

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 13 THROUGH 27  
TO BRIEF OF *AMICUS CURIAE*  
SAMOAN FEDERATION OF AMERICA, INC. IN SUPPORT OF  
PLAINTIFFS-APPELLEES AND TO AFFIRM  
(Volume 2 of 2)**

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

INDEX OF EXHIBITS

No.	Description	Page
<b>Volume 1 of 2: Exhibits 1 - 12</b>		
1	Exhibit 1 to Brief of Samoan Federation of America, Inc. as <i>Amicus Curiae</i> in Support of Plaintiffs-Appellees— Staff of S. Comm. on Interior & Insular Affairs, 86th Cong., Information on the Government, Economics, Public Health, and Education of America (Eastern) Samoa (G.P.O. 1960) (Dkt. No. 55-2) (Apr. 24, 2018)	0001
2	Exhibit 2 to Brief of Samoan Federation of America, Inc. as <i>Amicus Curiae</i> in Support of Plaintiffs-Appellees— Cession of Tutuila and Aunu'u (April 17, 1900), (Dkt. No. 55-2) (Apr. 24, 2018), also available at <a href="https://tinyurl.com/yay8qgx3">https://tinyurl.com/yay8qgx3</a> (last visited 5/7/20)	0011
3	Exhibit 3 to Brief of Samoan Federation of America, Inc. as <i>Amicus Curiae</i> in Support of Plaintiffs-Appellees— Cession of Manu'a Islands (July 14, 1904), (Dkt. No. 55-2) (Apr. 24, 2018), also available at <a href="https://tinyurl.com/yau5gq45">https://tinyurl.com/yau5gq45</a> (last visited 5/7/20)	0023
4	Exhibit 4 to Brief of Samoan Federation of America, Inc. as <i>Amicus Curiae</i> in Support of Plaintiffs-Appellees— Reuel S. Moore and Joseph F. Farrington, The American Samoan Commission's Visit to Samoa (G.P.O. 1931) (Dkt. No. 55-2) (Apr. 24, 2018)	Aplee. Supp. App. 1
5	Exhibit 5 to Brief of Samoan Federation of America, Inc. as <i>Amicus Curiae</i> in Support of Plaintiffs-Appellees— <i>American Samoa: Hearings Before the Comm'n Appointed by the President of the United States</i> (G.P.O. 1931) (Dkt. No. 55-2) (Apr. 24, 2018)	Aplee. Supp. App. 27

No.	Description	Page
6	Exhibit 6 to Brief of Samoan Federation of America, Inc. as <i>Amicus Curiae</i> in Support of Plaintiffs-Appellees— David A. Chappell, <i>The Forgotten Mau</i> , 69 Pac. Hist. Rev. 217 (2000) (Dkt. No. 55-2) (Apr. 24, 2018)	0099
7	Exhibit 7 to Brief of Samoan Federation of America, Inc. as <i>Amicus Curiae</i> in Support of Plaintiffs-Appellees— Hearing on H.R. 3564 Before the Subcomm. on Territorial & Insular Possessions of the H. Comm. on Pub. Lands, 80th Cong. (June 2, 1947) (Dkt. No. 55-2) (Apr. 24, 2018)	0144
8	Exhibit 8 to Brief of Samoan Federation of America, Inc. as <i>Amicus Curiae</i> in Support of Plaintiffs-Appellees— S. Doc. No. 71-249 (G.P.O. 1931) (Dkt. No. 55-2) (Apr. 24, 2018)	0150
9	Exhibit 9 to Brief of Samoan Federation of America, Inc. as <i>Amicus Curiae</i> in Support of Plaintiffs-Appellees— A Bill to Provide a Government for American Samoa: Hearing on H.R. 9698 Before H. Comm. on Insular Affairs, 72nd Cong. (G.P.O. 1933) (Dkt. No. 55-2) (Apr. 24, 2018)	0168
10	Exhibit 10 to Brief of Samoan Federation of America, Inc. as <i>Amicus Curiae</i> in Support of Plaintiffs-Appellees— 75 Cong. Rec. 4133 (1932) (Dkt. No. 55-2) (Apr. 24, 2018)	0185
11	Exhibit 11 to Brief of Samoan Federation of America, Inc. as <i>Amicus Curiae</i> in Support of Plaintiffs-Appellees— 76 Cong. Rec. 4926 (1933) (Dkt. No. 55-3) (Apr. 24, 2018)	0195
12	Exhibit 12 to Brief of Samoan Federation of America, Inc. as <i>Amicus Curiae</i> in Support of Plaintiffs-Appellees— 78 Cong. Rec. 4895 (1934) (Dkt. No. 55-3) (Apr. 24, 2018)	0208

