. Na o le tasi o vaetolu o tagata Kuama e Chamorro. A fai

le palota, e malo tagata na tupuga mai isi atunuu. O le lu'itau mamafa mo latou - o le taumafai lea ia taofi lo latou ta'u ma le pule i lo latou atunuu na soifua ai mai anamua. E matuā 'āva'avau tagata o Kuama i lenei finauga.

E tasi le maota o le fono faitulafono ma e foliga solosolo lelei le palotaina lautele o senatoa. Ua pa'ū le tau o le Fono Faitulafono mai le \$7 miliona i le \$3.5 miliona i taimi o le nofoaiga a le Fofoga Fetalai ma lana vaega faaupufai lea o loo i ai nei. E faagaioi polokiki i luga o vaega faaupufai.

Lelei ma Faaletonu – Faatusatusaga ma Amerika Samoa

1. Tulafono Faavae Faateritori. O le uiga mataiina o lenei tulaga faamalo, e ese ai mai iā Amerika Samoa, o le umia lea o le “sitiseni U. S.” Toatele Kuameni e fai mai e le aoga le sitisenei auā e lē palota i le Peresetene. O le isi faitioga mamafa, e lē mafai ona latou nonofo ma fai ni suiga i tualumaga o lo latou malo, vagana ua pasia e le Konekeresi, ma o se mea umi ma le faigata lena. E leai se Faavae o Kuama pei o Amerika Samoa. O lo latou malo e pulea i lalo o le Tulafono Faavae Faateritori na pasi e le Konekeresi. O iina foi e sui mai ai.

E faigata ona fautuaina e le Komisi se tulafono faavae faateritori mo Amerika Samoa, a o le fulisia o tagata Kuama ua mananao e o 'ese mai ai.

Ua lauiloa finauga masani a Amerika Samoa e teteē ai i le faia o le *tulafono faavae faateritori* mo ia. A ua salalau mai nei tala e uiga i iuga a le faamasinoga feterale e faasino i le puipuia faapitoa o laueleele o le CNMI o loo aofia i lo latou tulafono faavae faateritori, faapea le avanoa e mafai ai ona feutaga'i ma le Konekeresi i le fausia o sea tulafono. Atonu pe tau matāgatāga ai le maumaututū o le taofi o Amerika Samoa e teteē i se tulafono faavae faateritori.

2. Tamaoaiga. E lē mafai ona fai se faatusatusaga o le tamaoaiga o

Kuama ma Amerika Samoa, ona o le telē o le tupe faaalu a le militeli i le tamaoaiga o Kuama. E lē faatusaina foi le turisi ona e tulata i maketi o Iapani, Saina, Korea i Saute, Taiuani, ma atunuu o Asia Saute Sasae ia ua amata ona māutupe.

Vaaiga Lautele

I le vaai atu i fafo, o loo lelei ona pulea Kuama, ma o loo maopoopo foi le tuuina atu o tautua eseese a le malo i tagata – i lalo o lona malo pulea i se tulafono faavae faateritori. Sa taamilo le Komisi i le motu ma vaaitino i le maoa’e o le soifuaga o tagata. Faatoa uma la latou palota na toe filifilia ai lo latou kovana. Ua amata ona sasaa atu le tupe e tele mai le militeli, ma e oo i le \$5.2 piliona i le lima tausaga lea e lumanai. E faamuamua fale nofo, alatele, aoga, ma falemai.

Poo fiafia tagata Kuama i lo latou tulaga faamalo o loo i ai nei? E ui i nei lelei uma, a e na faalogoina e le Komisi le leo tetele o e mananao ia sui le tulaga faamalo.

4. INITIA AMERIKA

O Initia uluai tagata o Amerika. E tofu le vaega poo nuu o Initia ma a latou Feagaiga (Treaties) ma le U. S. O na feagaiga o loo ta’u ma’oti ai o latou āiā, penefiti, ma fatuaiga. Mai nei lava tausaga uma, o loo sapaia pea e le Konekeresi ma le Faamasinoga feterale faiga faapitoa mo Initia. Na aliali manino lena i le iuga o le faamasinoga o *Morton v. Moncari* lea na sapaia ai e le faamasinoga le faiga faapito mo Initia i galuega i totonu o ō latou nofoaga (reservations), i le faaupuga faapea “o le faamalieina lea o se nofo aitalafu tuma’oti a le Konekeresi i tagata Initia. . . .” Fai mai le i’uga, o lea faiga faapito e faalagolago i le “mea e nofo ai” a e lē ona o le “toto.” Aepeitai, e moomia le toto Initia faatoa mafai ona nofo i le nofoaga poo le nuu o Initia. O le taofi o le tasi

o fautua a le Komisi, o lenei i'uga na faia ona o le "fefe o faamasino e fai se faai'uga faapea e feteena'i ma faiga faapito ma le Faavae, auā o le a toe laga ma talepe uma ai tulafono faapito na fau ma pasia i tausaga e tele ua mavae, e fesoasoani ai i Initia. E i'u ina soloia atoa ai le isi Vaega o le Tusi Tulafono a le Unaiete Setete. . . ."

O le fautuaga a le Komisi, e aogā mo Amerika Samoa ona sailiili atili le tulaga o tulafono faapito na pasia e le Konekeresi mo tagata Initia. Soo se taimi e foliga mai ai ua iai "ni aiaiga faapitoa i lalo o le Faavae" mo vaega laiti poo tagatānuu mai anamua i totonu o le U. S., e tataua lava ona 'ana'ana i ai Amerika Samoa.

5. MALO O HAWAII

Na faafesoota'i e Porofesa Van Dyke, fautua a le Komisi se feiloaiga ma le Ofisa o Mataupu Tau Hawaii, mo se fonotaga ma le Taitaifono faapea le Komiti Faafaoe. O se fonotaga aogā ma le tāua. O tagata Hawaii o loo finau mo ni faiga faapitoa i lalo o le Faavae o le Unaiete Setete. O loo moomia foi e Amerika Samoa ni faiga faapena mai le Konekeresi ma faamasinoga fetetale.

Na teena i le amataga o le tausaga nei le pili lauiloa o le *Akaka Bill*, i nai palota itiiti. Ae ua tata'i ane ai manatu o le lautele i taumafaiga a sulii o tagata Hawaii moni, e faavae so latou lava faigamalo faaHawaii i totonu o le setete o Hawaii. Ua tele tausaga o faamasino pea i vala eseese o lenei mataupu. O le faia'iina o le pili a Senatoa Akaka, ua na o se tuta'ia, a o le latalata i le tulaga pasia ua toe faafou ai le malosi o tagata Hawaii e uuna'i.

I le tausaga e 2000, sa teena e le Faamasinoga Sili i le faamasinoga o le *Rice v. Caetano* le palotaina o sui o le komiti tausii (trustees) o le Ofisa o Mataupu Tau Hawaii - e ala i le toto Hawaii. Fai mai le faamasinoga e feteenai ma le faavae le avea o le toto

ma agavaa e tauvā ai. E faigata i tagata Hawaii ona talia lea i'uga, a o la e fai i'uga faapito faapena mo Initia, pei o le i'uga o le *Morton v. Mancari* o le 1974.

O le aso 5 o Tesema i le 2006 na aumai ai le i'uga a le Faamasinoga o Tagi Lē Malie, Li'o e Iva, e lagolago ai le agavaa ulufale i le a'oga o Kamehameha School i Hawaii, pe afai e iai se toto Hawaii. "E ui ina e faapea na o le mataupu a le aoga i Kamehameha lea na fai i ai le iuga, a ua avea nei lea iuga ma faamalosí'au i tagata Hawaii ua tau feoloolo ai faanoanoaga ona o le i'uga o le *Rice v. Caetano*. . . ." Na tusia le i'uga a le itu fulisia e Faamasino Susan Graber e taualoa ai "le tulaga faapitoa o le va feagai o le malo feterale ma tagata moni o Hawaii." Sa lagolago lea i'uga e Faamasino William Fletcher ma toe sōsō atu teisi i luma lana faaupuga, "E lē o solia e le aiaiga o le ulufale i Kamehameha se tulafono feterale e faasino i āiā tatau talu ai ona o tagata Hawaii moni e lē na o se vaega o tagata (racial classification), a o se vaega o pulega faaupufai (political classification.)"

O le eseese o taofi ma i'uga a faamasino feterale ua tupu ai le popole i le puipuiga faapitoa o loo i le Faavae o Amerika Samoa, ma e tatau ai ona mata'itū pea nei taualumaga o loo faia i fafo.

6. MALO TUTOATASI O SAMOA

Na tutoatasi Samoa i le 1962. E faavae lenei malo fou i poutu e tolu – faaKerisiano (Faavae Samoa i le Atua), faatemokarasi, ma le aganuu a Samoa. Ua sili i le 40 tausaga o le malo, ma o lona tupu malosi ua avea ai ma manulauti i isi malo laiti. O le taofi o le Komisi, o le manuia o lenei malo, e ala i lona tausisi i ona maa faavae ma le faalagolago i le poto a'oa'oina. A o lē i maua lona tutoatasi, sa mautinoa le moomia o ni ta'ita'i ma ni ofisa maualuluga a'oa'oina mo le malo. I lana saunoaga

i le faamanatuga o le Iupeli Auro o le Kolisi o Samoa ia Oketopa 2003, na faapea ai le Afioga a Misa Telefoni Retzlaff, Sui Palemia, “O le tatalaina o le Kolisi o Samoa i le 1953, o se tasi o laasaga tāua o le tapenaga o tagata o Samoa mo le tutoatasi. Na iloa muamua lava o a’oa’oga le ki e saunia ai ta’ita’i faapea ma tagata atamamai e tauavea le pule sa i lima o malo faakolone.” O le tali a Malo Aufaatasi i le talosaga e fia tutoatasi, “Muamua a’oga sosoo ai ma le Tutoatasi.” Ua toe faamanatu i le saunoaga a le Afioga Misa le saunoaga a le Tama-a-Aiga o Tamasese Meaole i le ulua’i sisiga fu’a o le malo fou, “Tupulaga o Samoa, o le Malo lenei ua faavae i o matou loto, a e faamoemoe e faamautu i lo outou poto.”

Na talitonu le Komisi i le tino mai o le mau - ia “muamua aoga.” O uiga aupito mata’iina e lua o le tutoatasi o Samoa, o le malosia o le lotonuu ma le maualuga o le tulaga a’oa’oina o ta’ita’i ma ofisa o le malo.

Sa faapotopoto e Palemia Tuilaepa Sailele Malielegaoi lana kapeneta ma ofisa ta’ita’i (chief executive officers) uma o le malo i se fonotaga ma le Komisi. O ia lava na ta’ita’i ma faamatala auiliili galuega ma fuafuaga a le malo. Na iloa manino e le Komisi le ata o se malo laitiiti ma le ‘uti’uti o ona ālā manuia a e uiga ‘ese le mamao lana silasila.

