



## **BUILDING UNDERSTANDING SERIES**

# Fa'a Samoa, Sovereignty, and Self-Determination in American Samoa: Past and Present

## Primer Transcript (Part 2)

---

### **Introduction**

**Adi:** Saludos, Talofa, everybody. We are back to our Building Understanding series on American Samoa with our two wonderful colleagues, Ken Aiono and Charles Ala' Ilima, talking about the contemporary history of American Samoa political development and the context of what is happening today. Neil, do you want to tell us a little bit more about what we're going to talk about in this next segment?

**Neil:** Sure. Thanks, Adi. Ken and Charlie are going to be talking today about the developments in American Samoa from World War II all the way up to the present, talking about the different stages as more and more self-government was extended to American Samoa, understanding what that means today in terms of the balance of governance and power between the federal government and the local government in American Samoa, and then explaining how that has manifested through some current issues such as seabed mining or issues of U.S. citizenship. So we're very happy to have Ken and Charlie back with us today. Welcome, Ken and Charlie.

**Charlie:** Thank you, Neil.

**Ken:** Mahalo. Thank you so much for having us. It's always nice to see not only beautiful people, but handsome and beautiful people too out in the Pacific. And maybe just a kind of a small footnote for our listeners or people who are watching right now.

Some of you might have heard us using the word Charles, the name Charles Ala' Ilima or "Leiataua". I just wanted to remind you of the same person. Charles Ala' Ilima was bestowed a high chief title by his family and his district, high chief title Leiataua. So I'm going to use that through the program today.

## Post WWII History + Pressure for the U.S. to address its undemocratic rule over American Samoa

And let me start it off like this, Leiataua. I know you are also a lawyer. But let me start with the World War II. After World War II, there was increased international and domestic pressure for the United States to address the undemocratic rule of its territories, especially the Navy rule of places like American Samoa and Guam. Leiataua, how did those developments shape the development of the increased self-government in American Samoa?

**Charlie:** Thank you, Ken. The American Samoa government before World War II was basically the Navy governor in consultation with a Fono that the Navy governor created to basically go through Navy regulations and add regulations that the Navy governor would then under his authority enact into laws and regulations governing the islands and the civil government of the islands.

After World War II, the United States was very much an instigator of creating the United Nations, decided that the United Nations should go through a decolonial process to try to have self-determination for all the places that had been under European colonial and American colonial influence. So they were part of this, as part of the United Nations Charter, Article 73 of the Charter ratified by the US on July 28, 1945, established a system by which the United Nations would examine colonial rule and promote the self-determination of the various former colonial islands or colonial places across the world.

American Samoa was added to the list of “non-self-governing territories” by the United Nations on December 14, 1946. Since that time, there have been regular commissions that are brought down to American Samoa to see how far along they have gone in the decolonial process. These commissions also went through the various other places throughout the world to deal with the decolonialism of the various other parts of the world.

In American Samoa, it was like every 10 years, we'd have a UN committee come down and take a look at what's happening in Samoa to determine whether or not America has met the decolonial process. Since that time, in the 1948-49 period of time, American Samoa did, in fact, agree that they knew about this decolonial process and that [they did, in 1948, resolve to become United States citizens, the American Samoa Fono that was existing at the time](#). The United States, however, in dealing with the Navy rule, decided that the best way to deal with American Samoa is to transfer it out from under the Navy and transfer it to the Secretary of Interior. In 1951, Harry Truman basically, as president, transferred Navy rule to Interior rule.

## Cross-Territorial Perspectives - Progression to greater self-governance

**Ken:** Well, these international conversations also have a cross-territorial element. Maybe I should ask one of our colleagues. She's also a lawyer. Adi, can you tell us about how these international issues developed in Puerto Rico? Also, maybe right after that, Neil, can you speak to the experience of other U.S. territories also?

**Adi:** Thank you for that question, Ken. Around those same years, the United States Congress approved, [authorized the people of Puerto Rico to do their own constitution](#). There was a constitutional convention formed. After days and days of discussion, a constitution was formed.

Actually, a constitution that has received very good comments about how advanced it was for its time. The constitution was approved by the people of Puerto Rico in a local referendum, and then it was sent to Congress for approval. Congress, after some debate about the content of our constitution and editing a few of the parts and striking some of the parts, sent it back for the signature of our local government.

After that process, the U.S. was able to argue in the United Nations that Puerto Rico had acquired self-government, and that therefore it should be taken out of the list of non-self-governing territories. So, Puerto Rico was taken out of the list of non-self-governing territories. For the last 40 years, because of the circumstances of how, in reality, we're still subjected to unilateral congressional power - and it has been acted upon - we can affirmatively say that the constitution did not bring full amount of self-government in Puerto Rico.

The primary example about that is the approval of [PROMESA law](#), which assigned a fiscal control board of members assigned by or named by the president of the United States that practically have all the power to run budgetary issues of our local government here in Puerto Rico. This PROMESA law was approved because of the fiscal disaster that our local self-government was in, and we were not able to declare bankruptcy under federal law. Again, it was out of control of our hands, and it was an unilateral decision of Congress, and we now have a fiscal control board that have the last decision even repealing laws that affect our finances.

For the last 40 years, groups of Puerto Ricans have been going to the United Nations, presented in front of the Committee on Decolonization, to try to get again into the list of non-self-governing territories. I have to say also that we are very much more comfortable now saying and admitting that we are a colony of the United States, because it's so obvious. Therefore, that's how it is for us today.

**Neil:** Thanks, Adi. I can talk a little bit about the other territories. So, Guam and the U.S. Virgin Islands, like America and Samoa, continue to be included on the list of non-self-governing territories.

The Northern Mariana Islands is not on the list of non-self-governing territories as a result of its covenant relationship with the United States, but like Puerto Rico, perhaps it should be, based on recent unilateral actions the United States has taken with regards to control over

immigration, minimum wage, seabed mining, and recent bans to cockfighting. So, there may be renewed discussions even there about whether the Northern Mariana Islands should be on the list of non-self-governing territories. I have some personal experience on this. I joined the Guam delegation to a U.N. decolonization hearing in Havana, Cuba, where former American Samoan congressman Eni Faleomavaega also joined and attended and one of the things I recognized then was just how little attention the United States paid to some of these conversations. That was true then. Unfortunately, it's even more true now.

It's important to continue engaging in these international spaces and raising attention to the political realities that continue to exist across each of the five territories.

**Ken:** Thank you, Adi and Neil for a wonderful explanation and also to note that Adi's from Puerto Rico and Neil has lived in the Micronesian areas of Guam for a long, long time. So they're talking about experience, not just from an academic point of view.

## **Transition to Civilian Rule in American Samoa + Influence of Political Developments in Western Samoa**

Let me go back to Leiataua. So that's the international context. Can you talk to us about the transition to civilian rule in American Samoa and what is that all about, shaping decisions? And also, we'll be very interested in learning more about conversations about self-governance in American Samoa, proceeded alongside the push for independence in Western Samoa, now called Samoa, which retained independence in 1962. Leiataua?