No.	Description	Page
<b>Volume 2 of 2: Exhibits 13 - 27</b>		
13	Exhibit 13 to Brief of Samoan Federation of America, Inc. as <i>Amicus Curiae</i> in Support of Plaintiffs-Appellees— Harold L. Ickes, Opinion, <i>Navy Withholds Samoan and Guam Petitions from Congress</i> , Honolulu Star-Bulletin, Apr. 16, 1947. (Dkt. No. 55-3) (Apr. 24, 2018)	0214
14	Exhibit 14 to Brief of Samoan Federation of America, Inc. as <i>Amicus Curiae</i> in Support of Plaintiffs-Appellees— <i>Samoans Said Anxious for Citizenship</i> , Honolulu Advertiser, Feb. 28, 1947. (Dkt. No. 55-3) (Apr. 24, 2018)	0218
15	Exhibit 15 to Brief of Samoan Federation of America, Inc. as <i>Amicus Curiae</i> in Support of Plaintiffs-Appellees— Study Mission to E. [Am.] Sam., S. Comm. on Interior & Insular Affairs, 86th Cong., Rep. of Senators Oren E. Long, of Hawaii, and Ernest Gruening, of Alaska (G.P.O. 1961) (Dkt. No. 55-3) (Apr. 24, 2018)	0222
16	Exhibit 16 to Brief of Samoan Federation of America, Inc. as <i>Amicus Curiae</i> in Support of Plaintiffs-Appellees— American Samoa Government, Report from the Second Temporary Future Political Status Study Commission (1979) (Dkt. No. 55-3) (Apr. 24, 2018)	0250
17	Exhibit 17 to Brief of Samoan Federation of America, Inc. as <i>Amicus Curiae</i> in Support of Plaintiffs-Appellees— Am. Sam. Future Political Status Study Comm’n, Final Report (2007) (Dkt. No. 55-3) (Apr. 24, 2018)	0257



No.	Description	Page
18	Exhibit 18 to Brief of Samoan Federation of America, Inc. as <i>Amicus Curiae</i> in Support of Plaintiffs-Appellees— Statement of Daniel Aga at the Caribbean Regional Seminar on the Implementation of the Third International Decade for the Eradication of Colonialism (May 16–18, 2017), (Dkt. No. 55-3) (Apr. 24, 2018)	0279
19	Exhibit 19 to Brief of Samoan Federation of America, Inc. as <i>Amicus Curiae</i> in Support of Plaintiffs-Appellees— U.S. Census Bureau, 2010 Census Summary File 1 F-45 (2012) (Dkt. No. 55-3) (Apr. 24, 2018)	0297
20	Exhibit 20 to Brief of Samoan Federation of America, Inc. as <i>Amicus Curiae</i> in Support of Plaintiffs-Appellees— U.S. Census Bureau, CB11-CN.177, U.S. Census Bureau Releases 2010 Census Population Counts for American Samoa (2011) (Dkt. No. 55-3) (Apr. 24, 2018)	0308
21	Exhibit 21 to Brief of Samoan Federation of America, Inc. as <i>Amicus Curiae</i> in Support of Plaintiffs-Appellees— EPIC & Asian Americans Advancing Justice, Native Hawaiians & Pacific Islanders: A Community of Contrasts in the United States (2014), (Dkt. No. 55-4) (Apr. 24, 2018) also available at <a href="https://tinyurl.com/ycgt34t6">https://tinyurl.com/ycgt34t6</a> (last visited 5/7/20)	0311
22	Exhibit 22 to Brief of Samoan Federation of America, Inc. as <i>Amicus Curiae</i> in Support of Plaintiffs-Appellees— Excerpt from the Constitution of American Samoa (Dkt. No. 55-4) (Apr. 24, 2018)	0334
23	Exhibit 23 to Brief of Samoan Federation of America, Inc. as <i>Amicus Curiae</i> in Support of Plaintiffs-Appellees— Brief of Amicus Curiae David B. Cohen in Support of Plaintiffs-Appellants, <i>Tuaua v. United States</i> , 788 F.3d 300 (D.C. Cir. 2015) (No. 1492657) (Dkt. No. 55-4) (Apr. 24, 2018)	0368