O le fesoasoani mai malo tetele o loo faatupe ai le fausia o galuega tetele. E fananau mai na galuega isi atinae eseese. Faatusa, o le nofoaga tele o taaloga i Faleata o loo iai se loto ‘āu’āu tele na fausia e le Malo o Saina. O lea loto ‘āu’āu ua tosina mai i ai tauvaaga faava o malo – a e ola atili ai le turisi. O le fausia o se faletalimalo tele i Mulifanua, o le ata lena o le talitonu i le lumani o le turisi. Ina ua mavae nai tausaga itiiti, ua see ese Samoa mai le lisi o “malo pito matitiva o le lalolagi,” a ua saafi i se tulaga ua molimauina lona mautu. O le tupu a’e o pisinisi laiti tau faato’aga, fagotaga, ma le gaosia o oloa eseese e mafai e tagata Samoa, ma gafatia foi ona faatupe i Samoa lava, o se fuafuaga atamai tele tau le atina’e. O ia pisinisi laiti ua fesoasoani e faatupu

atili le tamaoaiga i le lotoifale, ma faatele ai oloa e faatau atu i fafo. O loo foliga malilie tagata i le momolia atu o tautua eseese mo le lautele – alatele, aoga, falemai, fesootaiga, ma isi.

Lelei ma Faaletonu – Faatusatusaga ma Amerika Samoa

1. Tutoatasi. Na o le *tutoatasi* e mafai ai na faatino le moomooga malosi e faamautu aganuu ma soifua ai. E pule Samoa i ana ia lava tulafono e puipui ai ma faalatele le aganuu, i tulaga e talafeagai ma talitonuga faaKerisiano ma faatemokarasi. E lē mafai e Amerika Samoa ona fai ni tulafono e feteenai ma le Faavae o le U. S. poo iuga a le Faamasinoga.
 2. Fesosoani mai fafo. O le tele o fausaga tetele o le atinae o Samoa e faatupe mai malo ma faalapopotoga i fafo. E maualalalo le totogi, ma ua mafai ai ona toe taamilo le tupe i totonu o le atunuu ma tupu atili ai le tamaoaiga. A e faaoga le tele o le tupe e maua i totonu lava o Samoa, e faaleleia ai le tuuina atu o le tautua i tagata lautele. Ona o ia o se teritori o le U. S., e lē mafai e Amerika Samoa ona talosaga mo ni fesoasoani mai isi malo. Na faaalua foi talu ai nei i le teena o lana talosaga e fia 'auai i le aofia o Malo o le Pasefika (Forum of Pacific Nations) le taofi mautu o le Matagaluega o Setete o le U. S., e lē fia vaai o suamili le teritori ma isi malo.
 3. Lotonuu. E matuā atoatoa le mitamita o sitiseni o Samoa i lo latou malo tutoatasi. O Amerika Samoa e vaelua lona lotonuu iā Amerika ma Samoa. O le faigofie ona fesiita'i i le va o le Teritori ma Setete ua tula'i mai ai le *faaaigalua* i le toatele o tagata Amerika Samoa, pei e nonofo ae 'olo i taimi uma.
 4. A'oga. Sa tāua a'oga i le faavaega o le malo tutoatasi. O loo tāua pea lava. E foliga mai o loo tulei pea e Samoa ona tagata ia oo i le tulu'iga o a'oa'oga, i luga o le talitonuga e mafai e tagata popoto ona maua fofō o soo se faafitauli, ma aga'i pea i luma.
- O le fesili poo fiafia tagata Samoa i lo latou malo. O le tali moni – Ioe!
-

VAEGA TOLU - TAOFI FAAALI O LE LAUTELE

E manuia se tulaga faamalo pe a malamalama, fiafia i ai, ma lagolago e le lautele. O le lagona lena na tuu atu ai e le Komisi le fesili i le lautele o le atunuu. Sa muamua ona faasalalau le mataupu. Na filifili le televise auā e sili ona toatele le au maimoa iina. Sa fau porokalama ina ia silafia manino tulaga o faigamalo eseese o loo suesue, o latou lelei ma faaletonu. Na lolomi pepa ma faasalalau. Sa vave ona iloa e le Komisi, e toatele le atunuu latou te lē o silafia atoatoa le uiga ma le tāua o tulaga faamalo eseese, ma ua aoga tele ai faasalalauga o le mataupu.

Suesuega taamilo i fafo

E toatele atu tagata o Amerika Samoa o loo nonofo i le U. S. ma Hawaii na i lo Tutuila, Manua, ma Aunuu. O faamaumauga a le Perou (Bureau) o Tusiga Igoa o loo faaalua ai e 91,376 tagata Samoa na nonofo i Amerika i le tausaga e 2000. E 37,498 e nonofo i Kalifonia (41%), a e 16,166 (18%) e nonofo i Hawaii.

Sa manatu le Komisi ia saili finagalo o le vaega tele lena, ina ia atagia i le Ripoti se finagalo fulisia o tagata uma o Amerika Samoa.

1. Tusa poo alaala i fafo, a o tagata lava o Amerika Samoa. E naunau lo latou 'ana'ana i mea o loo tutupu i Samoa nei, ma e iai lo latou āiā e iloa ai. O Hawaii ma Amerika o "isi na aiga". O le aiga moni o loo i Samoa. E alu i le isi aiga e faaa'oga fanau, su'e galuega lelei, pe asiasi foi i fanau ma aiga i fafo. E telē le naunau e fia iloa mea o loo tutupu i le aiga moni i Samoa, ma e malosi le taofi o loo tumau pea o latou āiā e 'auai i mea fai i Samoa nei.

E toatele foi e malaga e sa'ili togafiti o gasegase, ma ua faigofie 'ō e lalata ai i fomai. O le faigofie ona ulufale atu ma ulufale mai ua oo ai ina *faaaigalua* – o se upu uisa i se tagata fealua'i ma fea'avea'i tala. Nei, ua aogā le upu e faamatala ai le tasi uiga o le soifuaga o Samoa ua tula'i mai. Ua

aga'i ina aveva Samoa ma nuu gasolo, pei o le a lē mauaa ma o le a see le lotomau i le nuu ma le aiga moni. A faigata Samoa nei, oso i Hawaii poo L. A. Ua tele fanau ma aiga e nonofo ai. A oo foi ina faigata le olaga i o, toe see mai i Samoa.

2. Ua avatu e tagata Samoa a latou measina o le aganuu i o latou aiga fou, e aofia ai ma lotu. E fesoota'i pea ma lotu i Samoa, ma e maua ai pea e tagata le agaga tapuai pei ona masani ai i Samoa.
3. Ua faitau i le lua ma le tolu tupulaga o isi aiga i fafo. E toatele foi fanau ua maoa'e lo latou a'oa'oina ma le tomai i galuega.
4. E tele aiga i Samoa nei e fau o latou taofi i manatu e faaali mai e o latou aiga o loo nonofo i fafo.
5. E iai matai tāua e nonofo i fafo i le tele o aso, ae fai ma asiasi mai.

Mo nei mafuaga ma isi foi, na filifilia ai nuu ia mo iloiloga i fafo: San Diego (e āsia ai le nofoaga Initia o Barona), Oceanside, Los Angeles, San Francisco, Tacoma, Seattle, Laie (Nuu Samoa), Honolulu, ma tagata matutua i Kuhio-Kalihi. Ua uma ona faalauiloa tala o ia asiasiga. A o le ootoga lenei o taofi sa faaaliga:

1. E fulisia mamafa i latou o i fafo ia faaaau le faigamalo i lalo o le Malo Tele o le U. S.;
2. E naunau Samoa i fafo ia faatumau le aganuu – tu ma agaifanua, faamatai ma le gagana Samoa – 'aua ne'i āfāina pe afai e sui se tulaga faamalo. Sa mata'iina le faaaliga o le mitamita o le tupulaga e lua ma le tolu o Samoa i fafo i le soifuaga "faaSamoa".
3. Sitiseni. E fenumia'i i le toatele mafuaga e tatau ai ona aveva ma sitiseni U. S., atoa ma ala e uia ina ia maua. O isi na manana'o i se pili ia pasia e le Konekeresi ina ia otometi ona maua sitiseni o Amerika Samoa moni pe a ulufale atu i Amerika. E manatu isi ua tatau ona see atu le atunuu i le tulaga

sitiseni pei ona iai Kuama.

4. Faalapotopotoga. E tofu nuu tetele na afe ai le Komisi ma faalapotopotoga a Samoa o loo iai. O ala ia ua latou fesoota'i ma faatino ai aganuu, fesoasoani ai isi i isi, ma faatosina mai ai porokarama fesoasoani a le malo tele. E talavou ma ma'ema'e o latou ta'ita'i. Ua aloa'ia foi e aai o loo nonofo ai, ma o se molimau maoa'e lea i lo latou tomai ma le loto Samoa.
5. Na latou lagona le tāua o le misiona a le Komisi ma faafetaia le amana'ia atu o latou.

O isi manatu na faaali e aga'i i ni suiga o le Faavae ma le pule'aga o le malo. O le a aofia i se vaega e tatau ai o lenei ripoti.

Suesuega i Samoa nei

Sa faia fonotaga ma iloiloga i Samoa nei mo le lautele. Sa iai foi avanoa faapitoa mo ta'ita'i o le atunuu ma le malo faalotoifale e ala i le Ofisa o Mataupu Tau Samoa. Sa faapea foi ona avanoa alii loia Samoa ma le 'au failotu. [Tagai i le Faaopoopoga mo le lisi atoa.]

VAEGA FA - FAUTUAGA

Faatomuaga

E ono vaega o fautuaga a le Komisi:

- (A) Fautuaga Autu;
- (E) Fautuaga Lagolago Faanatinati;
- (I) Fautuaga mo le Iloiloga o le Faavae;
- (O) Mataupu Lagaina e le Lautele;
- (U) Mataupu e Feutaga'i ai ma le Initeria;
- (F) Mataupu e Feutaga'i ai ma le Konekeresi o le Unaiete Setete.

O fautuaga i isi mataupu e lua ua tuu mai i le Komisi - Feagaiga o le Tuuina Atu, ma Swains Island - o le a aofia i talanoaga o na mataupu.

Faaaliga e Lua e Faatomua ai Fautuaga:

- (1) Ua fausia fautuaga mai le tuufaatasiga o suesuega ma sailiiliga, folasaga a fautua ma le aufaigaluega, molimau, ripoti a ofisa o le malo, ma finagalo faaali o le lautele. Na aogā tele le iloa mai asiasiga i nuu i fafo o Amerika Samoa i le fausia o nei fautuaga. Atonu o nisi o nei fautuaga sa tatau ona ave sa’o i le pulega o le MAS. A ua tuuina i lenei Ripoti ona o ni mataupu na laga e le lautele i fonotaga ma le Komisi, auā e atagia ai le taofi o tagata e uiga i le faagaioioia o le faigamalo i lalo o le tulaga faamalo lea o loo i ai nei.
- (2) I le tapenaga o ana fautuaga, na faatāua e le Komisi finagalo o le lautele, i luga o le talitonuga a fia manuia se tulaga faamalo, e tatau ona talia ma fiafia i ai i latou o le a soifua ai. Na faamamafa i finagalo faaali o ta’ita’i e oo i le lautele, o Samoa iinei ma fafo foi, itu nei e lua:
 - (a) Ia nofo pea Amerika Samoa i le aiga o setete ma teritori o le Unaitē Setete o Amerika.
 - (e) poo le a lava le tulaga faamalo e i’u i ai, ia mautinoa e lē āfāina aganuu, ma ia faaolaola pea le gagana Samoa.