**Charlie:** Thank you. As I noted before, the executive order by Harry Truman was done on June 29th, 1951, and basically transferred the administration of American Samoa from the Secretary of Navy to the Secretary of Interior, probably attempting to get it out from under the idea that it is a military colony and now that it is under the Interior, it would be now more palatable to lay the idea that it is moving towards a decolonization of American Samoa. But it still had a governor. This time, the governor was appointed by the Secretary of Interior.

At that point in time, in 1951/1952 period of time, there were two Samoans that were out getting educated. One was Peter Tali Coleman, who had been in the Navy and then was under the GI Bill, becoming a lawyer. And the other one was my father, Leiataua Vaiao, who was in college under the GI Bill. Both of them were brought to Washington, D.C. in 1952 to be helped in getting themselves trained to become senior officials in the interior government that was being established in American Samoa.

While in Washington, my father met my mother, Dr. Fay Calkins, and they got married in D.C. and Coleman was the best man. They were then sent down to American Samoa, Coleman to become the Attorney General, and my father to become the head of the Human Resources Department in the interior American Samoa government.

In dealing with his human resources, it was to try to ensure that Samoans got into positions that America could then basically claim that there is progress towards self-governance and self-rule. The Interior, however, still appointed the governors, and the governors still exercised the "plenary" authority, which means full authority over what happens in American

Samoa. In that case, they adopted the code of American Samoa, which was basically the Navy regulations were basically adopted with some minor changes, and they were run through, generally, the informally established Fono of American Samoa to try to give the idea that this was progress towards self-governance. But again, the reality was the governor still had full authority to decide what happens within the territory.

While Coleman stayed on in the American Samoa government and was eventually appointed the first Samoan governor of American Samoa for a while, my father decided to go to Western Samoa to open up a farm. At that time, he then became a consul. He was asked to consult with the leaders of the independence movement on the newly independent Samoan government on how to deal with becoming independent. In that case, the constitution, which was the proposed constitution of the independent state of Samoa was being drafted. It was drafted mostly by New Zealand lawyers and attorneys.

But one of the things that was noted initially in drafting this constitution was that they were going to say that New Zealand would maintain control of the foreign affairs of the newly established Samoan government. It was somewhere in the fine print, let's say. My godmother, who was an attorney in the State Department, notified my father that, hey, look, New Zealand wants to maintain control of your foreign affairs.

My father discussed that with the leaders of the independence movement. They said, no, we want to have full control. We do not want anybody else to control our foreign affairs and so that was stricken in the final draft and Samoa became a fully independent country without control of anything by a foreign government.

American Samoa was following a different direction. The United States was still trying to establish American Samoa as something that could be considered "decolonialized". And at the time that Western Samoa was negotiating their independence through the United Nations, my father actually came over to American Samoa to discuss the issues of whether or not American Samoa wanted to become part of the newly independent Western Samoa government. The answer from the chiefs of American Samoa was absolutely not. We want to be part of the United States.

So in conjunction with the decisions that were being made to keep American Samoa within the United States in 1960, but also be faithful to trying to decolonize, the Secretary of Interior in 1960 approved an American Samoa constitution. And this American Samoa constitution became the framework by which American Samoa would move again towards self-governments within the framework of the United States federal government. That constitution basically continued the idea of the governors being appointed by the Secretary of Interior, but it also reestablished the Fono as a representative entity, but also that Fono was understood to be subject to the approvals of the governor and the approvals of the federal and federal interests.

So the Fono, while it was established as a formal entity and constitution, it was not in a sense a fully independent government as the Western Samoa government had been set up, but it was also not a more state-like government where the federal government had minimal involvement. The federal government had all the involvement, all the rights to undo anything that they felt was contrary to American interests and American policy. The constitution was amended in '67 to add additional rights and powers.

In 1970, they had a status commission, which recommended that they remain the same. In 1975 to 77, we had an interesting case involving jury trials, whether or not jury trials, the U.S. constitution required jury trials in American Samoa. This went up to the federal court in Washington, D.C., in which it was ruled that, no, you'd have to have jury trials unless there are certain circumstances or facts that can show that it is not appropriate.

They couldn't show that, so the jury trials became established in American Samoa.

## Political Developments in the 1970s, 1980s & 2000s

**Ken:** Thank you, Leiatua, for a wonderful explanation on that part of history. I will be remiss if I don't mention, again, some of the iconic figures of Samoan history that you just mentioned, and excuse me for saying your mother who wrote a bestseller book, "My Samoan Chief", which every Samoan, every Pacific Islander should read, and also Aggie Grey, a great book, and also your dad, Leiatua Ala'ilima. What a great man.

He worked not only in Washington, Hawaii, and in both Samoa, and then the first elected American Samoan governor, Uifa'atali Peter Coleman. And to tag on with that tradition, Leiatua. So, all the way through the mid-1970s, American Samoa was led by an appointed rather than an elected governor.

That is seven decades of undemocratic rule. American Samoa began to have greater self-government in the late 1970s, and at least a limited non-voting voice in Congress starting in the early 1980s. Can you walk us through those developments, Leiatua? Thank you.

**Charlie:** These advancements in self-governance was the approval by the Secretary of Interior for an election of a governor, and that was in 1978. Again, while the movement to elect the governor did go through a referendum process, the approval process for this elected governor had to come from the Secretary of Interior using the power of the Secretary of Interior. And the authority of the Secretary of Interior did not come, **the power to make a governor did not come from the people, it came from the Secretary of Interior.**

In '79, they had another political status commission. I remember that because that was my first year as being in American Samoa and working for the Office of the Attorney General. And that outcome of that political status commission was, did not want to have an independence like Western Samoa, and they did not want free association that was being offered to the Federated States of Micronesia. The recommendation was that they would continue as an unincorporated and unorganized U.S. territory. Then, in 1981, again, through the changes, the Secretary of Interior authorized the elected delegate to Congress. And then in 1981, there was a visiting United Nations mission to American Samoa.

I remember that mission very well, because I was sitting on the bench conducting my court, conducting my traffic court. And I saw about four people, foreigners sitting outside looking through my window, looking at me. And the American judge who had been the appointed judge from the States was pointing to me.

After my court session, I went up and I asked the the American judge, I said, what, am I the token being shown as being proof that you have, that you are now moving on to self-determination? And he kind of laughed. I said, well, I don't think that's self-determination just because you appoint somebody to, you know, into a position of

authority and self-determination is basically that people themselves decide what kind of relationship they want with the federal government.

In 2007, they had another political status commission. I remember that one too, because they did actually come up to Seattle. And my cousin was the chairman of that commission. Again, they came to the same conclusion: no support for independence or free association, and still maintain their political status, which is an unorganized, unincorporated territory.

And they would not want to seek U.S. citizenship at the time.