No.	Description	Page
24	<p>Exhibit 24 to Brief of the Samoan Federation of America, Inc. as <i>Amicus Curiae</i> in Support of Plaintiffs—</p> <p>Brief in Opposition by Respondents American Samoa Government &amp; Office of Congressman Aumua Amata of American Samoa, <i>Tuaua v. United States</i>, (U.S. May 11, 2016) (No. 15-981), petition for cert. denied, (U.S. June 13, 2016), (Dkt. No. 55-4) (Apr. 24, 2018)</p> <p>See Brief of Intervenor Defendants-Appellants, the American Samoa Government &amp; the Honorable Aumua Amata, (Doc. 010110333840) (April 14, 2020)</p> <p>“Intervenor Defs.-Appellants Br.”</p>	Purposely Omitted
25	<p>Exhibit 25 to Brief of Samoan Federation of America, Inc. as <i>Amicus Curiae</i> in Support of Plaintiffs-Appellees—</p> <p>Christina Duffy Ponsa, Opinion, <i>Are American Samoans American?</i> N.Y. Times (June 8, 2016), (Dkt. No. 55-4) (Apr. 24, 2018) also available at <a href="https://tinyurl.com/y9wtsvcm">https://tinyurl.com/y9wtsvcm</a> (last visited 5/7/20)</p>	0449
26	<p>Exhibit 26 to Brief of Samoan Federation of America, Inc. as <i>Amicus Curiae</i> in Support of Plaintiffs-Appellees—</p> <p>Noah Feldman, Opinion, <i>People of American Samoa Aren’t Fully American</i>, Bloomberg View (March 13, 2016), (Dkt. No. 55-4) (Apr. 24, 2018) also available at <a href="https://tinyurl.com/ya2zd62g">https://tinyurl.com/ya2zd62g</a> (last visited 5/7/20)</p>	0453
27	<p>Exhibit 27 to Brief of Samoan Federation of America, Inc. as <i>Amicus Curiae</i> in Support of Plaintiffs-Appellees—</p> <p>Rogers Smith, <i>Differentiated Citizenship and Territorial Statutes</i>, in <i>Reconsidering the Insular Cases</i> 124 (Gerald L. Neuman &amp; Tomiko Brown-Nagin eds., 2015) (Dkt. No. 55-4) (Apr. 24, 2018)</p>	0458

## **EXHIBIT 13**



# 2nd = FIRE CREWS IN GUATE LAST STORM TAC CITY

## Honolulu Star-Bulletin 28 PAGES — HONOLULU, T. H., U. S. A. WEDNESDAY, APRIL 16, 1947 — 28 PAGES AIRPLANE DELIVERY ON ISLANDS OTHER THAN OAHU 7¢ ON OAHU 5¢ LATE NEWS FINAL

### Big Four Breakdown Seen as Stalin Rejects Marshall Plan

OTTAWA, April 16.—The Morning Times said today it is "understandable" that the publisher of the Ottawa Star-Bulletin, formerly Prince Philip of Greece, would be announced next Monday on the prince's 31st birthday.

"It is anticipated that the engagement announcement will be made by the prince himself from South Africa. Presumably following the speech the prince is to make on the occasion of his birthday," the paper said.

### Racing Lobby In Utah Is Beaten; Experiences of 20 Years Ago Remembered

Utah's experience with the pari-mutuel is enlightening. Because of the pari-mutuel bill now pending before the territorial legislature, the Star-Bulletin telegraphed the publisher of the Ottawa Star-Bulletin, formerly Prince Philip of Greece, would be announced next Monday on the prince's 31st birthday.

"It is anticipated that the engagement announcement will be made by the prince himself from South Africa. Presumably following the speech the prince is to make on the occasion of his birthday," the paper said.

### 'Bookies' Taking Bets Spread Where Pari-Mutuel Operates

By DAVY M. ROONEY

(Note: This is one of a series of news stories on the attempt to put a new racing gambling bill through the Connecticut legislature and the defeat of that attempt. Mr. Rooney, a veteran Boston newspaperman, served in the U. S. navy during World War II, was for a time stationed at Pearl Harbor as public relations officer for the 16th naval district. He is now back in civil life at home. Because of the pending pari-mutuel legislation here, the Star-Bulletin asked him to go from Boston to Hartford, capital of Connecticut, and tell about the gambling attempt to set up business there.)