(A) FAUTUAGA AUTŪ

- 1. Ia tumau pea Amerika Samoa i le tulaga faamalo - e leai se tulafono faavae faateritori ma e lē i faaofiina - ma ia amata ni feutaga’iga ma le Konekeresi o le U. S. mo se tulaga faamalo tumau.**

Ia silafia:

- (i.) E moomia se Tulafono e pasia e le Konekeresi e faamautu ai puipuiga faapitoa o fanua ma suafa o loo i le Faavae o Amerika Samoa.

- (ii.) E mafai ona pasia se tulafono e aunoa ma le suia o le tulaga faamalo lea o loo iai nei.
- (iii.) Ua lagolagoina e faamasinoga a le malo tele puipuiga faapitoa faapena i le Feagaiga a CNMI lea na pasia e le Konekeresi.

(E) FAUTUAGA LAGOLAGO FAANATINATI

Ua silafia e le Komisi e tatau ona faia e Amerika Samoa ni teuteuga ma faasa'o faaletonu ina ia puipuia avanoa mo tupulaga o nei ma ataeao.

1. Femalagaa'iga

Faamatalaga

E lē aofia Amerika Samoa i le puleaga o femalagaaiga a le Malo Tele. O loo i totonu o le Tusi Tulafono a Amerika Samoa tulafono e pulea ai lava e ia ana femalagaa'iga.

O loo iai nei se faigata tele tau femalagaa'iga i Amerika Samoa. Na amata leni faigata i le taimi na tatala ai le fale tuu'apai'a o le Van Camp i le 1954, ma le Starkist i le 1962. Sa fia maua tele tagata faigaluega ma sa faatosina mai tagata Samoa i Sisifo e galulue e tuu'apai'a. Na fananau mai isi pisinisi mai ia kamupani tetele. Sa tatala mai e le Konekeresi tupe e tele mo le atinae ma ua manaomia atili ai ni leipa. A e sa faateleina pea le esoto lea na amata i le tula'i ese o le Fua i le 1951. Ua see atu i fao tagata talavou e toatele. Na mautinoa foi, e lē fiafia tagata talavou o Amerika Samoa e galulue i kamupani tuu'apai'a. Na o le 20,000 le faitau aofai o tagata Amerika Samoa i lena taimi. Sa tatala le faitotoa i ē fia ulufale mai e faigaluega. E oo mai i le 1970, ua silia i le 4000 le aufaigaluega i kamupani tuu'apai'a, 75% o ia tagata galulue na omai i Samoa i Sisifo. (E oo mai i le tausaga e 2000, ua silia i le 5200 tagata faigaluega tuu'apai'a.) Sa iloa e ta'ita'i o le Malo, ma talia le ulufale malosi mai o Samoa i Sisifo ma

Toga ina ia faatumu avanoa i galuega, ona o le tāua o kamupani tuu'apai'a ma galuega atiae tetele i le tamaoaiga. Sa lagona na i faitioga faapea o le a tele tagata mai fafo, a e na taomia i le naunau ia atia'e le tamaoaiga.

E ese le mea lea ua tupu nei. Ua alalaga le lautele fai mai ua toatele naunau tagata mai Asia ma Filipaina. Fai mai le ofisa o Femalagaa'iga, o loo tausisia pea kuota o loo ta'u mai e le tulafono. A ua faapopoleina lava le lautele. Ua latou masalomia e toatele nisi ua ulufale mai ma nonofo i ni ala e lē tusa ma le tulafono. O isi ua faitau tausaga e lē o maua e le Ofisa o Femalagaa'iga. (O Samoa nei, e ola pea lava le *uaealesi mosooi* ma e tele lava ina sa'o.) E faataga e le tulafono pisinisi e aumai tagata mai fafo, pe a lē maua nisi e agavaa iinei e faatinoa a latou pisinisi. O le mama telē lena o loo iai nei i le tulafono.

O isi mea ua mautinoa

- (i) Ua tauau ina fitā tele le 'uti'uti o le laueleele.
- (ii) Ua alu i luga le tau o tautua a le malo, ua tau faatofutofu ai fesoasoani mo le lautele.
- (iii) Ua 'u'u mai e tagata mai fafo avanoa i pisinisi ma galuega lelei.
- (iv) O nisi o soligatulafono sili ona mātagā, ua masiasi ai le Teritori, na faia e tagata mai fafo.
- (v) E iai isi ua usugafa i tagata Samoa, a o le toatele lava o tagata mai fafo, e lē ola i le *faaSamoa*.
- (vi) O fanau uma a tagata mai fafo e faananau iinei, o "nesionale" latou o le U.S., ma o lena tulaga ua agavaa ai latou i mea uma e oo i le āiā e avea ai ma kovana.

O le faamata'u mai o le filogia o uiga e iloa ai le Samoa moni, ma le fāoa o avanoa mo le lumanai - ua lē to'a lelei ai le toatele o Amerika Samoa. I ana iloiloga, sa fofoga le Komisi i le auē mai ia vave ona togafitia lenei mea ua tupu.

FAUTUAGA

2. E fautuaina le Kovana ma le Fono Faitulafono ia faia ni tulafono efaaitiiti ai le ulufale mai ma le nonofo mau o tagata mai fafo, ma ia lafo le mamafa o le avega i ē na aumaia ia tagata.
3. E talosagaina le Kovana ma le Fono Faitulafono ia iloilo pe tatau ona siitia le Ofisa o Femalagaa'iga i le kapeneta.

2. Puipuiga o Aganuu

Tuufaatasiga o Taumafaiga

Na lagolago e le fulisia o tagata o Amerika Samoa le tulaga faamalo e leai se tulafono faavae faateritori ma le lē faaofia ona o mafuaga e lua:

- 1) ia faaauau le avega ma itutino o le Unaiete Setete, ma
- 2) ia saoloto pea e soifua i aganuu.

O poutu la e lua o lo tatou tulaga faamalo: sootaga tumau ma le Unaiete Setete; ma le faatumauina o aganuu. O le fesili a le Komisi - pe mata e mautu lenei tulaga faamalo ua moomia e le atunu'u? [Tagai i le pepa, "Oneone pe Papa?" o loo i le Faaopoopoga]. E lē fesiligia le mautu o le U. S. ma lo tatou fesoota'i atu i ai. O le mautu ma le malosi pea o aganuu ma le soifuga faaSamoa e popole i ai.

E tele porokalama mo le aoaoina, puipuia, ma le faalauteleina o aganuu o loo faia nei i a'oga a le malo, a'oga tua, ekalesia, ma faalapotopotoga. Na faia talu ai nei e Kovana Togiola se saunoaga tāua i le mataupu o le puipuia o le gagana Samoa, i luma o le aofia o le *Fatuaiupu o Samoa*, e faapine ai lona talitonuga i le tāua o le puipuia o le gagana Samoa. E lē o itiiti le naunau o le atunuu e faamautu ana aganuu. Aepeitai o le tusalalau o taumafaiga ua lē malosi ai. Afai e alu ai pea faapea, ua lagona e le Komisi o le a faavae le fale o le atunuu i se oneone e tafea.

FAUTUAGA

4. Ia faapotopoto e le Malo ē uma o loo aafia i lenei taumafaiga - faia’oga, ofisa ma faalapotopotoga, ekalesia, porokalama a le malo tele, ma nisi uma e loto i ai, na ia fau faatasi se ta’iala mo le a’oa’oina ma le faatumauiina o aganuu, ia faatulaga ai ni sini a ala e ‘ausia ai ia sini.

Faaliu fanua totino fanua faitele

O eleele faitele o aiga e i le fatu o le soifuaga faaSamoa. E tatau ona umia ma pulea pea e tagata Samoa o latou fanua i le pule faitele a aiga. Aepeitai, ua lamatia lea tulaga ona o tulafono e faataga ai le faaliu fanua totino o eleele faitele o aiga. Ina ia faasao la le fatu o le faaSamoa, e tatau ona faamuta le liua o eleele faitele e avea ma fanua totino. O le ā lava le gaoioiga e mafai ona faatino vave ai lea manao, ia faia loa.

E foliga tutusa a tatou aiaiga o le umia o laueele e ala i le tupuaga ma le faiga foi a le CNMI. O loo faatapulaa i le Maga 805 o le Feagaiga o le 1975 i le va o le U. S. ma CNMI le umia o eleele i tagata e tupuga tautoto mai le CNMI. Ua talia lea aiaiga e le Faamasinoga o Apili o le Li’o e Iva. Ua taualoa soo e faamasinoga feterale le taofi faapea - e faapitoa le tulaga faamalo o le CNMI i totonu o le aiga faafaigāmalo o Amerika. Ua talitonu le Komisi o le a faapea foi se faaiuga a faamasinoga feterale i tulafono a Amerika Samoa o loo faatulaga ai puipuiga faapitoa, pe afai e lu’itauina e se tasi. Aepeitai, pei ona faatū atu i le Fautuaga ‘Autū, e moomia se tulafono e fausia

Aofa’iga o Tamaiti Aoga i Amerika Samoa (Aokuso 2005 - Iuni 2006)

| | | |
|---|---------------|------------|
| Vasega muamua se’i o’o atu i le vasega sefulu ma le lua | | |
| Aofa’i | 19,236 | 100% |
| Aoga a le Malo | 16,154 | 84% |
| Aoga a le lotu | 3,082 | 16% |

faapitoa e le Konekeresi e faamautū ai aiaiga faapitoa mo le puipuiga o fanua ma suafa.

O le mea lea, e uunaiina ai ma le faaaloalo e le Komisi le Resitara, Komisi o Laueleele ma le Kovana, ia matuā taofia le faamatu'ū atu eleele faitele o aiga - e faaliu ma fanua totino.

FAUTUAGA

5. E fautuaina ma le faaaloalo le Kovana ma le Fono Faitulafono, ia toe iloilo tulafono e taofia ai le faaliu fanua totino o fanua faitele o aiga Samoa, ina ia faamalosia atili.

O le Faamatai

O le soifuaga o Samoa e ogātotonu i le *matai*. A fia faamautu lo tatou soifuaga faaSamoa, e tatau ona puipui le mamalu o le matai. Ina ia tino mai la lena faamoemoe, e tatau ona toe sasaa le fafao i le mataupu matai -- mai le filifiliga, le tauavea o le tulaga matai i aiga, saofaiga a nuu, ma le tauavea o tofi o le malo e matai.

E lē mafai ona taofi le savaliga a aso. E tatau ai ona liuliu malie le tulaga o *matai* ia feagai ma suiga o aso - a e tumau pea lona mamalu ma le taualoa. O la tatou upu masani, *E sui faiga, a e tumau faavae*. Ua tupu tele i Amerika Samoa le aofai o tagata e lē ola i lalo o le "faamatai" ma ua latou umia foi le tele o le tamaoaiga o le atunuu. Ua lamatia ai le "faamatai". A o le lama aupito mata'utia, o le tupu tele o le aofai o tupulaga talavou ua lē o a'oa'oina ma e leai so latou fiafia i le aganuu.