## **The divergent understandings of referenda in American Samoa | Political Developments since the 2000s**

**Ken:** Leiataua, you mentioned several meetings, and I guess maybe you can call it referendum. Would you characterize the American Samoan population who voted for that well-informed or educated about the issues that they were voting for?

**Charlie:** In these kinds of situations, when they do vote for these matters, I think the American Samoan people did want to, when they did these referendums, were attempting to just to show, to tell them the United States that they wanted to remain part of the United States. Their concern, however, was how to structure that relationship in a way that protected the customs and cultures of Samoa. The question was always, when they did not want to be, say they're not citizens, was not because they didn't want to be citizens.

It was what they wanted to be assured of, is that their customs and culture will be protected even if they become U.S. citizens. They would never, ever wanted to go out from under the United States government and the United States federal system. The question was, what relationship can you establish for us that will ensure that our customs and traditions will be maintained and respected?

Now, this is a very interesting situation that occurred in 1983. I remember that very well because I was a little bit involved in what, as a judge, I had been taking some legal actions or making legal decisions that certain people didn't like. But also, at that time, the federal government was getting very irritated at the American Samoa government. The Secretary of Interior was irritated because there were some financial issues that were not being prosecuted.

So, the Secretary of Interior in 1983, rather than trying to undo the Constitution, they said: "I'm going to exercise my...", the Secretary of Interior said: "I'm going to exercise my plenary authority, meaning it's my full authority over American Samoa, and order that the Attorney General, who was not prosecuting cases that he should have been prosecuted, ordering him to be fired, to be removed." Now, because he wasn't prosecuting cases or he was dismissing cases that should be prosecuted. What happened at that time then was very quickly, Governor Coleman connected with our delegate for Fofó Sunia up in Congress, and together they introduced this one sentence in a bill, one sentence to change in the federal law, which says the Secretary of Interior will no longer be able to change the Constitution that the Secretary of Interior had approved, and they cannot change that Constitution without the approval of Congress.

So, the Secretary of Interior then, because our Constitution said that the Attorney General is to be appointed by the Governor, that law, once it passed, took the power or authority of the Secretary of Interior away from the power and authority of the Secretary of Interior over the constitutional government of American Samoa, and that was taken away by Congress, and that only Congress could now make the decision on any further changes in the American Samoa Constitution. The Secretary of Interior then ordered his Office of Inspector General, who had been asking for prosecutions, to wind up their office and left, and said we no longer are part of the, we're no longer going to oversee the finances of the American Samoa government, because now the American Samoa government, you deal with this on your own. Now, at the time in 1983, I had pointed out in a, that this was basically enacting a Constitution, a back doorway of enacting a Constitution, because for American Samoa in terms of, you've organized an organizational document, because now no longer Secretary of Interior is in charge, Congress is, and they've acted.

People were arguing, no, no, we didn't change our status, but, clearly Secretary of Interior decided they were no longer in charge. Now, we fast forward to just recently, and in this point in time, the, we had a Constitutional Convention for American Samoa, and for some reason, our local delegate, our delegate to Congress, did not want to introduce those changes to the U.S. Congress, and so what she did was introduce the bill to revoke that 1983 that 1983 Congressional Act that gave the power to the Congress, which meant it went back to the Secretary of Interior. Interestingly, and this was, interestingly, she said: "Oh, this helps promote our further development", which is totally inconsistent, a political development, which is totally inconsistent with what her father said back in 1983. Governor Coleman said back in 1983, which was, oh, moving this constitutional changes to Congress would be appropriate, you know, is advancing our self-determination. Now, taking it back to Secretary of Interior, it doesn't make sense.

**Ken:** Yeah, that means it's taking that power from 400-some Congress people up there and giving it to one person.

**Charlie:** I think Congress always has the power to do this, right, to change anything, just as Adihad said for Puerto Rico, Congress has the right to make whatever changes they want to make, but it is just very interesting that, you know, what used to be considered an advancement in 1983 has now suddenly been reversed, and it's an advancement to take us back to what was existing in 1983, which means now the Secretary of Interior holds that power.

**Ken:** Would you say that's a political development, or is it a new paradigm?

**Charlie:** I think what it shows is that the political leadership in American Samoa, particularly up at this level, will do whatever is convenient for that particular time. This particular point in time, I don't think the Congresswoman wanted to present to all, I think it was kind of difficult, because if she brought that in to Congress, Congress would be arguing, why are we making decisions about how many senators local senators come from Manu'a, you know, come from, you know, how the local legislature is constituted. There would be more questions asked.

I think for her, it was more in a sense that take it back to Interior, because we can talk to Interior and just have one person make that decision rather than having 400 congressmen asking: "Why are we doing this? Why aren't these people citizens?" It kind of takes the issue, you know, that needs to be addressed away from people that might ask that question.



# Cross-Territorial Perspectives - Power of the Secretary of the Interior

**Ken:** Thank you, Leiataua. I think that I need to have Adi, who is also a lawyer from Puerto Rico, and Neil, who's also from Guam, to talk a little bit about that in other, you know, reference to other territories or their legal understanding of the issue.

**Adi:** Yes. Thank you so much, Ken. For me, it is, has been so interesting learning the different situations in the territories, since I started working with Rights to Democracy. And when I learned about these shifts with American Samoa, and even other territories that are administered under the power of the Secretary of the Interior, there is something that doesn't happen with Puerto Rico.

So, for me, it was like a surprise or something different to see that American Samoa and other territories were under the power of the Secretary of the Interior, because, as we see it, or as things stand, we are an unincorporated territory under plenary power of Congress. So, there is this sovereignty that is exercised over us by Congress, in which at least our delegate has a voice, right? And also because Puerto Ricans, we have a high number of Puerto Ricans that live in the U.S., and there are actually some Congress people that are of Puerto Rican descent that are also advocates for our causes in Congress.

So, when I heard that other territories, including American Samoa, are under purview of the Department of the Interior, for me, it all felt very paternalistic even more, because you have an administrative agency, an agency of the executive, having decision-making power over you, not even Congress. It seemed like something that is even more...

**Ken:** Limited.

**Adi:** Yes, exactly.

So, it was very interesting to see that. It was very interesting to see the shifts that happened, and like Charles said, that your delegate was not against it, and that was very interesting to me.

**Ken:** Before Neil comes in, you mentioned something that interesting, but it's true, and that is a lot of representatives in Congress are Puerto Rican descent or ancestry. And the main reason for that, the way I see it, is because when you're born in Puerto Rico, you become a what? A U.S. citizen. So, when you move to the U.S., like for example, New York, you can vote there for a representative. Unlike American Samoans, I've already said this, in Hawaii and California, if all American Samoans were U.S. citizens, they would have had people in Congress right now in Hawaii and in California, because they have the numbers, but they're not citizens.

**Adi:** That is so interesting, Ken, and definitely, it's sometimes... It's things that we take for granted, right? And the way that we relate to our citizenship, it is still problematic. And me and others do not glorify the fact that our citizenship means something in Puerto Rico, while it means something when we move to the United States. We see the fault in that.

