

Nos. 20-4017 and 20-4019

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**UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT**

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UNITED STATES OF AMERICA;  
U.S. DEPARTMENT OF STATE; MICHAEL R.  
POMPEO, in his official capacity as U.S. Secretary of  
State; and CARL C. RISCH, in his official capacity as  
U.S. Assistant Secretary of State for Consular Affairs,  
*Defendants-Appellants,*  
and

THE AMERICAN SAMOA GOVERNMENT and  
THE HONORABLE AUMUA AMATA,  
*Intervenor Defendants-Appellants,*

v.

JOHN FITISEMANU, PALE TULI, ROSAVITA TULI,  
and SOUTHERN UTAH PACIFIC ISLANDER  
COALITION,  
*Plaintiffs-Appellees.*

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On Appeal from the District of Utah, No. 1:18-cv-00036-CW

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**EXHIBITS 1 THROUGH 12  
TO BRIEF OF *AMICUS CURIAE*  
SAMOAN FEDERATION OF AMERICA, INC. IN SUPPORT OF  
PLAINTIFFS-APPELLEES AND TO AFFIRM  
(Volume 1 of 2)**

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*AMICI CURIAE* SAMOAN FEDERATION OF AMERICA, INC.  
BRIEF IN SUPPORT OF PLAINTIFFS-APPELLEES AND TO AFFIRM

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# **EXHIBIT 1**

86th Congress }  
2d Session }

COMMITTEE PRINT

## STAFF STUDY ON AMERICAN SAMOA

—  
INFORMATION ON THE GOVERNMENT, ECONOMY,  
PUBLIC HEALTH, AND EDUCATION OF  
AMERICAN (EASTERN) SAMOA  
—

COMMITTEE ON  
INTERIOR AND INSULAR AFFAIRS  
UNITED STATES SENATE

PREPARED UNDER THE DIRECTION OF SENATOR OREN  
E. LONG OF HAWAII, CHAIRMAN OF THE SPECIAL SUB-  
COMMITTEE TO STUDY CONDITIONS IN AMERICAN  
SAMOA, PURSUANT TO SENATE RESOLUTION 330,  
86TH CONGRESS

NOVEMBER 1, 1960

Printed for the use of the Committee on Interior and Insular Affairs

—  
UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1960

61192

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**II**

## LETTER OF TRANSMITTAL

SEPTEMBER 23, 1900.

HON. JAMES E. MURRAY,  
*Chairman, Committee on Interior and Insular Affairs,*  
*U.S. Senate,*  
*Washington, D.C.*

DEAR SENATOR MURRAY: I am transmitting herewith for the information of members of the Committee on Interior and Insular Affairs a staff study on American Samoa. The study, which brings together current information on the political and economic development of Samoa, along with data on public health and education in the territory, was prepared by Shigeru Kaneshiro, of my staff, an anthropologist formerly with the Administration of the Trust Territory of the Pacific Islands. Dr. Saul Rosenberg, curator of ethnology at the Smithsonian Institution, read the manuscript of the report and made most helpful suggestions. Discussion of the new Samoan constitution was added by Robert M. Kamins, my administrative assistant.

The subcommittee created by Senate Resolution 830 to conduct a study and investigation of conditions in American Samoa should find this report helpful in preparing for its work.

Sincerely yours,

OREN E. LONG,  
*Chairman, Subcommittee on American Samoa.*

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## AMERICAN SAMOA

### I. INTRODUCTION

#### GEOGRAPHY

The Samoan archipelago is located between 13°26' and 14°32' south latitude and extends for 200 miles from 168°10' to 172°40' west longitude. The total land area of the island group is over 1,200 square miles, the greater part of which makes up Upolu (430 square miles) and Savai'i (700 square miles), the principal islands of the New Zealand-administered Trust Territory of Western Samoa. Seventy-seven miles to the east of Upolu lies Tutuila, the largest island (62 square miles) of the islands that make up American Samoa. The unincorporated territorial possession of American Samoa consists of seven islands: Tutuila, where the capital and harbor of Pago Pago are located, Annu'u (1 square mile), the Manu'a Group, which includes Ta'u (17 square miles), Olosega (2 square miles), and Ofu (3 square miles), and the coral atolls, Swains (1 square mile)<sup>1</sup> and uninhabited Rose. Their total land area of 76 square miles is—probably a poor comparison—slightly larger than the 69 square miles of the District of Columbia.

American Samoa is centrally located within the "Polynesian triangle" formed by Hawaii, New Zealand, and Easter Island. It is 2,270 miles southwest of Hawaii, 1,000 miles northeast of New Zealand, and 4,200 miles southwest of the continental United States. Temporally, these distances have been greatly reduced by the route of Pan American World Airways from Honolulu, which includes scheduled stops at Tutuila. Matson liners call regularly about every 8 weeks.

Except for Rose and Swains atolls, the American Samoan islands are of geologically recent volcanic origin. Mountains rise sharply from narrow coastal plains to heights of 2,141 feet on Tutuila and 3,056 feet on Ta'u. While scenically striking, the mountain ranges that dominate the landscape limit arable land to about 20 percent of the total land area. Samoan soils are largely basaltic clay with fertile alluvial deposits in the narrow valleys and sandy loam coasts.

The climate is tropical with an annual temperature ranging from 70° to 90° Fahrenheit and high humidity averaging about 80 percent. Rainfall is abundant but variable from year to year and averages 200 inches annually. The wet season is between November and March with a less wet season from April to October. Hurricanes are not unknown and have sometimes resulted in damage severe enough to require aid from the American Red Cross and the Government.

<sup>1</sup> Geographically, not in Samoan group but in Tokelau Islands.

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## THE PEOPLE: POPULATION AND CULTURE

The population of American Samoa is 20,000<sup>a</sup> of whom about 1,500 are part-Samoans and 500 non-Samoans. In 1830 the population was estimated at about 10,000. Depopulation marked the remainder of the 19th century as a result of new diseases, warfare, and firearms. Birth control was practiced through abortions induced by massage and kneading, and it was believed that *kava*, if chewed in large enough quantities, could act as an abortifacient. In 1881 the population was estimated at 7,000; and in 1900 it had dropped further to 5,679.

Under the public health program of the U.S. administration, depopulation was checked and population increases have since been the rule. The population was 7,251 in 1912; 8,056 in 1920; 10,055 in 1930; 12,908 in 1940; and 18,987 in 1950. In the last complete census of September 25, 1950, the population was 20,154 distributed as follows: 17,307 on Tutuila, 2,767 in the Manu'a Group, and 80 on Swains Island. (See app. I.) With a total of 10,107 males to 10,047 females, there is no significant imbalance in the sex ratio; except that in the 25 to 29 years age group with 583 males to 765 females, there is a significant preponderance of females—a disproportion to be accounted for by the greater opportunities for men to emigrate, join the Armed Forces, and study abroad.

The American Samoan population is an extremely young one. Of the 1950 population, 48 percent was under 15 and 85 percent under 40. From 1946 to 1951, American Samoa had a crude birth rate of 42.9 per 1,000 population, as compared to 24.4 for the United States and 25.2 for New Zealand. Its crude death rate per 1,000 population was 9.1, which is comparable to the U.S. rate of 9.7 and the New Zealand rate of 9.2. The extremely youthful population coupled with one of the world's highest birth rates and a low death rate auger serious Malthusian pressures for the territory.

Samoa belongs culturally to the western division of the Polynesian culture area. It is not certain whether Tonga or Samoa was the original point of dispersal of the early Polynesians, but the linguist Samuel Elbert suggests that the former, with the more complex and archaic language, was settled first. After over 125 years of contact with western influences, Samoan social organization still retains much of its traditional structure with the extended family as the most important social group and the village the basic territorial unit. Ceremony and reciprocal exchange are highly valued traits of Samoan social life and have been vital forces in the preservation of much of *fa'a Samoa* (the Samoan way). Religion was not as highly developed in Samoa as in other parts of Polynesia; and, impressed by the material power and wealth of westerners, Samoans readily accepted Christianity, which is now represented by several denominations. These include the London Missionary Society (Congregationalist), Roman Catholics, Methodists, Mormons, Seventh-day Adventists, and a locally organized Samoan Congregational Church. Church activities now play an important role in village organization and activities.

<sup>a</sup> Preliminary 1960 census total is 20,040.

### HISTORY

The Samoan Islands were visited in the 18th and 19th centuries by Roggeveen (1722), Bougainville (1768), La Perouse (1787), Edwards (1791), and Kotzebue (1824). A U.S. exploring expedition under Lt. Charles Wilkes visited the islands in 1838. The influence of white men was slight, however, before 1880 when missionary activities by the London Missionary Society commenced. By this date, Hawaii had already achieved political unity and Hawaiian culture was undergoing great change through the influence of missionaries, traders, and whalers. Samoa, with constant internal strife and warfare and a reputation for inhospitable reception of trading and whaling ships, was largely avoided. La Perouse, after losing 11 men in a clash with Tutuilans called them "perhaps the most ferocious people to be met with in the South Seas."

Early European activity centered largely around the port town of Apia in Upolu. Whalers and adventurers participated in the internal struggles which gave cause for occasional visits by warships of the great powers. As early as 1830 "commercial regulations" were drawn by British and American naval commanders to control the port of Apia and the activities of whites, although these agreements were ineffective. The local Samoan council was treated as the government and the Tafa'ifa, or ceremonial head, as a "king." Consuls were appointed by Britain in 1847, by the United States in 1853, by the city of Hamburg in 1861, and later by a unified Germany.

There was little stability, however, to the Samoan "kingdom." Warfare was recurrent between the traditionally rival Malietoa and Tupua families that controlled the highest chiefly titles in Western Samoa. In their involvement in local conflicts, the British and Americans generally supported the former, the Germans the latter. An attempt was made in the 1870's to form a national government with a constitution and a code of laws under white guidance, particularly by an American named Steinberger. This too crumbled under sectional rivalries.

In 1877 Samoan representatives visited the British High Commissioner of the Western Pacific at Fiji and requested annexation; this was refused. The following year a commissioner was sent to the United States with a similar request which was also refused. But a "treaty of peace and friendship" was concluded between the United States and the Samoan Government which prohibited annexation by any other nation, and assured American nationals equal privileges with those of other nations, and secured for the United States the right to establish a coaling station at Pago Pago. This right had been obtained earlier in 1872 by an agreement concluded by Comdr. Richard W. Meade, Jr., U.S. Navy and the Tutuilans but had never been ratified by the U.S. Congress. In 1879 the United States, Britain, and Germany with representatives of the Samoan Government established the municipality of Apia as a "neutral territory" under a municipal board of the consuls and where whites were to enjoy extraterritorial privileges.

The Samoan polity continued to be marked by dissention and factional struggles for power. During the 1880's a mission from the King of Hawaii arrived in an attempt to annex the territory but was ig-

STAFF STUDY ON AMERICAN SAMOA

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nominiouly expelled. New Zealand, which envisioned a British Federation of the South Seas including Samoa, urged the British Colonial Office to accede to the petition of one of the anti-German Samoan factions for annexation. Active German military intervention in the internal struggles of Samoa brought protests from the other powers and the United States decided to send a fleet to Samoa to exercise its privilege under the treaty of 1878 to build a coaling station at Pago Pago. The year 1880 found six warships of the great powers in Apia Harbor. The tension of the situation reached its climax not in a naval engagement but in the sudden fury of a hurricane that swept upon the ships, leaving all but one battered on the reef and from which only a few of the ships' companies survived. The disaster opened diplomatic channels to a conference in Berlin in April 1889.

The Berlin Act of 1889 recognized Samoa as an independent kingdom with its own government and reestablished the municipality of Apia as an international concession area. The act also provided for land matters, customs, and finance, the prohibition of liquor, and control of arms and ammunition. This arrangement again proved too complex and unsatisfactory and the succeeding 10 years were characterized by uprisings, intrigue, and dissention. A question of succession to the kingship in 1898 decided by the Chief Justice according to the terms of the Berlin Treaty was unfavorably received and angered Samoans overran Apia. Early in 1899 British and American warships bombarded Apia and other "insurgent" villages and also landed skirmishing parties, while Samoans looted the property of whites in and around Apia.

A High Commission of the three powers investigated the situation and abolished the kingship, leaving the Government of Samoa in the hands of a temporary consular board. The following year, under the Treaty of Berlin, the Samoan Islands were divided between the United States and Germany, with the United States getting the smaller islands east of longitude 171° W. and Germany the larger western islands. Britain, then engaged in the Boer War, gave up her rights to Samoa for other imperial concessions. All three nations agreed to equal commerce and shipping rights in Samoan ports.

WESTERN SAMOA

Western Samoa was made a German protectorate and a civil administration was established which, in contrast to the preceding years, was firm and remarkably successful in gaining the support of the white settlers and in curbing the disruptive internal disputes between rival Samoan factions. However, the German administration had to crush a nationalistic movement, the Lauati Rebellion, in 1909. German occupation of Western Samoa ended in August 1914 with the peaceful occupation of the islands by a New Zealand force.

Western Samoa remained under military government until 1920 when civil rule was reestablished by New Zealand under authority of a mandate from the League of Nations. A most disruptive occurrence of the brief period of military rule was the influenza epidemic of 1918 which wiped out one-fifth of the Western Samoan native population. This physical and cultural shock that befell Western Samoa was averted in American Samoa, which fortunately had time to take necessary precautions.

## EXHIBIT 2

(Enc.)

3931	NAVY DEPT.	1900
H2	SECRETARY'S OFFICE.	
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Subject No. 7767 Letter No. 19.

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SEP 5 1900

NAVY DEPARTMENT

Bureau of Yards and Docks

DATED APRIL 17 th 1900

INSTRUMENT of CESSION

CHIEFS OF TUTUILA

to

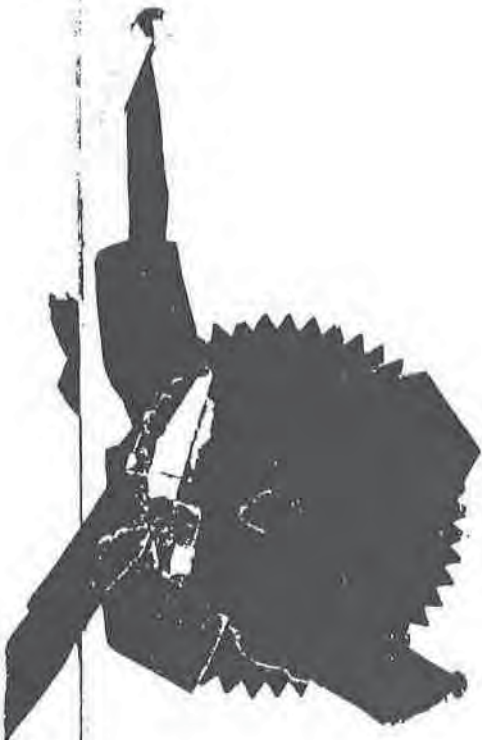
UNITED STATES GOVERNMENT.

TRANSLATION in ENGLISH LANGUAGE  
 with DEED in SAMOAN LANGUAGE

EDWIN W. GURR.  
 SOLICITOR  
 SAMOA.

File with Treaty U.S., Gt. Britain, Germany of Dec 2, 1899  
+ note in Envelope. A.H.G.

See President's letter of  
July 23, 1922, to the  
Chiefs of J.P.S.

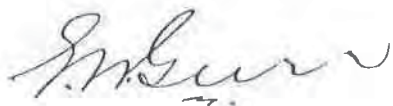


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CERTIFICATE OF INTERPRETATION.

I, Edwin W Gurr of Apia in Samoa, Barrister and Solicitor of the Supreme Court of Samoa, of Her Britannic Majesty's Deputy Commissioner's Court for the Western Pacific and an Attorney of the Court of the United States Consulate-General for Samoa do hereby declare :-

1. That I have a competent knowledge of the English and of the Samoan Languages.
2. That the translation herein is a true translation and interpretation of the Instrument of Cession in the Samoan Language attached hereto.
3. That prior to the execution and delivery of the said Instrument of Cession, the subject matter of it was thoroughly explained by me to the Representatives of the People of Tutuila at several meetings, and that the representatives whose names are thereto subscribed voluntarily and freely executed the same. In witness whereof I have hereunto placed my hand on this 19th day of April in the year 1900 A.D.



Signed by the said E. W. GURR

in the presence of



Commander, U. S. Navy

Commandant U. S. Naval Station, Tutuila

( Translation )

TO ALL TO WHOM THESE PRESENTS SHALL COME,

GREETING ! !

WHEREAS the Governments of Germany, Great Britain, and of the United States of America have on divers occasions recognized the sovereignty of the government and people of Samoa and the Samoan Group of Islands as an independent State : AND WHEREAS owing to dissensions, internal disturbances, and civil war the said Governments have deemed it necessary to assume the control of the legislation and administration of said State of Samoa: AND WHEREAS the said Governments have on the sixteenth day of February 1900 by mutual agreement determined to partition said State: AND WHEREAS the Islands hereinafter described being part of the said State have by said arrangement amongst the said Governments been severed from the parent State and the Governments of Great Britain and of Germany have withdrawn all rights hitherto acquired claimed or possessed by both or either of them by Treaty or otherwise to the said Islands in favor of the Government of the United States of America : AND WHEREAS for the promotion of the peace and welfare of the people of said Islands, for the establishment of a good and sound Government, and for the preservation of the rights and property of the inhabitants of said Islands, the Chiefs, rulers and people of thereof are desirous of granting unto the said Government of the United States full power and

and authority to enact proper legislation for and to control the said Islands and are further desirous of removing all disabilities that may be existing in connection therewith and to ratify and to confirm the grant of the rule of said Islands heretofore granted on the 2nd day of April 1900 NOW KNOW YE :-

1. That we, the Chiefs whose names are hereunder subscribed, by virtue of our office as the hereditary representatives of the people of said Islands in consideration of the premises hereinbefore recited and for divers good considerations us hereunto moving, have CEDED, TRANSFERRED, AND YIELDED UP, unto Commander B. F. Tilley of U.S. "Abaranda" the duly accredited representative of the Government of the United States of America in the Islands hereinafter mentioned and described for and on behalf of the said Government ALL THOSE the ISLANDS of TUTUILA and AUNUU and all other Islands, rocks, reefs, foreshores, and waters lying between the thirteenth degree and the fifteenth degree of south latitude and between the one hundred and seventy first degree and the one hundred sixty seventh degree of west longitude from the Meridian of Greenwich together with all sovereign rights thereunto belonging and possessed by us TO HOLD the said ceded territory unto the Government of the United States of America TO ERECT the same into a separate District to be annexed to the said Government to be known and designated as the District of "Tutuila".

2. The Government of the United States of America shall respect and protect the individual rights of all people dwelling in Tutuila to their lands and other property in said District, but if the said Government shall

3

shall require any land or any other thing for Govern-  
-ment uses, the Government may take the same upon pay-  
-ment of a fair consideration for the land or other  
thing to those who may be deprived of their property  
on account of the desire of the Government.

3. The Chiefs of the towns will be entitled to re-  
-tain their individual control of the separate towns,  
if that control is in accordance with the laws of the  
United States of America concerning Tutuila, and if  
not obstructive to the peace of the people and the ad-  
-vancement of civilization of the people, subject also  
to the supervision and instruction of the said Govern-  
-ment. But the enactment of legislation and the Gene-  
-ral Control shall remain firm with the United States  
of America.

4. An investigation and settlement of all claims  
to title to land in the different divisions or distri-  
-cts of Tutuila shall be made by the Government.

5. We whose names are subscribed below do hereby  
declare with truth for ourselves, our heirs, and re-  
-presentatives by Samoan Custom, that we will obey and  
owe allegiance to the Government of the United States  
of America.

IN WITNESS WHEREOF WE HAVE HEREUNTO SUBSCRIBED  
OUR NAMES AND AFFIXED OUR SEALS ON THIS 17th DAY OF  
APRIL 1900 A.D.

FOFO and AITULAGI

1	TUITELE	*	of	LEONE
2	FAIIVAE	*	of	LEONE
3	LETULI	*	of	ILIILI
4	FUIMAONO	*	of	AOLOAU
5	SATELE	*	of	VAILOA
6	LEOSO	*	of	LEONE
7	OLO	*	of	LEONE

4

8 NAMOA \* of AITULAGI  
9 MALOATA \* of AITULAGI  
10 TUNAITAU \* of PAVAI  
11 LUALEMANA \* of ASU  
12 AMITUAGAI \* of ITUAU  
SUA and VAIFANUA

13 PELE \*  
14 MAUGA \*  
15 LEIATO \*  
16 FAUMUINA \*  
17 MASANIAI \*  
18 TUPUOLA \*  
19 SOLIAI \*  
20 MAUGA \*

The foregoing Instrument of Cession was duly signed by LEOSO in the presence of and at the request of the CHIEFS and representatives of the Division of Fofu and Aitulagi and by PELE in the presence of and at the request of the CHIEFS and representatives of the Division of Sua and Vaifanua in Tutuila in conformity with a Samoan Custom as to signatures to documents in my presence at Pagopago on the 17th day of April 1900 A.D. immediately prior to the raising of the United States Flag at the United States Naval Station, Tutuila.



A Barrister of the Supreme Court of Samoa

1

UA IA LATOU UMA UA MAUA LENEI TUSI, SI O MATOU ALOFA ! !  
INA O sa talia ma faatuina e Malo Tetele o Siamani ma  
Pelotania Tele, ma Amelika i aso ua mavae le pulo o le  
Malo ma le Nu'u o Samoa, ua ilogaina foi o le Atunuu o  
Samoa o le Malo e tasi lea : INA O tupu pea fofinauaiga  
ma fefemisaiga ma taua ua taofi Malo Tetele o tataui ina  
i a latou ua avea le pulo o tulafono ma feau a le Malo  
o Samoa mo i latou lava. INA UA finagalo faatasi Malo Ta-  
etele ma ua vavasesaina nei Motu ua tusia i lalo mai le  
Atunuu o Samoa, ua faafoisia o Malo Pelotania Tele ma  
Siamani la laua pulo ua maua ai ona o feagaiga fealofani  
poo isi feagaiga ma ua tuuina atu lea pulo i le Malo o  
le Unaitē State o Amelika: INA UA faatupuina le fealo-  
fani ma le nofolelei o nuu o Atunuu nei, ina ia faavae-  
ina le Malo lēlei ma le malosī, ina ia taofi pea tagata  
o lēna atunuu la latou pulo taitoatasi i mea eseese o i  
ai, UA MANANAO ALII, faipulo, ma tagata o lēna atunuu,  
ia foai atu i le Malo o le Unaitē Setete o Amelika le aia  
atoatoa ina ia faia o le Malo tulafono ma le tonu, ua pu-  
le tonu foi i Atunuu lēna, ua mananao foi latou ona ave-  
ese mea uma ua faalavelaveina i lēna pulo, ua fia faamau  
foi ma toe faia le foai atu o le pulo i Atunuu lēna i le  
aso 2 o Aperila 1900.

O LENEI: IA SILAFIA OUTOU !!

1. O i matou, Alii ua tusia le matou igoa i lalo o le-  
nei tusi, ona o matou tofiga, o sui lea o nuu o Atunuu  
lēna ua faatatau ma le tu-faasamoa, ona o mataupu uma  
ua tusia muamua, ma nisi mea eseese lēlei ua faatupu ai  
nei le matou loto, matou te te atu, ma avatu, ma fosi atu  
ia Commander B. F. Tilley o le Manuao o le Unaitē Setete  
o Amelika o le Abaranda-lea, o le sui tonu lea o le Malo  
o le Unaitē Setete o Amelika i Atunuu nei ua tusia i lalo  
mo le Malo o Amelika O MOTU UMA o TUTUILA ma AUNUU, ma  
nisi motu uma ma papa, ma aau, ma iliti tai, ma vai ma

2

aloalo o loo i le va o 13 tikeri ma le 15 tikeri o la-  
-titude saute, i le va foi o 171 tikeri ma 167 tikeri  
o west longitude e tutusa ma le Meridian o Greenwich,  
ua atoa foi ma pulo mamalu o loo nei ia te matou. Ia  
taofia nuu lena ua foai atu ai nei o le Malo o le U-  
-naite Setete o Amelika e fai ma nuu ua sosoo ai ma  
le Malo o Amelika ua ilogaina o le nuu o Tutuila.