E tatau iā Amerika Samoa ona popole ne'i fesiligia mai e le malo tele le mautu o le soifuaga faamatai. A manatu faamasinoga feterale ua lē o tāua i tagata o Samoa la latou aganuu, o le a lē popole foi latou e faamamalu a tatou tulafono o puipuiga faapitoa. E tatau ona tatou faaali atu pea o loo tuloto le "faamatai" i lo tatou soifuaga, ma e matuā moomia lona puipuia.

FAUTUAGA

6. E uunaiina ma le faaaloalo le Fono Faitulafono ia silasila totoa i tulaga t̄aua e ao ai ina puipuia le mamalu o le faamatai, ma toe fuafua ni tulafono e:
 - (i) faat̄aua ai ma faamalosi le filifiliga a le aiga potopoto;
 - (ii) tuu atu ai se malosi i le galuega teuteu a le Ofisa o Mataupu Tau Samoa ma ia aofia ai ma alii maufofi i lea galuega teuteu;
 - (iii) faamalosia le pule a le matai sa’o e vaaia ai fanua o le aiga ma faasoasoia i le ‘au aiga e nonofo ai ma faaaoga, ma le tofia o isi matai o le aiga;
 - (iv) toe faatulaga ai agavaa e iloilo ai e le Faamasinoga iuga o suafa matai, ina ia faat̄aua le “tautua” i le aiga, ma ia toe taga’i i le tulaga o le āuā tau “toto”.
 - (v) toe taga’i i le mataupu o le “aogā o le matai” ina ia tuu le faamamafa i le “aogā i le aiga.”

A’oga mo le lautele

Fai mai le Faavae, “ia faatupu e le malo le fialia i tagata agavaa amio lelei e saili le a’oa’oina, iinei ma fafo, i mataupu lautele ma faapitoa, ina ia toe foi mai i Amerika Samoa ia manuia le atunuu mai lo latou a’oa’oina” (Mataupu I; Maga 15). O le mana’o na silafia e le ‘au tusi Faavae i le 50 tausaga ua mavae, ua faateteleina lona t̄aua i aso nei. E lē na o ta’ita’i o le lumana’i e tatau ona a’oa’oina – a o le atunuu atoa. I lana taamilosaga talu ai nei, na silafia manino e le Komisi le tatau ona iai se porokalama mautū o a’oa’oga mo le lautele. E le faigofie lenei taumafaiga, auā a o tatou taumafai ia maua atu le lalolagi, a o la e lava e gasolo le lalolagi ia i luma. Ua lelei falea’oga o le Malo, ma o loo faaopoopo pea foi ina ia ōgatasi ma le faatupula’ia o le faitau aofa’i o tamaiti. O le lu’itau mamafa - o le taumafai e ō faatasi le porokalama o a’oga ma le agai

i luma tupu tele o le atunuu.

Ua vaaia le amatalia o se porokalama e a’oa’o atili ai faia’oga ia mafai ona faamaonia pei ona faia i setete. Sa maua e le Komisi le avanoa e talanoa ai ma Dr. Lui Tuitele, pule a’oga, ma lona sui – Dr. Claire Poumele.

FAUTUAGA

Ua talosagaina le Kovana ina ia:

7. Toe faaola le Komiti o A’oga ma ia tofia ni sui mai itu eseese o le atunuu, ma ia faamalosia le Komiti A’oga e fola se ripoti tausaga i le tulaga o a’oga i le Teritori.
8. Faatelevave le porokalama o le faamaonia o faiaoga, faaopoopo sikolasipi mo faiaoga, toe faatulaga totogi o faiaoga.
9. Toe silasila i le faatonuga a le Faavae ia inivesi i le aoaoina o tagata i galuega faaporofesa ma matātā eseese.

O le Tamaoaiga

Na folasia e le Faatonu o le Matagaluega o le Atinae o le Tamaoaiga le ata o le tulaga o loo iai le tamaoaiga o le Teritori. Sa faafofoga foi le Komisi i le Afioga a Papalii Cohen, Pule o Atumotu, i le taumafaiga e faatosina mai pisinisi. Ua silafia foi e le Komisi taumafaiga a Kovana Togiola e saili avanoa i Amerika ma atunuu i fafo, ma fesoota’i ma isi malo o le vasa nei.

E amata le Fuafuaga o le Atinae Tau Tamaoaiga o Manua, ma le Pulea o le Siomaga o le 1984 i upu ia, “. . . ua mautinoa e itiiti lava si suiga ua vaaia i le atinae o le tamaoaiga o motu o Manua. O la e lava e tumau faafitauli o le atinae, ma e le o laa i se inisi e tasi e tusa ma fautuaga tusitusia.” O le ata lena o fuafuaga uma na faia mai aso ua mavae mo le atinae o le tamaoaiga, ua lē toe faatuatua e le lautele ni fuafuaga atiae.

O le ala lea ua faataoto ai e Kovana Togiola ia faasalalau (diversify) taumafaiga e atiae le tamaoaiga, o le ala sa’o lena, i le vaai a le Komisi. Na vaaia e le Komisi le manuia o le atinae faasalalau i Samoa. Vagana le pisinisi tele o le Yasaki, e leai nisi pisinisi tetele e faitau i afe tagata faigaluega i Samoa, pei o fale tuu’apai’a i Amerika Samoa. A e iai lana porokalama o le atinae o pisinisi laiti e mafai ona amata, faagaoioi, ma faatupe i Samoa lava. O faatusa o le totoina ma le la’uina i fafo o le ‘ava, nonu, mea gaosi mai popo, laupapa Samoa, faiva o aso taitasi, siamu popo, fisigā talo ma fa’i, koko ua uma ona tu’i, mea taulima, ma le anoano o isi pisinisi laiti e alumia e turisi. Ua sauni nei Samoa e faasee i se galu tele o le atinae o lona tamaoaiga. O fua na o le agaga ma’ema’e sailiili, le galulue maua’i o fai pisinisi laiti, ma le aao fesoasoani o le malo.

O loo ola foi le agaga ma’ema’e i pisinisi i Amerika Samoa, pei ona vaaia i le toe faafouga o le Faletalimalo o le Rainmaker (Sadies by the Sea), le ola o le Blue Sky Telecommunications, ma le amatalia o le fale televise o le Malama TV.

Ua avea nei Samoa ma taunuuga o turisi (tourist destination) – o le sini lena e moemiti i ai le ‘au fai fuafuaga. O le ata manuia lena o le piitia e le malo o laasaga uma o le fuafuaina ma faatinoga o lenei pisinisi tele. E mafai ona talimanū Amerika Samoa, i se fesoota’iga ma gaoioiga faaturisi i Samoa.

FAUTUAGA

10. Ia tumau le MAS i le “faasalalau” o le atinae - o se ala fautuaina mo le atinae o le tamaoaiga, ma ia aumai faatasi sui o le lautele, le Faletupe Atiae o Amerika Samoa, ma le au fai pisinisi, e fai faatasi fuafuaga.
11. E tatau i le Faletupe Atiae o Amerika Samoa ona tuu lana faamamafa i lana uluai misiona ma inivesi le vaega tele o lona taimi ma ana tupe i le atinae o pisinisi a tagata Samoa.

12. Faataoto se vaaiga ma se ta'iala fou mo le pisinisi turisi ina ia galulue faatasi ma fetufaa'i ma Samoa ma isi nuu o le vasa nei.

I. MATAUPU TAU LE FAAVAE

O loo ta'u i le Faatomuaga o le T.L. 29-6 faapea o loo faatali se iloiloga o le Faavae Toe Teuteuina o Amerika Samoa i lenei Ripoti. O le mea lea, sa talia ma faamaumau e le Komisi mataupu e faasino i le Faavae na lagaina mai e le lautele i taimi o ana sailiiliga. Atonu e itiiti pe leai foi se fesoota'iga tautonu o nei mataupu ma le tulaga faamalo, a o mataupu na laga mai, e aoga e fua i ai le malilie o le lautele i le tulaga faamalo lea o loo iai nei.

O ni suiga i le fono faitulafono sa pito tele ai manatu na faaali. E ui ina e lē o faia i ai ni faaiuga a le Komisi, a ua tuuina iinei ina ia silafia ai e le Komiti Iloilo Faavae.

1. Toe faatulagaga o sui

Lu'itauina o le filifiliga o Senatoa

O loo fefaaalia'i pea taofi o le lautele e faasino i le talafeagai o le filifiliga o senatoa ma le Faavae. E faapefea pe a lu'itauina i faamasinoga feterale? O le *faamatai* ma le umia o laueleele e ala i le tupu'aga Samoa - o mataupu aupito tāua na i finagalo o le lautele o le atunuu. Na suesue e loia fautua a le Komisi nei fesili ma tuuina mai se vaaiga aupito lata mai o se tulaga e ono oo i ai faamasinoga feterale. Ua faalototele mai a latou su'esu'ega ina ua faapea mai - e mafai ona teena ni lu'itau aga'i aiaiga e puipuia faapitoa ai le *faaSamoa*.

Nofoa i le Maota Maua luga

Sa mamafa se folasaga mai ta'ita'i o Manua ina ia toe faafoi atu nofoa e lua o Manua ma faatutusa ai sui o Falelima ma Manua i le Senate. O le ootoga leni o le talaaga:

Na faatulaga e le Faavae o le 1960 nofoa o le Senate aga'i i tulaga o itumalo

faaleaganuu ma tuu atu ai nofoa ta'ilima i falelima faapea Manua. O le faaauauina o le faatulagaga na malilie i ai Tutuila ma Manua i le toe faatulagaina o le Fono Faitulafono i le 1953.

I le Toe Teuteuga o le 1966-67, na aloa'ia ai le iuga a le Faamasinoga Sili e faapea e "tasi le tagata tasi le palota" ona o le fautuaga a Faamasino Morrow lea sa fautua i le fono o le Faavae, faapea a lē aloa'ia le "tasi le tagata tasi le palota", e i'u ina faaleaogaina le faavae o Amerika Samoa e faamasinoga feterule. Sa tetelee malosi le usugafono a Manua ma se finauga e faapea: afai o popole ne'i feteenai le faatulagaga o nofoa e faalagolago i aganuu ma le Faavae o le Malo Tele, e tatau foi la ona popole i le umia o eleele e ala i le toto, ma le faapito i matai le nofoia o le Maota Maualuga. E lē i talia lea finauga ona tula'i ai lea o le usugafono a Manua. Sa faatulaga loa itumalo faasenatoa e sefuluvalu e faatatau i le faitau aofai o tagata: Manua, 3; Sisifo, 6; Sasae, 9.

O loo tagi pea Manua ona e tofu le itumalo faaleaganuu o Tutuila ma le nofoa. E ta'ilua sui o itumalo tetele o Sua ma Tualauta, a e tolu Maoputasi.

Ua sui le faitau aofai o tagata i totonu o le 40 tausaga lea ua tea, ua atili ai ona lē amiotonu le faatulagaga, auā sa lē i manatu se isi o le a faapea ona oso maualuga le aofai o Tualauta ma Ituau. Na o Manua lea e tagi pea ina ia toe faafoi le faatulagaga o nofoa ia lima i le falelima.

FAUTUAGA

13. E uuna'i faaaloalo atu le Komiti Iloilo Faavae, ina ia toe faafoi nofoa o le Senate ia ta'i lima i le falelima faapea Manua.