But at the same time, when I think about what happens to you in American Samoa, we're like, oh my God, it's... That level of vulnerability, of disenfranchisement, that takes it to another

level. It takes it to... Not even when you move to the United States, you are considered part of that polity, of that political body, not even then. And that is... It's pretty incredible to us.

**Neil:** Adi and Charlie, I think these are really great points on how American Samoa really is unique in terms of the expansive and broad powers that one person, the Secretary of Interior, has over the governance of an entire territory. I recall back in 2018, when the Secretary of Interior, Ryan Zinke, visited, the then governor let out all the schoolchildren and government employees to line the streets between the airport and the offices the Secretary of Interior was coming to. At the time, I thought that was a bit extreme, but as I thought about it more, if one person has all that power, you really do want to lay out the red carpet.

And that kind of visual of those schoolchildren and employees on the side of the road really, I think, just speaks to the nature of the relationship between American Samoa and the United States, and where the balance of power lies with that.

## **The relationship between American Samoa and the United States: Where do things stand now?**

**Ken:** Thank you for, you know, touching on those issues and explaining it. Now, I myself learn a little bit more today. I know this is all a lot for people to digest and understand. So, let's take a moment and recap where things stand today with respect to governance and political relationship between the United States of America and American Samoa. Can you provide us with some clarity on that, Leiataua?

**Charlie:** Thank you, Ken.

Now, with respect to American Samoa and its relation to the federal government, **Congress has what they call plenary power to alter or abolish the American Samoa government, change or repeal any law, impose any restriction on travel work by American Samoans in the United States under the United States Constitution, Article 4, Section 3, Clause 2, and it has no voting relationship representation in Congress.** For the Secretary of Interior, American Samoa remains under the ultimate supervision of the Secretary of Interior. And this is under recent case law involving the National Marine Fisheries Services.

The issue that may be questionable here is: What do you mean by plenary authority? Does that include the right to deny people constitutional rights? And that is an issue that I think needs to ultimately be decided. What do you mean by plenary authority? Is it over just land and political structures or is it over people who may have constitutional rights under the United States Constitution? **Now, since Congress reverted the power to the Secretary of Interior in 2024, the Secretary can unilaterally alter or abolish the American Samoa Constitution, structure a government, really almost anything. Local self-government is really a grant given not by the people of American Samoa to their representatives.** It is a grant of authority given by the Secretary of Interior and ultimately by Congress to American Samoans and what Congress and Secretary of Interior can give, they can take away. That is the whole structure that we have right now.

Legislative: the Secretary of Interior can unilaterally alter or abolish any local law. Fono cannot override the governor's veto without approval of the Secretary of Interior. This is under the current American Samoa Constitution.

Judiciary: the Secretary of Interior has the power to unilaterally appoint both associate justices under the Constitution and can even arguably set aside any decisions made by the American Samoa High Court because of the exercise of that plenary authority.

The Constitution: there's no power to amend it without this approval of the Secretary of Interior and **the Secretary of Interior can unilaterally amend without the consent of American Samoa.** We say these things not because at this point in time that the Secretary of Interior might not ask for a referendum, but if he doesn't want a referendum, he doesn't have to have one. Self-determination and there's no established process for American Samoans to decide whether they want to be a part of the United States or have a sovereign independence of the United States, meaning they need to have a process by which American Samoans through plebiscite first decide, do they want to be a permanent part of the United States? That is the issue that really fundamentally needs to be done or do they want to become independent in this manner similar to the Micronesian States or totally independent like Western Samoa?

It's not an issue of citizenship, it's an issue of whether you want to remain a permanent part of the United States and my view in looking at over the times that I've been in American Samoa, I don't think there is anything other than remaining that any interest other than remaining a permanent part of the United States and once that is clearly defined and clearly stated, then other things will fall into place.

**Ken:** You mentioned that the Secretary of Interior can lay aside a judgment by American Samoa courts. Does that include decisions on land?

**Charlie:** Plenary authority is defined as full authority. It's the authority of a governor of a colony basically that can do just anything other than perhaps if Congress says no, you can't do it. So, if there is nothing in a congressional statute that says you can't do it under the law, the Secretary of Interior exercising that plenary authority can probably do it.

**Neil:** Ken, I would add to that. This is not just a hypothetical. The Secretary of Interior has actually made these statements saying they have the power to intervene in local American Samoa cases, and that has been validated by the D.C. Circuit that the Secretary of Interior actually has those powers. They've not exercised it to date, but having that hang over the judiciary in American Samoa is quite troubling.

**Ken:** You're right. In fact, I've interviewed a couple of people in these court cases all the way back to the Puailoa. Remember Leiatua, the one where the Mormon church land?

**Charlie:** The issue that we had with the Mormon case - and I'm pretty well versed with that - is that the Mormon church did not like a decision of the American Samoa High Court that gave land back to the chief that the Mormons had thought they had gotten by deed.

The issue was an issue of interpreting what a decision that was made in 1934 was about, and they went up to the federal court. The federal court said: "Mormon church, you have not raised an issue of constitutional dimension", meaning you did not say where you haven't showed us any constitutional right to own this land. "Therefore, we are going to reserve this

right. The decisions on the nature of land will be left to the High Court of American Samoa”, meaning that there was nothing that the federal government would do to interfere with the actions of the High Court in giving the land back to the Puailoa family. Number two, the Secretary of Interior saying, no, I'm not going to overrule what my High Court did. Okay, so basically, the Secretary of Interior did not overrule the High Court of American Samoa.

## **Current Issues: Imposition of seabed mining on American Samoa - How you can submit comments and feedback**

**Ken :** Thank you for that enlightenment, especially on my part. I'm learning things as we go along. This historical overview has been very helpful, Leiataua, but let's have you address or talk to us about how this impacts American Samoa today. The hottest topic at the moment is the April 25th presidential executive order on seabed mining, followed in short order by the Secretary of Interior on June 16th, a request for information and interest, the stated purpose of which is to gather comments, information, and indications of interest from any interested parties for a potential OCS mineral lease sale offshore of American Samoa.

How does all this reflect on the topics we've been discussing about the relative balance of power and agency between the federal government and the people of American Samoa? Leiataua?

**Charlie:** Yeah. Again, this shows the broad power that the U.S., United States government, and the Secretary of Interior have over decisions that impact American Samoa, and these include discussions over Samoan lands and waters. The RFI explains that the Interior intends to engage with indigenous peoples of American Samoa about their economic, environmental, and public health concerns with OCS mineral development throughout the OCS mineral planning and leasing process, but it's absolutely clear that they will just listen.

They will make decisions that they believe are in the interests of the United States, the Secretary of the Interior, and not the desires or wishes of the people of American Samoa. Now, if people of American Samoa don't like a decision, there's little recourse. They will say, you've had your input, we've considered it, we're going to make this decision, even if the decision goes against what you wish.