### 10 Million Favored for Tunnel, Terminals Building

By FREDERICK B. HARRIS

WASHINGTON, April 15.—The House today approved a bill authorizing the construction of a tunnel and terminals at the New York harbor, estimated to cost \$10,000,000.

### NET PAID CIRCULATION 90,722

By FREDERICK B. HARRIS

WASHINGTON, April 15.—The House today approved a bill authorizing the construction of a tunnel and terminals at the New York harbor, estimated to cost \$10,000,000.

### Fire Razes Big Building At Schofield Barracks

Schofield Barracks, April 15.—A fire which started in a building at Schofield Barracks today destroyed a large building, which was a warehouse for military supplies.

### Vandenberg Calls Wallace 'Saboteur'

WASHINGTON, April 15.—Senator Vandenberg today called the late Senator Charles McNary a "saboteur" for his opposition to the Marshall Plan.

### Late Sports

By FREDERICK B. HARRIS

WASHINGTON, April 15.—The House today approved a bill authorizing the construction of a tunnel and terminals at the New York harbor, estimated to cost \$10,000,000.

### Weather Forecast

By FREDERICK B. HARRIS

WASHINGTON, April 15.—The House today approved a bill authorizing the construction of a tunnel and terminals at the New York harbor, estimated to cost \$10,000,000.

### Globe-Girdling Reynolds to Meet President

By FREDERICK B. HARRIS

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## Death Toll of 1,200 Feared

TEXAS CITY, Tex., April 15.—Hours after the first of a series of horrible explosions shook this busy Gulf city, leaving a death toll estimated at 1,200, disaster relief workers were ordered to evacuate the blast-ravaged and fire-swept waterfront district.

Latest semi-official estimates place the injured toll between 2,000 and 3,500. Rescue crews, which rushed to this tragedy-swept city from all cities in the Texas Gulf district, were ordered out as the threat of a T-2 explosion developed.

Earlier police reports said that all civilian residents had been ordered evacuated as poison gas spread over the city which is just 11 miles across the bay from Galveston.

The chain of blasts started on the Grand camp, French freighter loaded with nitrate. The crew fought a shipboard fire unsuccessfully and the ship was blown into the air.

All crew members and many waterfront spectators lost their lives. Pieces of wreckage were blown as far as 15 miles, reports were told.

When gas clouds from the explosion passed over the city, the police ordered evacuation. The gas was described as "poisonous" and "deadly."

Police kept order and prevented panic. The gas was described as "poisonous" and "deadly."

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Scene of Disaster

### Nitrate Blast Caused Tragedy

ATLANTIC CITY, N. J., April 16.—Dr. Charles Alan Thomas, vice president of the Monroton Chemical Co., said today he has learned that the Texas City disaster was caused by the explosion of ammonium nitrate aboard a French ship.

Thomas, president of the American Chemical Society in annual convention here, said his company plant at Texas City set off as a result of the explosion was engaged in the production of styrene liquid used in making styrene rubber and plastic.

Styrene is not explosive, but will burn as rapidly as gasoline. Ordinarily, ammonium nitrate, used in fertilizers, was not a sensitive explosive. Dr. Thomas said that when it goes off it has the explosive power of TNT.

The actual cause of the ship fire was not determined by the death-dealing explosion however is believed.

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### Here's a Summary Of Worst Blasts In Three Decades

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# MAN TO MAN

## By Harold L. Ickes

### Navy Withholds Samoan and Guam Petitions From Congress

WASHINGTON, D. C., April 16—The Guam congress, on January 4, unanimously passed a resolution that asked both for United States citizenship and an organic law. This was forwarded by way of the "Honorable Governor of Guam" (a navy brass hat) to the congress of the United States and to certain high federal officials.

It is not known what "the Honorable Governor of Guam" has done with this joint resolution but it has not reached the congress of the United States.

The neglect to forward this petition through Secretary Forrestal to the congress of the United States is an arbitrary denial of a fundamental political right possessed by the Guamanians.