Faapito i matai le Senate

O agavaa o senatoa o loo ta'u mai i le Mataupu II, Maga 3 o le Faavae Toe Teuteuina e faapea, "ia o se matai faamauina o se aiga Samoa o loo faatino lana monotaga e pei ona moomia e tusa ma aganuu i le itumalo o loo filifilia mai ai." Na faia

lenei aiaiga ina ia ofi ai le *tofā ma le faautaga* i le faiga o tulafono. E faalogoina pea ni leo e mananao ia palota le Senate, a e lagona tele ia leo i taimi e vevesi ai itumalo i a latou filifiliga. O isi vēsiga ua faaiu e le faamasinoga, o isi e faaiu e le maota i lalo o le aiaiga, “e avea le maota lava ia ma faamasino o le filifiliga, faaiuga, ma agavaa o ona lava totino ma filifili ona ofisa” (Mataupu I, Maga 22).

E umi le talaaga o vēsiga. Ua aliali i ia vēsiga nisi itu vāivai o le *faamatai*. I taimi faapena, ua fesili le lautele pe tatau pea ona saga ave i matai lenei avanoa faapito, pe afai e leai sa latou *tofa ma le faautaga* e teuteu ai i le va lelei filifiliga o senatoa, a e maise pe a oo ina feeseesea’i. E leai se vaega o le filifiliga e lē i tupu ai se vevesi: valaauga o fono, faia o monotaga i le nuu ma le itumalo, faamauga o le suafa matai, tatau ona nofoia le saofaiga, le faiga o faaiuga a le itumalo, tulaga o matai, ma le faamaoni o le ripoti a le faalupega. E lē o faatonuina e le Faavae poo le tulafono ia iai le Ofisa o Mataupu Tau Samoa i le tualumaga o le filifiliga. E mautū le talitonuga o le Komisi ia tau pea o matai e nofoia le Senate ma ia tausisi i le tulaga o matai ta’ita’i.

FAUTUAGA

14. E tatau i le Komiti Iloilo Faavae ona silasila taula’i i mafuaga o vesiga, iloilo ma fai ni suiga tatau i le tualumaga o le filifiliga o le Senate.
15. E fautua atu le Komisi ia toe silasila le Komiti Iloilo Faavae i le tatau ai ona aofia i agavaa moomia o Senatoa le tulaga o matai ta’ita’i.

Toe faatulagaina o nofoa o le Maota o Sui

O le 1967 na faatulaga ai nofoa ia o loo iai nei. Na faaaoga foi le iuga a faamasinoga feterale o le “tasi le tagata tasi le palota”, ona sui ai lea o le faiga tuai sa nofoa a le itumalo. Sa taumafai le Komiti Iloilo Faavae e tau faatutusa le aofai o palota i nofoa, aga’i i le 300 palota i le nofoa. Sa taumafai ia palasi tonu le nofoa i itumalo taitasi, pei ona masani mai ai. Afai e leai ni vaevaega ma’oti e tau tutusa le toatele i

totonu o itumalo tetele, pei ona maua ai Tualauta ma Ituau, ona ave lea i ai o nofoa e lua e palota faatasi e le itumalo, pei na faia i Ta'ū, Faleasao, ma Fitiuta. A e afai e mautinoa ni vaevaega talafeagai pei o itumalo o Sua ma Maoputasi, ona tuu ma'oti lea i ai o nofoa i vaega na. Sa faaigoa itumalo fou ia ua tuu i ai nofoa o Itumalo Faafaipule (Representative Districts). Ina ia 'aia ne'i sē 'ese ma le tulaga sa'o i le lumana'i, pe a feseetai le mamafa o le faitau aofai o tagata, sa faatonu ia ta'i lima tausaga ma toe faatulaga (reapportion) nofoa. E lē i faia se toe fatulagaga talu mai le 1967.

FAUTUAGA

16. E uunaiina ma le faaaloalo le Komiti Iloilo Faavae ina ia faatino le toe faatulagaga o nofoa o le Maota o Sui e pei ona faatonu e le Faavae e faalagolago i faamaumauga pito lata mai o le faitau aofai o tagata.

Tasi le Maota Fono

Sa iloilo umi e le Komisi le folasaga ia tasi le Maota Fono ma e lē fautuaina e i latou se suiga faapea. E taitasi maota o fono faitulafono a Teritori o Kuama ma Virgin Island, ma le setete o Nebraska. E taofi le fulisia o le Komisi ia iloilo atili le mataupu ma e lē o manaomia se suiga i le taimi nei.

Ua lauiloa lelei ma faaletonu o se fono faitulafono e lua maota, pei ona iai nei. Na taoto mai ai lava le Fono Faitulafono i lona faavaeina i le 1948, ma e sa faata'ita'i i le Konekeresi, aemaise le Palemene o Peretania o lo'o i le Maota o Alii ma le Fale o le Lautele.

Sa silasila ma faafofoga le Komisi a o i Kuama i talanoaga ma le Fofoga Fetalai e uiga i le tasi o le fale, ma ona lelei. I Apia, sa faapea foi ona talanoa mae'ae'a mai le Fofoga Fetalai, Sui Fofoga Fetalai, ma le Failautusi o le Palemene i le faagaoioia o se maota e tasi.

Itu lelei o le Fono Faitulafono e Tasi le Maota

- taugofie [E 15 Senatoa a Kuama i le faitau aofai e 160,000 tagata. E 47 sui o le Palemene o Samoa i tagata e 180,000. E 38 faipule o Amerika Samoa i tagata e 60,000.]
- E lava le tupe e sii ai totogi ma fai tagata faigaluega faapitoa a faipule
- taofia ai lavelave o feeseeseaiga o maota e lua.
- faigofie ma vave ai taualumaga ma faaiuga o mataupu
- mamafa atu lona malosi i le va feagai ma isi lālā o le Malo.

Faaletonu

- a puupuu le taualumaga ua lē lava le taimi e susesue ai ina ia malamalama lelei ma maua finagalo i mataupu
- e toaitiiti o le a maua avanoa e faipule ai
- o le a tele le paoa i lima o tagata toaitiiti.

O. MATAUPU LAGAINA E LE LAUTELE

1. Malo 'Aufaatasi ma le ta'u Kolone

FAUTUAGA

17. Ua talitonu le Komisi o le faaigoaina o Amerika Samoa e Malo Aufaatasi o se kolone, e lē afaina ai le filifilia o se tulaga faamalo mo le lumanai, ma fautua atu ia aga'i pea le Teritori i luma, 'aua le amana'ia.

2. Aoaoga o le Lautele i le Mataupu o le Tulaga faamalo

FAUTUAGA

18. E fautuaina e le Komisi le Malo o Amerika Samoa ia fausia se porokalama o aoaoga mo le lautele i mataupu eseese e uiga i le tulaga faamalo ma le faagaioia o le Malo o le Teritori, mo le silafia e le lautele.

U. FAUTUAGA LAGOLAGO E MANAOMIA AI NI FEUTANAIGA MA LE MATAGALUEGA O LE INITERIA

E maua le malosi o le Initeria e pulea ai le Teritori i lalo o le Poloaiga Faamalosi (Executive Order) a le Peresetene. E lē o fesiligia le malosi lena. E lē o fesiligia foi le āiā tatau o Amerika Samoa e pulea ai e ia ia lava. Ua ta'ū pea foi lona manao e fia nofo pea i totonu o le aiga faafaigāmalo o Setete ma Teritori Amerika. O le 1960 na tuu mai ai e le Initeria le malosi iā Amerika Samoa e tusia ai sa latou Faavae, lea na faamaonia ma faasalalau e le Failautusi. A o loo mau pea le 'u'u a le Failautusi o le Initeria i nisi vala tāua o le tulaga faamalo o le Teritori, ua taofia ai le faatinoga o le pulea atoatoa e Amerika Samoa o ia lava – e tusa ma le agaga o faigāmalo faatemokarasi faaAmerika.

O le 1983 na pasia ai e le Konekeresi se pili e faatonu ai ia faamaonia e le Konekeresi suiga uma o le Faavae o Amerika Samoa. O lena suiga ua taofia ai le avanoa e ono sui toatasi ai e le Failautusi o le Initeria le Faavae. Talu ai nei, ua faalauiloa mai e Faipule Faleomavaega lana fuafuaga ia faaulufale se pili e soloia ai la tulafono o le 1983. Afai e pasia lea pili, o le a toe foi le suiga o le Faavae o Amerika Samoa i le tulaga na iai muamua, pei ona aiaia i lalo o le Vaeg V, Maga 3, Suiga. I le tualumaga lena, e faaulufale suiga i le Fono Faitulafono ma afai e talia e le 'au palota, ona auina lea i le Failautusi mo sana faaiuga. O le a toe iai foi ma le āiā o le Failautusi e sui toatasi ai lava e ia le Faavae, e aunoa ma se finagalo o le 'au palota.

O le tulafono o le 1983 o loo faasino faapitoa i suiga. Ae mafai lava le e Failautusi, e tusa ma se finauga faalemafaufau, ona ia soloia le Faavae atoa i se vase e tasi o lana peni. E ui ina e moni e lē i iai se folafolaga faapena ua faia talu ona faamaonia le Faavae i le 1960 ma lona Toe Teuteuina i le 1967, ma e lē o masalomia foi le faia o sea folafolaga, a e faapopole mai pea le iai o le avanoa.

O le finauga a Faipule Faleomavaega, e sili ona tuu le malosi e fai ai suiga i

le Failautusi. I lona taofi, e 'alofia mai ai i lena se vaaiga a le Konekeresi i puipuiga faapitoa ia o loo iai nei i le Faavae.

A o loo tumau pea foi le finauga, talu ai ona o le Failautusi na ia faatagaina le tusia o le Faavae, na te mafaia foi la ona toe soloia. Fai mai isi o le soloia o le Faavae e tusa ua soloia se malo (o Amerika Samoa) ua uma ona aloa'ia e le Konekeresi, faamasinoga feterale, ma tagata uma lava mo tausaga ua atoa le 50. E leai se Failautusi e toa fai se mea faapena.

E ala la i taofi eseese ua faaalua i luga e faasino i le mataupu o puipuiga faapitoa o eleele ma suafa matai, le mautinoa o loo tumau pea le pule a le Matagaluega o le Initeria i le Teritori, atoa ma le atoatoa o le malosi o le Konekeresi i mataupu tau le Teritori, ua manatu ai le Komisi e folasia lena fautuaga.

FAUTUAGA

19. E tataua iā Amerika Samoa ona fesiligia le fesoasoani a le Initeria ia na faafesoota'ia se talanoaga ma le Konekeresi ina ia pasia se tulafono e aiaia ai ni puipuiga faapitoa o eleele ma suafa matai.

Iloiloga o Iuga a le Faamasinoga Sili o Amerika Samoa

Ua tuu atu e le Faavae o Amerika Samoa i le Failautusi o le Initeria le malosi e tofi ai le Faamasino Sili ma le Faamasino Sili Lagolago. E aofia i le Faamasinoga o Tagi Lē Malie a Amerika Samoa faamasino e toalua e tofi e le Failautusi mai isi pule'aga. E leai se aiaiga o le Faavae o tuu atu ai i le Failautusi o le Initeria le malosi e toe iloilo ai, faamaonia, pe fuli iuga a le Faamasinoga Sili o Amerika Samoa.