2. O le Malo o le Unaita Setete o Amelika, latou  
te faamamalu ma tausii le pulw taitoatasi o tagata uma  
o loo nonofô he i Tutuila i o latou fanua ma nisi mea  
a e manao le Malo se fasi elcele poo isi mea ina ia  
faaogaina lea fanua poo lea mea mo le galuga o le  
Malo e mafai le Malo ona ave mo latou fasi fanua poo  
isi mea ua manao ai le Malo pe a totogi atu i Malo  
tupa e tusa ma le fanua poo isi mea i a latou ua le  
iloga ai le fanua poo isi mea ona o le manao o le Malo-

3. Ua mafai alii o aai esese ona taofi pea la la-  
-tou pulw taitoatasi i aai taitasi, pe a tatau lea pu-  
-le ma tulafono o le Unaita Setete o Amelika, pe a le  
faalavelaveina le nofolelei o nuu, ma le filemu o taga  
-ta ma le solomua i le faamalamalamaina o nuu, a e  
tausii pea ma faatonu atu pea le Malo i a latou. A o le  
faiga o tulafono ma le pulw aoao e tumau pea lea i le  
Malo o le Unaita Setete o Amelika.

4. O le a faia o le Malo i aso a sau nei suga o  
fanua ma faaiuina foi pulw o fanua esese i Itumalo  
esese.

5. O i matou alii Samoa ua tusia lo matou igoa i-  
-lalo, matou te tautino atu ma le faamaoni o i matou,  
ma matou sui ma suli e tusa ma le tu e masani ai Samoa  
, matou te usiusitai ma gauai atu i le Malo o le Unait  
-a Setete o Amelika

UA MOLIMAUINA nei, matou te tusi lo matou igoa ma faa-  
-pipii lo matou faailoga i le aso 17 o le masina o Apr  
-ila i le tausaga 1900

3

	Tafa ma	aitulagi
x	Tutele	Leone
x	Tairae	Leone
x	Letuli	Thiti
x	Tuinaono	alolan
x	Satele	Vailoa
x	Leoro	Leone
x	Olo	Leone
x	Wamoa	aitulagi
x	Malota	aitulagi
x	Tunaitan	Parai
x	Luakemana	aapu
x	amituapai	Ituan

Sua male Vaifanua  
Pele +  
Manga x  
Teiato x  
Laumina x  
Masani'ai x  
Tupuola x  
Solai x  
Manga +

The foregoing Instrument of Cession (pages 1, 2, 3 & 4) was duly signed by Deoro in the presence of and at the request of the Chiefs and representatives of the Division of Togo and Aukilagi, and by Pele in the presence of and at the request of the Chiefs and representatives of the Division of Sua and Vaifanua in Tutuila in conformity with a Samoan Custom as to signatures to documents in my presence at Pagopago on the 17<sup>th</sup> day of April 1900 immediately prior to the Raising of the United States flag at the United States Naval Station, Tutuila.

*W. H. H.*  
a Barrister of the Supreme Court  
of Samoa.

## EXHIBIT 3

UNITED STATES NAVAL STATION, TUTUILA.

District Court of Tutuila, )  
No. 5, )  
Held at Tau, in Manua )

I HEREBY CERTIFY that on this 16th day of July,  
in the year 1904, before me, Edwin W. Gurr, Judge of the  
District Court of Tutuila, personally appeared Tuimanua,  
the Governor of Manua, Tufele, County Chief of Fitiuta,  
Misa, County Chief of Ofu, Tuiolesega, County Chief of  
Olosega, Asoau, County Chief of Faleasao, and Logoai,  
District Clerk of Manua, personally known to me to be the  
Tuimanua, high chiefs, and representatives of the people  
of the Islands of Manua, who, each for himself, acknow-  
ledged that he executed the attached Instrument of Cession,  
and affixed his seal thereto, freely and voluntarily, for  
the uses and purposes therein mentioned.

IN TESTIMONY WHEREOF I have caused the seal of the  
Court to be affixed this 16th day of July in the  
year 1904.

  
District Judge of Tutuila.

TO ALL TO WHOM THESE PRESENTS SHALL COME,  
GREETING:-

W H E R E A S, the Islands of the Samoan Group lying east of longitude 171 west of Greenwich were, on the 16th day of February, 1900, by arrangement between the Governments of Germany, Great Britain, and the United States of America, placed under the protection of the Government of the United States of America;

A N D W H E R E A S, on the 17th day of April, in the year 1900, the Islands of Tutuila and Aunuu, being portion of said Islands of the Samoan Group lying east of longitude 171 west of Greenwich, were, by the chiefs and rulers of Tutuila and Aunuu, ceded to and placed under the sovereignty and protection of the United States of America, and the government of said Islands was thereupon assumed by said United States;

A N D W H E R E A S, in administering said government, the Islands hereinafter described, known as the Manua Islands, being the remainder of said Islands of the Samoan Group lying east of longitude 171 west of Greenwich, have been under the protection of the United States of America, and controlled and governed in conjunction with the Islands of Tutuila and Aunuu;

A N D W H E R E A S, at the request of Tui-manua, the King of Manua, and his chiefs, the United States Flag was, on the 5th day of June,

(2)

1900, raised on the Island of Tau, of the Manua Group, for the purpose of granting protection to the people of the Manua Islands;

A N D W H E R E A S, Tuimamua and his chiefs, being content and satisfied with the justice, fairness, and wisdom of the government as hitherto administered by the several Commandants of the United States Naval Station, Tutuila, and the officials appointed to act with the Commandant, are desirous of placing the Islands of Manua hereinafter described under the full and complete sovereignty of the United States of America to enable said Islands, with Tutuila and Aunu'u, to become a part of the territory of said United States;

N O W K N O W Y E (1) That we, Eleasara Tuimamua and the chiefs whose names are hereunder subscribed, in consideration of the premises hereinbefore recited, have ceded, and, by THESE PRESENTS DO CEDE, unto the Government of the United States of America, ALL THOSE, THE ISLANDS OF THE MANUA GROUP, being the whole of eastern portion of the Samoan Islands lying east of longitude 171 west of Greenwich and known as TAU, CLOSEGA, OFU, and ROSE ISLAND, and all other, the waters and property adjacent thereto, together with all sovereign rights thereunto belonging and possessed by us.

T O H O L D the said ceded territory unto the Government of the United States of America; to erect the same into a territory or district

(3)

of the said Government.

(2) It is intended and  
claimed by THESE PRESENTS that there shall be  
no discrimination in the suffrages and political  
privileges between the present residents of said

*Jms*  
Islands and citizens of the United States dwell-  
ing therein, <sup>also the rights of the</sup> and that ~~the provisions contained~~  
~~in the Act of Session by the chiefs and of all~~  
~~people concerning their property ac-~~  
~~cording to their custom shall be~~  
~~rights of all people, and for their government,~~  
~~shall be extended toward the people dwelling in~~  
the islands of Manua.

Done at the place of Faleula in Tau, in  
triplicate, in both the Samoan and the English  
languages, on this 14<sup>th</sup> day of July, in *Jms*  
the year 1903, A.D.

*King of Manua*  
and *District Governor*

*County Chief of Sititua*

*County Chief of Ofu*

*County Chief of Rosega*

*County Chief of Saleasas*

*District Clerk.*

*Misamaua*

*Tufale*

*Misa*

*Tuialosega*

*Asoan*

*P. Logorai*

O LOO IA TE I LATOU UMA UA MAUA LENEI FEAGAIGA,  
SI O MATOU ALOFA ATU !

I N A U A osi feagaiga i le aso 16 o Fepuali i  
le tausaga 1900, o Malo TETELE o Siamani, ma Peretania  
Tele, ma le Unaitē Setete o Amelika ona o le vavaeese-  
ina le vaega o Motu o Samoa o loo i le Itu i Sasae o  
logitu 171 i sisifo o le meritiana o Lonetona, ma tuu-  
ina atu le Pule i ai le Malo o le Unaitē Setete o Amelika;

I N A U A oo foi, i le aso 17 o Aperila i le tau-  
saga 1900, o Motu o Tutuila ma Aunuu, o le tasi vaega lea  
o Motu o Samoa i le itu i sasae o logitu 171 i sisifo o le  
meritiana o Lonetona, sa to atu ma tuuina atu i lalo o le  
pule ma le faamamalu o le Unaitē Setete, o le malo foi o  
motu na ua pule i ai i lea lava aso le Malo o le Unaitē  
Setete;

I N A U A oo foi, ina pule i ai lena Malo, o Motu  
foi ua tusia i lalo, ua iloaia o Motu o Mamua, o le  
vaega lea ua totoo o Motu o Samoa o loo i le itu i sasae  
o logitu 171 i sisifo o le meritiana o Lonetona, o loo i  
lalo foi o le faamamalu o le Unaitē Setete, ua pule i ai  
faatasi ma le pule i Motu o Tutuila ma Aunuu;

I N A U A oo foi, ona o le fesili o Lana Afioaga a  
Tuimamua, le Tupu o Mamu'a, ma ona faatui, ina sisi le  
TUA o le Unaitē Setete i le aso 5 o Iuni i le tausaga  
1900, i le Motu o Tau, ina ia faamamalu ina o Motu o  
Mamu'a;

I N A U A oo foi, O Tuimamua atoa ma ona alii, ua  
fiafia ma lotomalie latou i le faamasinoga tonu, ma le  
amiotonu, ma le poto o le faigamalo ua pule i ai Kovana  
sili o le Kolone o Tutuila ma Mamu'a ma alii tofia ua  
galulue faatasi ma le Kovana sili, O LEA, ua manao i  
latou e tuuina atu Motu o Mamu'a i lalo o le pule aoso

(2)

ma le pule atoatoa o le Unaitē Setete o Amelika ina ia  
taua o Motu na faatasi ma Tutuila ma Aunuu e avea ma le  
vaega nuu o le nuu ma le Malo o le Unaitē Setete;

O LENEI, IA SILAFIA E OUTOU:- (1) O i matou, o  
Eleasara Tuimanua, ma ona faatui ma alii ua tusia o latou  
suafa i lalo i lenei tusi, ona o mataupu uma ua faasino-  
ina ma tusia muamua nei, matou te to atu, ua matou foai  
atu i lenei lava feagaiga, i le Malo o le Unaitē Setete,  
o Motu uma o le Atunuu o Manu'a, o le totoe lea o le  
vaega o Samoa i le itu i sasae o logitu 171 i sisifo  
o le meritiona o Lonetona, ua lauilogaia o Tau ma Olosega,  
ma Ofu, ma le nuu o Manu, ma le sami ma vai ma isi mea  
latou te tuai, faatasi ma le pule atoatoa o loo nei ia  
te i matou IA TAOFIA nei le Atunuu lena, ua foai atu ai  
nei, e le Malo o le Unaitē Setete o Amelika e avea ma nuu  
poo faigamalo o le Malo o Amelika;







(2) Ua faapea le uiga ma  
le taofi i lenei feagaiga, ua le vavaeese le pule ma mea  
a le Malo e tatai i ai i le va o tagata ua mau nei i Motu  
na ma tagata Amelika ua nofo foi i Motu na, (o le uiga o  
lenei mataupu e faapea: Ua tusa tagata o le nuu i tagata  
papalagi mai Amelika ua mau i Samoa, ua le sili le papa-  
lagi i le Samoa), i le ma lea foi, o Mataupu ua faasinoina  
pule i alii i lea nuu ma lea nuu  
ma tusia i le feagaiga ua oti o alii na faatua o Tutuila  
ma tagata faatasi i a latou lava mea  
e uiga ile faalo ma le faamamalu o pule o le nuu ma le  
ua masani ai  
latou faigamalo, ina faao mataupu na i nuu ua mau i Motu  
o Manu'a.

ma le ava

U A F A I A i l e F A L E U L A i T A U faatolu

(3)

*ms* i le gagana Samoa ma le gagana Poretania foi i le aso 14  
 . o ~~Novemba~~ i le tausaga 190<sup>1</sup><sub>3</sub>, T. A.

Kovana Iumalo	<u>Quiamania</u>	
Pule Saalupaga o Iitinta	<u>Iufele</u>	
Pule Saalupaga o Ofu	<u>Misa</u>	
Pule Saalupaga o Olosega	<u>Tuolosega</u>	
Pule Saalupaga o Iuleasao	<u>Asoau</u>	
Iailautusi Iumalo	<u>I. Logo</u>	
	<u> </u>	
	<u> </u>	
	<u> </u>	
	<u> </u>	
	<u> </u>	
	<u> </u>	
	<u> </u>	

**Exhibit 4**  
to Brief of the Samoan Federation of  
America, Inc. as *Amicus Curiae* in Support  
of Plaintiffs:

Reuel S. Moore and Joseph F. Farrington,  
The American Samoan Commission's Visit  
to Samoa (G.P.O. 1931)

Samoan Federation of America, Inc.'s  
Amicus Brief Appendix of Exhibits,  
Fitisemanu v. U.S., No. 1:18-cv-00036-CW  
(D. Utah, Apr. 24, 2018), Dkt. No. 55-2

See Supplemental Appendix  
for Plaintiffs-Appellees,  
Aplee. Supp. App. 1 - 26

**Exhibit 5**

to Brief of the Samoan Federation of  
America, Inc. as *Amicus Curiae* in Support  
of Plaintiffs:

*American Samoa: Hearings Before the  
Comm'n Appointed by the President of the  
United States (G.P.O. 1931)*

Samoan Federation of America, Inc.'s  
Amicus Brief Appendix of Exhibits,  
Fitisemanu v. U.S., No. 1:18-cv-00036-CW  
(D. Utah, Apr. 24, 2018), Dkt. No. 55-2

See Supplemental Appendix  
for Plaintiffs-Appellees,  
Aplee. Supp. App. 27 - 68

## **EXHIBIT 6**

# The Forgotten *Mau*: Anti-Navy Protest in American Samoa, 1920–1935

DAVID A. CHAPPELL

*The author is a member of the department of history at  
University of Hawai'i, Manoa.*

The Samoan people object to have Samoa ruled by the Navy for 10 or 30 years more while the chiefs of Samoa are being educated for the purpose of conducting their own government affairs. The education of the Samoan people at present is sufficient to take care of their own affairs. The Navy rule must cease.

The *Mau* Committee, American Samoa, 1930<sup>1</sup>

Eastern Samoa has been a United States territory since 1899, yet its *Mau* (public opposition) against Navy rule in the 1920s is all but forgotten. This historiographic gap is striking because, in neighboring western Samoa, a *Mau* against New Zealand rule from 1926 to 1935 has become a symbol to those who seek to narrate long-term nationalism that culminated in independence in 1962.<sup>2</sup> No such revisionism has so far resur-

---

Readers may consult appendixes 1–3, which provide a glossary of Samoan terms, a list of chiefly titles, and a list of naval governors for the period under consideration.

1. Letter from the *Mau* at Nu'uuli, Tutuila, to the U.S. Congressional Commission, Aug. 18, 1930, Exhibit 6, Hearings in Honolulu, Sept. 18–20, 1930, in *American Samoa: Hearings Before the Commission Appointed by the President of the United States, in Accordance with Public Resolution No. 89, 70th Congress, and Public Resolution No. 3, 71st Congress* (Washington, D.C., 1931), hereafter cited as *Hearings 1930*.

2. Western Samoa shortened its name to Samoa in July 1997, to remove a modifier that enshrined the colonial partition of the archipelago. In the 1980s sev-

Pacific Historical Review, Vol. 69, No. 2, pages 217–260. ISSN 0030-8684

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rected American Samoa's *Mau*, despite the fact that indigenous protest finally pushed the U.S. Congress to ratify its annexation treaties of 1900–1904 after a quarter-century of *de facto* Navy administration. The generation that directly experienced the *Mau* has generally passed on now, and secondhand memories often conflate their own *Mau* with its western Samoan counterpart.<sup>3</sup> Even a play written in 1992 by a part-Samoan simply has its American Samoan characters react to news of events across the border without mentioning the contemporary protests in the very district where they lived.<sup>4</sup> There is, however, a brief, dismissive chapter on the eastern *Mau* in a public school textbook, adapted from naval historian J. A. C. Gray's *Amerika Samoa*, which attributes the protests to the style of a particular commandant and says that the movement died out when “the Naval administration proved willing to listen.”<sup>5</sup>

One reason for the lack of hagiography about their *Mau* in American Samoan thinking may be that their country is still a U.S. territory, by choice. The *Mau* was a protest against arbitrary U.S. Navy rule, not a demand for independence, and it led to changes that eventually gave American Samoans a significant degree of local authority over decision making, as will be seen. This outcome suggests that ending colonialism may not necessarily mean separation, but, rather, improved relations between outsider and insider, based on equitable rights and local agency. In 1960 the United Nations suggested three ways to decolonize: sovereign independence (often seen as the proper end result); free association (self-government with ongoing ties to the colonizer, as in Micronesia); or integration into the former colonizer

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eral works reexamined its nonviolent protest movement, such as Michael Field, *Mau: Samoa's Struggle for Freedom* (Auckland, N.Z., 1984), K. Etuati, “Evaevaga a Samoa: Assertion of Samoan Autonomy” (Ph.D. dissertation, Australian National University, 1982); Peter Hempenstall and Noel Rutherford, *Protest and Dissent in the Colonial Pacific* (Suva, Fiji, 1984), chapter 1; and Malama Meleisea, *The Making of Modern Samoa: Traditional Authority and Colonial Administration in the Modern History of Western Samoa* (Suva, Fiji, 1987), chapter 6.

3. Interviews by the author in American Samoa, with Chief Savusa of Nu'uuli, June 1997, and with Carmen Pita, June 1995.

4. John Kneubuhl, *Think of a Garden and Other Plays* (Honolulu, 1992), first play.

5. Daniel Pritchard, *The Naval Administration in American Samoa, 1900–1951* (Pago Pago, n.d.), 60. See also J. A. C. Gray, *Amerika Samoa: A History of American Samoa and Its United States Naval Administration* (Annapolis, 1960), chapters 27, 28, and 30.

(e.g., as a state, like Hawai‘i).<sup>6</sup> The unusual status of American Samoa today, as an unincorporated, unorganized territory whose people are U.S. *nationals*, but not U.S. citizens, is a product of long-term renegotiations of power relations with Washington, of which the most dramatic, militant episode was the 1920s *Mau*.

Recent studies of indigenous resistance in the Pacific suggest that the structures of colonial projects are not monolithic but, rather, variably mediated in day-to-day interactions by multiple actors. Even a so-called “lazy native” is exercising the option to carry out alien orders poorly.<sup>7</sup> Anticolonial protest could thus take many forms, from overt to subtle. What they all had in common was opposition to unfair domination: “protest involves positive actions to bring about change in a system.”<sup>8</sup> Ranajit Guha has summed up colonial power hierarchies with the phrase “dominance without hegemony”: Colonizers enjoyed dominance based on a combination of coercion and persuasion, but subordinates had their own forms of agency, such as collaboration and resistance. True hegemony would resemble the Foucaultian notion of “omnipresent” power, and it thus needed significant collaboration; that is, persuasion outweighed coercion.<sup>9</sup> Guha argues that the daily interplay (and color bar) between rulers and ruled left room for each side to be at least partly autonomous, like intimate strangers. Similarly, Malama Meleisea, the noted western Samoan historian, has written of the lack of “fit” between a Euroamerican-style bureaucratic state structure and Samoan chiefly politics, adding that when foreigners raised their flag, “Samoan etiquette . . . demanded that politeness and hospitality be shown to visitors, even in times of

6. See Sue Roff, *Overreaching in Paradise: United States Policy in Palau since 1945* (Juneau, Alaska, 1991), 15–23.

7. See Brij Lal, Doug Munro, and Edward Beechert, eds., *Plantation Workers: Resistance and Accommodation* (Honolulu, 1993), introduction, which draws on James Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (New Haven, Conn., 1985), and Nicholas Thomas, *Colonialism's Culture: Anthropology, Travel, and Government* (Princeton, N.J., 1994).

8. Hempenstall and Rutherford, *Protest and Dissent in the Colonial Pacific*, 2. See also Roger Keesing, *Custom and Confrontation: The Kwaio Struggle for Cultural Autonomy* (Chicago, 1992).

9. Ranajit Guha, *Dominance without Hegemony: History and Power in Colonial India* (Cambridge, Mass., 1997), 3–23. See also Michel Foucault, *The History of Sexuality: An Introduction*, trans. Robert Hurley (3 vols., New York, 1990), 1: 92–95.

conflict. Such hospitality did not necessarily indicate friendship.”<sup>10</sup> Exploring the causes, politics, and outcome of the American Samoan *Mau* can thus shed light on the nature of anticolonial protest.

### Issues of political legitimacy in American Samoa

In the late nineteenth century, economic and strategic interests embroiled Germany, Britain, and the United States in wars among Samoan chiefly alliances, but despite recurring efforts to create a puppet “king” whom they could agree to manipulate, the foreign powers’ own rivalries added to the disorder. The last pretender, Mata’afa Iosefo, blamed “evil and designing white men” for creating the need for “a new and stable government for Samoa.”<sup>11</sup> In other words, outsider meddling had helped to *de*-stabilize Samoa, providing a pretext for colonial partition. The U.S. Navy had shown strategic interest in spacious Pago Pago Bay on the island of Tutuila as early as 1872, when the U.S. minister to Hawai‘i had sent Commander Richard Meade on the U.S.S. *Narragansett* from Honolulu to negotiate a treaty with the local high chief. Meade charted the water and secured exclusive permission to rent land for a coal- ing station in return for “the friendship and protection of the great government of the United States.”<sup>12</sup> This first treaty was not ratified by the Senate, but another in 1878 was, opening two decades of entanglements in the Samoan archipelago without producing a naval coaling station.