Rep. Norris Poulson, of California, is a member of the public lands committee of the house. Recently, he accompanied Secretary of the Interior Krug on the trip that he took, in a government plane, to Guam and Samoa on his way to far-off Tokyo. Upon his return to Washington, Mr. Poulson addressed his fellow-congressmen as follows:

#### PETITION WITHHELD

"In Guam, which is ruled by a United States naval governor, I was told by certain of the people of the island—not by the naval governor—that they had petitioned the congress of the United States for full citizenship and the enactment of an organic act . . . I have in my possession a copy of that petition . . . Knowledge of that petition has been deliberately withheld from the congress by the navy department, James V. Forrestal, presiding.

#### IN AMERICAN SAMOA

"In American Samoa, the United States naval governor . . . told our party that the local inhabitants . . . had not requested a change in their form of government . . . At this moment, I have in my possession a true copy of an enactment of the 1945 General Fono of all the leading chiefs of American Samoa in which they proposed to the congress of the United States a form of organic act for . . . Samoa. That petition from the duly elected chiefs of 16,000 loyal Americans has not to my knowledge been presented to this congress . . . Knowledge of that request has also been deliberately withheld from the Congress of the United States by the navy department—James V. Forrestal presiding."

The echo of Mr. Poulson's charges had scarcely died down when Under Secretary of the Navy Sullivan hurried to Capitol Hill. He sought out friends in both the house and the senate to stigmatize Mr. Poulson's remarks as one of personalities. He carried with him a letter from Secretary Forrestal. In commenting upon the

Forrestal letter, Mr. Poulson said:

" . . . Mr. Forrestal states that a petition for citizenship and an organic act . . . is in the possession of his naval subordinates and gives assurance that it will now reach the congress. He also acknowledges the adopting by the General Fono of American Samoa . . . of a resolution requesting American citizenship and an organic act and gives assurances that the resolution will also reach the congress . . ."

#### NAVY HAD KNOWLEDGE

There can be no doubt that the navy had knowledge of the action on January 4 of the Guamanian congress. Moreover, it is difficult to credit Secretary Forrestal's statement that the peoples of American Samoa had not requested a change in their form of government. They did so in 1945, thus repeating a request that they have been pressing for many years.

The conclusion can not be escaped that the navy knew of these petitions and was desperately anxious to keep them from reaching the congress, at least until the latest, hand-picked group, headed by Dr. Ernest M. Hopkins, sent out by the navy with whitewash buckets, could file its report defending the dictatorial naval rule of these two American possessions.

Rep. Poulson has introduced into the house a bill granting to the Guamanians many basic liberties and rights that they have never enjoyed in their almost 50 years under autocratic naval rule.

Among these are the right of trial by jury, an end to taxation without representation, universal suffrage and the abolition of the naval governor's power of absolute veto.

Secretaries Forrestal and Patterson, to say nothing of President Truman, eloquently profess their desire to maintain "democratic institutions" in Greece and Turkey, even if it costs the American people \$400,000,000 to begin with.

It is difficult to understand why such champions of democracy should continue to overlook naval despotism in Guam and American Samoa.

The ocean holds 10,000,000,000 tons of gold, according to the Encyclopedia Britannica, but no commercially profitable way has been found to extract it.

## **EXHIBIT 14**



## 0219



SECOND SECTION

THE HONOLULU ADVERTISER, FRIDAY, FEBRUARY 28, 1947.

THIRTEEN

# Censorship Cries Utilities Commission in Rate Probe

## Company Official Cites Higher Costs In Defending Rate Boost

By ERNEST R. MAY  
The temporary increase in island telephone rates recently granted Mutual Telephone Co., was explained to the territorial senate at a hearing Thursday by Ballard Atherton, vice president of the utility.  
The hearing has been continued to 1:30 p. m. Wednesday, when all members of the territorial public utility commission have been ordered to appear as a result of two resolutions now before the senate.  
Sitting as a committee of the whole under the chairmanship of Senator Eugene S. Capellas, the senate heard testimony for 10 minutes Thursday from Mr. Atherton, under SR 21, introduced by Senator Charles H. Silva, but which has not yet been adopted.  
Senator Silva seeks to have the senate instruct the utilities commission to withhold all telephone rate increases until the termination of the 1947 legislative session.

**Increase Granted**  
Mutual Telephone has been granted an increase, effective March 1, averaging 11 1/2 per cent, with a raise of 75 cents a month in the rate of ordinary home telephone calls.