We cannot vote for the President of the United States who appoints the Secretary of Interior, which means that you have no vote to try to get in a president who might be able to change what is being done. We have a non-voting delegate in the House, and we have no representative in the U.S. Senate. And if we really don't like what they're doing and decide we no longer want to be a part of the United States at all, well, even that decision rests with Congress.

That being said, it really is important that people engage and participate if we're going to have our voice and make sure we use it. So, the deadline to submit comments is July 16th. You can do it over the website, [www.regulations.gov](http://www.regulations.gov). And in the search box at the top of the webpage, you can click search and follow the instructions to make comments.

It is really important that as many people as possible make their comments known from American Samoa, so that there is, and even up in the state, not just American Samoa, all the diaspora who can come in and make that, who may have some political power up in the states because they happen to be U.S. citizens, but at least they can write their Congresspeople to help out in terms of making comments to Interior and put a little pressure that way.

**Ken:** Thank you. Thank you, Leiataua. I'm concerned about what you just said. Are you saying that we can have all this discussion, we can have all these forums and community input? And if the current administration decides that they're going to be selling seabed mining to companies, which it's almost like a foregone conclusion already, I've seen that they're already sending out bids for companies to start doing that, like they can do that tomorrow.

Whether or not they listen to the people that submit comments or not is up to them. I cannot control that. That is controlled by whoever is the president and whoever sets the policy up in Washington, DC.

And it's very, very difficult to then say, oh, to take a matter to court in this kind of decision making as to whether or not to lease what the courts and the federal government have said are federal lands, not local land. So in this particular case, the offshore control into the economic zone, that control belongs to the federal government, not to the American Samoans and not to the local government, so that all the local government can do is to make their comment known if they oppose it.

**Ken:** So what is the best action that American Samoans can do if the administration go ahead with this? What's the best avenue? Is it going to court or what should they do?

**Charlie:** That's going to be an issue that we have to look at once the decision is made. You can make an appeal if there is a federal issue involved. You can go to try to get a review of a decision, but it's very, very unlikely that a court would interfere with a judgment made by a department based upon something other than a real violation of a federal law.

**Ken:** Thank you so much. Let me introduce a good friend, lawyer Adi and Neil about any cross-territorial perspective we should be thinking about in this issue. Very important issue to the Pacific, American Samoa, all of us.

**Adi:** Definitely a very important situation you guys are facing. Before going into our cross-territorial petition, I had to commend strongly the people of American Samoa that have organized and that have very efficiently advocated in order for this comment period to open because the comment period was not there before the American Samoans organized and that there was much pressure from the people that are concerned with the results of these actions. We at Right to Democracy, and of course, from the perspective of the other territories, we are not experts, or we do not pretend to say whether this is convenient or not convenient for American Samoans. That is a question that American Samoans have to decide as a community, as a collective. I think that the way that the community has organized and has been able to advocate for their interests has been very impressive. We, from the other territories, see it very clearly from the point of view of the imposition of something that is not wanted by the community because it has happened to us and in other instances.

So, we decided to do this cross-territorial petition that we are working with the organization America the Beautiful for All, in which we're calling for all people from the territories, be it people living in territories themselves, Virgin Islands, Puerto Rico in the Caribbean, or Guam

and Northern Mariana Islands in the Pacific, and of course, American Samoans, to come together and oppose the imposition of the deep seabed mining on American Samoa. Also, people that live in the United States that have ties with the territories, also our diaspora, what we call our diaspora, we are calling into them to please sign this petition because when we are affecting the lives, the existence of our lives in our territories, and in this specific case, our ties to the ocean, which is something that is so sacred and important for our culture, and for it to be imposed that way, we definitely have to support each other. So please go into the link that was shown or into our social media and you'll find it there to sign that petition with us and stand together because even when we don't have our votes in Congress, if we come together, we will have a voice and we will go down in history as a solidarity movement that support each other in these moments of difficulty.

## **Current Issues: Citizenship and Prosecution of American Samoans in Alaska**

**Ken:** Okay. Thank you very much, Adi, for that, you know, explanation and also your expertise in the area. And another current topic that's very dear to a lot of people that has received a lot of attention over the years is the question of citizenship and whether the federal government must automatically recognize people born in American Samoa as a citizen the way it does people born in the States or other U.S. territories.

Over the years, elected officials in American Samoa have opposed federal courts answering this question, saying it should be left up to Congress to decide. Plaintiffs have argued the question and whether it should be settled. I'm talking about the 14th Amendment.

The courts have ruled both ways, but ultimately the Supreme Court has declined to resolve the issue. Now, nearly a dozen American Samoans are being criminally prosecuted in Alaska for voter misconduct on the grounds that they are U.S. nationals but not U.S. citizens. You and Neil are part of the legal team defending Tupe Smith, the first of the American Samoans charged. What can you tell us about her case and how some of the topics we've been discussing today are relevant to it?

**Charlie:** Thank you, Aiono. Before we get into legal policy issues, start with the personal and what happened.

Tupe Smith is a young wife. She's married and both she and her husband graduated from Samoana High School. After Samoana, they left American Samoa to go up to the States separately, and they met in Seattle. They got married and they moved up their family in this town of Whittier.

Tupe was very much a part of this small community in Whittier where everybody lives in one big apartment building. She and her husband's family basically were very much a part of the community and a big part of the community, particularly in the school where a lot of the children were Samoans. She was asked because of her contributions to the community, she was a office of school board in the small community.

She ran and she won.

Subsequently, however, somebody determined that she was a U.S. national, not a U.S. citizen, so somebody made a complaint to the state police who then came to Whittier, arrested her in front of her family and children. She was handcuffed, taken from Whittier two hours away to the processing center at which she was strip searched, put into prison uniform before her husband was able to get there and be able to bail her out.

She was charged with a number of felonies, including charges which could get her up to 10 years in jail. So when we heard about this, we came in to help her. After her arrest, a number of months later, 25 state police came to Whittier through this long tunnel. They came to Whittier looking for Samoans and they came and they, these police fanned out into the apartment building searching for Samoans. They went to the residences of everybody there and workplaces demanding to know who people were and what they were, you know, and whether they were Samoans or not. The Whittier raid just shocked that whole community because they were not even told, even the mayor of that city and police chief of that little town, were not told that there would be this big raid of police.

Subsequently, they, besides Tupe, what happened was that the state decided that they were going to prosecute 10 other people, including Tupe's husband, Michael, for voting illegally because they were American Samoan nationals. These, again, charged with felonies and so our organization, when Tupe was the only one being charged, our organization, Right to Democracy, determined that Neil and I would assist in her defense and some of that defense will include the right to citizenship. These new charges were brought against the other 10 people and they were arraigned and we did get a lot of community support in Alaska for Samoans because what has happened is the politicians, some of the politicians in Alaska, were going around telling American Samoans that they could vote in Alaska and relying on that and even officials, election officials, were telling them they could vote in Alaska.