Ina ua lu'i e Kov. Peter Coleman le talafeagai o le iuga a le Faamasinoga Sili na teena ai lona avanoa e tauvā faatolu ai, na ia talosaga i le Failautusi e fuli le iuga a le Faamasinoga Sili. E ui la ina sa lē i fulia le iuga, sa aumai pea e le Matagaluega o le Initeria se faasalalauga e faalauiloa ai, mo tala faamaumau, le atoatoa o le pule a le

Failautusi ia Amerika Samoa:

“ . . .Ua mautinoa e le Failautusi na faia le iuga a le Faamasinoga Sili ina ua uma ona maua e itu uma le avanoa tutusa e folasia ai mau tusitusia faapea finauga i luma o le Faamasinoga Sili. E ui la ina iai i le Failautusi le malosi e faauilavea ai, ua faapea lona taofi, talu ai ona ua mautinoa sa sa’o le tualumaga o lenei mataupu, e leai se mafuaga e tatau ai ona ia faauilavea.”

O le 1987 na talosaga ai le Ekalesia Faapotopotoga o Aso e Gata Ai ia

Failautusi Hodel e fuli le iuga a le Faamasinoga Sili. I se tusi i le fautua faale

tulafono a le ekalesia o Wilford Kirton, Jr., fai mai le Failautusi,

“ . . . E tusa ai ma le tulafono e 48 U.S.C. maga 166(c) ma le Poloaiga Faamalosia a le Peresetene Nu. 10264, e iai i le Failautusi o le Initeria le malosi i mataupu uma ‘tau sivili, faamasinoga, ma se malosi faamiliteli o Amerika Samoa.’ O le mea lea, e aofia i le malosi o le Failautusi o le Initeria le faitalia e toe iloilo ai iuga ma fai sana filifiliga pe faauilavea. . .

. . . Mo mafuaga na, o le a ou lē faauilavea. . .”

Ua manino mai mau ua ta’u atu i luga o loo umia pea e le Failautusi le malosi atoatoa, ma e pule ai ia pe faauilavea i se mataupu, pe leai.

O le mataupu lea o loo fesiligia nei, o le malosi ma le faitalia a le Failautusi e iloilo ai iuga a alii faamasino. O se mea fou i le faalogo ni iuga a ni faamasino e iloilo, ma mafai ona fuli, e ni ofisa o le malo. E lē o se faamasino le Failautusi, e le mautinoa foi pe loia. O tagata ia na te auina mai e suesue iuga a le Faamasinoga Sili i Samoa nei ma fautua atu ia, o ni tagata faigaluega i le Ofisa o Teritori ma le Va i Fafo. E leai foi ni aiaiga mautu mo le faia o toe iloiloga. O lona talia o talosaga mo se toe iloiloga, ua avatu ai e le Failautusi le avanoa i soo se tasi e fia lu’itauina iuga a le Faamasinoga Sili.

FAUTUAGA

20. Ia feutagai ma le Matagaluega o le Initeria ina ia mautū iuga a le Faamasinoga Sili o Amerika Samoa.

O le Teritori ma Faamasinoga a le Feterale

Sa iloilo e le Komisi le mataupu i le faatuina o se faamasinoga faafeterale i le Teritori. O le aso 19 o Iulai, 2006 na fesili ai Faipule Faleomavaega ma isi i le Ofisa Suesue Aoao (General Accounting Office) ina ia faia se sailiiliga maeaea i le tulaga o faamasinoga i Amerika Samoa. Ua taofi le Komisi, o le mea sili mo le taimi nei, faatali se'i maua se iuga o le suesuega a le Ofisa Suesue Aoao.

Sopo'ia o le Vito e le Fono Faitulafono

O loo aiaia i le Mataupu II, Maga 9 o le Faavae o Amerika Samoa e faapea afai e toe pasia se pili ua uma ona vito e le Kovana ma toe teena foi e ia, ona auina lea o lena pili faatasi ma se faamalamalamaga a le Kovana, i le Failautusi o le Initeria. "Afai e faamaonia e le Failautusi o le Initeria i totonu o aso e 90 ina ua tuana'i lona tauaaoina, o le a avea loa ma tulafono; a lē faamaonia, e lē avea ma tulafono."

Ua finau le Fono Faitulafono faapea masalo sa onomea lenei aiaiga i taimi a e lē i lava le poto masani o le fono faitulafono. Ua 60 nei ona tausaga. Ua lava lona matua ma le masani e tau'ave ai mataupu uma tau tulafono mo le Teritori, e lē feteenai ma tulafono feterale. O loo umia nei e teritori uma le malosi e sopo'ia ai vito a latou kovana, o se faiga masani o malo faatemokarasi. Aiseā e lē faapea ai Amerika Samoa? O le tuu atu i le Fono Faitulafono o le malosi e sopo'ia ai vito a le kovana, o se laasaga lea e aga'i atu i le ta'otoga sa'o o le paleni o malosi i le va o lālā e tolu o le malo, ma o se laa lea i luma i le savaliga agai i le moni o le pulea e ia o lona lava malo.

FAUTUAGA

21. Feutaga'i ma le Initeria ina ia maua e le Fono Faitulafono le malosi e sopo'ia ai le vito a le Kovana.

F. MATAUPU MO FEUTAGA'IGA MA LE KONEKERESI

Ua mautinoa e le Komisi na o le Konekeresi o le U. S. e iai le pule i mataupu tau nesionale, ma o le Sui Aoao o le leo lea e tasi o Amerika Samoa i le Konekeresi. E faaoo atu ai nei i le Sui Aoao e ala i le kopi o lenei Ripoti lenei mataupu mo sana fuafuaga. Fai mai le tulafono, e ao ina tauaoo atu kopi o lenei Ripoti i le Kovana Sili ma le Fono Faitulafono. E tuuina atu la iā i latou faatasi ma le Sui Aoao, ma le faaaloalo lava, nei fautuaga.

Nesionale o le U. S.

O i latou uma e fananau i Amerika Samoa, o nesionale o le U. S. E aofia faatasi ai tamaiti e fananau mai i matua e lē o ni nesionale o le U. S. poo ni sitiseni o le U. S. Ua tupu tele pea le popole o tagata moni o Amerika Samoa ona ua toatele na'uā tagata mai fafo e omai i Amerika Samoa ma fananau ai a latou fanau iinei. O na tamaiti e otometi ona avea ma nesionale – ua tutusa ai latou ma fanau a tagata Amerika Samoa moni. O nesionale fou la nei, mai matua e lē o ni nesionale, e agavaa e 'auai i le soifuaga o le Teritori e oo lava i ona upu fai o malo. E mafai ona latou tauvā i tofi ma e mafai ona avea ma kovana. Afai e faaaauu pea lenei tulaga, e lē o toe umi a e avea fanau a Amerika Samoa moni ma vaega toaitiiti i lo latou lava nuu moni. O loo auē mai lenei faafitauli mo se fofō.

E tatau ona ta'u manino i le Konekeresi le mata'utia o le tulaga e oo i ai, pe a tuufau lenei tulaga e tuputupu pea. O le a lē lava eleele, ma o le lē toe mafai ona tetee le osofa'ia o tu ma aganuu a Samoa e tagata mai fafo ma a latou foi aganuu. E tatau ona

Nuu o Matua: 2000

| Nuu fanau o Matua | Aofai | Fananau uma i Amerika Samoa | Tasi le matua fanau American Samoa | Leai se matua na fanau i Amerika Samoa |
|-------------------|---------|-----------------------------|------------------------------------|--|
| | 57, 291 | 10,996 | 15,086 | 31,209 |
| | | | | |
| | 100% | 19.3% | 26.3% | 54.4% |

Source: US Bureau of Census, American Samoa 2000 Census ASG Department of Commerce

fai vave se togafiti. E mafai e le Konekeresi ona pasia se pili -- e ese mai se Tulafono Faavae Faateritori mo Amerika Samoa -- e fō'ia ai le faalavelave lea ua tupu tele.

FAUTUAGA

22. E uuna'ia ma le faaaloalo lava e le Komisi le Sui Aoao i le Konekeresi ina ia faaulu ma tulituliloa le pasia o se pili e faatapulaa ai le tulaga Nesionale U. S. i tamaiti e fananau i Amerika Samoa mai matua e tupuga mai ē sa nonofo i le Teritori i le 1900 ma Swains Island i le 1925.

Sitiseni U. S.

Ia aveā ma sitiseni – pe leai? Ua selau tausaga o finau pea Amerika Samoa i lenei fesili. E tele taimi talu ona faiāiga ma le U.S., na faaulu ai ni pili i le Konekeresi e tuu mai ai le sitiseni ia Amerika Samoa. O le taumafaiga pito lata mai o le H. R. 4500 na tapena e le Matagaluega o le Initeria i le 1948 a o sauni o lea na pulea le Teritori. Na finau faaitu'au ma fai vaega le atunuu i lea pili. Na auina mai le Initeria sona ofisa e saili se finagalo o ta'ita'i ma faalogologo poo le a le taafulisia o taofi o le atunuu. O le ripoti a lea alii ofisa na toe faaui ai le pili.

O mafuaga masani o le tetee: muamua, o le a lavea Amerika Samoa i le lafoga feterale auā o sitiseni uma e tatau ona totogi lafoga; lua, o le a faatau uma e tagata mai fafo eleele.

Ua tatou iloa nei o lafoga e fai ona o tupe maua, a e lē ona o se sitiseni. Ua tatou iloa nei foi o eleele e faatau i le malie o lē e ona eleele, ma e silia i le 90% o eleele i Amerika Samoa – o fanua faitele o aiga. E lē mafai ona faatauina se'ia malilie le aiga atoa. E lē gata i lea, a e itiiti lava na i eleele o loo totoe e mafai ona faatau, ma o faatauga ia e fai nei – o Samoa lava i isi foi Samoa. Ua suia la lo tatou manatu i le sitiseni ona o ia malamalamaga ua maua? O finagalo na faali mai i le Komisi ua iloa ai o loo malosi pea le tetee i le sitiseni, aemaise i e matutua. O le tasi faavae malosi o le atugalua ona e faapea a aveā tatou ma sitiseni – o le a faigofie ona lu'itauina aiaiga o le faavae o loo

puiipuaia ai suafa matai ma eleele faitete o aiga.

E iai le āiā o tagata o Amerika Samoa “e avea ai ma sitiseni pe a nofomau i se tasi” o setete e 50. E taualoa le nofoau pe a atoa le 90 aso o le nofo faasosoo. “E mafai e le Konekeresi ona pasia se tulafono e avea ai tagata o Amerika Samoa ma sitiseni, i se tulafono tu’ese, pe i se vaega o se tulafono faavae faateritori e faatulaga ai le faigamalo o Amerika Samoa, pe ala foi i se maliliega e toe teuteuga ma toe faamanino le tulaga o Amerika Samoa i totonu o le aiga faamalo o le U. S.