American interest in Pago Pago increased in 1898, after the United States seized Guam and the Philippines from Spain and annexed Hawai‘i and Wake Island. Captain Alfred Thayer Mahan, who taught at the recently created Naval War College and wrote books on sea power in history, had helped to stimulate a revival of naval construction and strategic planning. The Naval War Board, on which he served,<sup>13</sup> found the location of Pago Pago “so suitable in case of operations in that quarter, that . . . political possession of the whole island in which the port is, or

10. Meleisea, *Making of Modern Samoa*, 105.

11. R. P. Berking, *The Cyclopaedia of Samoa* (Sydney, Australia, 1907), 25.

12. Gray, *Amerika Samoa*, 58.

13. Clark Reynolds, *Command of the Sea: The History and Strategy of Maritime Empires* (New York, 1974), 413–421.

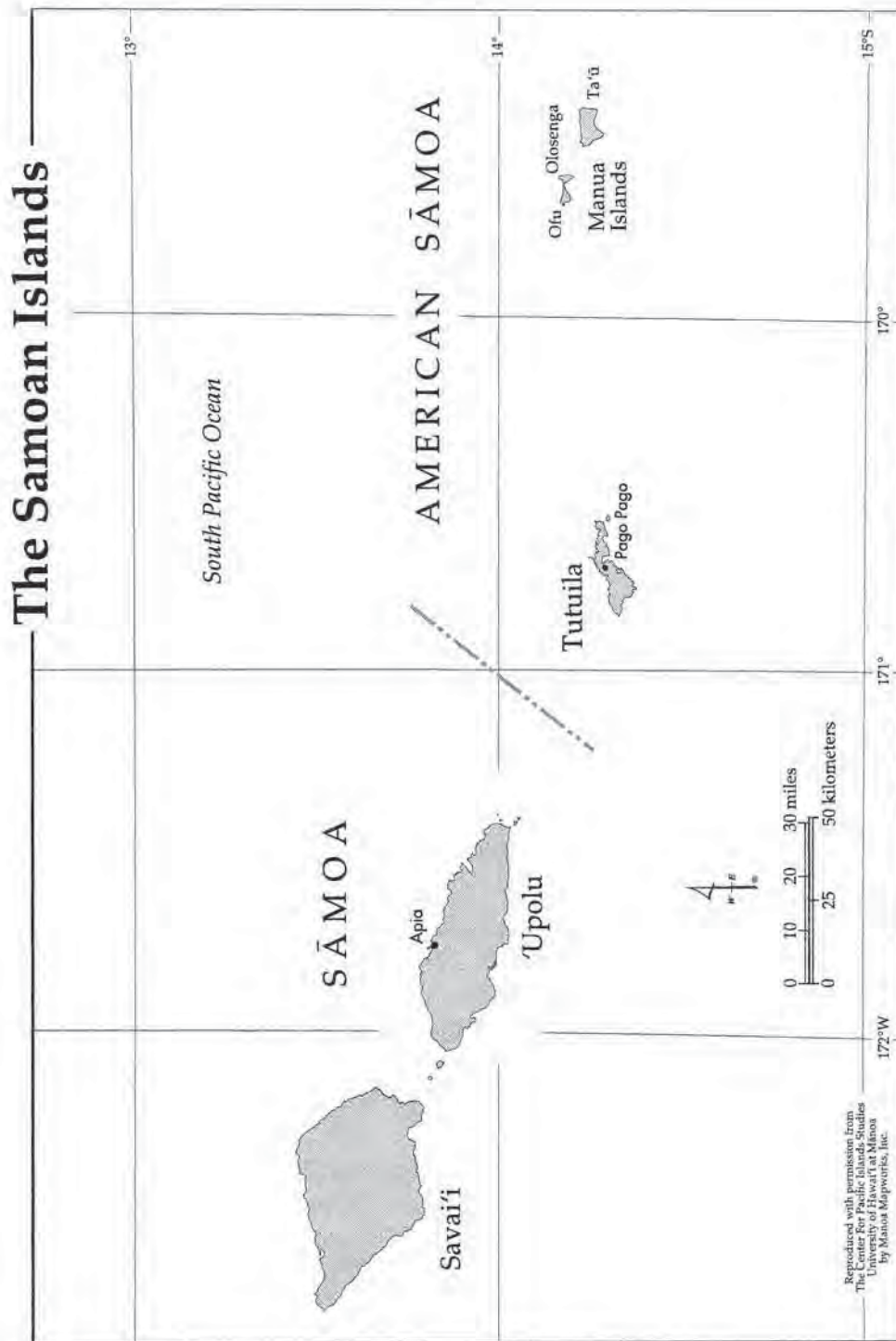


Figure 1. Map of the Samoan Islands. Reproduced with permission from The Center For Pacific Island Studies, University of Hawai'i, Manoa, by Manoa Mapworks.

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at least of ground sufficient for fortifications, is desirable.”<sup>14</sup> As Britain and Germany sorted out their rival claims to western Samoa, U.S. Secretary of State John Hay welcomed the opportunity to acquire “the Gibraltar of the South Pacific.”<sup>15</sup> The Washington Convention of 1899 partitioned the Samoan islands into two colonies, the west under Germany, which had plantations there (New Zealand later seized the west from Germany in World War I), and the east under the United States, which finally got its coaling station.

Like Guam, Samoa came under U.S. Navy rule for half a century, but the regime in Pago Pago was ambivalent from the start. The United States conveniently abrogated its 1878 recognition of Samoan sovereignty, yet the Deed of Cession signed by Samoan chiefs on Tutuila in 1900 (and Manu’a in 1904) contained a paradox reminiscent of Guha’s dominance without hegemony: It granted protective sovereignty to the United States while at the same time empowering chiefs to control their own villages and districts according to the *fa’a Samoa* (traditional custom). This dualistic structure of indirect rule has been summed up by Fofu Sunia, a former Samoan delegate to Congress:

Two ideals are held fast in American Samoa: (1) American Samoa is American, and all improvements in its political status must be made against that background; (2) American Samoa is also Samoan, and as such the people must continue to have and enjoy their customs and traditions.<sup>16</sup>

The fundamental question was whether U.S. naval commanders, who rotated on very short terms of office, would manage to harmonize strategic interests (and their own authoritarian style) with indigenous Samoan ways of governing.

14. Quoted in Paul Kennedy, *The Samoan Tangle: A Study in Anglo-German-American Relations, 1878–1900* (New York, 1974), 143.

15. *Ibid.*, 253. Ironically, even at the time critics pointed out that American strategic interests lay mainly in the northern Pacific, whereas Pago Pago was on the shipping route to Australia. No U.S. warship had called there for twelve years. The harbor did get some use in World War II, although other bases across the region, in allied colonies, were just as important. The closure of the naval station in 1951, as the Cold War was turning the northern Pacific into a key strategic zone, demonstrates that the acquisition of Pago Pago was almost anachronistic when it happened.

16. Fofu I. F. Sunia, “American Samoa: Fa’a Amerika?” in Malama Meleisea, ed., *Politics in Polynesia* (Suva, Fiji, 1983), 126.

Precolonial Samoa, according to Meleisea, had a “unitary system of dispersed power.”<sup>17</sup> Despite a common language and culture and oral traditions of unity, first under a divine monarch, the Tui Manu’a, and later under a titled *tafa’ifa*, political legitimacy usually rested in a complex hierarchy of titled chiefs, whose basic unit was the village council. This decentralized but dynamic system was enshrined in oratorical “constitutions” called *fa’alupega*: “The national *fa’alupega* of Samoa recognises firstly the local polities and districts through their principal orator groups, then the two most important districts not represented by the former, and finally the descent groups or ‘*aiga* (families) of Samoa through their highest ranking titles.”<sup>18</sup> It would be a challenge for any foreign ruler to understand, let alone master, the intricacies of the *fa’a Samoa*.

In addition, the legality of U.S. authority in Samoa was problematic. President William McKinley had authorized Navy rule in February 1900, almost two months before the Deed of Cession, or “gift” in Samoan eyes, was actually signed by the chiefs of Tutuila. The Tui Manu’a, king of the outer district, did not at first sign it, because “he regarded himself, he said, as sovereign of a sovereign state,” but the U.S. Navy informed him, “whether you come or not, the authority of the United States is already proclaimed over this island.”<sup>19</sup> Clearly, the U.S. executive branch regarded the Washington Convention with Germany and Britain as all the rationale it needed to assert its sovereignty over Samoa, despite lip service paid to treaties with indigenous leaders. In fact, Commander Benjamin F. Tilley, who negotiated the Deed of Cession and first raised the U.S. flag over Pago Pago, persuaded Tutuila chiefs to sign what he called the “Instrument” but did not sign it himself. Then the U.S. Congress did not ratify the Deed of Cession until 1929, making American Samoa an *ad hoc* possession cloaked in false legitimacy. When expedient, Tilley and his successors would use intimidation, including the arrest of protesters, to impose their authority on

17. Meleisea, *Making of Modern Samoa*, 1.

18. *Ibid.*, 2.

19. Gray, *Amerika Samoa*, 108–110. See also Arnold Leibowitz, *Defining Status: A Comprehensive Analysis of United States Territorial Relations* (Dordrecht, Netherlands, 1989), 414–415.

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eastern Samoa.<sup>20</sup> Tilley simply decreed that the naval commandant “for the time being” was head of government, in effect declaring martial law.<sup>21</sup>

The Deed of Cession states explicitly that it became necessary for the United States to assume control only when internal disorder had undermined earlier commitments to recognize the sovereignty of “the Samoan group of islands as an independent State.” The text admits that partition “severed” American Samoa “from the parent State” (i.e., the entire archipelago), but the United States promised to provide peace, public welfare, “good and sound government,” and protection of “the rights and property of the inhabitants.” Extended families would retain communal ownership of their lands, and “The Chiefs of the towns will be entitled to retain their individual control of the separate towns,” as long as they did not hinder “the advancement of civilization of the people.”<sup>22</sup>

But what did “civilization” mean to Euroamericans? Scholars have traced the concept back to a late medieval notion of civility, or internalized social constraint, which aristocrats developed to distinguish their own behavior from that of less refined lower classes. By the Enlightenment era of the late eighteenth century, European intellectuals regarded civilization as a stage of social evolution beyond barbarism or savagery in which rational laws replaced uncontrolled passions and stable, humane order mastered primitive chaos. In the late nineteenth century, a “civilizing mission” was used to justify colonization,<sup>23</sup> and even the relatively progressive discourse of the League of Nations Covenant in 1919 assumed that European control of na-

20. Edward Michal, “American Samoa or Eastern Samoa? The Potential for American Samoa to Become Freely Associated with the United States,” *The Contemporary Pacific* (1992), 144–149.

21. Eni F. H. Faleomavaega, *Navigating the Future: A Samoan Perspective on U.S.-Pacific Relations* (Suva, Fiji, 1995), 36–37.

22. *Ibid.*, Appendix, “Treaties, Cessions and Federal Law,” 125–129. For the Samoan text of the Deeds, see Gray, *Amerika Samoa*, 112–117.

23. Peter Burke, *A New Kind of History from the Writings of Febvre* (New York, 1973), chapter 10; Emile Beneviste, *Problems in General Linguistics* (Miami, Fla., 1971), chapter 28; Norbert Elias, *The Civilizing Process: The History of Manners and State Formation and Civilization*, trans. by Edmund Jephcott (1939; Oxford, Eng., 1994); C. Stephen Jaeger, *The Origins of Courtliness: Civilizing Trends and the Formation of Courtly Ideals, 939–1210* (Philadelphia, 1985). Sigmund Freud said repressive conformity caused neuroses, in *Civilization and Its Discontents* (New York, 1962).

tive others constituted “a sacred trust of civilization,” whereby “advanced nations” would look after the welfare of “peoples not yet able to stand by themselves under the strenuous conditions of the modern world.”<sup>24</sup> Non-European peoples were presumed to lack sovereignty to begin with, because they lived, by imperial definition, in an unordered “state of nature.”<sup>25</sup>

The notion of “civilization” thus carried within it distinctions of class and culture that in practice disenfranchised indigenous peoples of the right to rule themselves, implying that assimilation was necessary. As will be seen, the *Mau* wanted something akin to the idea of civility in its relations with the U.S. Navy, meaning respect for Samoan protocol and the provisions of the Deeds of Cession. As early as 1902 Captain Uriel Sebree, the second naval commandant in Pago Pago, wrote, “The natives are naturally very suspicious of white men. . . . They are, in many ways, like children . . . the Samoan is naturally lazy.”<sup>26</sup> Yet who is “naturally” the protagonist or antagonist in this text? Behind the writer’s patronizing condescension, we could also read cross-cultural questioning and calculating noncooperation on the part of “American” Samoans. In fact, Sebree actually admitted, “The form of government is such that the Samoans practically govern themselves.” What, one might ask, was he doing there? He went on to explain, “[I]t is not the purpose of the U.S. to take their lands, or to tax them, or to do anything but hold this Harbor.”<sup>27</sup> Add to this priority the fact that U.S. naval officers were used to a shipboard chain of command, and it is clear that the subtleties of the *fa’a Samoa* might challenge their concept of order.

Samoans had developed their cultural identity over many centuries of interaction with nearby island groups, and they clearly had a system of protocol. The *fa’a Samoa* was based on the selection of titled chiefs (*matai*) from extended families: A

24. John Bodley, *Victims of Progress* (Mountain View, Calif., 1990), 15.

25. Lynn Miller, *Global Order: Values and Power in International Politics* (Boulder, Colo., 1990), chapter 2.

26. Commandant Uriel Sebree to Secretary of the Navy, Annual Report, Aug. 9, 1902, Office of the Secretary of the Navy, General Correspondence, File Nos. 3931 (1897–1926) and EG53/A 9-10 (1927–1930), on Microfilm T1182 in Records of the Government of American Samoa, Records Group 284, National Archives (hereafter cited as OSNGC, RG 284).

27. Sebree to Secretary of the Navy, Aug. 8, 1902, *ibid.*

*matai* administered the family lands and addressed other matters in village and district councils (*fono*). The organizing principle of the system was respect, *fa'aaloalo*, which was earned through service. Showing *fa'aaloalo* even required a special vocabulary: "[F]ormal language plays an essential part in expressing this respect. From the simplest of relationships between the young and the old, respectful language extends to its most complex patterns of speech in oratory between one *matai* and another."<sup>28</sup> *Fono* meetings and exchanges required the use of certain honorific terms and phrases, especially on the part of orators, who conferred titles on chiefs and ordered society with their *fa'alupega* speeches. Besides offering an impressive feast to his supporters, a chief who acquired a title had to pass muster in protocol:

On the appointed day the new *matai* will enter the council meeting, sit at the house post reserved for his title, drink kava in the order of his new rank, and then will be expected to deliver a speech, known traditionally as the *a'a ti*. This is, so to speak, the *matai*'s first test within the village council. In it he is expected to show his wisdom and his grasp of oratorical protocol and expertise in turning a phrase or alluding to a mythological or legendary event appropriate to the occasion. It is said that in old Samoa if the chiefs found this speech lacking in quality they would refuse to recognize his right to sit in the council. . . . After the new *matai* has had his say, his fellow chiefs will also give speeches in the order of their rank, each imparting a bit of advice to the novice.<sup>29</sup>

A *matai* had to take on behavior suited to a man of responsibility, someone who served his family and community selflessly. In 1928 one complained,

always, I must act as if I were old. I must walk gravely and with measured step. I may not dance except upon most solemn occasions, neither may I play games with the young men. Old men of sixty are my companions and watch my every word, lest I make a mistake. . . . It is hard to be so young and yet be a chief.<sup>30</sup>

28. Galumalemana Afeleti L. Hunkin, *Gagana Samoa: A Samoan Language Coursebook* (Auckland, N.Z., 1992), 19.

29. Lowell Holmes, *Samoa Village* (New York, 1974), 21.

30. *Ibid.*, 22.

Above the village *fono* level were district councils, where powerful orator groups bestowed the highest titles on *ali'i* (chiefs) with the most prestigious pedigrees (nurtured as in Europe by political marriages and other elite rituals). In short, Samoans already had an ancient civilization of refined manners.<sup>31</sup>

In both Samoas, the colonizers claimed legitimacy by ruling through “traditional” hierarchies of government-sanctioned chiefs, a form of indirect rule that relied on the ceremonial trappings of the *fa'a Samoa* at the local level. Yet the “model” German governor of western Samoa, Wilhelm Solf, aroused a *Mau a le Pule* protest movement because, according to Meleisea, “Solf was determined that his administration would be the source of recognition of high rank and chiefly authority, and not the Tumua and Pule [traditional orator groups].”<sup>32</sup> When the New Zealand military took over in 1914, it found that “after fourteen years of German rule the strength of traditional power bases had been greatly eroded,”<sup>33</sup> yet it too incurred a *Mau* because, as Colonel Stephen Allen complained, “The Natives seem to have acquired the impression that the country was to be governed entirely in their interests [as shown by] their sense of importance, and beliefs in their capacity to do anything whatever that the white man could do.”<sup>34</sup> This ironic revelation reminds us of the pride in Samoan political skills expressed by the *Mau* quotation at the beginning of this essay. When it came to etiquette, behind presumed Samoan compliance lay a critical gaze. The story of the *Mau* protests in Samoa invites the ultimate question: Who was civilizing whom?

Colonial government was an overlay, a simulacrum of central authority that cohabited uneasily with Samoan traditions. In 1901 Secretary of Native Affairs (SNA) E. W. Gurr noted how popular Commander Tilley was as the first commandant. He “went among the people” by boat and by trail to consult with them in a manner “courteous, kind and considerate . . . after

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31. Samoan migrants overseas, living in urban ghettos in the United States or New Zealand, have sometimes had a more negative stereotype, but people who know the *fa'a Samoa* argue the reason is that they are uprooted from their traditional context and competing with other alienated poor.

32. Meleisea, *Making of Modern Samoa*, 50.

33. *Ibid.*, 105.

34. Quoted in Field, *Mau*, 53.

their own fashion.” Such diplomacy was wise, Gurr said, because, “The haughty and warlike chiefs . . . were at first inclined to dictate and to assume an aggressive attitude.”<sup>35</sup> The Tui Manu’a, traditional ruler of the outer islands, finally signed a Deed of Cession in 1904, after reassurances about land ownership and improved education. Tilley had promised the chiefs to uphold their authority, so he appointed the Mauga, Tuitele, and Tui Manu’a as district chiefs, made the other high chiefs county chiefs, placed the orators in the role of judges at every level except High Court Judge (a position held by the SNA), and banned sales of native land, although he allowed forty-year leases. To generate revenue beyond Navy salaries and harbor payments, Tilley also levied a customs duty on imports, which was paid almost entirely by Samoans shopping in local stores, and he charged local traders license fees. The courts supported themselves through fines, missionaries built and ran the schools, and little or no money was allocated for road construction. The Navy also hired a Samoan police force, the *Fita Fita*, which along with dock and boat work in the harbor became a new source of cash income. In 1902 some chiefs proposed an additional tax to pay the salaries of native officials, so the Navy government marketed local copra: It took bids from expatriate firms, kept 60 percent of the profits for administrative salaries, and returned the rest to the growers.<sup>36</sup>

Yet friction between Navy policies and the *fa’a Samoa* appeared even before the Tui Manu’a signed his Deed of Cession. In 1901 Mauga Moi Moi, high chief of Pago Pago harbor district, provoked a dispute with the Tui Manu’a; to keep the peace, Commandant Sebree intervened in favor of the lower-ranking but collaborative Mauga.<sup>37</sup> The next year some Samoans resisted the copra tax, most notably in Tualauta County (in the western district of Tutuila Island, a future hotbed of the *Mau*), but Sebree arrested three chiefs to intimidate their followers. He

35. E. W. Gurr to Secretary of the Navy, Nov. 18, 1901, OSNGC, RG 284.

36. Gray, *Amerika Samoa*, 150–157.

37. Gurr enclosure in Sebree to Secretary of the Navy, May 13, 1902; Sebree to Secretary of the Navy, April 26, May 17, 1902, all in OSNGC, RG 284, Gray, *Amerika Samoa*, 140–149. At issue was a *kava* ceremony attended by the Mauga on Ofu, in the Tui Manu’a’s district, in which a title reserved for the latter was accorded to the visitor. Tui Manu’a Elisara arrested three participants, and pro-Mauga chiefs gathered together 250 warriors in preparation for battle.

also fired a Samoan judge who had dared to petition the Navy in protest.<sup>38</sup> Sebree called the Samoans “grown-up children [who] love form and ceremony,”<sup>39</sup> and he complained that some high chiefs asked him what the Navy intended as a form of government. He interpreted this as a need for congressional recognition of annexation, although the Samoans might simply have been questioning his arbitrary behavior. Sebree revealed his siege mentality to the Secretary of the Navy: “The white traders all speak the language, and they, and the natives too, are ‘on the make,’ and the Commandant is constantly fighting them off, and is at a disadvantage on account of ignorance of the language.”<sup>40</sup> Despite such confessed ignorance, the administration began to ban Samoan customs “generally considered wrong by civilized nations” and to intervene in disputes over *matai* titles, usually choosing the candidates who were most cooperative.<sup>41</sup>

In dignified meetings in 1904, chiefs in both the western and eastern districts of Tutuila requested a reduction in the copra tax and questioned how the money was being spent, expressing their solidarity in a *malaga*, an officially “wasteful” form of inter-village visit that had been banned, from Pago Pago to Leone in the western district.<sup>42</sup> By late 1905 Commander C. B. T. Moore, officially the first “governor,” complained that a petition was being circulated asking for “an independent Samoan government, or rather a Samoan government within this government.” On the advice of Solf, his German counterpart, Moore allowed *matai* on Tutuila to choose delegates to an annual territory-level meeting, or Fono, and the Tui Manu‘a could appoint his delegates. Moore claimed the chiefs felt this new Fono was representative,<sup>43</sup> but later testimony by Samoans

38. Sebree to Secretary of the Navy, May 17, 1902; Gurr to Sebree, April 8, 1902; Sebree to Secretary of the Navy, June 30, Aug. 1, 9, 1902, all in OSNGC, RG 284.

39. Sebree to Secretary of the Navy, Aug. 9, 1902, *ibid.*

40. Sebree to Secretary of the Navy, March 17, 1902, *ibid.*

41. Sebree to Secretary of the Navy, Aug. 9, 1902, Jan. 26, Feb. 16, 1903, *ibid.*

42. E. B. Underwood to Secretary of the Navy, Jan. 14, Feb. 4, and May 23, 1904, *ibid.* For rivalry of western and eastern districts, see Gray’s *fa’alupega*, in *Amerika Samoa*, chapter 16.

43. Sebree to Secretary of the Navy, Jan. 26, 1903, Underwood to Secretary of the Navy, April 30, 1904, and C. B. T. Moore to Secretary of the Navy, Oct. 9, 30, 1905, OSNGC, RG 284.

demonstrated that they were frustrated by the way the Fono worked, as well as by the budgetary accounting issue. The problem was that the Samoans could only suggest topics and resolutions, via a chain of command upward from village to county to district, and finally to the annual Fono, at which the governor responded without any spontaneous give-and-take. The Fono was thus less a lawmaking body than a forum for the governor, who had sole power to make laws or veto them.<sup>44</sup> Part-Samoan interpreter Alex Willis explained,

Our chiefs, our high chiefs, they all fear the governor, and those holding positions are all trying to serve the governor and to please the governor, whether in their own minds they know they are not doing right toward their people, but they think if they hurt the feelings of the governor that the governor would discharge them from their position. . . . people say what is the use of making resolutions, the governor does what he wants, that is what the lower class of Samoan people say . . . because their chiefs won't stand up and fight.<sup>45</sup>

For their part, chiefs complained about Navy favoritism and financial corruption. In 1905 Mauga Moi Moi insisted that Governor Moore investigate what had happened to missing copra funds. Moore did so and fired SNA Gurr, who had been keeping the money paid for lower-grade copra for years. Gurr had also made money from customs duties and court fines, and he wielded considerable power in judging disputes over land and *matai* titles.<sup>46</sup> This "closed circuit" nature of the administration was highlighted when a part-Samoan police chief was convicted of stealing government funds: After confessing, he was allowed to keep his job while paying back the money, whereas a critic of the government was stripped of his chiefly title and jailed for embezzlement.<sup>47</sup> In 1917 the Mauga clashed with A. M. Noble, a former clerk who became SNA as well as vice-president of the

44. *Hearings 1930*, 84, 115, 146–147.

45. Alex Willis, in *Hearings 1930*, 246.

46. Mauga Moi Moi, in *Hearings 1930*, 265; Sebree to Secretary of the Navy, Aug. 9, 1902, Underwood to Secretary of the Navy, July 10, 1903, both in OSNGC, RG 284.

47. Edwin Pollack to Secretary of the Navy, March 15, 1922, H. F. Bryan to Secretary of the Navy, Jan. 18, 1927, OSNGC, RG 284; Gray, *Amerika Samoa*, 228; and interview by author with Fai'ivae Apelu in Leone, June 1997.