Now they are facing the consequences. We are trying to ensure that they get the best defense they can and one of the defenses will be they have citizenship by right under the 14th Amendment. By their birth on U.S. soil.

**Ken:** Thank you. Thank you, Leiataua. Neil, can you walk us through what the legal issues are in the case? Sure.

**Neil:** As Charlie explained, **this is all very confusing in Alaska. If you're American Samoan, you're eligible for certain state benefits and if you apply, you're automatically registered to vote regardless whether you say you want to or not. The burdens put on you to actually take yourself off of the voter rolls.**

**Under certain statutes and regulations in Alaska, American Samoans are actually defined as U.S. citizens to be eligible for these certain benefits. All of this has confused state officials who have told American Samoans to check the U.S. citizen box because there's not a box for U.S. nationals and told them they're eligible to vote when American Samoans have asked if they can vote as a U.S. national. And so Alaska's election administration system itself has served as a kind of trap to get these folks wrapped up in this legal process.**

Rather than try to straighten out these affairs and address these issues, fix these problems, Alaska's response has been to prosecute, to argue to the courts that they should face jail time that could be up to five to ten years in jail. **We're challenging and defending Tupe Smith on a number of grounds based not just on citizenship but also on the fact that she was**

told by officials that she was eligible to vote. The courts are considering that now and that's going to continue on, you know, uh, into the future.

## Is Citizenship a threat to Fa'a Samoa?

**Ken:** Thank you, Neil & Leiatua. And, uh, something similar that happened in Hawaii. Somebody was running for office, but the state decided not to pursue any that. And, we've heard a lot of concerns expressed over the years about recognizing American Samoans as U.S. citizens and the threats that could pose to the Fa'a Samoa, our land and our way of life. Is recognition of citizenship a threat? Leiatua? Neil?

**Charlie:** Um, we've heard a lot of elected officials saying that **this recognition of citizenship would be a threat, but they have never really explained why. We've been working on these issues for a long time now, over 20, over 10 years, and no one has even tried to explain how citizenship would be a threat.**

The reason is they know they don't have an answer.

When we signed the Deeds of Cession, when the leaders who signed the Deeds of Cession, you know, those ones that did, they fought for recognition as citizens and they did not seem to think that there was a threat to their land and culture. We've had bigger changes in our Fa'a Samoa that have not changed our Fa'a Samoa, as I indicated earlier in our discussions earlier, we changed, we became Christian, a Christian country and then adopted Christianity. That's a big change in the Fa'a Samoa, but that didn't, uh, that doesn't mean our Fa'a Samoa is gone.

We, American Samoa, basically decided they're going to stop the, you know, the Tui Manu'a power and stop the Tama'aiga power over the islands that became American Samoa. That is a huge change in custom and culture, but we do not say now that our customs and traditions are gone because of the choices that were made at that time. So the idea of what it is to be a Samoan and what it is to be Fa'a Samoa is always changing.

It changes from generation to generation to fit what those generations need to survive in the environment that they find themselves in.

**Neil:** And I'd add to that, um, you know, Charlie, the experience itself of some of the other territories and even Alaska.

**In the Northern Mariana Islands, they have very similar land alienation requirements and restrictions. They're automatically recognized as citizens and those laws have been upheld by federal courts.**

In Alaska, there are Alaska natives that have special rights to their land, to their self-governance, to their autonomy. Um, they're also recognized as U.S. citizens. **And so there's not a fundamental incompatibility between recognition of U.S. citizenship and protection of things like land, culture, and language.**

**Charlie:** This non-citizen idea is, is not a shield. It doesn't protect your land. Everyone that owes their allegiance to the United States is a U.S. national. That means a person born in the States is a U.S. national and a citizen. When a U.S. national who is not Samoan comes to American Samoa, they can vote. They can go and vote for governor, lieutenant governor,



representative. And if they are part of a family, they get to choose. They get to maybe sit in, if they're adopted into a family, they can even choose chiefs. But sometimes they will help choose chiefs. But they are not, these people that are not Samoans that come in get all the rights to participate in the politics of American Samoa.

However, when American Samoans go up to Alaska or to some of the States, they do not similarly have those rights in the States because of their status as U.S. nationals, not citizens. And that is probably a great deal of the confusion that happens for Samoans that come up there. They come up thinking: "Oh, well, we can't, we just can't vote for president and vice president, but all the local stuff, we can, local people in Alaska, local elections, we can participate in those". But that turns out to be wrong. And that then gets them into trouble with the law because of their status as U.S. nationals, not citizens.

**Ken:** Leiataua, every time American Samoa has a referendum on its political status, the two main issues that always come up, the reason why American Samoans don't want to become citizens and they want to stay as U.S. nationals: Number one, they don't want their land to be taken or manipulated or being used, not according to them, I mean, or decided by somebody else other than American Samoans. Number two is that culture, the language. But it seems to be adequately dismantled, that whole myth that people are giving, the idea that the federal government has no business in dealing with their land or culture. It seems like the federal government has all the power that it has and whatever they want to do, they can render that power on American Samoans.

And so, how do you reconcile that? That was one of the reasons why I asked a lot earlier ago, whether people who are voting in these sort of referendums, whether they are entirely educated and informed about this issue. Because they seem to think that the federal government has no business, cannot touch their land, but now they can. So, I just wanted to make it clear that black and white to people that they can and they have, and they will. I mean, look at what's going on with the seabed mining too. Leiataua?

**Charlie:** I think that these issues are coming to the forefront now, because I think American Samoans are realizing just exactly what power the federal government has over them, because it's the federal interest that is paramount in any decision that's made by the federal government.

So, if the federal government thinks it is paramount for American economic dominance to have this seabed mining, that's what will happen. That will be done. It doesn't matter what the American Samoans think.

You'll hear about, you can make your complaint about it, but if it is a primary policy of the United States government to do the seabed mining, you will do the seabed mining. If it is of paramount interest of the United States, like they did in World War II to take over Samoan lands, to make the marine bases and the air force bases and things like that to fight the war in the Pacific, they will do that. And that's exactly what they did.

They took over as needed. So, for the federal government, it is what is important at the time. As long as the federal government is basically not, is interested in keeping customs and cultures, and that is an important part of United States policy, yeah, they can be, it'll be okay. They will listen and they will maybe act accordingly. But if it ends up not against the policy, they will do what they want.

**Ken:** Let me touch on something about court cases that you and Neil have been involved with, something that we have also heard a lot about is that these court cases you have been involved with would impose citizenship on American Samoans without their consent. How do you respond to that?

**Charlie:** The issue of citizenship under the United States Constitution is guided by the 14th Amendment. And the 14th Amendment was put in there so that all people who are on U.S. soil will be treated equally under the law, that they're born equally under the law of the United States so that you no longer will have slaves and no longer have the politicians decide whether you're a citizen or not.