I iloiloga sa faia i Amerika sa talosaga mai nisi ia saili e le Malo o Amerika Samoa se ala e faafaigofie ai le avea latou ma sitiseni talu ai ona o latou o nesionale o le U. S. O isi ua fautua mai ia see loa Amerika Samoa i se tulaga faamalo e mautinoa ai le sitiseni U. S. E moni e laitiiti lava le eseesega o le sitiseni ma le nesionale, a e iai taimi e tãpã ai e setete ma faigamalo o aai ma itumalo le sitiseni U. S. e agavaa ai i a latou porokalama.

Na talia e le Konekeresi se aiaiga faapitoa i le Maga 302 o le Feagaiga a le CNMI o loo faataga ai le filifili o se tasi pe avea ma sitiseni U. S., pe tumau pea i le nesionale. Na faia lea faatagaga ina ia faamalie ai le manao o ni tagata matutua toaitiiti o Saipani, e faapena fo’i manatu o tagata matutua i Amerika Samoa.

E mafai ona avea tagata o Amerika Samoa ma sitiseni a e tumau pea lava i lo latou tulaga faamalo o le leai o se tulafono faavae faateritori ma e lē i faaofia? Ioe.

O tagata o loo nonofo i o tatou uso a teritori – Kuama ma Saipani – o sitiseni U. S. E matua mitamita tagata Saipani i lo latou sitiseni. A o Kuama, o loo faitio ma muimui pea le toatele fai mai o latou o “sitiseni tulaga lua” ona e lē palota i le Peresetene o le Unaiete Setete.

O le sitiseni U. S. o loo sili pea ona tãua ma aloa’ia i le lalolagi, ona o le malosi o le malo e faasino i ai. A o fesaga’i le lalolagi ma le faafefe mai o terrorisi ma isi lu’itau, o le avea o se tasi ma sitiseni o le malo aupito malosi i le lalolagi - o se lagona e ma’eu lona mafanafana.

FAUTUAGA

23. E lē fautuaina le Komisi le sailia o le sitiseni U. S. mo tagata o Amerika Samoa i le taimi nei.

VAEGA LIMA - MATAUPU FAAOPOOPO O SUESUEGA

Faatomuaga

O loo faatonu e le Maga 2.1402 (c) le Komisi “e iloilo pe manaomia se tusitusiga se tasi e faatulaga ai le tulaga faamalo o Amerika Samoa atoa ma lona fesootaiga ma le Unaiete Setete.” E laga soo lenei mataupu e le Sui Aoao i le Konekeresi. Fai mai a ia, i le taimi nei, e lē o sa’o le faatulagaga o le Malo o Amerika Samoa, ona e leai se pepa faaletulafono o faaali ai se maliliea i le va o Tutuila ma Manua ia soofaatasi. O lana fautuaga, ia taālo se Fono Tele a Tutuila ma Manua ma ia faia aloa’ia se feagaiga o le soofaatasi ona faavae ai lea o se malo fou i luga o le feagaiga lena. Ua uma foi ona tali i ai ta’ita’i o le Malo i lea faaliga. E finagalo le Fono ia suesue e le Komisi le mataupu ma fai se faaiuga pe moomia sea pepa faaletulafono se tasi.

Talaaga

Ua lauiloa le talaaga o mea na tutupu na oo mai le pule a le U. S. iā Tutuila ma Manua. E lē toe tau faamatalaina. A e lua mea na tutupu a o le i oo mai i le 1900 e fia faamanatu ona e ta’oto lelei ai ma malamalama i le oo mai o le U. S. O le tausaga e 1872 na fai ai le feagaiga a Commander Richard Meade o le Fua a le U. S. ma le Afioga a Mauga faatasi ma alii o Tutuila mo le faaogaina o le taulaga o Pago Pago a e puipui Tutuila e le U. S. O le 1873 na auina ai se talosaga a alii o Tutuila, na tauaao i ni ala faapisinisi e le alii o Captain James Stewart, na talosagaina ai le Unaiete Setete “ia faapipii (annex) atu o matou motu i le Unaiete Setete o Amerika.” I lana tali e teena ai le ofo a alii Tutuila, sa faamatala pea e Peresetene Grant le faitotoa ne’i iai se isi tulaga e toe aliali mai i fetuleia’iga a malo tetele. Fai mai le alii Peresetene, “. . . o la’u tatalo o

le soofaatasi ma le tutoatasi o Samoa . . . ia lē mafai ona tatalaina, *vagana se maliega o le atunuu atoa.*”

O le 1878 na taliu mai ai le alii o Le Mamea Maka mai Uasigitone ma se feagaiga ua osia “e faamautu ai le āiā o le U. S. e faavae se nofoaga o lana Fua (Neivi) i Pago Pago . . . ma saisaitia ai le U. S. e fesoasoani mai i se taimi o le a vevesi ai ma se isi malo.” E aliali mai iinei, e lē i faafuase’i ona oo mai le U. S. Sa iai muamua isi fesoota’iga ma alii o Tutuila.

Na maua mai le Feagaiga o Perelini le malosi o le U. S. e pulea ai Tutuila ma Manua, e ui ina e lē i ‘auai la’ua i lea osigāfeagaiga. A o lē i sainia le Feagaiga o le Tuuina Atu, ua leva ona faalauiloa e Capt. Tilley le pule a le U. S. ia Tutuila ma Manua. O lana pule mai le Peresetene o le U.S. ma le Failautusi o le Fua. O se faaaliga manino lea - e lē i manatu le U. S. faapea e tatau ona sainia ni Feagaiga o le Tuuina Atu ona faatoa faavae ai lea o se malo i le teritori. I lana tusi, *Amerika Samoa*, o loo tusia ai e Capt. Gray o le Fua a le U. S. faapea ina ua tetee e Tuimanua le valaau e maliu mai i le uluai sisigafu’a i Tutuila i le aso 17 o Aperila, 1900, o le tali a Tilley ia te ia, “Pe e te alu atu pe leai, o lea lava ua tala’iina le pule a le Unaitete Setete i lenei eleele.”

Ua manino nei, e lē i manaomia e le U. S. ni Feagaiga o le Tuuina Atu e tala’iina ai lana pule pe faavae ai se malo faateritori. Aiseā la na finafinau ai le Fua a le U. S. ia saini ni Feagaiga o le Tuuina Atu? Ina ia faamamā ai le U. S. mai le aveina faamalosi o nei motu. Ua soli ma faāo le tutoatasi ma le mamalu faamalo – le mea na tatalo ai Peresetene Grant i le 1874 ‘aua ne’i tupu. O le talia e le Konekeresi o Feagaiga o le Tuuina Atu i le 1929, o se mea na lē ma ‘alofia, auā ua uma ona na talia le tuuina atu o Swains Island ma faapipii mai i se Teritori e lē i talia aloa’ia lona tuuina atu.

O le 1905 na amata ai Fono Tausaga a alii o Tutuila ma Manua e ala i le pule a le Kovana. Faatoa faavae le Fono Faitulafono i le 1948. Na faia ni Fono Tele se tolu a ta’ita’i o Tutuila ma Manua – 1945, 1947, ma le 1948 – a o lē i faavaeina le Fono. Na

amata palota e Tutuila ma Manua lona kovana i le 1977 ma le Sui Aoao i le Konekeresi i le 1980. Mai le amataga e oo mai nei, o loo faatulaga pea e le Konekeresi tupe faaletausaga mo *Amerika Samoa o le teritori e tasi*. Mo manaoga o foai fesoasoani ma le iloiloaina o porokalama eseese, o loo taualoa pea e ofisa eseese o le malo tele *Amerika Samoa* o le mea atoa e tasi. I ana iloiloga ma faaiuga o faamasinoga e aafia ai Amerika Samoa, e lē o faatāuaina lava e faamasinoga feterale se taofi faapea e lua ni Feagaiga o le Tuuina Atu. I luga o na mau e tele o mea moni na tutupu, e aliali manino ai, e le moomia le toe tusia o se feagaiga poo se maliliega o Tutuila ma Manua ia avea ma Malo e tasi. Ua leva ona tasi.

Ina ua faatu se fesili pe faia se Feagaiga o le Tuuina Atu se tasi, sa tali se Tootoo o Manua i le Komisi, “O le Feagaiga o le Tuuina Atu o Manua na faamaonia ma sainia e lo matou Tupu. E leai se isi o iai nei, poo ataeao foi i Manua, e iai sona malosi e toe suia ai lena mea. O feagaiga e lua o le vaega o lo tatou tala faasolopito. A sui e ā le tala faasolopito?

Ina ua tuu atu le fesili i le lautele i taimi o iloiloga, faapea ma ta’ita’i na oo ane e molimau, na matuā mamafa le tetee ‘aua ne’i toe suia pepa tāua o le tala faasolopito. I lana ripoti i le Komisi i le mataupu o Feagaiga o le Tuuina Atu, fai mai le alii loia-fautua o Arnold Liebowitz, “I le vaai atu i se suiga o le tulaga faamalo, o lo’u taofi e mafai lava e Amerika Samoa ona fai soo se gaoioiga e loto ia i ai, i le tulaga lea o loo iai nei. Afai e talia lelei i Amerika Samoa, ma le U. S. foi sea gaoioiga, e lē toe tāua le lua o Feagaiga na fausia mai ai se malo e tasi. O le toe iloilo ma taumafai e toe mulu le taualumaga lea ua tula’i mai ai le fesoota’iga a le U.S. ma Amerika Samoa pei ona iai nei, tusa lava pe lē i foliga manaia, pe fesiligia foi i nisi itu, e lē o se mea lena o toe moomia nei, ma e lē foliga e iai se manuia e maua mai ai.”

FAUTUAGA

24. Ua faaiu e le Komisi e faapea ia tumau pea Feagaiga e lua o le Tuuina Atu; ma e lē moomia se tuufaatasia pe afai o le a fia sui le tulaga faamalo. O Feagaiga o le Tuuina Atu e lua, o ni measina o le talafaasolopito ma e tatau ona tumau ai pea faapena.

2. Swains Island

Talaaga

O Swains Island o se motu 'amu e 200 maila i mātū o Tutuila. E tasi ma le kuata maila faatafafā lona lapoa (800 eka). E iai le loto i le ogātotonu e 40 futu le loloto, a e oona le suavai na o tīgāmea e aogā ai. O lona igoa muamua o Olohenga (Olosega) ma o se vaega o le atu Toelau. E 100 maila mai le motu pito lata ane o Toelau. Na iloa muamua i le 1606 e le alii folau Sepania e igoa ia Pedro Fernandez De Quiros. A o le alii Kapeteni Amerika mai Massachusetts o W.C. Swains na ia tusia sa' o i le faafanua, ma faamaonia e Commodore Wilkes o le U.S.

O le 1856 na faatau ai e le tagata mai Niu Ioka o Eli Jennings, Sr. le motu mai iā Kapeteni Turnbull. Na malaga atu le alii o Jennings ma lona faletua Samoa o Mele mai Upolu ua nonofo ai. E oo mai i le aso nei, o Swains o se meatotino a sulii o lea ulugalii. E tele le niu ma e sa tele le popo na aumai ma faatau i Apia i tausaga ua mavae. Sa aumai foi mea taulima e galueaiina i Swains ma faatau i Apia ma Pago Pago. Na maliu Eli Jennings i le 1878.