Bank of American Samoa. As high court judge, Noble disagreed with the Mauga in a decision about building European-style houses around the bay, and he had “a row” with a Leone chief over a *malaga*, but his greatest suspected crime was, like Gurr’s, embezzling copra funds.<sup>48</sup>

The 1919 copra crop was the second-largest ever, 1,384 tons, but the world market price had slumped. A San Francisco company won the bid but then rejected the shipment after it arrived, claiming it was of “inferior quality.” Noble went to San Francisco to negotiate but apparently either accepted a lower price or kept the difference. In the following year, 1920, only half as much copra, 730 tons, was turned in. It was a Samoan boycott, which stopped copra cutting, road work, and most business in the shops.<sup>49</sup>

### The Mauga’s *Mau*

In Samoan, *mau* literally means to hold fast, as in to stick firmly to an opinion; the opposition movement thus became known as *O le Mau*.<sup>50</sup> In the 1920s, on both sides of the colonial border that partitioned Samoa, indigenous chiefs and people protested against the lack of fit between their version of civilization and that of military colonizers. Both efforts succeeded, to some degree, in renegotiating power relations in favor of the *fa’a Samoa*, but the measure of how much was achieved depends partly on what people think caused the *Mau*. Contemporary Europeans tended to blame both *Mau* movements on self-interested ‘*afakasi* (half-castes) or on Europeans who misled gullible natives.<sup>51</sup> Thirty years later, naval historian Gray wrote of the American Samoan *Mau*, “it is impossible to ascer-

48. See John Poyer to Secretary of the Navy, Annual Report 1917, Willis to Warren Terhune, June 28, 1920, OSNGC, RG 284; and the Mauga, in *Hearings 1930*, 265.

49. A. M. Noble to Terhune, July 1, 1919; Terhune to Secretary of the Navy, July 15, 1919, Aug. 1, 1920; Waldo Evans to Secretary of the Navy, July 1, 1921, all in OSNGC, RG 284.

50. G. B. Milner, *Samoa Dictionary* (Auckland, N.Z., 1993), 139. See also, Field, *Mau*, 89, and Meleisea, *Making of Modern Samoa*, 142.

51. See, for example, Felix Keesing, *Modern Samoa: Its Government and Changing Life* (Canberra, Australia, 1934), 152–153, and Field, *Mau*, 75–80, for western Samoa. For American Samoa, see Terhune to Secretary of the Navy, June 21, 1920, and Evans to Secretary of the Navy, Aug. 31, 1921, both in OSNGC, RG 284.

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tain which of the Mau's original complaints were Samoan in origin and which were formulated by outlanders."<sup>52</sup> Another thirty years farther on, Meleisea perceived a "continuing struggle by Samoans to defend their system" whenever the colonizers failed to show proper respect, or *fa'aaloalo*, the Samoan measure of civilization.<sup>53</sup>

The narrative of native subjects being incapable of revolt unless outsiders put them up to it is a familiar one in colonial histories,<sup>54</sup> but another spin, in some Navy writing and current Samoan thinking, is that the *Mau* spread across the border from west to east, yet again disempowering American Samoans.<sup>55</sup> In reality, the American Samoan *Mau* started six years earlier, and it mutated, shifting its center from Pago Pago to Leone to Nu'uuli and holding up various leaders as new Navy governors filed through the territory. The eastern *Mau* was never as broad-based or dramatic as the western Samoan version, but the two were in touch by the late 1920s, suggesting a widespread sympathy of interest across borders, if not clear coordination. The conventional explanation for why the western branch was so heroic, while the eastern branch lost momentum, is that, when Samoans protested, New Zealanders massacred them, but the Americans "listened." Gray even credits the sobering alternative of "Black Saturday" in Apia in 1929 with convincing American Samoans "that their lot was better than that of their compatriots."<sup>56</sup> Yet "listening" needed periodic renewal because, as High Chief Tuitele of Leone later testified, "The governor stays down here sometimes only 18 months . . . his time comes to leave be-

52. Gray, *Amerika Samoa*, 195.

53. Meleisea, *Making of Modern Samoa*, 127–128.

54. This patronizing theme is even present in the popular comic film released by South Africa, *The Gods Must Be Crazy* (1980). Besides romanticizing "Bushmen" lifestyles, which are really undergoing destructive change, the filmmakers put a foreigner in charge of rebel "terrorists."

55. Thomas Darden, *Historical Sketch of the Naval Administration of the Government of American Samoa*, April 17, 1900–July 1, 1951 (Washington, D.C., 1952), 5; interview by author with Chief Savusa in Nu'uuli, June 1997.

56. Gray, *Amerika Samoa*, 210, from which Field, *Mau*, 105–106, takes his interpretation. On December 28, 1929, New Zealand troops opened fire with a machine gun on a western Samoan *Mau* march led by a high chief, killing eight, including the chief, and wounding fifty more. The resulting scandal led the Labour Party to investigate and finally legalize the *Mau* as a party. Field, *Mau*, 147–159, and Meleisea, *Making of Modern Samoa*, 126–154.

fore he really understands the ideas of the Samoan people and the way to run the government in American Samoa.”<sup>57</sup>

Gray dates the start of the *Mau* to February 1920, when “so sane a leader as Mauga Moi Moi” called into question the fitness of Noble and his assistant Luther Cartwright to work for the Navy administration. Noble claimed that the copra price that year was the highest ever, at six cents a pound, but Ta’amu, a police officer, testified that such a high price made people concerned “that the Government was stealing the money of the Samoan people.”<sup>58</sup> In other words, if the price was really so high, what had happened to the difference in previous years, like 1919 or perhaps even earlier? Capitalist price fluctuations did not “fit” Samoan exchange ethics. Commandant Sebree had noted opposition to the copra tax from the very start: “The natives . . . have showed suspicion about this tax. . . . They are suspicious of white men and are generally cheated by them.”<sup>59</sup> It may be that people had grudges against Noble from the days before he became SNA. Willis, the ‘*afakasi* son-in-law of Mauga Moi Moi, testified that he had heard the high chief complain bitterly about Noble, saying the judge “did not like the Samoan people.” That was in February 1920. By June the Mauga wanted Noble removed from office and was angry enough to threaten to have him thrown out physically. Two weeks later, the Mauga and High Chief Satele of the western district (who had clashed with Noble over the *malaga*) held a *fono* in Pago Pago, at which the Mauga asked, “Who knows where this money goes?” The meeting continued for several days, as groups of Samoans began to gather on foot and by boat, carrying bush knives and shotguns wrapped in *tapa* (bark cloth). When the Mauga declared, “The Samoan chiefs are the only people that can make the laws,” Governor Warren Terhune banned all *fono*, unsuccessfully.<sup>60</sup> Noble saw the crisis as acute because it was the first time the Samoans had so openly opposed U.S. rule.<sup>61</sup>

57. *Hearings 1930*, 147.

58. Ta’amu, in *Hearings 1930*, 171; Noble to Terhune, July 1, 1919, OSNGC, RG 284; Gray, *Amerika Samoa*, 194.

59. Sebree to Secretary of the Navy, Aug. 9, 1902, OSNGC, RG 284.

60. Terhune enclosures to Secretary of the Navy: Mauga, in *Fono*, July 21, 1920, Depositions by Kenan Young and Warren Ives to Terhune, July 30, 1920, and Deposition by A. B. Hardege to Terhune, Aug. 2, 1920, *ibid.*; Willis, in *Hearings 1930*, 206.

61. Noble to Terhune, Sept. 3, 1920, OSNGC, RG 284.



*Figure 2.* "A Session of the Mau," c. 1932. Unknown photographer. Courtesy Keystone-Mast Collection (24230), UCR/California Museum of Photography, University of California at Riverside.

Commander Terhune was a particularly unstable administrator who had arrived in June 1919 and, after offending most of American Samoa, committed suicide in November 1920. In a letter to the Secretary of the Navy three months before he shot himself in the head, Terhune wrote of Samoans, "The natives are very charming people, but very childish. . . . [They] are of the STONE AGE and are not capable of managing their affairs with wisdom." Of the Mauga, he said, "He has great power and influence with the Samoans, and is universally known to be

a cunning and crafty old man, with a hand always out for island government funds.”<sup>62</sup> Clearly, Terhune did not recognize the contradiction embedded in those two statements, attributing to Samoans *both* childish impracticality and wily opportunism. In fact, he was so disdainful of the Samoan agitation that he blamed their “virtual revolt” on foreign meddlers, of whom there was no shortage, actually, including a Honolulu newspaper editor, an ‘*afakasi* land-schemer who hired a California lawyer, and two Navy officers who opposed their commander. Yet the provocative actions of outsiders found sympathetic responses among Samoan leaders because of the long process of reverse “civilizing” in which they had been engaged. During the course of the *Mau*, all three districts of American Samoa would become involved, suggesting a need to readjust the internal balance of power, both among Samoan districts and classes, and toward the Navy. It could even be argued that Samoans were exploiting disunity among outsiders to reassert their *fa’a Samoa*.<sup>63</sup>

Another issue was Terhune’s regulation banning marriage between Navy men and Samoan women. Apparently intended to eliminate bigamy, this seemingly racist law insulted the staunchly Christian Samoans, because U.S. Navy personnel had continually failed to take seriously their temporary liaisons with local women, who when abandoned were regarded by their own people as “debased.”<sup>64</sup> At his *fono*, the Mauga referred to “the case of the Samoan girls,” and fifty-eight chiefs later signed a petition accusing Cartwright of intimidating, corrupt behavior toward Samoans, including taking advantage of Samoan girls.<sup>65</sup> Above all, the Mauga accused Noble of misuse of funds and demanded that a board of Samoans audit the handling of tax money. “Samoa is awake now,” he warned, and he even asked publicly, “Where is Samoa’s standing now, in the Navy or under a civil Government?”<sup>66</sup> This last question, coupled with other accusations of discrimination in the relative pay and benefits for

62. Terhune to Secretary of the Navy, July 27, 1920, *ibid*.

63. Interview by author with Professor Pulefaasisina Tuiasosopo at American Samoa Community College, June 1997.

64. Napoleon Samoa Tuiteleleapaga, in *Hearings 1930*, 75; Gray, *Amerika Samoa*, 191–192.

65. Mauga, in *Fono*, July 21, 1920, and Petition by Chiefs, Oct. 18, 1920, both in OSMGC, RG 284.

66. Mauga, in *Fono*, July 21, 1920, *ibid*.

*Fita Fita*, as opposed to regular Navy personnel, showed that the Mauga had acquired a shrewd understanding of the Navy's *ad hoc* situation, including the notion that Samoans did not have the same rights as Americans.

The source of such "inside" information may well have been outsiders, especially the mutual support provided by disaffected U.S. Navy officers in Pago Pago and the 'afakasi Ripley family of Leone and their overseas connections. In late March 1920 Arthur Greene and his wife had arrived from Hawai'i, where he worked as city editor for the *Honolulu Star-Bulletin*. His wife was a niece of Samuel Ripley, who had migrated from Leone to California in 1904, served in World War I, become a U.S. citizen, and worked as an electrician at Mare Island Navy Yard. And Samuel's wife, Madge Ripley, a Californian and college graduate, worked as a secretary to C. S. Hannum, attorney-at-law in Richmond, north of Berkeley. Meanwhile, a sister of Ned Ripley of Leone, Helen Wilson, had married a former Navy clerk turned businessman, was known for her anti-Navy sentiments, and often translated for *Mau* leaders in meetings with the governor. To complete this subversive overseas genealogy, Helen Wilson had been a schoolmate of journalist Lorrin Thurston's daughter in Honolulu; Thurston, like his newspaper colleague Greene, would publicize the failure of Congress to ratify the Samoan Deeds of Cession.<sup>67</sup> Greene most likely spread the word during his visit that Navy rule should be confined to its station in Pago Pago Bay, because Washington had not backed up Tilley with full legitimacy. Greene claimed that the *Mau* had invited him to be their legal counsel, but the Navy accused him of misinforming and misleading Samoans into "unrest."<sup>68</sup>

More colorful than Greene, the lawyer-journalist, however, were two naval officers who sided with the *Mau*. Captain Waldo Evans, Terhune's successor and presiding officer at the inquiry that followed Terhune's death, dated the beginning of the *Mau* to April 1920, when Greene had arrived, and placed equal blame on the two subordinate officers, Lieutenant-Commander

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67. Bryan to Secretary of the Navy, Jan. 16, 25, 1926, *ibid.*; Gray, *Amerika Samoa*, 193–194.

68. Text of Proclamation of Court of Inquiry, enclosed to Secretary of the Navy, June 30, 1921, Evans to Secretary of the Navy, July 1, 1921, *ibid.*; Gray, *Amerika Samoa*, 194.

Creed Boucher and Commander Arthur Kail, for causing the problem.<sup>69</sup> Boucher arrived in May and, according to Terhune, had been talking of “taking charge” in Samoa while en route to his new post as Captain of the Yard.<sup>70</sup> Meanwhile, according to Willis, after the Mauga had complained so loudly about Noble, word got around. In May Willis was working as translator for the Navy public works department when a Lieutenant Bair approached him and said, “Mr. Boucher knows you and he would like to speak to you.” Boucher asked Willis about the Mauga’s concerns, met with the Mauga personally, and began to dig up whatever evidence he could about Noble’s misuse of funds.<sup>71</sup> An *‘afakasi* storekeeper-interpreter said that Willis came to him and claimed to have originated the *Mau* but was now a representative of Boucher, and he wanted to have all the information possible on the government since the storekeeper had begun working as a translator. Willis supposedly said “[t]hat the heads of the Government disliked the people because of their color, and that they were using the people only to gain their own individual aim.”<sup>72</sup>

According to Willis, Bair claimed that Boucher had been “sent down here by the Government.” Boucher did apparently present himself to businessman B. Kneubuhl, a partner of Wilson’s, as a “U.S. Secret Service Man.” He looked through Noble’s financial records and persuaded enlisted men, junior officers, and Samoans to report any evidence or grievances to him. Boucher took a Samoan title meaning “new ruler,” carried a pistol in his hip pocket, and on June 21 presented Terhune with an ultimatum to remove Noble for supposedly diverting copra taxes. Boucher also recommended that he be appointed in Noble’s place, calling his action “constructive criticism,” to improve the efficiency of the station.<sup>73</sup> Terhune’s response was to

69. Evans to Secretary of the Navy, July 1, 1921, OSNGC, RG 284.

70. Terhune to Secretary of the Navy, July 27, 1920, *ibid.*

71. Willis, in *Hearings* 1930, 206.

72. Deposition by interpreter Alexander Forsythe to Terhune, July 21, 1920, OSNGC, RG 284. C. F. Ely called Forsythe a crook who had once been deported, in Memo to Evans, Aug. 18, 1920, *ibid.* Ely also commented that Samoans were very religious and “fond of fiestas and functions at which they are great sticklers for rank.” Terhune, however, had banned all *fono* in response to their protest.

73. Willis to Terhune, June 28, 1920, B. Kneubuhl to Terhune, June 24, 1920, Terhune to Secretary of the Navy, June 22, July 27, 28, 1920, and Noble to Terhune, June 22, 1920, all in *ibid.*

write to the Secretary of the Navy and ask for Boucher's detachment (removal); he also arrested the officer and had him confined to quarters. Even while Boucher was being guarded by *Fita Fita* in his house in Pago Pago, Noble accused him of persuading the Mauga and Satele to hold their *fono*. The Mauga told Willis that every Samoan believed Boucher, but Terhune still had Boucher deported. The governor also dismissed the Mauga and Satele from their district governorships. Nevertheless, they continued to hold anti-Navy *fono*, relocating to Nu'uuli in the western district, which would develop into the new *Mau* headquarters. Willis was jailed overnight and released with the warning not to associate with the Mauga—his father-in-law.<sup>74</sup>

Terhune got no relief from eliminating Boucher, however, because Boucher's successor, Kail, met with Greene and the *Mau* and also joined their cause. In September, less than a week after becoming Captain of the Yard, Kail received a petition from 178 chiefs asking for a new governor and SNA, the restoration of the Mauga and Satele to their governorships, an end to the ban on Samoan-American marriages, itemized financial reports, better schools and roads, prompt printing of all the laws in Samoan, more frequent *fono* with lawmaking power, and the creation of a chiefly executive council to advise the governor. In November, the day after Terhune's suicide, Kail reinstated the Mauga and Satele and jailed Mailo Hunkin, the police chief (and confessed embezzler), for banning the two chiefs from the Naval Station. He also had a chief's meeting house relocated to face the barracks, to serve as a new Fono site.<sup>75</sup> Meanwhile, Boucher had arrived in San Francisco with a petition from the *Mau* for President Woodrow Wilson, and the Secretary of the Navy sent a court of inquiry, led by Evans, to Samoa on the U.S.S. *Kansas*. Evans's court cleared Noble of embezzlement charges, but it court-martialed Boucher *in absentia* and dismissed him from the Navy, deported Greene (with his wife), and relieved Kail of duty. Terhune had shot himself two days before the *Kansas* arrived, but the court said of him, "while honest financially and legally,

74. Noble to Terhune, Sept. 3, 1920, Willis to Terhune, June 28, 1920, *ibid.*; Willis, in *Hearings 1930*, 206.

75. Chiefly Petition to Arthur Kail, Sept. 15, 1920, Kail to Secretary of the Navy, Nov. 4, 1920, Edwin Pollack to Secretary of the Navy, June 16, 1922, all in OSNGC, RG 284; Mauga, in *Hearings 1930*, 265–266.

[he] lacked tact and firmness, due to his mental and physical condition, as indicated by his failure to correct the growing feeling of unrest and discontent by immediate and effective action.”<sup>76</sup>

According to Evans, who succeeded Terhune as governor, the *Mau* committee disbanded after Noble was exonerated by the inquiry. Evans met with the chiefs and used, in his own words, “tact, firmness and an abundance of patience” to heal the wounds. In response to *Mau* demands, he published all the laws in both Samoan and English, established a school board, began road work, improved health care, and created a Native Tax Fund for all revenues that would be collected only after a budget was determined, to eliminate any surplus. He also urged Congress to ratify the annexation treaties. One sign of Samoan acceptance of his policies was the resumption of copra harvesting, making the total crop by the end of 1920 the second best in the territory’s history. Another sign was a letter from the high chiefs, after he met them in *fono* in July 1921, stating that thirty-nine chiefs, including the Mauga and Satele, were satisfied with his administration. Yet the *Mau* later challenged the letter’s authenticity,<sup>77</sup> and the wording does sound prescribed: “We are entirely satisfied. . . . We accepted of our own full knowledge and consent to be guided. . . . We *agree* that this form of administration be continued.” In later testimony, Uo, a Leone *matai* said, “Leoso [an orator] was appointed by the chiefs and commissioned by the governor to say that they wanted the government to continue to control matters in American Samoa.”<sup>78</sup>

### The Leone *Mau*

The Mauga’s return to the loyalist fold may have appeared to Evans a victory, but the *Mau* had already spread to the western district of Tutuila, where the governor knew it was entangled with the commercial aspirations of the ‘*afakasi* Ripley family, which had American connections. In July 1920 Sam Rip-

76. Proclamation, enclosed Evans to Secretary of the Navy, June 30, 1921, OS-NGC, RG 284; Gray, *Amerika Samoa*, 198–199.

77. Pollack to Secretary of the Navy, March 15, 1922, OSNGC, RG 284.

78. Text enclosed Pollack to Secretary of the Navy, March 15, 1922, emphasis in original; see also Evans to Secretary of the Navy, July 1, 26, 1921, *ibid.*; Gray, *Amerika Samoa*, 201–202; Uo, in *Hearings 1930*, 142–143.

ley had returned to American Samoa from California for the first time since 1904, hoping to use family-held lands in Leone for a copra plantation, but the Native Lands Ordinance of 1900 forbade the alienation of Samoan land, and the Navy had a copra monopoly. Ripley therefore made himself agent for "The Samoan Government," that is, the *Mau*, and engaged C. S. Hannum, his wife's California employer, as the *Mau*'s legal counsel. Hannum began a long correspondence between Samoa and Washington and advised the Ripleys to argue that U.S. Navy rule in Samoa was essentially unofficial, thus invalidating its laws and taxes. The Ripleys said they wanted a full congressional investigation to prevent the exploitation of Samoans by the Navy. Ripley had worked actively with the *Mau* from July to November 1920, when Evans deported him, his wife, and the Greenes. Almost a year later, Sam Ripley arrived in Pago Pago again, but Evans stopped him at the dock and deported him a second time as a troublemaker.<sup>79</sup>

Ripley's deportation, however, did not quiet the western district *Mau*, any more than the earlier exiles had. Instead, a new crisis developed. Ned Ripley, Sam's brother, who was regarded as a chief in Leone,<sup>80</sup> had called a secret meeting in Asili of the lesser chiefs to discuss the change in stance of the high chiefs. A young Samoan stenographer later recalled asking the high chiefs why they had abandoned the *Mau* when the majority of the people were in the *Mau*. Their answer, he paraphrased, was, "Gee, if I don't stick with the Navy government I won't get any job."<sup>81</sup> Evans's successor decided that the high chiefs had simply realized they had been misled, but their error was not to explain that well enough to the lesser chiefs.<sup>82</sup> Another governor simply regarded the lesser chiefs as less intelligent than their superiors. The *Mau* committee later made a point of writing to that governor to make it clear that they had not been sweet-talked by Sam Ripley but had requested (and paid for) his help voluntarily.<sup>83</sup> Whether dupes of the Ripleys or rebels against a

79. S. Ripley to U.S. President, March 1921, OSNGC, RG 284; Gray, *Amerika Samoa*, 193–203.

80. *Hearings* 1930, 11, 77–78.

81. *Ibid.*, 80 (Tuiteleleapaga).

82. Pollack to Secretary of the Navy, March 16, 1922, OSNGC, RG 284.

83. Stephen Graham to Secretary of the Navy, Jan. 25, May 17, 1928, *ibid.*

bought-off elite, on August 6 the *Mau* rump of lesser chiefs sent the Secretary of the Navy and the U.S. President a petition of their own. Governor Evans dismissed it out of hand as an act of “jealousy” and, in a revealing letter, wrote to the secretary that petitioning was a common pastime in Samoa: “[W]hen I first became Governor, I was flooded with petitions, nearly all of which were of no importance whatever and found their way to the waste-paper basket.”<sup>84</sup>

Gray calls what followed “an old-fashioned bush-war assembly,” but his condescending sensationalism aside, the grass-roots *Mau* was very much alive in the west. On August 16, 1921, the day after Sam Ripley’s deportation, the *Mau* met secretly at Faleniu, in Tualauta County, where the antitax uprising had occurred almost twenty years earlier. By one account, more than 340 *matai* gathered to express their sense of betrayal, especially toward County Chief Letuli, who had changed his stance and ordered them to leave the *Mau* cause. One unidentified chief was said casually to remark, “Those chiefs who were opposing the means for the advancement and good of the Samoan people ought to be put to death.” The chiefs took no action, but Evans sent Police Chief Hunkin to investigate. One *Mau* chief, Fonoti, had connections with New Zealand-ruled Samoa, where chiefs had already organized a boycott against increased import duties. Now he was “visiting” Tutuila, where he had been born. Fonoti defied Hunkin’s order to stand and walk to Pago Pago jail: “We cannot come. . . . We have not done anything against the government or against the Commandant, but if the Commandant wants war with us, you will have to shoot first.” Hunkin reported to Evans that the woods around Faleniu were filled with armed men, so Lieutenant W. McDonald went with a detachment of *Fita Fita* to arrest the *matai*. Fonoti demanded that the Navy officer “talk right now,” but the other chiefs agreed to obey the police.<sup>85</sup>

Evans had seventeen chiefs tried for conspiracy and rebellion by SNA and Judge Sydney Hall, with two Samoan judges as associates. According to Evans, sixteen pleaded guilty on the

84. Evans to Secretary of the Navy, July 29, Aug. 31, 1921, *ibid.*

85. Evans to Secretary of the Navy, July 29, Aug. 16, 1921, *ibid.* For pre-*Mau* protests in western Samoa, see Field, *Mau*, 56. For Gray quote, see *Amerika Samoa*, 202.