A public hearing originally scheduled for Monday on a resolution for investigation on inter-island telephone rates has been postponed until Wednesday to be combined with the hearing on SR 21.

The inter-island investigation is requested by Senator Clarence A. Couder.

Senator Silva has charged that the recent rate increase was granted at the same day that a public hearing was held in the morning.  
Mr. Atherton outlined reasons for the increase and said the company will be glad to substantiate with facts its claim that the increase was not granted before the public hearing.

**50,000 Subscribers**  
"We have 50,000 subscribers and it is a tremendous claim to send out all the notifications," he said. The increase was based on a reduction in net operating profit of 10 per cent during January 1947, the result of new equipment costs and wage increases granted to employees, he said.

The territorial chamber authorized up to 7 1/2 per cent profit, the testimony developed. The 1 1/2 per cent increase authorized by the utilities commission on a temporary basis, will bring the net return for 1946 to stockholders was between 5 1/2 to 5 3/4 per cent and for 1947 to between 5 and 6 per cent.

Senator Crozier, father of the resolution to investigate inter-island rates, asserted during the hearing that "if the company isn't making so much money then they wouldn't have to pay so much in federal taxes to the federal government."

**Cites Mainland Figures**  
"We don't leave some of this money with the people," Mr. Atherton answered that to some good continued telephone service the new rates are necessary and pointed out that whereas the net return had dropped to 3 1/2 per cent on the mainland the rate is 5 to 6 per cent.

Senator Crozier challenged that "if the stockholders are going to suffer, maybe the territory ought to take over the telephone system. That will increase our revenues."  
At this point Senator Thelma M. Akana pointed out that the city water board, a government agency, recently increased water rates about 30 per cent compared with 11 1/2 per cent granted to the telephone company.

Senator Silva, in his question made two points: San Francisco has a base rate

## Samoans Said Anxious For Citizenship

"Samoans in American Samoa would like to assume the rights and responsibilities of American citizens," C. Girard Davidson, assistant secretary of the interior, now touring Hawaii with Interior Secretary J. A. Krug, said Thursday.  
Mr. Davidson disclosed also that the Samoans desire more authority in the administration of local problems.

The request for more civil rights and administrative was made to Secretary Krug while he was en route to other Pacific islands and Tokyo.

The plea was made by High Tacking Chief Tuiatupo of Pago Pago, according to Mr. Davidson.

American Samoa is now under naval administration.

**Lack Education**  
While he praised the program for democratic training, Mr. Davidson pointed out that because of inadequate educational advantages, he did not feel Samoans ready for civil administration.

He said, in his opinion, that the people of Guam are better prepared for civil administration because of more advanced educational and political backgrounds.

He did feel, however, that the people of Samoa are well fitted to handle the problems and other forms of commerce in Guam would be better prepared to handle them.

**Gum Looks to TH**  
He said Guam would like to Honolulu as a Pacific metropolis and are keenly interested in Hawaii's financial drive team captain who left the campaign's Warrior Breakfast Thursday morning to bring in \$150,000 from business firms reported in some cases more than 100 per cent of their quotas.

Several of the businessmen who acted as one-day campaign for the visitors bureau reported that some Honolulu firms had voluntarily increased the amount asked of them to support the bureau's "advertisements-Hawaii" program.

One firm increased its subscription to the \$500 per cent of the amount pledged to the visitors bureau in 1941, last year of the tourist bureau's operation.

Whether or not the needed \$150,000 will be achieved, the visitors bureau spokesman said, will depend upon the same percentage of returns from many firms of it is not yet certain.

If reception of the requests to support the HVB's rebuilding efforts are continued at the close to 100 per cent success next Thursday, a campaign on the mainland will be started at once to invite travelers.

As outlined earlier by the visitors bureau, a campaign of advertising began in March on the strength of the HVB financial drive could not be in print in the national magazines until late in the year, bringing visitors early in 1948.

The first term campaign to report Thursday afternoon gave an accounting which was more than the amount scheduled for him. Reassured, he said, to requests for



LOVELY BRIDE IN TRADITIONAL SATIN—Mrs. Peter Harding Dillingham, who was Miss Helen Tucker Andrews, daughter of Capt. Atherton Macdonald, USN, and Mrs. Macdonald, before her wedding Wednesday afternoon in the garden of Nalakea, home of Mrs. Lester McCoy on Diamond Head Rd. Mr. Dillingham is the son of Mr. and Mrs. Harold G. Dillingham and member of a Hawaiian family. The bride is pictured just before her wedding. (Advertiser photo by Danny Moore.)