The key issue that has to be decided by American Samoans is: Do they agree that when the Deeds of Cession were signed and accepted by the United States, did the United States accept full sovereignty over American Samoans? I think the answer to that is yes. And the question is then: Do you want to remain part of the United States? Once that question is answered and if they want to have a referendum on it, have a referendum, not on citizenship, but whether or not American Samoans believe that their Deeds of Cession made, gave, put them under the United States? And number two, do they want to be a permanent part of the United States? Now the issues of protection of lands and culture and things of that sort, Neil has already indicated that when they were developing the governments for Saipan and for the Alaska Indians and recognizing them as citizens, their protections were there, were put in there for them, and that's what should be discussed. What protections are there on the lands?

**Charlie:** We all believe American Samoa's future political relationship needs to be decided by American Samoans, but that's what we do together, collectively. What's going to be our political status? The idea that we have that now for these citizenship rights, those are individual rights. Those are the rights of individual people.

People like Tupe and her husband, Mike, do they individually have their rights as citizens? So that's the difference between what we talk about when we talk about political status, which is something we do all as Samoans together, and an individual right, what we are now, and what the individual who is part of the United States, born in the United States, what are their individual rights?

I know the concept gets mixed up too much between a political status and the individual right of a person to be a citizen of the United States, and that is the point that we believe we can make here.

So the political status right now is that we are part of the United States. The United States exercised sovereignty over us, and therefore we have a right to be able to participate fully in the American political system as full citizens under the 14th Amendment as the 14th Amendment requires.

## **Cross-Territorial Perspectives - Citizenship and Local Customs and Culture**

**Ken:** Before I ask another question, I think it would be good if we have Adi come in and share her knowledge and also maybe a question. Adi?

**Adi:** Thank you, Ken and Charles. I am very interested in this theme of citizenship in American Samoa because at the beginning when we created Right to Democracy Neil and I heard of the resistance of the American Samoan government and people in American Samoa of the idea of citizenship, I thought, hmm, well, that makes sense because they don't want to be part of the United States and so if you don't want to become part of the United States, then of course it makes sense that you don't want to be a citizen of the United States and this status of U.S. national is an option. It's an option that makes you like an American Samoan citizenship and then when I started learning from Charles and I started learning from and having conversations with American Samoans about this and I realized this is not it at all.

American Samoans in general feel very much Americans part of the United States and want to keep being part of the United States. Also, I learned like Charles has shared with us today that all of us are U.S. nationals and that it does not at all, not being a citizen does not and just being a U.S. national does not confer any type of power or any type of sovereignty for American Samoans. The United States still holds unilateral power over Samoans lives and they even do it in a way that is very powerful in the sense like the Secretary of the Interior has the capacity of overruling your laws. So not being recognized as a citizen, not being afforded the recognition, the political recognition that you guys are under this sovereignty means a lot, means a lot about that unilateral and even abusive power over you.

So it has been for me a very interesting learning experience that citizenship is at least for American Samoans is not tied to nationality, not in the same way that it is and it has been here in Puerto Rico where we were given citizenship by law in 1917. Some of us wanted it, some of us didn't want it. There's still to this day a lot of people that treasure U.S. citizenship, there are some that do not but it has never had that connotation of we're going to lose who we are because we have it and we're still Boricuas, we're still Puerto Rican, we're still struggling with the same questions of status that we all are.

So you see it's like when you compare the parallels and the differences we learn a lot to be able to get away from the politics of identity, to get away from the myths that haunt us and to be able to see this citizenship thing as a matter of fundamental human rights that need to be respected by the U.S. government over its subjects where they are exerting unilateral power over in that need to be recognized as a universally recognized human right.

## **How does the push back against recognition of citizenship today square with historical support for citizenship from American Samoa's leaders??**

**Ken:** Thank you. Thank you, Adi for that statement. It's interesting you mentioned the citizenship thing in American Samoa. It's a peculiar one and I think it's peculiar to a lot of people because there is no such thing as an American Samoan citizens in American Samoa.

The only people there are U.S. nationals and it's funny you look over the other side Samoa are trying to force or oblige New Zealand to give them citizenship whereas the other way around in American Samoa. Everybody in the world is dying in wars and everywhere else to become citizens of a country except American Samoa. It's a very weird thing and but I want to address this to the Honorable Leialataua.

You know if the American Samoan government and its leaders repeated filings against your clients and against U.S. citizenship issue and also the Fono have rendered a unanimous resolution supporting court cases against your clients. And it seems like there's no end to what they want. They want that decision to be on voted on by American Samoans. But it seems to be like you're not arguing you're just stating a very interesting effect. So what I'm saying is that what do you see that as a flaw in the other side's argument?

**Charlie: I think our leaders of today they're entitled to their own viewpoint. They can say what they want but it's time they recognize that their views are out of step with what their forefathers chiefs of their you know who represented the families back in the days believed and what they wanted.**

**The historical record is clear. The chiefs of the previous generations up until around the 1940s believed that they should be United States citizens, be part of the United States.** One of the interesting things about this dispute about citizenships in the 30s and 40s was that Maunga was actually on the was not the favorite of the governor at that time because he was advocating for civil government the Navy government at the time because he was advocating for civil government under Samoans under the United States and the Navy didn't didn't kind of like that kind of idea and said oh he's part of the Mau the independence movement of you know that was going on in in western Samoa but that wasn't the nature of the ideas that were being presented by the chiefs of that time.

They wanted civil government that was under you know that was set up to handle it and not the Navy. That's one of the reasons why they created the interior and then created the Constitution of American Samoa under the Secretary of Interior in 1960. Now they should recognize that that citizenship you know and and that there were decades there were two generations of chiefs that fought for citizenship in that period of time.

The decision on whether the 14th amendment applies in American Samoa to citizens is as I said before a constitutional question to be decided by the courts and we are trying to get the matter up to the Supreme Court because the courts that are below are basically saying we are our hands are tied by the Supreme Court because of its decisions in what we call the Insular Cases okay this and we are trying to get the matter back up to the Supreme Court to say no the Insular Cases should not you know we're in a time of racism in a time you know of discrimination and they should not now be considered as valid law and that is what and that everyone born in the on U.S. soil under sovereignty should be given that right under the 14th amendment.

Only the court can make that decision. Now Congress can amend make a small change to their immigration law because the definition of a U.S. national was created by a statute - the U.S. Immigration Nationality Act - and they did and Congress created this that everybody's a U.S. national but there's some people that are U.S. national citizens and some that are U.S. national not citizens. If Congress came in and says there are no more U.S. nationals everyone is a citizen right that would that would eliminate the problem American Samoans would be citizens by the manner of their birth but Congress hasn't done that and the courts now are being asked to make that determination that the supreme law of the land is the supreme is the 14th amendment and the 14th amendment says that we are citizens.