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stand. Fonoti continued to proclaim his innocence, but the Magalei, for example, supposedly admitted they had all agreed to oppose Letuli and to kill certain high chiefs. Ten men received sentences of seven and a half years of prison at hard labor and twelve and a half years of probation, while seven received five years of prison and ten years of probation. All were stripped of their titles and warned to advise their followers to behave. According to a Samoan court stenographer, Lualemaga was defiant and, upon hearing the verdict, stood up, saying, "Nobody in this world will take my title away from me. The governor has no power to take my title." Hall charged Lualemaga with contempt of court and gave him an extra three years in jail. Evans stuck to the party line in his letter to the Secretary of the Navy: "It is, of course, unfortunate that these poor devils should get themselves into such a mess as the result of the working of outside trouble-makers." He also made a point of saying the two Samoan judges had supported even heavier sentences, suggesting revulsion at the threat to high chiefs.<sup>86</sup> The Navy, by coopting the high chiefs into governorships, may have created a new class division among Tutuilans. But the "Samoa Seventeen," as they might be called today, became a new focus of *Mau* agitation, in the form of petitions and demonstrations for their release. Even Letuli asked forgiveness for them; all but one came from his county.<sup>87</sup>

In early March 1922, yet another naval governor arrived, the third in three years. Captain Edwin Pollack was welcomed warmly, in the company of Evans, by the high chiefs of the western district. Other Samoans, however, made it known that they hated Evans. Pollack heard that *Mau* supporters from Nu'uuli had gone through the villages telling people not to attend the meeting with the new governor. He vowed to have those messengers arrested and also to get the *Mau* "ringleaders" into his office and "tell them exactly where they got off."<sup>88</sup> Pollack had his first meeting with the *Mau* leaders on March 15; it was recorded by a stenographer and sent to the Secretary of the Navy. In his book, Gray would write, "The discussion showed

86. Evans to Secretary of the Navy, Aug. 31, 1921, C. S. Hannum to Pollack, March 6, 1922, OSNGC, RG 284; *Hearings 1930*, 76, 86 (Tuiteleleapaga).

87. Pollack to Secretary of the Navy, March 16, June 3, 1922, Petition of Chiefs for Release, April 30, 1922, both in OSNGC, RG 284.

88. Pollack to Secretary of the Navy, March 11, 1922, *ibid*.

considerable lack of clarity in the minds of the Mau leaders.”<sup>89</sup> Yet Pollack went into the meeting with a negative, aggressive attitude toward the “malcontents,” having been primed by both Evans and Hall and antagonized by the Ripleys and Hannum in San Francisco on his way to Samoa. Consequently, the whole tone of the gathering was hardly open-minded, and Pollack’s arrogant, brusque manner no doubt offended Samoan protocol. Right away, he asked each of the five *Mau* chiefs present to speak as individuals, even though he freely admitted knowing that the *fa’a Samoa* required that one orator should speak for them all. Grilling them like the navy captain he was, he demanded, “What do you want?”<sup>90</sup>

Soliai of Nu’uuli, via Helen Wilson’s translating, tried to explain that it was customary to meet the governor first and to “talk over things in a general way,” after which they would consult with their constituents. But Pollack pressed the chief hard, asking Soliai if he had nothing to say. When Wilson explained that the chief was not prepared for such a direct discussion, Pollack demanded, “What has he been doing all this time? He hasn’t been out gathering *thatch* with the women, has he?” Soliai surprised Pollack by answering “yes” and then tried to speak about what had happened under Terhune. Pollack interrupted, asking to know “one specific thing he wants.” Soliai finally asked for a council, paid for by increased taxes, where Samoans and Americans could meet to discuss *all* government business and make the laws. Judge Hall attacked Soliai’s reasoning, claiming that people would oppose raising taxes, and anyway the current annual Fono made laws. But Soliai persisted, *demanding* a tax increase for a new Fono. Pollack rudely asked if Soliai wanted to be one of the new councillors to get paid with the increased taxes, and the chief humbly said, “No, he has no such idea.” “Then tell him,” Pollack said, “as he has no such idea, he can be satisfied he will not get it. He is making a lot of trouble for nothing. . . . Who led them to think I was going to do these things they wanted?” Yet Pollack himself had, of course, asked for specifics, and he next demanded whether there was a particular law they wanted made.

89. Gray, *Amerika Samoa*, 204.

90. Pollack to Secretary of the Navy, March 15, 1922, OSNGC, RG 284. See also Pollack, March 11, 1922, and Gray, *Amerika Samoa*, 203.

Lemafa of Aunu'u tried to mediate, suggesting that the chiefs needed time to think. "What has he been doing all year?" Pollack retorted. The governor continued his confrontational stance, causing some confusion among the translators and stenographer over what people were trying to say. When the chiefs diplomatically asked for a rest, Pollack grew impatient and insisted that they finish up that day because he had waited an hour for them to show up in his office (in the rain). The Mauga offered to leave if his presence made the lesser *Mau* chiefs shy, but Pollack insisted that the meeting continue as it was. The chiefs then asked for the dismissal of Police Chief Hunkin, who had actually been deported once for stealing funds, but Hall rushed to Hunkin's defense, citing Hunkin's agreement to pay back the money. Pollack quoted the Bible about repentance, after which Soliai gamely responded that he knew the verse but that the point was the unfair favoritism toward Hunkin, since Samoan chiefs still languished in prison. Lemafa voiced hope that the governor would honor their petitions, but Pollack replied, "Tell him that is a very broad statement, that if I granted every petition he sent in here, there's no telling what other people would think about it." Evans's dismissive attitude toward Samoan petitions was being perpetuated. Lemafa then asked why a Samoan clerk had been fired, and Pollack countered testily, "Do you believe in God?"

"Why, yes sir," Lemafa answered.

"Could you swear to it? Have you ever seen Him?" Pollack asked.

"No," Wilson translated for Lemafa, "he has not seen God."

Pollack then turned to the translator, who, he had been warned, was a *Mau* supporter herself: "Suppose Mrs. Wilson and I were in a room and a pile of money was on the table and the money disappeared. Would not they think one of us took it? But could they prove that . . . ?" The governor went on with this odd line of reasoning until Lemafa said calmly, via Wilson, "He simply asked why Asuaga was dismissed." Pollack then explained that two clerks were fired on suspicion of theft, though neither could be proven guilty.

Fanene of Pago Pago next complained about stripping chiefs of their titles, at which Hall jumped in, backed up by the Mauga, arguing that it was an old Samoan custom to save the ti-

tle from disgrace by the individual's misbehavior. Chief Matautia pursued this opening by pointing out that the meeting at which thirty-nine chiefs had proclaimed their loyalty to Evans the year before was not representative of Samoan opinion. Hall responded angrily, calling the suggestion of pressure from Evans a "malicious and vicious lie." After all, Hall had been there himself, and he now badgered the Mauga into agreeing that there had been no threats from Evans toward the signers of the letter of support. Matautia, backed by Masaniai, persisted in questioning the document's validity, arguing that the numbers were inflated by inviting *pulenu'u*, or village-level appointees of the Navy, to sign. Hall countered by suddenly saying, "That's all in the past." Pollack backed him up by asking, "How long are they going to cry about it?"

The chiefs persisted with their grievances, despite the openly hostile official atmosphere and the cavalier dismissal of most of their complaints, until Lemafa argued that consultation was the basic issue: "There will be no satisfaction in this meeting. They cannot say what they would like as they have not consulted with the people they represent." As Pollack and Hall protested about seven hours of "rehash" with "no results," Lemafa asked for another meeting, explaining, "they should just like to advise the people."<sup>91</sup> Undeterred by the Navy governor's harsh behavior, that evening the *Mau* leaders sent out messengers to assemble demonstrators, using their own form of confrontation. The next day they presented Pollack with a petition to release the seventeen *matai* from prison. "Various parties or processions," the governor wrote, "with drums and a number of men carrying long knives, marched in through the town to Pago Pago . . . directly in violation of orders." He was referring to a *malaga* from Nu'uuli to the eastern district. *Mau* supporters later said a hundred young men had been arrested for demonstrating. Pollack asserted that the Mauga and other high chiefs opposed the *Mau* petition. He therefore had the Mauga, backed by a landing force from the U.S.S. *Ontario*, order the protesters to go home, which they did after sunset.<sup>92</sup>

91. The entire conversation is in Pollack to Secretary of the Navy, March 15, 1922, OSNGC, RG 284.

92. Pollack to Secretary of the Navy, March 16, 1922, *ibid.*; *Hearings 1930*, 75, 207.

After hearing from Hall about Governor Pollack's first meeting with the *Mau*, Evans wrote a letter to his successor: "This was merely an attempt on their parts to show strength, and also no doubt to try you out. I congratulate you on the way you handled it, and I feel sure that as a result of this you will have no further trouble from them."<sup>93</sup> At the end of March, however, Satele, the western district governor, reported that the people were still pro-*Mau*. In April the *Mau* presented the governor with yet another petition, this time with 600 signatures, which Pollack duly rejected. Hall even went so far as to recommend censoring mail from outsiders to American Samoa.<sup>94</sup> Yet ironically, on the Fourth of July, Pollack read aloud the U.S. Declaration of Independence, with its testament to the sovereignty of the people; he had the full text translated into Samoan and published in the official newsletter, *O Le Fa'atonu*—much to the indignation of his New Zealand counterpart in western Samoa, Army Colonel Robert Tate, who had just enacted an ordinance that permitted him to banish offensive chiefs from their villages!<sup>95</sup> From prison, Fonoti wrote to Hannum about the concept in the Declaration of Independence of citizens' rights and asked if the Navy, which treated Samoans so badly, was the same as the U.S. government. When he was finally pardoned in 1925, along with the other prisoners, he remained with the *Mau*, perhaps creating a link to its soon-to-be-born western Samoan counterpart.<sup>96</sup>

### The Nu'uuli-Manu'a *Mau*

Another response to Pollack's July 4 speech came from Henry Johnson, a former governor of the Virgin Islands who visited Soliai in Nu'uuli and knew Hannum. He criticized Pollack's claim, a common one in American Samoan official dis-

93. Evans to Pollack, May 10, 1922, *ibid.*

94. Pollack to Secretary of the Navy, March 30, 1922, Petition from Chiefs, April 30, 1922, Sydney Hall to Pollack, July 31, 1922, *ibid.*

95. Field, *Mau*, 58.

96. Hannum to Pollack, Jan. 26, March 6, 1922, Hannum to Chiefs, Dec. 16, 1922, Graham to Secretary of the Navy, May 17, 1928, all in OSNGC, RG 284. For pardons, see Gray, *Amerika Samoa*, 205. Several of the imprisoned chiefs may have died in captivity. See Frederick Olsen, "The Navy and the White Man's Burden: The Naval Administration of Samoa" (Ph.D. dissertation, University of Washington, 1976), 65.



*Figure 3. "Siva Dance at Nu'uuli" [with members of Mau in the background], c. 1930. Photograph by Merl LaVoy. CPBM 39129. Courtesy Bishop Museum, Honolulu.*

course, that the Samoans had “applied for” U.S. rule. That myth apparently refers not to the Deeds of Cession but to the 1878 Treaty of Friendship. The Washington Convention of 1899, which partitioned Samoa, annulled the 1878 agreement in order to acknowledge German possession of the west.<sup>97</sup> Tui Manu’a Elisara, the last hereditary king of the outer islands of eastern Samoa, had held out until 1904 before signing a Deed of Cession, though he grudgingly allowed the Navy to “protect” Manu’a *de facto*.<sup>98</sup> When Tui Manu’a Elisara died in 1909, Governor John Parker terminated the title, adding that since the raising of the American flag over Manu’a, it had only denoted a district governor, not royalty, which the U.S. constitution would not recognize—an interesting application of federal law to a *de facto* territory.<sup>99</sup> In July 1924, however, three orators of Manu’a chose an heir to the ancient divine monarchy of Samoa, causing a new confrontation with American authority in the islands.

Governor Edward Kellogg sent the U.S.S. *Ontario* to Ta’u, the sacred island in Manu’a, to “invite” the new Tui and the orators to discuss the situation. The orators had chosen Chris Young, an *’afakasi* descendant of an English copra trader. Young had lived outside American Samoa for seventeen years before returning in 1920 to work as a clerk in the Naval Station, but he was related maternally to the Tui Manu’a line. The orators had made their decision while the district governor of Manu’a, Tufele, was absent, and county chief Sotoa was acting governor. They argued that they had simply restored a title that had never been formally abolished and that if the governor interfered, they would be “dissatisfied to the death.” Kellogg nevertheless called the title royal, hence illegal, and accused them of conspiracy. He abrogated the Tui Manu’a label for good, suspended Sotoa as county chief, and detained Young. Even Gray is sympathetic: “Chris Young was understandably irritated. He found himself held in Tutuila for no crime other than that of having

97. H. Johnson to Pollack, Oct. 12, 1922, OSNGC, RG 284; Appendix in Faleomavaega, *Navigating the Future*, 125; Gray, *Amerika Samoa*, 65; Uo, in *Hearings 1930*, 143.

98. Sebree to Secretary of the Navy, March 14, 17, May 17, 1902, OSNGC, RG 284.

99. Gray, *Amerika Samoa*, 161–162.

accepted the highest honor in the *fa'a Samoa*." Young quickly aligned himself with the anti-Navy faction at Nu'uuli, for whom Hannum was still writing letters, and "became the means by which the Mau came of age and assumed something of the status of a political party."<sup>100</sup> This move coincided with a newspaper campaign by Greene and his *Honolulu Advertiser* colleague Thurston. Thurston visited Samoa in 1925, ostensibly to collect seashells (the same pretext Greene had used in 1920), and wrote articles for the *New York Times* on "Our Despotism in American Samoa."<sup>101</sup> Meanwhile, the western *Mau* against New Zealand began with a public meeting in October 1926.<sup>102</sup>

In December 1926 twenty-nine American Samoan *Mau* chiefs sent a petition to President Calvin Coolidge asking for "civil government" with a representative legislature, plus courts, schools, and economic development equal to those enjoyed by citizens of the United States. Governor Henry Bryan, typically, claimed that the wording was borrowed from Hannum and that "the signers have been led by agitation, within and without American Samoa, to believe that the U.S. can be induced to give them all they ask for." He defended the existing system: "The people are not competent to conduct a representative legislative body." He also attacked three signatories as disreputable: Chris Young, Galea'i Tulele, who had done prison time for embezzlement, and the Fanene, an *'afakasi* known as "Bull" Foster, who had been Sam Ripley's "right-hand man."<sup>103</sup> Yet by 1927 the *Mau* was calling itself "The Committee of the Samoan League" and organizing a copra boycott, that is, tax resistance. It asserted that the Navy was abusing the *fa'a Samoa* and punishing chiefs without cause, and it demanded that the United States "make us real American citizens."<sup>104</sup>

Some Americans realized how Eurocentric the naval administration in Samoa was. Visiting Bishop Museum anthropol-

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100. *Ibid.*, 207–208.

101. Bryan to Secretary of the Navy, Jan. 25, 1926, Pollack to Bryan, March 26, 1926, OSNGC, RG 284; *Honolulu Advertiser*, March 21, May 2, 1926; *New York Times*, March 14, 1926.

102. Field, *Mau*, 73.

103. Bryan to Secretary of the Navy, Dec. 27, 1926, Jan. 18, 1927, OSNGC, RG 284.

104. *Samoan Guardian*, July 21, 1927; Bryan to Secretary of the Navy, Nov. 10, 1927, OSNGC, RG 284.

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ogist Bruce Cartwright called Samoan chiefs the “Gentlemen of the Pacific” but said a “color line” existed in the territory; he elaborated that “chiefs have told me that they and their people are constantly being insulted by the words and actions of the whites”—including the birth of 500 illegitimate *‘afakasi* children in Pago Pago.<sup>105</sup> After a four-month visit in 1937, John Coulter wrote,

Notwithstanding the awareness of a native culture, the logic used by Americans in analyzing actual situations in American Samoa reflects Western conceptions of human nature. In personal relationships, administrators there look for emotional responses equivalent to their own and, when they are not forthcoming, are amused, annoyed, or angered.<sup>106</sup>

Gray admitted,

There was a good deal of comic opera atmosphere in the islands as the white-clad naval officers and men and their barefoot colleagues in the Fita Fita presided over the affairs of the colorful Samoans. . . . Navy people pursued the way of life to which they were accustomed . . . and an exclusiveness which was a defense mechanism . . . at times appeared to be an affectation of superiority.<sup>107</sup>

Governor Stephen Graham arrived in November 1927 and tried to be conciliatory when he met with the *Mau* in Nu‘uuli. He engaged Young, who continued to ask for the Tui Manu‘a title, as mediator. A Samoan orator said, “The people felt honored that the Governor was willing to meet them and listen to them and not treat them with contempt, as had been done under the previous administrations.” In subsequent meetings, which Graham noted were conducted in “an entirely dignified and orderly manner,” the *Mau* asked for taxes to be reduced (there was now an annual poll tax and a school tax, as well as increases in copra taxes due to rising costs, such as salary increases to native officials who had long served the government), but above all they wanted a clarification of their relationship to the

105. Cartwright Report to Bryan, Nov. 4, 1927, *ibid*.

106. John Coulter, *The Pacific Dependencies of the United States* (New York, 1957), 103.

107. Gray, *Amerika Samoa*, 232–233.

United States, because they felt “humiliated in the eyes of the world.” Graham assured them that Congress was discussing that issue and might soon send a commission to study the problem. He voiced pleasure that the *Mau* was behaving like a legal party, led by the Galea’i: “As time passes I become convinced that the *Mau* movement is more extensive than has hitherto been recognized and I am convinced that it cannot safely be ignored.” He suggested to the Secretary of the Navy a policy of listening with patience in order to avoid a “conflagration” like that occurring in western Samoa under New Zealand.<sup>108</sup>

As the American Samoan *Mau* acquired legitimacy, it seems to have found common ground with its counterpart across the border. The fact that, in 1927, both protest movements began to call themselves The Samoan League<sup>109</sup> is revealing. So is an oral tradition told to me by Chief Savusa of Nu’uuli seventy years later. Savusa said that his great-grandfather welcomed to the village western Samoans, who helped to build the *Mau* meeting house (*falefono*) next to his home. People from all over Samoa, from Manu’a to Savai’i, brought stones for the foundation in a show of solidarity against colonialism. The *Mau fale*, he said, was the “real Fono” before the current legislature came into being, and only hurricane Ofa was able to destroy it in 1990. Nu’uuli has always had a reputation for strength and obstinacy, whether cutting down trees to blockade the road to Pago Pago if it lost a cricket match or winning rowing races with a long canoe called *Satani* (despite objections from the village pastor).<sup>110</sup> Fai’ivae Apelu recalls his father’s uncle, Samuel Tulele Galea’i, the *Mau* committee chair, as a “statesman” who wanted to unite Samoa. The Galea’i’s roots were really in Manu’a, where he had aspired to the governorship but been jailed by the Navy, so he allied with Young, who had been denied the Tui title. It was a struggle, ultimately, to regain Samoan self-respect.<sup>111</sup> The *Mau* became a watchdog, questioning the Navy’s every move, and by 1930 its executive committee asked to advise the governor “in every matter, so that everything will run smoothly.” Governor Gatewood Lin-

108. Graham to Secretary of the Navy, Dec. 14, 1927, Jan. 25, 1928, OSNGC, RG 284.

109. Field, *Mau*, 84. See also endnote 112.

110. Interview by author with Chief Savusa in Nu’uuli, June 1997.

111. Interview by author with Fai’ivae Apelu in Leone, June 1997.

coln refused, but the *Mau* said, "That is all right, Governor, we have to yield to your actions, but we are not satisfied."<sup>112</sup>

### Congressional ratification and aftermath

Repeated Samoan protests and petitions to the governor and U.S. President, plus the publicity campaigns waged by Hannum and Greene, finally brought into the story Hiram Bingham, a U.S. senator from Connecticut who was born in Hawai'i and descended from missionaries who had served there. It was Bingham who introduced a bill in Congress that resulted in Public Resolution No. 89 in February 1929, which ratified at long last the Deeds of Cession of American Samoa. President Herbert Hoover then authorized a commission of two senators (including Bingham) and two congressmen to hold hearings in Honolulu and Samoa in September and October 1930 on the political status of the territory: Now that American Samoa was really part of the United States, what form of "civil government" would satisfy its people? The Mauga and Tufele represented Tutuila and Manu'a on the commission, while the Magalei, a lower-ranking chief, spoke for the *Mau*.<sup>113</sup> The resulting document is nearly 400 pages long, and its more than seventy testimonies represent the most complete compilation of Samoan opinions on the *Mau*, as well as statements by Bishop Museum scholars and other interested parties. Hannum committed suicide just before the hearings, closing the *Mau* era with a sacrifice, as Terhune had opened it.<sup>114</sup>

Several themes emerge from what the witnesses told the commission. In Honolulu, it became clear that the beginnings of the modern Samoan diaspora were under way, as more than 200 had gone to Hawai'i, notably as students or Navy personnel. About fifty had organized a Samoan Civic Association (SCA) that supported the *Mau* and apparently influenced Americans in Hawai'i to have similar views—although ironically the *Mau* committee itself specifically opposed having those "boys" (meaning non-*matai*) speak for them. The SCA spokesman, Nelson Tutuile, voiced his pride in his people's skills: "[Samoans] are

112. C. S. Lincoln to Secretary of the Navy, Feb. 10, 1930, OSNGC, RG 284.

113. *Hearings 1930*, Introduction; Gray, *Amerika Samoa*, 221.

114. *Ibid.*, 210.

highly intelligent, capable and competent to rule themselves.” The SCA wanted an Organic Act for Samoa, American citizenship, a civilian governor, the right of appeal beyond the territory in court cases, and a chiefly *fono* empowered to make laws, as well as an executive council/senate that would meet more often than the annual *fono*.<sup>115</sup> The SCA also asked for freedom of trade and travel between the two Samoas, a theme that was taken up by several witnesses in Samoa. A letter from the *Mau* asked for the right to elect government officials, territorial status, a budget of \$1.5 million, and a civilian governor.<sup>116</sup>

Gray points out accurately that the majority of witnesses who testified in Samoa supported the Navy administration, sometimes almost obsequiously, as though their jobs depended on it, but he neglects to say that many of those “loyalists” still wanted reforms, such as more decision-making power for their chiefs, with the right of appeal beyond the governor to the President,<sup>117</sup> or a court of appeal beyond the closed circuit of the SNA’s realm.<sup>118</sup> Some witnesses differed about the origins of the *Mau* movement, ten years earlier, whether it was started by foreigners,<sup>119</sup> land-seeking ‘*afakasi*,<sup>120</sup> money issues,<sup>121</sup> the need for a better Fono system, or the revelation that the United States had never formally annexed the islands.<sup>122</sup> County Chief Lei’ato said he first supported the *Mau* on the financial issue, but after Evans’s inquiry, he opposed it, fearing that foreigners advising the *Mau* “wish to obtain lands.” Nevertheless, he wanted the Fono system improved so that the chiefs had more say in what topics were discussed. When asked how many members the *Mau* had, Lei’ato replied, “You can’t make head or tail of that in Samoa. When the *Mau* committee comes, they are all in the *Mau*; and when the other side comes, they are all on the other side.”<sup>123</sup>

Several powerful chiefs gave testimony in favor of change.

115. *Hearings 1930*, 48–70.

116. *Ibid.*, 31, 56, 59, Salavea on 178, Galea’i on 232.

117. *Ibid.*, Pele on 115–116, Lei’ato on 198–199.

118. *Ibid.*, Aumavae on 159, Gagai on 163, Willis on 207.

119. *Ibid.*, Uo on 142–143, Aumavae on 157.

120. *Ibid.*, Salavea on 177.

121. *Ibid.*, Ta’amu on 171, Mauga on 265.

122. *Ibid.*, Savea on 194, Liu on 229, respectively.

123. *Ibid.*, 199.