## HVB Drive Supported Businessmen Dig, Cooperate On 'Open The Gate In '48'

First reports returned late Thursday evening indicated that the Hawaii Visitors Bureau's first operation in returning the island's rich travel business may be 100 per cent successful.

HVB financial drive team captain who left the campaign's Warrior Breakfast Thursday morning to bring in \$150,000 from business firms reported in some cases more than 100 per cent of their quotas.

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The first term campaign to report Thursday afternoon gave an accounting which was more than the amount scheduled for him. Reassured, he said, to requests for

## Army To Give Up Buildings On Waterfront 'Smokey Joe' To Leave

By ELAINE FOGG  
It looks as if old "Smokey Joe" soon will be making that last long haul out to China.

For the Surplus Properties office here disclosed Thursday that the SS Klauwa—to use her formal name—has been sold to the China Import-Export Co. for \$60,000. Mr. Tai is said to be Honolulu agent for the new owner.

At the same time, the Surplus Properties office reported that the former lighthouse tender Klauwa, decommissioned by the coast guard on Feb. 1, 1946, has been sold to William S. Q. Yee for \$150,000. Both vessels are a berthed at Sand Island.

**Pride of Inter-Island Fleet**  
Not too long ago for many Honolulu residents to remember, the Klauwa was the pride of the inter-island fleet. She was built in 1911 for the Inter-Island Steam Navigation Co. She was designed especially for rough channel service and fitted with 46 staterooms which in their day were the "last word" in travel comfort.

But the 240-foot former lighthouse tender had been resting for a number of years before the outbreak of war. Then the army spotted her, bought her for service as a supply vessel. It was said that considerable investment went in getting her ready for her new career.

And what a career! For a while she was the principal supply ship to Fanning Island, playing between Canton and Palmyra, and the Shippings and Regatta at the time she was declared surplus and put up for sale.

Referring to the printing plant at Halekua and Richards Sts., it was said that an agreement had already been reached with the territorial department of public works to tear down the building when work begins on the widening of Halekua St.

At that time, the warehouses behind the plant will also be altered to facilitate the street improvement, he said.

**Central Intermediate PTA Meets Tonight**  
The Central Intermediate PTA will hold its regular general meeting at 7:30 tonight in the school auditorium.

The evening's program will include a short business meeting, a student play, The Prophet, directed by Mrs. J. A. Kneale, and Minuet and Song coached by Mrs. Mae Kapu Kneale and Miss Souza.

Chairman for the evening will be Gilbert Ogata, PTA president.

Henry Barnard was appointed as first U. S. commissioner of education in 1867.

**How To Relieve Bronchitis**  
Cremoluson relieves promptly because it goes right to the trouble to help loosen and expel the mucus which causes the trouble to soothe and heal raw, tender, inflamed bronchial mucous membranes. Call your doctor to get a bottle of Cremoluson with the understanding you must use the way you are given. It always works the cough or you are cured.

**CREMOLUSON**  
For Coughs, Chest Colds, Bronchitis

**Available for Immediate Delivery!**  
ONE OF THE LARGEST ASSORTMENTS OF GAS RANGES

In Honolulu  
5 MODELS—4 Burners and 6 Burners

**Gas Water Heaters**  
3 MODELS: Republic... Liberty Night & Day... Crane  
20 and 30 Gallon Capacity

**Stainless Steel Sinks**  
WITH DOUBLE DRAIN BOARDS • 54 inches... 60 inches... 72 inches

**Electric Ranges**  
2 Models  
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**Large Assortment of Household Utensils**  
• 1 qt. to 14 qt. Covered Aluminum Pans  
• Electric Lamps  
• Kitchen Knives  
• Carving Sets  
• Vacuum Bottles  
• Lunch Kits  
• Egg Beaters  
• Lowmovers  
• 16 inch Oscillating Pedestal Fans

**Sureway Sales & Service**  
Phone 540065  
1007 Mounaeka St.  
P. O. Box 2749  
Honolulu, T. H.

## Mid-Pac Institute Honor Roll Listed

Nine seniors, eight juniors, three sophomores and four freshmen have qualified for the second quarter scholastic honor roll at Mid-Pac Institute.