E lē i umi loa a e finau poo ai moni e ōna le motu. Na tau fai aafia uma Peretania, o le Unaitē Setete, ma Niu Sila i le fetuleia'iga. O le 1925 na manuia ai le taumafaiga a Failautusi o Setete o Charles Evans Hughes ina ia pasia e le Konekeresi se pili e tuuina ai Swains i lalo o le pule'aga a le Unaitē Setete, ma avea ai Swains ma vaega o Amerika Samoa. O Me, 1925 na sisi ai e Lt. Commander C. D. Edgar, USN mai Tutuila le fu'a a le U. S. i Swains.

Talu ai ona ua lē o faatauina se popo sali, ua lē toe iai le alagā-tupe tele sa maua i Swains. Ua faaitiitia tagata e nonofo i le motu mai le 100 i le 16 i le faaiuga o le 2006. O tautua faalemalo e faia ma totogia e le MAS. E āsia le motu e le vaa o le Malo pe faatasi i le tolu masina. E nofomau ai le tamaitai tausimai mai le Matagaluega o le Soifua Maloloina.

E iai le sui o Swains i le Fono Faitulafono, e lē palota, a o lona totogi ma isi penefiti e talafeagai ma totogi o faipule o isi itumalo. O le taofi o le Komisi, o le atinae o Swains o le fatuaiga lava lena a i latou e ōna le motu. A o le matāfaioi a le Malo o Amerika Samoa, o le faaoo atu lena o tautua faalemalo i nesionale U. S. o loo nonofo ai. O tagata e fananau i Swains Island o nesionale o le U. S., e agavaa i tausiga o le soifua maloloina, aoga, ma isi tautua uma mo le lautele o loo maua e nesionale e nonofo i Tutuila ma Manua. Aepeitai, ua faigata ona avatu ia tautua ona o le taugata tele, pe a fuafua i tagata o loo nonofo ai nei i le motu.

FAUTUAGA

25. E fautua atu le Komisi e faapea: Ona o le faigata ona avatu tautua faalemalo i nesionale U. S. o loo nonofo i Swains, e ao ia i latou ona filifili pe omai e nonofo i se tasi o motu tetele o Amerika Samoa ina ia faigofie ona latou maua ia tautua.
26. E fautua atu le Komisi i le Komiti Iloilo Faavae, ia toe faatulaga le filifilia o se faipule o Swains ia tulaga tatau, ma ia taga'i i le aofa'i o e o loo nonofo i le motu.
27. E lē fautuaina e le Komisi le faia o se iloiloga faalaua'itele o le motu o Swains, auā e pule lava i latou e ōna le motu.

Photographs



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Mapu Saei Jamias LTC (Ret.) USA, Commissioner

Public Service: Hawaii Army National Guard (1970); Teacher-Coach, Farrington High School, Honolulu (1975-80); Established US Army Reserve in American Samoa (1980-87); Instructor at ROTC programs including Senior Army ROTC at UCLA (1987-99). Established Army Reserve Engineering and Maintenance Unit (1999); Started Senior ROTC program at ASCC (2000); Retired as Lieutenant Colonel in 2001.

BS and MS, Central Michigan University; US Army Command and General Staff College.



Fainuulelei L. F. Alailima-Utu, Commissioner

Public Service: Assistant Attorney General; Chairman, Board of Trustees, ASCC; President, American Samoa Bar Association; Legal Counsel, Development Bank of American Samoa.

BA and Juris Doctor, UCLA.

ARNOLD H. LEIBOWITZ

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PRESENT POSITIONS

Attorney in private practice specializing in territorial constitutional issues and immigration law. Practice includes legislative and high-level Executive Branch representation and appellate litigation.

President, International Refugee Research Institute, a private, nonprofit concerned with immigration and refugee law and changing international legal and economic relationships in developing countries.

PREVIOUS EXPERIENCE

Immigration, Refugee Law and Asylum

Current knowledge of legal and policy issues in immigration and refugee law. Analyzed statutory cases and administrative procedures in detail. Redrafted entire Immigration Code. Congressional and high-level Executive Branch representation and appellate litigation. Twenty years of experience in the field.

Constitutional Law-Territorial Relations

Analyzed local governmental powers in areas of financing, submerged lands, judicial review, executive and legislative action. Represented the Republic of Palau; Commonwealth of the Northern Mariana Islands; and the territories of Guam, the Virgin Islands and American Samoa governments. Consultant to the U.S. Legal Adviser to Guam and Virgin Islands Constitutional Conventions. Conducted training sessions for D.C. Constitutional Convention delegates.

International Investment, Aid, and Trade

Knowledge of international financing. Packaged specific ventures. Negotiated loan, investment, and guaranty agreements with private and public financial institutions. Directed trade adjustment assistance office. Analyzed anti-dumping duties, GSP, and Headnote 3(a) (territories) tariff questions.

POSITIONS HELD

Special Counsel, U.S. Senate, Subcommittee on Immigration and Refugee Law. Primary draftsman of the Immigration Reform and Control Act of 1982 and 1983, in consultation with Chairman, other Senators and their staffs.

Special Counsel, Select Commission on Immigration and Refugee Policy, a special U.S. Government commission conducting an overall review of U.S. immigration and refugee policy.

Director, Office of Technical Assistance, Economic Development Administration, U.S. Department of Commerce, a grant program to foster economic development. Directed 50-man Washington office with additional personnel in regional and local offices.

General Counsel, U.S.-Puerto Rico Commission on the Status of Puerto Rico. Analyzed present and possible future legal status of the Island.

Law Clerk to Judge Luther W. Youngdahl, U.S. District Court, Washington, DC.

EDUCATION

| | |
|---|-----------------------|
| Columbia College | A.B. Degree 1947-1951 |
| Graduated cum laude; elected to Phi Beta Kappa | |
| Yale Law School | LL.B Degree 1951-1954 |
| Selected for Yale Law Journal | |
| University of Heidelberg, School of Jurisprudence | |

MISCELLANEOUS

Lecturer on Great U.S. and World Trials at the Institute for Learning in Retirement (1996-present)

and Smithsonian Institution (2003-present).

Adjunct Professor, teaching Immigration and Refugee Law, University of Iowa Law School (1999).

Presenter at Univ. of Guam Conference on "Legacy of Spanish-American War" (June 1998).

Presenter at Yale Law School Conference on Puerto Rico on Centennial of Spanish-American War (March 1998).

Represented the Hebrew Immigrant Aid Society at the first UNHCR PARINAC conference in Oslo (June 1994).

Consultant to OECD and U.S. Department of Labor on U.S. non-immigrant requirements (1993-1994).

Consultant to the Immigration and Naturalization Service on legal immigration options (1987-88).

Contributing Editor, Immigration Policy and Law, a newsletter on immigration (1988-1994).

Contributing Editor, International Legal Materials, American Society of International Law (1986-present).

Editor, Federal Immigration Law Reporter, a legal newsletter (1984-86).

Member, U.S. Commission to Jamaica (1970-71). Report led to the first U.S. bilateral aid program to the Caribbean.

Adjunct Professor, Howard University, School of Business and Public Administration. Taught

graduate courses in government regulation of business. Played a major developmental role

on school accreditation (1968-76).

Consultant to Asian Development Bank and U.S. Department of the Interior on policies to small island nations and territories.

U.S. Army – Sergeant. Editor-in-Chief of Army Pacific Command Newspaper. Taught college courses in Ancient History and Government

Member, District of Columbia Bar

REPRESENTATIVE PUBLICATIONS

RE: Immigration and Refugee Law and Policy

A Time for Decision: Citizenship at the Millennium (Office of Refugee Resettlement, 1998).

The Immigration Act of 1990 (Prentice Hall Law and Business, 1990) (Co-editor).

Cases and Materials on Immigration and Refugee Policy (Matthew Bender, 1987). First legal textbook on immigration.

"Comparative Analysis of Immigration in Key Developed Countries in Relations to Immigration Reform and Control Legislation in the United States." Report to the Administrative Conference of the United States (November, 1985); 7 Human Rights L.J. (1986).

"The Role of Foreign Medical Graduates in the Delivery of Health Care in the United States: The Immigration Ramifications." Report to the U.S. Department of Labor (October, 1988).

"The Refugee Act of 1980: Problems and Congressional Concerns," 67 Annals 163 (1983).

"The Official Character of Language in the U.S.: Literacy Requirements for Immigration, Citizenship and Entrance Into American Life," (National Institute for Education, 1979).

"Federal Civil Service and Group Conflict." Special Report to the American Jewish Committee (1975).

Federal Recognition of the Rights of Minority Language Groups (1975).

"English Literacy: Legal Sanction for Discrimination, 45 Notre Dame Lawyer 7 (1969).

Educational Policy and Political Acceptance: The Imposition of English as the Language of Instruction in American Schools, (Center for Applied Linguistics, 1969).

RE: Territories of the United States

Embattled Island: Palau's Struggle for Independence (Praeger, 1996).

Defining Status: A Comprehensive Analysis of U.S. Territorial Relations (Martinus Nijhoff, 1989). (Cited by U.S. Supreme Court.)

Legal and Political Aspects of Decolonization in the Pacific and the Caribbean (Praeger, 1976).

"The Applicability of Federal Law to Guam," 16 Va J. of Int'l. Law 21 (1975).

"The Applicability of Federal Law to the Commonwealth of Puerto Rico," 56 Georgetown L.J. 219 (1967). Reprinted in 37 Rev. Jur. de U.P.R. 615 (1968). Quoted by the U.S. Supreme Court.

Jon M. Van Dyke -- BA, cum laude, Yale University, 1964; JD, cum laude, Harvard University, 1967.

Professor Van Dyke has been on the faculty since 1976, teaching Constitutional Law and International Law. He previously taught at the Hastings College of Law, University of California, and at the Catholic University Law School, Washington, D.C.

He was law clerk for Chief Justice Roger Traynor of the California Supreme Court and a Visiting Fellow at the Center for Democratic Institutions in Santa Barbara, California. Professor Van Dyke served as the University's representative on the Executive Board of the Law of the Sea Institute from 1982 to 1988 and has been an Adjunct Research Associate at the East-West Center.

From 1988 to 1990, he served as Director of the Spark M. Matsunaga Institute for Peace.

He has written five books, *North Vietnam's Strategy for Survival* (1972), *Jury Selection Procedures: Our Uncertain Commitment to Representative Panels* (1977), *Sharing the Resources of the South China Sea* (co-author 1997), *International Law and Litigation in the U.S.* (co-author 2000, 2d ed. 2005), and *Checklists for Searches and Seizures in Public Schools* (co-author 2006) and edited *Consensus and Confrontation: The United States and the Law of the Sea Convention* (1985), *International Navigation: Rocks and Shoals Ahead?* (1988) and *Freedom for the Seas in the 21st Century* (1993), which was awarded the Harold and Margaret Sprout Award for 1994 by the International Studies Association. His forthcoming book, which will appear in 2007, is entitled *Who Owns the Crown Lands of Hawaii?* He has also written numerous articles.

Since coming to Hawai'i, Professor Van Dyke has worked on problems related to the state's constitution, growth management, reapportionment, water rights, the status of Native Hawaiians, nuclear waste, ocean law, international environmental law, and human rights.

In 1987, he was recipient of a University of Hawai'i Presidential Citation for Excellence in Teaching. Professor Van Dyke has been named Outstanding Law Professor four times, most recently for the 2001-02 academic year.