Satele, who had been dismissed from his western district governorship by Terhune for helping the Mau organize the *Mau* in 1920, wanted civil government because the naval governor had too much power. That authority risked being arbitrary because the individual commanders stayed so short a time in Samoa—seven governors in the ten years of the *Mau*! He also pointed out that Samoans had paid for their own schools and hospitals and “built the roads free, from the patriotism of our country.” Nor had the Navy helped them improve their copra plantations, their only source of cash income besides working for the Navy: “[A]t the present time our government is in a tangle like this (twirling his hands). Nobody knows which is which. The government of the Navy and the government of Samoa.”<sup>124</sup> Tuitele, the western district governor, asked for protection against reprisal by the Navy against criticism. He compared the *Mau* in 1920 to the Samoan people’s growing up: They realized the Navy was not running the country well and protested against the ignorant tyranny of the governor. The *Mau* had forced the Navy to build more schools and roads, but Tuitele asked for a *reunification* of the two Samoas under one civil administration: “We all hear of the handling and of the doings of our New Zealand brothers in Apia, and it is on these grounds that I make the request to free them [from] this trouble—relieve them of all this trouble that they are in with the New Zealand people. . . . We want to be under the Government of America in some other way; under the President of the United States and Congress [i.e., not the Navy].”<sup>125</sup>

Chief Tuilefano held up a watch that he had received for signing the Deed of Cession of Tutuila in 1900, but he said he now supported a system where a civil governor would consult more with the chiefs. The naval governor had tried to shut down the *Mau* with a battleship, but “although the Navy tried to cover the little chicken [a pun on the word *moa* in Samoa] under a bowl, there is a chicken still chirping there.”<sup>126</sup> Chief Sotoa of Ta’u thought that ratification of the Deeds of Cession meant that Samoans were automatically U.S. citizens, so he brought up the Tui Manu’a case again, pointing out the injustice of keep-

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124. *Ibid.*, 136–139.

125. *Ibid.*, 144–154.

126. *Ibid.*, 161.

ing Chris Young in forced exile on Tutuila.<sup>127</sup> *Mau* committee cochair Chief Fanene, among others, pursued the citizenship request, saying, "We have long tried a way and means to present ourselves before the Congress of America . . . but we have not received the word 'true American.'"<sup>128</sup> Chief Galea'i, the other *Mau* cochair, called for a civilian governor, a chiefly cabinet, and a lawmaking Fono, as well as control over immigration, though he allowed that 'afakasi of at least 25 percent Samoan ancestry should be able to own or inherit land. He also pinpointed the beginning of the *Mau* to the *fono* held by the Mauga and Satele in 1920, when he joined the movement and remained a member right up to his present role as cochair. Nevertheless, he said that if the United States granted full citizenship to American Samoans, the *Mau* would cease.<sup>129</sup>

In fact, the commission recommended that Congress grant Samoa an Organic Act, including a bill of rights, full U.S. citizenship, legislative power, land tenure only for Samoans (the Fono could establish its definition of that term), a right of appeal to the District Court of Hawai'i, and a presidentially appointed civilian governor whose veto could be overridden by a two-thirds vote in the Fono. But Congress failed to pass the 1930 Samoa Act, thereby preventing the territory from receiving what Hawai'i had received in 1900 and Guam would in 1950. The *Mau* had nevertheless achieved quite a bit. Evans, for example, built more schools and health clinics in response to the agitation, began a policy of consulting more with the chiefs, and created a board of auditors composed of chiefs to monitor government expenditures. The *Mau* had finally pushed Congress to ratify the Deeds of Cession, and Bingham's commission had a bill of rights inserted into the Code of American Samoa. In addition, the United States separated the jobs of chief judge and SNA (now called attorney general), a move that even non-*Mau* Samoans had wanted. In the early 1930s, more efforts were made to provide agricultural advice, and by 1935, when Mauga Moi Moi died, Governor Otto Dowling claimed that the *Mau* had effectively waned.<sup>130</sup>

127. *Ibid.*, 217–218.

128. *Ibid.*, 229. See also Chris Young on 219, Nua on 221.

129. *Ibid.*, 231–242.

130. Gray, *Amerika Samoa*, 210, 231–238.

After the heightened American military presence during World War II raised wages and stimulated enlistment in the Navy and Marines, a struggle developed over whether or not to seek an Organic Act and citizenship. Western Tutuila, led by Tuitele, continued to favor the change, while the east, subsidized by the port, supported the Navy. The Fono was reformed in 1948 and 1953, creating two houses, a Senate chosen by *fa'a Samoa* and a House by universal suffrage. Ninety chiefs then asked that congressional bills dealing with the status of their islands be tabled. They realized that an Organic Act that invoked the U.S. Constitution was a double-edged sword: While bestowing citizenship rights, it might also threaten their communal land tenure and chiefly system; hence the need for cautious reform rather than U.S. citizenship. Civil government was finally achieved in 1951: American Samoa was transferred by Executive Order from the Navy to the Interior Department, and the naval base was closed down, stimulating more migration to the United States. Samoans remain U.S. "nationals" but not citizens. Their government is now almost entirely Samoan in personnel and financed by Washington, but Samoans pay no federal taxes. In the 1970s the Fono won the power to approve the budget and executive appointments, and American Samoans got the right to elect their own governor and a delegate to the U.S. Congress. Almost self-governing at home, they also have open access to the United States, where more than half of them now live.<sup>131</sup>

At this point, American Samoans seem to have found their own niche in the world system, a gray area outside the United Nations-prescribed choices for decolonization. In a sense, they now have the United States right where they want it. As Vaimili Tuialu'ulu'u, a *matai* from Ta'u, told me, "We're unorthodox, and like it that way." Unlike western Samoans, they may not feel the need for a "national" *Mau* movement in their public memory. Still, their current nonvoting delegate to Washington, Eni Faleomavaega, recommends clarification of the territory's rela-

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131. Leibowitz, *Defining Status*, 426–427, 451–455; Sunia, "American Samoa," 117–125; Pulefaasisina Tuiasosopo, interview by author in Tualauta, June 1997; Gray, *Amerika Samoa*, 244–249; Coulter, *Pacific Dependencies*, 101–106. For out-migration today, see Dennis Ahlburg and Michael Levin, *The Northeast Passage: A Study of Pacific Islander Migration to American Samoa and the United States* (Canberra, Australia, 1990).

tionship to the United States, and Fai'ivae Apelu feels strongly that the American Samoan *Mau* should be better known, to inspire young Samoans to stand up to the United States in case they need to do it again.<sup>132</sup> After all, it was an exercise in nationalism that drew on outside help to get beyond the closed world of Navy rule, and it developed links across the artificial border that divides Samoa in two. The eastern *Mau*'s shifting, overlapping nature, from the Pago Pago to Leone to Manu'a-Nu'uuli, shows the lack of fit between the Navy administration and the *matai* system, as Satele said. Navy officials (and Gray) were fond of saying that the *Mau* notion of "civil government" was vague,<sup>133</sup> but from their own records it is clear that the term meant more to Samoans than "civilian" rule. It meant civility, *fa'aaloalo*, or respect, which arrogant naval officers like Pollack lacked.

Although it did not demand full independence, the *Mau* insisted that the United States recognize the Samoan way of life and rectify grievances, and their protest led to a significant degree of decolonization. The Navy could dominate Samoa but never achieve full hegemony because Samoans persistently defended their concept of "civilization," thereby challenging the basis of colonial paternalism. Pulefaasisina Tuiasosopo, Director of Samoan Studies at the American Samoa Community College and son of a great orator and statesman who reformed the Fono in the 1950s, regards the *Mau* as a negotiation between the *fa'a Samoa* and the *fa'apalagi* (foreign way), a process that had been going on ever since Navy rule began: "Samoans knew what they wanted all along, and chose the United States because its democratic system was most *amenable* to their own." Not equivalent, but capable of guidance, if dedicated leaders risked their titles and livelihoods for greater sovereignty, from within.<sup>134</sup>

132. Eni Faleomavaega, "American Samoa: A Unique Entity in the South Pacific," in Werner vom Busch *et al.*, eds., *New Politics in the South Pacific* (Suva, Fiji, 1994), 116–118; interviews by author with Tuialu'ulu'u Pago Pago, June 1995, and with Fai'ivae Apelu in Leone, June 1997.

133. Pollack to Secretary of the Navy, March 15, 1922, Graham to Secretary of the Navy, Dec. 14, 1927, OSNGC, RG 284; Gray, *Amerika Samoa*, 204, 210.

134. Interview by author with Tuiasosopo at American Samoa Community College, June 1997.

# APPENDIX 1: Glossary of Samoan Terms

<i>'afakasi</i>	Half-caste(s)
<i>'aiga</i>	Family or families
<i>a'a ti</i>	A ceremonial speech, a new <i>matai</i> 's first test
<i>ali'i</i>	High chief(s), as opposed to orator
<i>fa'aaloalo</i>	Respect
<i>fa'alupega</i>	Rankings and genealogies of chiefs, like a constitution
<i>fa'apalagi</i>	Foreign ways
<i>fa'a Samoa</i>	Samoa way of life
<i>O le Fa'atonu</i>	Official Navy newsletter
<i>fale</i>	House(s)
<i>falefono</i>	Meeting house
<i>Fita Fita</i>	Samoa police force under the Navy
<i>fono</i>	Council meeting(s), at village or district level
<i>Fono</i>	Territorial-level assembly, today the legislature
<i>kava</i>	Mildly intoxicating ceremonial drink
<i>malaga</i>	Ceremonial inter-village visit(s), usually reciprocal
<i>matai</i>	Titled chief(s), usually one from each family
<i>mau</i>	Public opposition; literally, to hold fast
<i>O le Mau</i>	The 1920s anti-Navy opposition movement
<i>Mau a le Pule</i>	Anti-German orator-led opposition in western Samoa
<i>Pule</i>	Traditional orator group, refers to legitimate authority
<i>Pulenu'u</i>	Village-level political appointee by the Navy, "mayor"
<i>Satani</i>	Satan, the name of Nu'uuli's winning racing canoe
<i>Tafa'ifa</i>	Paramount holder of the four leading <i>ali'i</i> titles
<i>tapu</i>	Cloth made from paper mulberry bark
<i>Tui</i>	King, as in Tui Manu'a (formerly a divine monarch)

**APPENDIX 2: Selected American Samoan Chiefly Titles**  
(Often preceded by “the” unless linked to a personal name)

**Eastern District, Tutuila Island**

Lei'ato, High Chief of Sua and Vaifanua counties (the senior title of Tutuila)

Mauga, High Chief of Pago Pago Bay (means mountain, refers to “Rainmaker” peak)

Faumuina, High Chief of Sa'ole County

Pele, High Orator of Sua County

Tuiasosopo, High Orator of Vaifanua County

Lemafa, Chief of Aunu'u

Fanene, Chief

Magalei, Chief

Savea, Chief

Ta'amu, Orator

**Western District, Tutuila Island**

Tuitele, High Chief of Fofu ma Itulagi County

Letuli, High Chief of Tualauta County

Satele, High Chief of Tualatai County

Fuimaono, High Chief of Leasina County

Leoso, High Orator of Fofu ma Itulagi

Savusa, High Chief of Nu'uuli village

Soliai, Chief of Nu'uuli

Tuilefano, Chief

Fai'ivae, Chief

Fonoti, Chief

Aumavae, Chief

Gagai, Chief

Liu, Chief

Lualemaga, Chief

Olo, Chief

Salavea, Chief

Uo, Chief

**Manu'a (outer district)**

Tui Manu'a (until 1909), legendary divine monarch of all Samoa, based on western Ta'u Island

Tufele, High Chief of Fitiuta on eastern Ta'u Island

Galea'i, High Chief of Fitiuta

Sotoa, High Chief of Luma

Lefiti, High Chief of Siufaga

Nua, Chief

**APPENDIX 3: Early Naval Governors of American Samoa**  
(Called Commandant until 1905, in addition to Navy rank)

Commander Benjamin Tilley, 1900–1901  
Captain Uriel Sebree, 1901–1902  
Commander E. B. Underwood, 1903–1905  
Commander C. B. T. Moore, 1905–1908, the first “Governor”  
Captain John Parker, 1908–1910  
Commander W. M. Crose, 1910–1913  
Commander C. D. Stearns, 1913–1914  
Commander John Poyer, 1915–1919  
Commander Warren Terhune, 1919–1920  
Captain Waldo Evans, 1920–1922  
Captain Edwin Pollack, 1922–1923  
Captain Edward Kellogg, 1923–1925  
Captain Henry Bryan, 1925–1927  
Captain Stephen Graham, 1927–1929  
Captain Gatewood Lincoln, 1929–1931  
Captain George Landenburger, 1932–1934  
Captain Otto Dowling, 1934–1936

## **EXHIBIT 7**

**C O N T E N T S**

**Monday, June 3, 1947**

<b>Statement of:</b>	<b>Page</b>
<b>Harold L. Ikes, Formerly Secretary of the Interior, Washington, D. C.</b>	<b>239</b>
<b>John H. Hildring, Assistant Secretary of State for Occupied Areas.</b>	<b>283</b>

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gl notes

H. J. RES. 70

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MONDAY, JUNE 2, 1947

House of Representatives,

Subcommittee on Territorial and  
Insular Possessions of the  
Committee on Public Lands

Washington, D. C.

The subcommittee met at 10:00 o'clock a.m., in the committee room of the Committee on Public Lands, Hon. Fred Crawford (chairman of the subcommittee), presiding.

Mr. Crawford (chairman of the subcommittee) We have met for the further consideration of H.J. 70 and certain other bills having to do with the change in the Organic Act, extending certain privileges to the people of Guam and Samoa.

This morning we have with us Mr. Harold Ickes, who for many, many years was our valuable Secretary of the Interior and he is appearing here in the interests of some of these bills.

We will be very glad to hear from you, Mr. Ickes.

STATEMENT OF HAROLD L. ICKES,  
FORMERLY SECRETARY OF THE INTERIOR,  
WASHINGTON, D. C.

Mr. Ickes. This committee is, I hope, about to recommend that we do justice to the people of Guam and American Samoa, a justice that has been too long delayed.

We took Guam from Spain in 1896. By the treaty of Paris we obligated ourselves to establish, by Act of Congress, "the

civil rights and political status" of the people of Guam. With words of great promise, President McKinley launched the Naval government of the Island. That government, President McKinley proclaimed, would "insure that full measure of individual rights and liberties which is the heritage of free peoples"; it would prove to the Guamanians that "the mission of the United States is one of benevolent assimilation, substituting the mild sway of justice and right for arbitrary rule."

This was our promise, but what has been our performance? Within one year of the date of this pious utterance by President McKinley, the Naval government had abolished all of the very considerable home rule which Guam had enjoyed under Spain.

By the year 1902, the Guamanians were petitioning for those "civil rights" and that Congressionally defined "political status" which the Treaty of Paris had promised them. They are petitioning still, after nearly half a century, although the Navy has never permitted itself to know about it and Secretary Forrestal's most recent expedition headed by Dr. Ernest H. Hopkins, undoubtedly after the most diligent and extensive search, was not able to find a single Guamanian who wanted civil rule. In fact, we are asked to believe by the Hopkins report that the ever-present fear of the Guamanians was that the Navy should no longer be in the position of a benevolent despot, and sometimes not too benevolent at that.

A year or two before the war these people, out of their

own meager resources, sent two representatives to Washington to beg our "democratic" government to lift the dictatorial hand of the American Navy from off of Guam and to place its jurisdiction within the Department of the Interior.

And yet, Secretary Forrester's committee of three, reported: "Nowhere did your committee find any expression of desire to be removed from under the auspices of the Navy . . . ." A good word, that "auspices."

I wonder if the committee could hear the thunder roll when the tropical storms came !

Let us take a look at Samoan history. The Samoans came voluntarily under United States sovereignty in 1899, on the basis of an express understanding that they would be given civil status and a rule of law. From 1899 up to and including today, Samoan life has been lived under Naval absolutism. But the Samoans are a less patient folk than the Guamanians, and in the early 1920's their petitioning for their denied rights became an uproar, although without physical violence. Thereupon, their leaders were seized by the Naval government and charged with "conspiracy."

They were thrown into jail and kept there for a number of years. But news of the outrage reached Washington, so that in 1930, President Hoover, pursuant to a resolution of the Congress, appointed a Joint Commission to study the Samoan situation. The commission was headed by Senator Hiram Bingham

of Connecticut and it went to Samoa to do its work on the ground.

The Commission unanimously concluded that the Samoans ought to be given American citizenship, a bill of rights and an organic act. It announced its findings to the assembled Samoans, came home, and pressed for the promised legislation. The Senate passed an appropriate bill and the Navy, backed, I regret to say by the State Department, succeeded in having it killed in the House.

Through all of the succeeding years we have been in default of our promises to the peoples of Guam and American Samoa.

Exactly a year ago this week, I stated these and other facts in a speech before the Institute of Ethnic Affairs and the Institute of Pacific Relations here in Washington.

The Secretary of the Navy lost no time in charging me with "irresponsible" criticism in a long communication to the New York TIMES over his own signature, a communication that refuted no single fact.

When Secretary Norrmental's charge of irresponsible criticism proved to be the dud that it was, he hastily arranged a dress parade tour of the Pacific Islands for a carefully selected group of newspaper correspondents who were given the hospitality for which the Navy is famous.

However, the hoped for white wash by the correspondents failed to materialize. The Navy's guests wrote stories pretty

## **EXHIBIT 8**

71st CONGRESS }  
3d Session }

SENATE

{ DOCUMENT  
No. 249 }

# AMERICAN SAMOAN COMMISSION

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## MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES

TRANSMITTING

THE REPORT OF THE AMERICAN SAMOAN COM-  
MISSION APPOINTED PURSUANT TO PUBLIC  
RESOLUTION NO. 89, SEVENTIETH CON-  
GRESS, AND PUBLIC RESOLUTION  
NO. 3, SEVENTY-FIRST  
CONGRESS



JANUARY 5 (calendar day, JANUARY 9), 1931.—Read; referred to the  
Committee on Territories and Insular Affairs  
and ordered to be printed

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UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1931

## MESSAGE

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*To the Congress of the United States:*

I transmit herewith for the information of the Congress the official report of the American Samoan Commission, appointed in pursuance of the joint resolution of Congress approved February 20, 1929, being Public Resolution No. 89 of the Seventieth Congress, and of the joint resolution of Congress approved May 22, 1929, being Public Resolution No. 3 of the Seventy-first Congress, together with an appendix containing a copy of a bill.

HERBERT HOOVER.

THE WHITE HOUSE,  
January 9, 1931.

III

## LETTER OF TRANSMITTAL

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UNITED STATES SENATE,  
*Washington, D. C., January 6, 1931.*

To the PRESIDENT:

I have the honor to inclose herewith, for transmission to the Congress of the United States, the official report of the American Samoan Commission, appointed in pursuance of the joint resolution of Congress approved February 20, 1929, being Public Resolution No. 89 of the Seventieth Congress, and of the joint resolution of Congress approved May 22, 1929, being Public Resolution No. 3 of the Seventieth Congress, together with an appendix containing a copy of a bill, the passage of which is respectfully recommended, and a copy of the Civil and Penal Laws of American Samoa annotated in conformity with the recommendations of the commission, the testimony of persons appearing before the commission, and letters, reports, and other pertinent papers gathered by the commission in its study.

Respectfully submitted.

HIRAM BINGHAM, *Chairman.*

IV

## THE AMERICAN SAMOAN COMMISSION REPORT

The commissioners appointed and commissioned by the President in pursuance of Public Resolution No. 89 of the Seventieth Congress entitled "Joint resolution to provide for accepting, ratifying, and confirming the cessions of certain islands of the Samoan group to the United States, and for other purposes," approved February 20, 1929, as follows:

[PUBLIC RESOLUTION—No. 89—70th Congress]

[S. J. Res. 110]

**JOINT RESOLUTION** To provide for accepting, ratifying, and confirming the cessions of certain islands of the Samoan group to the United States, and for other purposes.

Whereas certain chiefs of the islands of Tutuila and Manua and certain other islands of the Samoan group lying between the thirteenth and fifteenth degrees of latitude south of the Equator and between the one hundred and sixty-seventh and one hundred and seventy-first degrees of longitude west of Greenwich, herein referred to as the islands of eastern Samoa, having in due form agreed to cede absolutely and without reserve to the United States of America all rights of sovereignty of whatsoever kind in and over these islands of the Samoan group by their acts dated April 10, 1900, and July 18, 1904: Therefore be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That (a) said cessions are accepted, ratified, and confirmed, as of April 10, 1900, and July 18, 1904, respectively.

(b) The existing laws of the United States relative to public lands shall not apply to such lands in the said islands of eastern Samoa; but the Congress of the United States shall enact special laws for their management and disposition: *Provided*, That all revenue from or proceeds of the same, except as regards such part thereof as may be used or occupied for the civil, military, or naval purposes of the United States or may be assigned for the use of the local government, shall be used solely for the benefit of the inhabitants of said islands of eastern Samoa for educational and other public purposes.

(c) Until Congress shall provide for the government of such islands, all civil, judicial, and military powers shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct; and the President shall have power to remove said officers and fill the vacancies so occasioned.

(d) The President shall appoint six commissioners, two of whom shall be members of the Senate, two of whom shall be members of the House of Representatives, and two of whom shall be chiefs of the said islands of eastern Samoa, who shall, as soon as reasonably practicable, recommend to Congress such legislation concerning the islands of eastern Samoa as they shall deem necessary or proper.

(e) The sum of \$25,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be expended at the discretion of the President of the United States of America, for the purpose of carrying this joint resolution into effect.

Approved, February 20, 1929.

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and in pursuance of Public Resolution No. 3 of the 71st Congress, approved May 22, 1929, as follows:

[PUBLIC RESOLUTION—No. 3—71ST CONGRESS]

[S. J. Res. 36]

JOINT RESOLUTION To amend Public Resolution Numbered 89, Seventieth Congress, second session, approved February 20, 1929, entitled "Joint resolution to provide for accepting, ratifying, and confirming the cessions of certain islands of the Samoan group to the United States, and for other purposes."

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That paragraph (d) of Public Resolution Numbered 89, Seventieth Congress, second session, approved February 20, 1929, entitled "Joint resolution to provide for accepting, ratifying, and confirming the cessions of certain islands of the Samoan group to the United States, and for other purposes," is hereby amended as follows: In line 1, strike out the word "six" and substitute therefor the word "seven"; in line 3, strike out the word "two" and substitute therefor the word "three"; and in line 3, between the words "chiefs" and "of," insert the words "or high chiefs," so that the said paragraph (d) will then read as follows:

"(d) The President shall appoint seven commissioners, two of whom shall be Members of the Senate, two of whom shall be Members of the House of Representatives, and three of whom shall be chiefs or high chiefs of the said islands of eastern Samoa, who shall, as soon as reasonably practicable, recommend to Congress such legislation concerning the islands of eastern Samoa as they shall deem necessary or proper."

Approved, May 22, 1929.

make the following report:

The islands of American Samoa from east to west are Rose Island, Tau, Olosega, Ofu, Aunuu, and Tutuila, with Swains Island distant 207 miles northward of Tutuila. Rose Island is a coral atoll, uninhabited. Swains Island is a low coral island not over 20 feet in elevation, with a population of 98 persons engaged in producing copra from about 800 acres of coconuts. The others are high islands of volcanic origin. The islands of Tau, Olosega, and Ofu are known as the "Manua group," and the island of Aunuu is included generally in the name "Tutuila." The sovereignty of the United States was extended to Swains Island and the island made a part of American Samoa by a joint resolution of Congress approved March 4, 1925.