Now how we get that to the court in many different ways in the issue where the black people were trying to get their rights asserted and remove the separate but equal doctrine which is says that you can treat people differently they were a they brought numbers of cases again

and again until finally the U.S. Supreme Court had changed its mind and said you know you're right that you cannot treat people separately but equally and they overruled in what they call Brown versus Board of Education that no, all Americans are to be treated equally. They did that to ensure that there was that that court case made at the same time as the Insular Cases which they they're relying on now to keep American Samoans as national as non-citizens they're relying on the same judge that made that initial decision was the one that made the decision in that previous case that had been overruled in 1955.

**Ken:** I know Neil and others in Micronesian area or Guam argued that said that even though they have citizenship it did not change their culture did not change their land I guess tenure or rules. The argument in American Samoa by a lot of people is that in order to keep their culture their land they need to have U.S. national not citizenship and I know a lot of people have argued that you know it doesn't even make a difference but what's your experience in Puerto Rico?

Adi: So for us it's hard to imagine it would be any difference because as we discovered in the dialogues across the territories when we started Right to Democracy we did one question that was discussing all the territories and the question was: "What does citizenship mean to you?"

The big difference comes when you move to the U.S. right because when you move to the U.S. proper - one of the states, any of the states - you are recognized as an equal citizen and you can participate in elections and you can even participate in federal elections without any issue right if you immediately immediately if you reside and you have an address over there.

So in terms of land like if we go back to the territory having the citizenship has not meant that we lose our language we still speak Spanish we lost our initial language to the Spaniards we were Indigenous people here in Puerto Rico we had our own Arawak language and we lost it to this violent colonization from the Spaniards when the U.S. came and invaded Puerto Rico they tried to impose English in our schools they tried but it didn't work and it didn't happen and so they had to keep teaching subjects in Spanish because the people here were just not having it and it was just not working and so at the end the majority of people in Puerto Rico still speak Spanish and you know it doesn't matter that we are U.S. citizens or we're not U.S. citizens.

I think this is more understandable when we look for example Northern Mariana Islands. Northern Mariana Islands, they do have protection of their lands under Article 12 or their Covenants that they negotiated with the United States and under that Covenant Article 12 protects the land and they are citizens.

**Charles:** Our land system is under attack not because of citizenship or non-citizenship, it's under attack because our own people want to have a different kind of land ownership. That is why in American Samoa there has been this pressure to individualize land rather than hold it under the communal land system. These are the the the real problems. These are the real pressures. **When you start to say oh our our problems our protection of our Fa'a Samoa becomes a citizenship right it makes our politicians ignore the real problems yeah and they don't make laws to to protect against the real problems that are causing the change in the land system** and a lot of them are trying to undermine a lot of the chiefs are undermining their own system by going and trying to register land individually yeah and we

saw that and that was just recently **people are waking up to that that it is that is the problem that is undermining our system not this idea of citizenship or not citizen**

**Ken:** I think there's a there's a book named called the Pacific Insular Case of American Samoa it's written by Dr. Line-Noue Memea Kruse a couple years ago and she actually you know have statistics on that Leiautau that many of the customary land has been transformed into individual private lands and that was done under the Samoan you know under American Samoans without any federal you know interference so you're very correct in that.

So Leiautau what does the future hold for Samoa who is responsible for protecting our culture who should have the power to make decisions live or rest and part of that self-determination the people of American Samoa want to continue as part of the United States or do they want to own sovereignty separate from the U.S. What are your views and what do you think they should do?

**Charles:** With respect to the Fa'a Samoa as we all know our Fa'a Samoa is derived not from any book or from any document it is something that is derived from how we work with our families and how we work within our villages and work within our institutions. When you're dealing with things that involve the village we look to the village councils to make their determinations of what needs to be done. Within families we work through the regular family kind of system and that structure is what I call the Fa'a Samoa, but with respect to how decisions are made they are usually made the attempt is made to make a community decision for the that and that's what the Fa'a Samoa is

Now, with respect to sovereignty, who should have the power to make the decisions on where we who have the, quote, "pule" of Samoa? That idea of sovereignty is something that was brought in from Europe. I mean that's basically a European concept of sovereignty meaning who has control, political control over all of these lands.

So who deeded sovereignty to the United States at the time the deed of sovereignty was given to the senior chiefs of the of the islands and when they went to Manu'a who deeded sovereignty to the United States was the Tui Manu'a because he was recognized as a person with the authority over those islands and the important thing about it was that they extinguished, he extinguished his title or his sovereign rights to Manu'a and at that time then the United States took over that.

**Now, with respect to self-determination, self-determination is a community decision and the self-determination is: do the American Samoan people want to be part of the United States or do they want their own sovereignty separate from the United States give it back and then they can go their own way?**

So I think that you know that the issue of do we want to be a permanent part of the United States or not is something that would have to be done by plebiscite.

## Concluding Remarks

**Ken:** Thank you Honorable Leiataua, Chancellor Ala'ilima and also Adi Martinez-Roman for allowing me to be a part of the discussion. Honored to be a moderator for this program and just wanted to see if there's any last thoughts, Leiataua, Adi?

**Charles:** I would like to thank you Ken for the opportunity to speak with you. I think that your voice in the community is very strong and very appropriate at this particular juncture, at this particular time.

**I would urge that all people that do American Samoans that are that understand the history make their own decisions about their future understanding what the past was and how they got to where they are today.** This is something that I hope will also inspire various education people in the Education Department in American Samoa to be a great deal more conscious of presenting the history of Samoa not as if everything started in 1900 or started when the Christianity came but that **our custom culture is ancient.**

**It is something that should be treasured, understood, but understood in the context of the modern world - that we have to adapt to the modern world. I think the system that Samoans have created is adaptable. It is very adaptable and that is its power and that's its strength.**

**It's adapted by themselves in the way they handle their own affairs** and for that I would thank you for giving the opportunity to discuss this.

**Adi:** It has been such a wonderful conversation. I've learned so much from you, Charles, Ken, from the history and the development of this relationship of American Samoa and the United States. And it is just incredibly enlightening to be able to see it from your perspective and to be able to compare it to ours. And we value that a lot in Right to Democracy.

We really believe that this cross-territorial perspective is going to be very useful for all of us and so, I'm very excited at the development of this series of Building Understanding and to keep this dialogue going. So, thank you very much.

**Neil:** Yes, every time I hear this history, Charlie, I learn something new. And really great to have you both doing this. We would love to be able to open this up to everybody to ask questions.

So, if folks have questions that they want to share and to learn more or to hear more, they can reach out to us on social media at Right to Democracy. They can send us an email info at [righttodemocracy.us](mailto:righttodemocracy.us). And we also will be putting up additional content on our website, [righttodemocracy.us](http://righttodemocracy.us), with some of these primary source materials that you can check out and see all this for yourselves. We'll also be developing other historical primers for each of the other territories in the coming months.

So, keep an eye out for that as well. And just really excited to have this opportunity to have experts like Charlie and insightful journalists like Ken Aiono to walk us through this history here today and look forward to more to come.