The largest island, Tutuila, of irregular shape, with an area estimated at 40.2 square miles, is about 17 miles long and nearly 6 miles wide in the widest part, and is situated about 14° south of the Equator. It is distant from Honolulu 2,275 miles, from San Diego 4,190 miles, from San Francisco 4,150 miles, from New Zealand 1,565 miles, from Fiji 688 miles, from Guam 3,159 miles, from Manila 4,505 miles, and from Apia, in western Samoa, 80 miles. A rugged ridge extends nearly the entire length of the island. What little level land there is lies at the foot of the mountains along the coast, except along the southwestern part of the island where there is a plain devoted to coconut plantings. The mountains are heavily wooded and the island right to the water's edge is a mass of foliage of rare tropical luxuriance. Pagopago Bay, "the safest and best harbor in the South Seas," cuts the island nearly in two and, because of its shape, affords to ships smooth water during the heavier weather. On the bay is the old village of Pagopago and the naval station. Fagatoga lies behind the naval station. The harbor with its two wharves is well buoyed but lighted dimly. Other harbors of

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some importance are Leone and Fagaitua on the south side and Fagasa and Masafau on the north side, all of little value except Leone. The highest point on Tutuila is Matafao, 2,141 feet in elevation.

Tau, 67.5 miles east of Tutuila, 14 square miles in area, rises like a huge cone to an elevation of nearly 3,000 feet. It has no harbor but has one good anchorage. Olosega and Ofu, with a combined area of 8.7 square miles, are separated from Tau by a channel 6 miles wide. Both are rugged and mountainous.

Natural passages to the landing beaches through the coral reefs have been widened by blasting. These need much improvement, however, before they can be relied upon for safety. On none of the islands are there any sizable tracts of unemployed arable land.

The climate is tropical and equable, the temperature ranging from an average of 82.28° in February to an average of 80.21° in July. The humidity is always high and the rainfall heavy, the annual average for 26 years being 197.16 inches. Hurricanes of great violence have occurred at intervals of about 10 years.

With the possible exception of Rose Island, there is no "public" land as that term is generally employed. Claimants exist for land even in the seemingly inaccessible portions, for even to those areas persons penetrate for the gathering of fiber plants, dyes, land crabs, and the other products of the forests.

The native inhabitants, racially considered, are Polynesians, cousins of the Maoris of New Zealand and the Hawaiians of the Territory of Hawaii. The ethnologists of the Bishop Museum testified that the Polynesian race is a mixed race with two elements predominant, Caucasoid and Mongoloid. There are no Negroid elements in the race. Their faces, of a light brown, have many distinctive marks of the European. The Samoan man is well formed, erect in bearing, with straight nose, chin firm and strong, forehead high, and hair black and soft, sometimes wavy. The women mature and age early. They do not preserve their early promise to the middle years as do the men. The 1930 census reported a total population of 10,055 souls, distributed as follows: Tutuila, 7,809; Tau, 1,243; Ofu, 466; Olosega, 438; Swains Island, 98. Of this number the number of white persons, excluding the 179 Navy personnel but including missionaries, is 45, and the number of half castes, part Samoans and mixed bloods, is 818. The last figure includes the following mixed bloods: Part Japanese, 25; part Filipinos, 8; part Negroes, 8; part Chinese, 7; part Fijian, 6; part Javanese, 8.

The Samoan social organization was the chieftain system. Each family group elected or selected its own head. His title was that of "matai" and he ruled the family so long as he furnished it efficient leadership. When he became inefficient he was deposed. He held the power of life and death over the group. The semblance of the office remains although shorn of this arbitrary power. To-day the family group discusses matters led by the matai. No votes are taken. Conclusions are reached after much deliberation and when once arrived at the matai speaks for the family group. Originally the family lands were worked by the family and practically everything was owned in common, as it were, used and consumed by those who required it. There was under this system no incentive to effort

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on the part of the individual. Thrift brought no reward. However, 80 years of contact with American civilization have weakened this communal organization. The idea of personal property owned by the individual has infiltrated deeply. There are complaints from those not matais that the leadership of old is lacking and that it is not practical now to depose a matai. The schools have hastened the new ideas. The children are oriented away from the old culture. The thinkers among the chiefs wish the best for their children, but admit that the changes have come and that sooner or later much of the old order will go. They look at these changes regretfully, but turn with hope and confidence to the possibilities of the future.

The chiefs of Samoa are courteous gentlemen of great personal dignity, perfect hosts, living in a society nearly free from industrialism, where food is abundant and nature prodigal in her beauty. They love to entertain—with speeches full of high-sounding phrases and Biblical references, with songs in chorus and dances, with elaborate presentations of food and gifts, and, above all, with the ceremonies of kava drinking in which their rank is recognized by the order of service of the cup. The thing of greatest prize to a chief is his title and the status it affords. They love the "malaga" or journey of ceremony, now curbed by law. It is becoming increasingly difficult for them to do these things.

The only newspaper is the Government sheet O le Fa'atonu, used chiefly to proclaim notices of various kinds. Every village has one or more churches. Christianity came to Samoa in 1830. Most of the Samoans are church members and nearly everybody goes to church. Family prayers is the rule and Sunday is a day of rest. The people are intelligent, amiable, and hospitable to a remarkable degree. Every head matai is supposed to have a guest house.

There are no factories. Every family can raise or make those things needed for food and shelter. But new wants and appetites are changing this situation. Under the Navy administration the health of the people is good. Contact with the outside world exists through the naval radio station and the triweekly mail steamers.

The public school system consists of 21 schools with a teaching staff of 52. Thirteen of these schools complete fourth-grade work, six schools complete sixth-grade work, and two schools complete eighth-grade work. Five of the teachers are white. Education is supposed to be compulsory through the fourth grade, but from 15 to 20 per cent of the children of school age do not attend school. All but two of the schools are poorly equipped. Because of the poor pay the best teachers leave the service when opportunity offers.

Samoa is a one-crop country and the crop is copra, sold by the Government for the producers. In 1929 the production was 1,687 tons which sold for \$147,215.90. The handling charges less shrinkage were \$13,303.09.

For 1930 there are 2,299 taxpayers. The inventory of island government assets as of June 30, 1930, stands at \$261,365.68, of which sum \$174,220 represents the value of land and \$72,440 the value of buildings and structures. For the fiscal year ended June 30, 1930, the total expenditures of the island government were \$131,929.48, while the receipts were \$133,772.05. Of these receipts

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the native tax department produced \$22,091.50 and the customs department \$96,739.58.

The people of American Samoa governed themselves before 1900. They have never been conquered. For 30 years they have submitted to the benevolent rule of the Navy of that nation to which they had turned in their distress and fear of foreign aggression. The record of those years, both for the governors and the governed, is a splendid one. The changes in native culture and thought which those years have brought have been recognized both by the leaders among the people of American Samoa and by some of the recent governors.

A majority of the commissioners met from time to time and effected a partial organization of the commission at Washington, D. C. As soon as congressional duties permitted, the majority of the commissioners proceeded to Samoa on the U. S. S. *Omaha*, John Downes, captain, via Honolulu from San Pedro, Calif. Accompanying the commissioners was Capt. W. R. Furlong, United States Navy, of the office of island governments, Navy Department, who assisted greatly in presenting to them the various reports of the governors of American Samoa and other pertinent data. These were studied on the voyage, together with letters of complaint and suggestions for the future received from persons interested in Samoa. Mr. Albert F. Judd of the bar of Hawaii served as legal adviser to the commission. At Honolulu the experts of the Bishop Museum, by request, furnished testimony regarding the racial characteristics and social organization of the Samoans, a tribe of the Polynesian race, and other persons appeared to present their views regarding the future of American Samoa. In Samoa the commission had many conferences between its seven members and visited all principal settlements. Public hearings, after full notice, brought forward those who wished to address the commission. These were held in each of the districts of American Samoa, with large attendance of interested listeners.

In addition to receiving the views of the former governors of Samoa, carefully matured and discussed among themselves, and the impartial and illuminating statements of the Bishop Museum ethnologists regarding the Polynesian race in general and the people and chiefs of Samoa in particular, the contact made by the commission brought to it the opinions of all elements making up the community of American Samoa, the chiefs in particular, who are the natural leaders of the native people, holding the position of matai, the higher chiefs or alii and the talking chiefs, or tulafales, representatives of the commoners, the half bloods and the officials of the local government, both native and American. No one who expressed a desire to address the commission was denied. In this cross section of native opinions were heard the conservatives who desired no change in their government, others who, while expressing grateful appreciation of the help and assistance given by the Navy administration, thought the time had come for the people to participate in the making of the laws for their governance and that the short term of office of the Navy governor (18 months) worked to the disadvantage of the people of Samoa, and the extreme pro-

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gressives among the organization, called the "Mau," who urged a \$10,000,000 trust fund be created for the benefit of Samoa and the confining to the naval station of the activities of the Navy officers; and many who expressed modifications of the two positions last above stated. Great satisfaction was expressed over the fact of annexation to the United States by the recent act of Congress; sincere, and expressed with deep emotion, were the pleas that the inhabitants of American Samoa be given full recognition as citizens of the United States; these two matters were uppermost, none disagreeing therewith. Complaints against the Navy administration were few, while appreciations thereof were many and gratefully stated. Even the leader of the progressive organization, called the "Mau," said in substance, "now that by annexation we are part of the territory of the United States we have no complaint to make against the Navy."

The main principles of the report were reached in concert by the seven commissioners who agreed unanimously thereon. It was deemed by them advisable and in the public interest to issue an authoritative statement thereof publicly to the people of American Samoa while the commission was in Samoa, and in this view the Governor of American Samoa concurred. This was done. The three Samoan commissioners asked the chairman on their behalf to proceed to an early completion of the report, requesting that they be consulted by radio in any important deviation from this basis. This has been done.

The preliminary portion of this report has been descriptive mainly of the five islands of American Samoa, the inhabitants, the existing institutions, the productions, the climate, the harbors and shipping facilities, various conditions of general interest, and the contacts made by the commission while engaged in its duties. The following portion is devoted mainly to a discussion of the legislation proposed by the commission as set forth in the bill "An act to provide a government for American Samoa," submitted herewith.

The information furnished by the Navy Department, by the Governor of American Samoa, by the persons appearing before the commission, by personal contact and observation made in American Samoa has brought the commission to the following conclusions: That the administration of American Samoa for 30 years by the Navy has been admirable and one sincerely purposed to protect the Samoans; that the time has come to do away with administration by rules, regulations, and orders and to begin that by law under an act of Congress in which the functions of the governor shall be confined to the executive, the courts presided over by a chief justice independent of the governor, and the legislative authority vested in an assembly of the people; that the Samoans are capable of accepting and should receive full American citizenship; that they be given a bill of rights and a form of government, flexible in nature, which will allow them to develop themselves, should they so choose, away from their present communal system of social organization and property into one more completely in tune with American civilization, and yet maintaining those native customs which they may wish to preserve; that the future of American Samoa depends largely upon a continuation of enlightened and disinterested leadership furnished

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by the Government of the United States; and, finally, that the importance of making this leadership effective is a matter of national concern.

The recommendations of the commission are set forth in detail in the bill printed herewith and may be summarized as follows:

That the islands described in the said acts of Congress of 1925 and 1929 be not erected into an organized Territory at the present time but be given a provincial status as a body politic under the name of "American Samoa" with its own bill of rights and not the United States Constitution as its guaranty of personal liberties, and with the continuation of its present organization of government changed only in two important matters—first, by removing from the governor all judicial power and legislative authority except the veto and the initiation of legislation, and second, by abolishing the office of the secretary of native affairs and providing for a chief justice, independent of the governor, to perform all the judicial functions of that former office, and for an attorney general to perform the other duties thereof. Section 2 et seq.

The bill of rights recommended has been phrased as near as may be in consonance with the language of the Constitution on those subjects calculated to afford protection to the individual, without doing violence to long-established native institutions. The reasons for the recommendation regarding the changes in the power and authority of the governor are obvious. Such changes and the bill of rights would inaugurate the rule of law as distinguished from the rule by orders. Heretofore the office of the secretary of native affairs has been charged with too many duties. Its title has created the idea among the other officials of the government that he and not they have the duty of studying native problems in contact with the inhabitants. Under the changes suggested, prosecutions of important cases would be the function of the attorney general, in addition to which he would take charge of many matters under the governor and stand by to assume the duties of the governor during his absence or disability.

That, except as changed by the act, the present laws of Samoa, known and understood by the inhabitants, be continued in force until amended or repealed by the local legislative authority or by Congress. The act would repeal all laws not stated and set forth in the official "codification" and those inconsistent with the provisions of the act, and would amend certain others to bring them into conformity with the act. Sections 1, 6, 7.

That the inhabitants of American Samoa on February 20, 1929, and their children born subsequently be made citizens of the United States. Provision is made for those natives of American Samoa residing in Hawaii or the mainland of the United States, or temporarily elsewhere, to preserve evidence of their new status. Section 2.

**THE AMERICAN SAMOAN COMMISSION REPORT**

The people of American Samoa freely and without reserve offered the sovereignty of their islands to the United States. This offer Congress has accepted. These people owed no allegiance to any foreign government. They were autonomous. For generations they had successfully governed themselves. They are of the same race as the Hawaiians. Their loyalty to the United States and their intense longings to have made certain their national status demand recognition.

It is believed confidently that the granting of American citizenship and the right to participate in the making of laws will do away largely with the causes which brought into existence the anti-Navy movement in Samoa called the "Mau," and that it is reasonable and proper that such participation by all elements in the population should be encouraged.

That there be created also a citizenship for American Samoa among the American citizens thereof in which there shall be no discrimination against any person of Polynesian blood on the ground that he is not of so-called full blood, a local citizenship in which residence for five years in American Samoa shall be a qualification, and concerning which the people of American Samoa may make qualifications if and when they so choose. These provisions will enable the people of American Samoa to decide for themselves many questions which now perplex and which can easily be decided unfortunately if decided prematurely; and will recognize as part of the body politic those of the mixed blood, a permanent element of the population which should be used to the advantage of the community.

**Section 3.**

That a restriction be placed on the Government of American Samoa against the making of alliances, confederations, or treaties. Treaties have been made in the past with the authorities of western Samoa by the Governor of American Samoa. These other islands of Samoa, one of which is distant from Tutuila only 80 miles, are inhabited by relatives of the residents of American Samoa, and discussions looking to treaties and alliances are not unlikely unless prohibited by Congress.

That the scheme of government for American Samoa as above summarized is calculated to bring to its inhabitants all the changes that are presently desirable, at the same time permitting a continuation of the assistance of the Navy, to enable the inhabitants to make such progress in the art of self-government as they themselves desire, under a flexible system which can develop as the changes in thought come to them; and to build up the idea, which is not now clear in their minds, of an island government separate and distinct from the Navy officials, a government in which the ambition shall be to become self-sustaining with the expenditures kept within the islands' income.

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That the legislative authority of American Samoa be reposed in the native general assembly called the "Fono," one house, meeting in November each year, of 30 delegates, selected after discussion according to native custom, 10 from each of the three ancient districts of American Samoa, together with the native district governors, the county chiefs, and the district judges of each district. Thus, the people will be left to continue to choose their representatives as they have in the past and, when they so wish, to change the method of elections. It will be noted that certain restrictions to membership in the Fono have been recommended; all members must be citizens of American Samoa; none can sit who have had their civil rights taken from them; insane persons are excluded. That the power of the Fono be extended to all rightful subjects of legislation but with restrictions against the granting of franchises without congressional approval; against the granting of private charters, but allowing the formation under general laws of companies for certain purposes; against the granting of divorces by the Fono in any event and by the courts, unless the applicant shall have resided in American Samoa for the one year next preceding the application; against lotteries; against the use of public moneys for private schools; against the creation of any public debt except for public defense or public improvements, and in both events with a limit of indebtedness to 10 per cent of the total assessment of property for taxation purposes and a provision that not more than 3 per cent of such indebtedness may be incurred in any one year; against the use of the public domain for credit purposes; against the issuance of any public bonds with a term in excess of 30 years and without the approval of the President of the United States, and without provisions for complete amortization during the life of the bonds.

The people of American Samoa are changing from the aboriginal system of social organization and property in which ownership was communal. These changes began a generation ago and are the inevitable result of contact with the so-called western civilization. They can not be stopped or obliterated. As yet the taxes for the general purposes of government are imposed therefor as a poll tax and not on property. It is expected that a system based on property assessments will be adopted by the people sooner or later, hence some of the above restrictions. Others of these restrictions have been recommended after a study of the history of legislation in the Territory of Hawaii, the only other American jurisdiction wherein American institutions have been adopted by a community originally Polynesian. As a guide to the Fono in its new responsibility, measures are recommended dealing with the usual subjects of the constitution of a quorum, the demand for yeas and nays, exemp-

Section 12.

Section 22.

Sections  
15-26.

THE AMERICAN SAMOAN COMMISSION REPORT

- tion from liability for speeches made, exemption from arrest, enacting clause, title to laws and signing bills.
- Sections 27-28.** That the veto power on legislation, as to specific items in appropriation bills and entire bills on other subjects, be reposed in the governor, with an appeal to the President should the governor's veto be overridden by the Fono. These provisions, new to American Samoa, are set forth in detail in the act so as to be understood clearly by the people.
- Section 31.** That the governor be directed to submit to the Fono estimates for appropriation bills and such other measures as he may consider to be in the people's interest, and that in the event of an appropriation bill not being passed, the sums named in the last appropriation bill shall be deemed to have been reappropriated.
- Section 54.** That no money shall be drawn from the treasury but in consequence of appropriations made by law, and that full publicity be given at regular times to the statement of the receipts and expenditures of government.
- Section 34.** That the Governor of American Samoa be appointed by the President of the United States by and with the advance and consent of the Senate, and that in the selection the choice may be made from among the active, retired, or reserve officers of the Navy and Army as well as from among civilians. It is recommended that no such officer be denied the benefit of the salary of governor if his allowances as such officer are less than the salary. That the governor be vested with the executive authority of the government of American Samoa and with power to grant pardons and reprieves and to make all appointments not otherwise stated by law and that his annual report shall be transmitted to Congress.
- Section 39.**
- Section 35.** That the governor shall be responsible for the faithful execution of the laws.
- Section 34.** That the term of office of the governor be at the pleasure of the President. This provision is inserted at the request and for the benefit of the inhabitants of American Samoa to the end that an incumbent who has become acquainted with the people and with their manners and methods of thought and life may remain with them as the head of the government and their leader and not be summarily removed simply because an arbitrary period of time has expired. This provision exists in other jurisdictions and is eminently required in American Samoa, for the Samoans, like all Polynesians, are apt to look more to the man who leads than to such an abstract thing as the law.
- Section 37.** That there be an attorney general appointed by the President, by and with the advice and consent of the Senate, to hold office at the pleasure of the President, who shall perform the duties of nonjudicial character now imposed on the secretary of native affairs, conduct important prosecutions in the courts, report to the Con-

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gress the acts of the Fono and to the President the proceedings of the executive and serve as acting governor in the absence or disability of the governor. **Section 38.**

That there be a chief justice appointed by the President, by and with the advice and consent of the Senate, whose term of office shall be four years, this official, independent of the governor, to be the center of the system of courts. It is recommended that, except as above noted, the present system of courts be continued and be subject to such modifications as the people of Samoa may decide. There is no present need to introduce the jury system. In the act proposed the people of American Samoa are left free to inaugurate that institution later if they so choose. There is no local objection nor any theoretical objection to the system now in vogue of having the "American judge" sit in the lower courts with the district judge, and again preside over the upper court on appeal. **Section 39.**

That the chief justice be required to present advisory opinions to the governor or the Fono on important matters of law. This provision of law existed beneficially in Hawaii and pertains in some States. In Samoa it should prove helpful and preventive of discord. **Sections 40-43.**

That appeals in all important cases in the court of last resort of American Samoa be allowed to the United States District Court for the District of Hawaii, such appeals to be heard in Samoa to avoid delays and expense to the parties litigant. It is believed that this recommendation will be not only stimulating to the administration of the law in the courts of American Samoa but also, as a tangible evidence to the people of American Samoa of their new status, be helpful to the general administration of that government. **Section 41.**

That the Federal Government directly bear the salaries of the governor, the attorney general, and the chief justice, as it is now doing as to certain officials in the case of the Territory of Hawaii. The salaries suggested may seem generous, but the posts, long distant from the mainland of the United States, should be filled by the best type of men for whose services other interests will be calling. Transportation for them and their families should be provided and leaves of absence allowed along the lines proposed in the act. The high standard of the American personnel in the island government must be continued if the Nation's record in American Samoa in the future is to be a successful one. **Section 44.**

That as to wharves, landings, and other public property now belonging to or which may later be acquired by the government of American Samoa provision be made in the act for their control, administration, and maintenance to the end that responsibility be defined and the idea of local government fostered. **Section 45.**

**Section 48.** That the public lands shall not be sold but be administered for the benefit of the people of American Samoa for educational and other purposes. This provision is consonant with the pertinent paragraph in the joint resolution of Congress accepting the cessions. While it is believed that there are few, if any, areas of public land, as that phrase is commonly used, yet Rose Island may be an exception, and an investigation, with a survey of the lands, may disclose other areas. Therefore, this provision is recommended.

**Section 49.** That the ownership of private land be confined to persons who are citizens of American Samoa and that leasehold interests for a longer term than 20 years be prohibited. The present law of Samoa makes 40 years the limit of leaseholds. It is believed that such is too long a term, as it amounts to a virtual alienation for the remainder of the lessor's life in most cases.

The restriction regarding the ownership of land is calculated to protect the inhabitants from exploitation by outsiders and at the same time to do away with the arbitrary discrimination against persons of the half blood who, since 1900, have been denied land ownership in the land of their birth. This measure has the support of the great body of the chiefs and people of American Samoa. While the lands generally are held in family ownership, there are a few areas not in the communal system, titles to which were granted and recognized before 1900. The act recognizes and protects these ownerships as an exception to the general law.

**Section 51.** That the quarantine regulations of American Samoa be under the control of the Federal Government and that the Public Health Service be extended to American Samoa.

**Section 52.** That, due to the necessity of maintaining the revenues of the Government of American Samoa, the customs duties collectible at Pagopago should not be lowered or abolished. This requires provision in the act making it definite that the tariff laws of the United States do not apply in American Samoa. This provision is also needed to maintain the integrity of the Berlin treaty of 1899, which guaranteed as to all the islands of Samoa the open door of trade to the signatories, the United States, Germany, and Great Britain. It is also necessary for the good of the people of American Samoa that the markets of the mainland be available to them for the products of American Samoa. This is provided in the act and in such manner as not to permit imports into the United States from American Samoa of merchandise and articles not the growth, production, or manufacture of American Samoa.

**Section 53.** That naturalization matters be triable in the courts of American Samoa under the naturalization laws of the United States, but that those laws be amended so as not to deny their benefits to persons of Polynesian blood

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solely on the ground of their ancestry. The record as American citizens now for over 80 years which has been made by the Hawaiians, who are of the same race as the Samoans, is sufficient justification for this recommendation, backed up as it is by the matured conclusions of the ethnologists stated above.

That the people of American Samoa be relieved of all taxation for the benefit of the Government of the United States and that the internal revenue and income tax laws and other laws on this subject be made inapplicable to American Samoa, unless specifically so stated. **Section 5.**

That the immigration laws of the United States be made inapplicable to American Samoa, so that that subject may be legislated upon by its people as they wish. **Section 5.** The reason for this recommendation is that the near relatives and kindred of the inhabitants live only 80 miles away in the islands of Samoa mandated to New Zealand. There always has been, and probably always should be, freedom of travel between the two divisions of the race (separated as they are only by the accident of history), travel untrammelled by technicalities evolved to meet conditions greatly different.

That the provisions of the maritime laws restricting to vessels of the United States the transportation of merchandise and passengers between any ports of the United States to another port of the United States be made not applicable to foreign vessels engaged in trade between the islands of American Samoa and between those islands and the United States. This amendment to existing law is required to maintain the integrity of the Berlin convention of 1899 between the United States, Great Britain, and Germany, wherein it was covenanted "It is understood and agreed that each of the three signatory powers shall continue to enjoy, in respect to their commerce and commercial vessels, in all the islands of the Samoan group, privileges and conditions equal to those enjoyed by the sovereign power, in all ports which may be open to the commerce of either of them." **Section 5.**

That the laws of the United States relating to Territories in general be made inapplicable to American Samoa. This refers to sections 1453 to 1485, inclusive, and sections 1487 to 1489, inclusive, of the United States Code. The subject matter of these sections is either inapplicable to American Samoa or else is covered in the act proposed. **Section 5.**

That the laws of the United States, except as otherwise provided and as above recommended, shall be extended to American Samoa. **Section 5.**

That Swains Island, because of its small population and trade and its comparative inaccessibility from Pago-pago, be administered as though it were a part of the naval station of Tutuila as near as may be in accordance with the laws applicable in the other parts of American Samoa. **Section 55.**

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Earlier in the report reference was made to the inadequate and dangerous small boat passage through the reefs. Particularly in the Manua group of islands is it important that better facilities be provided so that persons may land in greater safety and the copra can be shipped with fewer losses. Extensive wharves and breakwaters are not recommended, but it is important to provide the people of the villages of American Samoa with better passages through the reefs by blasting the coral and, where feasible, with pools at the beaches behind the reefs, in which the whaleboats can be laden. Certain trails also should be improved to make easier the portage of copra to the beaches. All of the copra is collected at Pagopago and shipped thence to market. The island government acts for the native owner and pays them the returns less the cost of shipping. It is apparent that the cost of shipping soon will be increased when the three Oceanic Steamship Co.'s vessels, the *Sierra*, *Sonoma*, and *Ventura* are replaced by the two larger and faster steamers now being built for that trade, for these new vessels are to be of a draught which will not make it possible for them to use the present Navy wharf in Pagopago Harbor. Lighters will be required unless the wharf is widened 15 feet so as to bring the wharf to deeper water. It will cost \$150,000 to widen the wharf and install the needed dolphins, according to the estimate of the Navy engineer at the Pagopago Naval Station. On the other hand, the cost of a lightering system, four barges, launch, warping winch, etc., and repair ways for launch and barges is estimated at \$122,000 and the annual cost of operation with depreciation at 15 per cent is estimated at \$24,440. In view of the above, the commission recommends that an appropriation be authorized for \$210,000 for the widening of the wharf and the improvement of boat passages and trails. With but two exceptions, in 30 years no direct appropriation has ever been made by the Congress for the benefit of the Samoans. Many suggestions in this regard have been presented to the commission, but none have appealed to the commission as strongly as these items which are calculated to provide better, cheaper, and safer avenues for commerce.

The bill herewith presented for the consideration of Congress is deemed by the commission to be such a measure for the government of the islands of American Samoa as will promote the interests of their people and at the same time promote the interests and maintain the sovereignty of the people of the United States.

**HIRAM BINGHAM.**  
**JOE T. ROBINSON.**  
**CARROLL L. BEEDY.**  
**GUINN WILLIAMS.**  
**MAUGA.**  
**TUFELA.**  
**MAGALAE.**

## **EXHIBIT 9**

# **Provide a Government for American Samoa**

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## **HEARING**

**BEFORE THE**

**COMMITTEE ON INSULAR AFFAIRS**

**HOUSE OF REPRESENTATIVES**

**SEVENTY-SECOND CONGRESS**

**FIRST SESSION**

**ON**

**H. R. 9698**

**A BILL TO PROVIDE A GOVERNMENT FOR  
AMERICAN SAMOA**

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**MAY 20 AND 22, 1932**



**UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1933**



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**II**

## PROVIDE A GOVERNMENT FOR AMERICAN SAMOA

FRIDAY, MAY 20, 1932

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON INSULAR AFFAIRS,  
Washington, D. C.

The committee this day met at 10.30 o'clock a. m., Hon. Butler B. Hare (chairman) presiding.

The CHAIRMAN. The committee is called this morning for the purpose of taking testimony in connection with H. R. 9698, providing for a government for American Samoa. Mr. Beedy is the author of the bill, and I am sure we will not be able to finish taking the testimony to-day, but we shall be glad to hear from Mr. Beedy this morning, who is familiar with the bill and will be able to explain the details of it, a copy of same will be placed in the hearings at this time.

[H. R. 9698, Seventy-second Congress, first session]

A BILL To provide a government for American Samoa

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

### CHAPTER I—GENERAL PROVISIONS

#### DEFINITIONS

SECTION 1. That the phrase "the laws of American Samoa," as used in this act without qualifying words, shall mean the laws of American Samoa in force on the 16th day of October, 1930.

The statute law of American Samoa then in force as set forth in a compilation made by A. M. Noble under the authority of the Governor of American Samoa and published in one volume in 1921, entitled "Codification of the Regulations and Orders for the Government of American Samoa" and the amendments thereto, as certified to by G. S. Lincoln, Governor of American Samoa on October 16, 1930, as "a complete and accurate copy of all existing laws, rules, and regulations which apply to the inhabitants of American Samoa," and in the "Customs, Immigration, and Harbor Regulations of American Samoa," printed in one volume, and certified as a correct and accurate copy on said date by said governor, are referred to in this act as "Codification" and "Customs Regulations." That all laws not appearing in the "Codification" and "Customs Regulations" are hereby repealed.

Sec. 2. That the islands acquired by the United States of America under the act of Congress entitled "Joint resolution to provide for accepting, ratifying, and confirming the cessions of certain islands of the Samoan group to the United States, and for other purposes," approved February 20, 1920, and the act of Congress entitled "Joint resolution extending the sovereignty of the United States over Swains Island and making the island a part of American Samoa," approved March 4, 1925, shall be known as American Samoa.

## PROVIDE A GOVERNMENT FOR AMERICAN SAMOA

SATURDAY, MAY 21, 1932

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON INSULAR AFFAIRS,  
*Washington, D. C.*

The committee met at 10 o'clock a. m., Hon. Butler B. Hare (chairman) presiding.

The CHAIRMAN. Gentlemen, we will continue this morning consideration of S. 417 and H. R. 9698.

We have with us Senator Bingham, who was chairman of the commission that went to the Samoan Islands in 1930. The committee would be very glad to hear from the Senator at this time.

### STATEMENT OF HON. HIRAM BINGHAM, A SENATOR FROM THE STATE OF CONNECTICUT, AND CHAIRMAN AMERICAN SAMOAN COMMISSION

Senator BINGHAM. Mr. Chairman and gentlemen, I have appeared before your committee once heretofore, after we came back from Samoa.

The situation in Samoa is particularly difficult, owing to the fact of the division of the group, which came about in the nineties, when the two largest islands of the so-called Samoan group were taken over by Germany and the little group of smaller islands were allotted to the United States. The people speak the same language. They are related intimately, go back and forth, and there are very few families that have not cousins in the other group. That is to say, there are very few families in American Samoa that are not related by blood or marriage to some families in Western Samoa.

During the war, as you know, the New Zealand troops took possession of Western Samoa, and after the war was over the League of Nations allotted Western Samoa as a mandated territory to New Zealand.

It is a little difficult to find a comparison as to what happened; but it is a good deal as though the citizens of one closely knit State, like South Carolina, for instance, had an artificial line drawn between them, those in the western part of the State belonging under one flag and those in the eastern part of the State under another flag or to another country entirely.

The people of Western Samoa have had a good deal of friction with their government. There have been some riots, some people have been killed in the riots by the police or the militia, and there

has been a great deal of talk about trying to come under the United States flag. Many people have written me about it and I have told them all that we were not looking for any more territory, nor annexing any more territory. Furthermore, that it belonged to the League of Nations, under the Treaty of Versailles had been mandated to New Zealand, and the United States had once declined to accept a mandate from the League of Nations. I think they tried to give us Armenia, Mr. Chairman, did they not?

The CHAIRMAN. I think the Senator would know more about it than I would.

Senator BINGHAM. There is very little likelihood of any solution of that kind. I think it is fair to say that the people of Western Samoa are not particularly happy in their government. The unrest naturally has spread to Eastern Samoa, or what we call American Samoa, and the people of American Samoa who gave us their islands freely, voluntarily (and the gift was accepted, as you remember, by the Congress a few years ago) felt that they were not getting quite a square deal from the United States.

This led to the passage of the legislation which sent the commission out there to make a study of the situation. The commission went into it thoroughly and held extensive hearings, listened to representatives of practically every part of the group, and, as a result of its study, prepared this bill which you have before you.

I do think that we ought not to let the matter lie in abeyance. The Polynesians are a proud people. They are patient and easy-going, but they do expect us to take some action, and whether or not you agree with the bill which the Senate has twice passed, whatever amendments you desire to make in it, I hope you can get some action so that we may do something and not let them feel that the Congress is neglecting them.

At the present time, as you know, their rights are what has been granted them by the Navy Department. The Navy Department has been a benevolent, a very "benevolent despot." I use the word "despot" in its technical sense rather than in any sense of criticism. But under the laws and regulations which have been established there under the authority given by the President to the Secretary of the Navy, the governor, a naval officer, is the executive, the legislative, and the judicial branch. He makes the laws. He can repeal the laws. He can make a new law to-day, promulgate it to-morrow, and try a man under it the next day.

Occasionally he has abused his power; I do not mean the present governor, but governors have. It is a situation which contains a certain amount of dynamite.

There was a very close shave some years ago when the naval officer who was governor went insane. I think it was that governor, but I am not positive—perhaps Mr. Beedy will remember—who had a man tried for murder by a drumhead court-martial. I think there were three naval officers constituting the court and the man was hanged within 24 hours. This was done entirely according to law, there being no jury trial and no right of appeal. That kind of thing has happened.

It might happen again. As you know, the Polynesian people are a mixed race. The ethnologists believe they are very largely Cauca-

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sian in blood, but the Caucasian, coming east through Asia, became mixed with, perhaps, some Malay blood. But the ethnologists, I believe, all agree that the Polynesian race is a race of mixed blood, and certainly there are very few Polynesians who are not mixed with other kindred races. That is one reason why it makes it very difficult to say just what a Samoan or a Polynesian is, because they have intermarried with Tongans; the Tongan Islands are a Polynesian group just south of Samoa, and there used to be a good deal of intercourse, and there still is a certain amount of intercourse, with Tonga.

The Samoans are cousins of the famous Maoris of New Zealand, of the Hawaiians, of the Tahitians, the people of the Marquesas Islands, the Cook group—a very fine race, a very handsome race, and a very proud race. The Samoans themselves were never really conquered.

Mr. Chairman, one can talk about Samoa for a long time, and I do not know just in how great detail the committee would like me to go.

The CHAIRMAN. Would you, in a more detailed way, tell the committee what would be the difference between the existing governmental status and that contemplated by the bills before us?

Senator BRIGHAM. In the first place, the bills that are before you contain a bill of rights which assures the people of Samoa practically the same rights that our own people are assured. There is a little difference, because they are not accustomed to some of our customs and we tried to draft that in such a way as not to infringe upon or break down any of the native customs and at the same time protect them against any tyranny or any despotism.

In the second place, the powers of the government are separated. The old Samoan Council, known as the fono, is given a recognized authority as a legislative body so that they will make their own laws subject to veto by the governor and appeal to the President.

There is set up a special judicial tribunal, the highest judge being one that must be brought down once in two years or so from the Territory of Hawaii to hear cases of importance that might be appealed. In this way there will be no power centered in the hands of any one person. It is possible under this bill for the President to designate any officer of the Government or any civilian to act as governor and make a few appointments.

It sets up a form of civil government, but it would be entirely possible under the bill for the President to continue the Navy as a means of carrying out the law.

As you know, the harbor of Pagopago is the most beautiful and the safest harbor in all the islands of the Pacific, because it is landlocked and even typhoons or hurricanes—and they occur in those waters, as they do in the Philippines—can not get sufficient force or raise sufficient sea to do any harm to ships lying in that landlocked harbor. You may remember that three or four ships of the Navy were driven ashore in the harbor of Apia in the great hurricane—I think it was 1877. But Pagopago is a very beautiful harbor, and in case of emergency it would be of the greatest value to cruisers and destroyers and flying boats.

The CHAIRMAN. Would there be any difference under the proposed bill as to the suffrage obligations of the people or opportunities of the people?

Senator BINGHAM. Oh, yes. They have no right of suffrage to-day.

The CHAIRMAN. Will they have under the new régime?

Senator BINGHAM. Yes; they will, according to their old manners and customs, select members of the legislative body. Samoa, like all of Polynesia, is divided into families. The head of each family is a chief. Sometimes a family consists of only a few persons. Sometimes it consists of 70 or 80. There is a sense of responsibility. It is somewhat like the patriarchal system, with which you are doubtless familiar.

The CHAIRMAN. There is no radical change to be made in that practice or custom?

Senator BINGHAM. No. The commission worked very hard with ethnologists and those experienced in these matters to try and give them a chance to acquire a civil government, making as few changes as possible in their manners and customs.

The Navy has been very good about not trying to change their customs. I think the Navy went too far in one particular, although it had a very worthy object. In order to prevent white people from getting a hold in this little group of islands and squeezing out the natives by taking away practically the only thing they had—namely, their land—the Navy did not permit any but full-blooded Samoans to own property. That has worked a great deal of hardship. The Polynesians regard the mother as being the person through whom descent comes and land is inherited through the mother rather than through the father. When a Samoan woman marries a white man—which happens occasionally; the number of mixed bloods is increasing—her children under the naval administration are virtually disinherited, because they can not inherit her property. That seems to the Samoans a very great hardship. The Navy has felt that that was the only way to keep the land from falling into the hands of designing white men.

In view of the fact that Samoans are such a mixed race—that they have so much Tonga blood in them—it is very difficult to define what is a native Samoan. The commission felt, after very prolonged and careful study and consultation with 10 or 12 people who were thoroughly familiar with the situation, that the best way would be the provision that is in the bill, to limit the landholding to what we designate I think there as Samoan citizens, permitting the fono to define Samoan citizens, so that they have ample protection against any foreigner coming in.

This would relieve a situation where quite a number of families feel that part-white children have been disinherited because of their inability to hold land.

The CHAIRMAN. Then your idea would be to let the Samoan Fono or the Samoan Legislature determine the standard of citizenship?

Senator BINGHAM. I think that is the provision as we wrote it in the bill.

The CHAIRMAN. Rather than to have that fixed by an act of Congress.

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**Senator BINGHAM.** For Samoan citizenship, yes, Mr. Chairman; Samoan citizenship being a term which we devised in order to protect landholding—that is, to protect the natives against other Americans coming in and getting a lot of this land. There is very little land, you know.

**The CHAIRMAN.** Yes; I understand. That would be a matter left with the legislature instead of a matter to be determined by the Congress?

**Senator BINGHAM.** Subject to approval by the governor and the President; and, of course, it is always subject to change by the Congress.

**Mr. CROSS.** Senator, I had gotten the idea that their lands were owned in common; that the head of the family, acting as the chief, possibly, allotted out to them certain pieces of land, but that the land was really held in common or by the head of each group. Do they have individual titles to individual tracts of land?

**Senator BINGHAM.** Yes. The Polynesians were an agricultural people for centuries before we found them, and they have very definite ideas with regard to the ownership of land by the head of the family, generally not a very large group. Also in some cases, particularly in Hawaii, water rights were matters of a very great deal of litigation.

The land is not held in common, as we ordinarily use that term, but rather as it would be in a paternalistic system where the head of a family controls the land and allots it to different people. But the cases that I mention are cases where a chief's daughter married a white man and he became a member of the family, and his children or his oldest child would become the head of the family and would have the title to the property. But that was forbidden under the naval system. It would be permitted under the system which we have devised.

**Mr. LOZIER.** Under the proposed plan the governor has a veto power and then the legislature has the right to pass an act over his veto and it becomes operative if approved by the President, otherwise not?

**Senator BINGHAM.** There is an appeal to the President over the governor's veto. Of course, as long as the President kept the governor there the chances are that he would sustain the governor's veto. If he did not, he would have to get a new governor; at least I should suppose so. The object of a veto would be to prevent the fono from passing any unwise legislation—unwise according to our point of view.

We heard a great deal of testimony in regard to this and that was the kind of thing that they wanted, an opportunity to make their own laws; it is a very reasonable request. They had been accustomed to doing it for generations, for centuries beforehand. The fono is an old council. They have a very curious system of meeting with the heads sitting around in a circle and talking the thing over, and arriving at a practical unanimity of opinion, which is not possible in a high-strung race such as we are, but seems quite natural to them, with all the time in the world at their disposal and a great deal of good nature, and so on, and great respect for the old men—the older men's opinions.

**Mr. LOZIER.** The bill of rights proposed is substantially the Bill of Rights in our Federal and State Constitutions, modified to meet the peculiar customs and conditions of that race?

**Senator BINGHAM.** It does not go quite as far as our Bill of Rights.

**Mr. CROSS.** Senator, if whites got to intermarrying and having children there, it would not be long before that good nature and that sitting around and talking things over and getting along smoothly would play out, would it not?

**Senator BINGHAM.** Well, if there was likely to be any great infiltration of whites, there might be a danger, although in the Hawaiian Islands, where the whites have been coming for a great many years—as you know for more than a century—there are about twice as many pure-blood Hawaiians as part white Hawaiians, and the part white Hawaiian inherits a good deal of the easy-going lassitude of the Tropics and is not a trouble maker at all. The number down there would be so small that there would not be any danger of anything serious arising such as the gentleman suggests.

**Mr. LOZIER.** These characteristics to which you have referred are deep seated; it is pretty hard to breed them out short of generations, is it not?

**Senator BINGHAM.** Oh, yes.

**Mr. WILLIAMS.** Put a white man down there and he will acquire the characteristics of the slow, easy-going natives; the climatic conditions will change him instead of his changing customs there.

**Senator BINGHAM.** That is very true.

**Mr. BEEDY.** Senator, as I recollect it, the testimony was that there were about 100 white people in Eastern Samoa—or partially white people—do you remember the number, Mr. Williams?

**Mr. WILLIAMS.** There were very few; only two white men there and there were a few mixed, of several nationalities.

**Senator BINGHAM.** Outside of the Navy, there were very few.

**Mr. BEEDY.** There were two white men, one an ex-naval officer who had married a Polynesian woman. We were entertained at their home one Sunday at dinner. They are very fine people and everybody regards them highly. There was something in the hearings, some testimony as to the exact number of white people. I recollect that there are about 100.

**Mr. WILLIAMS.** The gentleman here says 108. You were right; I did not think there were that many.

**Mr. BEEDY.** The bill recognizes two statuses, does it not? One is that of "American citizen" and the other a purely local status to be nominated "Samoaan citizen," the terms and conditions of which, as the Senator says, were to be fixed solely by the fono of the Samoaan people and that principally with a view to their right to own land. As I remember it, we put a limitation in the bill providing that at no time would they ever be permitted to grant Samoaan citizenship to anybody who had not lived there for a period of at least five years.

**Senator BINGHAM.** Yes, sir; that is right. That is on pages 8 and 4.

**Mr. BEEDY.** Now, the divergence of testimony as to the right of the half-bloods to inherit under the old Polynesian custom from the mother so that they would become entitled to an allotment or use of a portion of the family lands, by the head of the family, was quite marked. I can not say definitely at this time, because of the

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haziness of my recollection, whether the predominant sentiment was against the half-bloods having the right to hold land or not, but that is my impression.

**Mr. WILLIAMS.** My impression was that sentiment was against any white or mixed blood owning land in fee simple; but the sentiment was for the offspring of any of the Samoans to retain the family rights.

**Mr. BEEDY.** I think that is right.

**Senator BINGHAM.** I do not remember any sentiment against the part Samoan having full privileges as a Samoan, because that has been the custom for centuries, for generations; that the person who marries into the tribe is just as much a part of it.

**Mr. WILLIAMS.** My recollection of it is, there is no difference in sentiment relative to anyone who was a part Samoan having the same privileges and rights that the full Samoan had.

**Senator BINGHAM.** That is correct.

**Mr. BEEDY.** For instance, the outstanding example would be the children of this naval officer. They are very fine children. I believe his wife is a full-blooded Samoan, is she not, Senator Bingham?

**Senator BINGHAM.** Yes; I believe so.

**Mr. BEEDY.** He felt that it was a very decided hardship on his children that they could never have the right to inherit any of the Samoan lands.

**Senator Bingham,** it has been suggested—I understand it will be later; I do not know whether you will be here or not—that in the recommendations of the committee to the effect that these Samoans shall have their own fono or legislative council, there ought to be a representative or representatives of the Navy to sit in the fono with them and assist and guide them in their deliberations, lest they get into wrangles growing out of local jealousies, and perhaps not be as successful as they might otherwise be. What would be your views as to that suggestion?

**Senator BINGHAM.** My recollection is that we discussed that with some of the leading chiefs and that they preferred to have the privilege of discussing things by themselves. You will remember that there was quite a good deal of criticism owing to the fact that the present council or fono is always attended by the governor and his officers.

**Mr. WILLIAMS.** That is correct.

**Senator BINGHAM.** And that consequently, with their feeling of respect for his office, frequently they did not venture to differ with him and he simply guided their deliberations in such a way as to reach his own conclusions under the semblance of their doing it themselves. They realized that they had not done it themselves and therefore when we drafted this chapter 2 on page 13, with reference to the legislature, it was provided that the governor should not be a member of the fono.

They are pretty wise old fellows, those chiefs. They are not demagogues at all. They are not inclined to be radical in their views. They want to preserve the old customs. The old men have a great deal of influence with the younger men; the younger men are very respectful toward the older men. It is our belief that the fono could be trusted to serve as a means of giving the people a

chance of making their own laws, and expressing themselves; that the veto of the governor would be adequate to prevent their doing anything foolish.

Mr. LOZIER. As they are a proud people, if you write into the organic act a provision making it mandatory, or even possible, for some representative of the Navy to be a member of the fono, may they not consider that as an affront or as a species of duress?

Senator BINGHAM. Undoubtedly, they would not regard it as what they have been thinking of. They have been talking a great deal about civil government, and so on. They have lived under naval domination now for the last 32 or 33 years and they realize what power the Navy has. I think that you are quite right about that.

Mr. LOZIER. What is the status of the Senate bill, has it passed the Senate at this session?

Senator BINGHAM. It has passed. It is the second time that it has passed.

Mr. KNUTSON. Taking the Virgin Islands from under the jurisdiction of the Navy Department has not resulted in any appreciable improvement of their condition, has it, Senator?

Senator BINGHAM. No; and this bill does not contemplate taking the islands out from under the Navy. In fact, it is specifically drawn to permit the President to continue the Navy there, having the governor a naval officer.

Mr. LOZIER. The government they now have I assume they have had for centuries; that is, leaving out the Navy. They have had the fono.

Senator BINGHAM. Yes. It meets once a year and the governor sits there and tells them what he wants them to do, listens to what they have to say and does as he pleases. They do not make their own laws at all. It is not the same government that they had before the Navy went there.

Mr. CROSS. Senator, they have no history or record of vicious customs, have they?

Senator BINGHAM. No; not at all.

Mr. CROSS. There is no religious bitterness that causes them to do an injustice to any particular religious group?

Senator BINGHAM. The missionaries of the London Missionary Society were extraordinarily successful with the Samoans, just as those of the Congregational Society of Boston were in the Hawaiian Islands.

It is one of the most remarkable things in the progress of Christian missions, the way the Polynesians, particularly in those two groups, adopted the white man's religion. They did not change it as the Indians of South America have changed the white man's religion, or as other peoples have.

Every single village there has evening prayer and there is a hush and you can hear the Bible being read and prayers being said in every house. On Sunday the churches are crowded. They observe the Sabbath as my ancestors used to do in New England, as we no longer do, very strictly indeed. They are very earnest in their religion. They enjoy the practice of it. Their ministers to-day, practically all Samoans, trained in a school that trains ministers over