The seniors are Margaret Sato, Ikuo Tatsuuchi, Patricia Yamashita, Grace Yuen, Leno Watanabe, Philippa Mendoza, Irene Imamura, Emily Hino and John Nosen.

Juniors who made the honor roll are Grace Arakawa, Evelyn Palmetto, Theodora Arakawa, Dorothy Ochiai, Florence Sasaki, Frances Suda, Ellen Takahashi and Jacquelyn Lee.

Irene Ito, Jane Mura and Sachiko Yamamoto are the sophomore honor students.

From the freshmen class are Florence Ide, Janet Fujii, Grace Ide and Robert Young.

**Fleatium Venetian Blinds**  
Reasonably Priced  
Installed within 30 days.  
Free Estimate

**Weiler Corporation, Limited**  
Bishop and Union Sts.  
Phone 1212

## OPEN HOUSE

Today, February 28th

10% Discount Cards to the First 50 guests. Good for 30 days.

**Men's Wear**  
Out of ESQUIRE to you

**2923 Kalakaua Avenue**

**SAFETY FIRST**  
The National Safety Council in two recent years made awards of honor to Standard of California's Marine Department for promoting safety aboard the company's ships.

We believe that the crews of our tankers are actually safer on shipboard, riding about the seas with tens of thousands of barrels of gasoline, than most people are in the city streets.

Listen to "The Standard Hour" Sunday evenings at 9:00 over N.B.C. Stations. STANDARD OF CALIFORNIA

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## Higher Boost

rates recently the territorial vice president

Wednesday.

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## Samoans Said Anxious For Citizenship

"Samoans in American Samoa would like to assume the rights and responsibilities of American citizens," C. Girard Davidson, assistant secretary of the interior, now touring Hawaii with Interior Secretary J. A. Krug, said Thursday.

Mr. Davidson disclosed also the Samoans desire more authority in the administration of local problems.

The request for more civil rights and administration was made to Secretary Krug while he paused in Pago Pago a week ago while en route to other Pacific islands and Tokyo.

The plea was made by High Talking Chief Tuiasosopo of Pago Pago, according to Mr. Davidson.

American Samoa is now under naval administration.

### Lack Education

While he praised the program for democratic training in Samoa, Mr. Davidson pointed out that because of inadequate educational advantages, he did not feel Samoans ready for civil administration.

He said, in his opinion, that the people of Guam are better prepared for civil administration because of more-advanced educational and political backgrounds there.

He did feel, however, that transportation and public utilities problems and other forms of commerce in Guam would be better presently handled under naval administration.

### Guam Looks to TH

He said Guamanians look to Honolulu as a Pacific metropolis and are keenly interested in Hawaii's doings, particularly in its bid for statehood.

Mr. Davidson, who reflects deliberation in his conversations, was appointed assistant secretary of the interior in May, 1946. Before his present post, he was general counsel for the Bonneville Power administration.

## Tax Action



LOVELY Dillingha Capt. Ath wedding Mrs. Lest son of M kamaaina (Advertis

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## **EXHIBIT 15**

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81<sup>st</sup> Congress }  
1<sup>st</sup> Session }

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STUDY MISSION TO  
EASTERN \[AMERICAN] SAMOA/

REPORT

OF

SENATORS OREN E. LONG, OF HAWAII, AND  
ERNEST GRUENING, OF ALASKA

TO THE

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS  
UNITED STATES SENATE

PURSUANT TO

S. RES. 330, 86TH CONGRESS



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

U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1961

67311

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## CONTENTS

Foreword.....	Page vii
PART I—SUBCOMMITTEE FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS	
Findings.....	1
Physical facts.....	1
History.....	2
Social system and land tenure.....	2
Government.....	4
Conclusions and recommendations.....	5
The governorship.....	7
Washington representation.....	7
The legislature.....	8
The judiciary.....	8
Revision of Constitution.....	9
U.S. citizenship.....	9
Rehabilitation and development.....	10
Petition of the chiefs.....	11
The South Pacific Conference.....	13
Congressional action.....	14
Summary of recommendations.....	15
Conclusion.....	15
PART II—THE ECONOMIC NEEDS OF AMERICAN SAMOA	
Chart of American Samoa—districts, islands, counties, and villages.....	Facing 17
Introduction.....	17
Recommendations.....	18
Chapter	
I. The problem and the need.....	19
American Samoa under the Navy.....	21
American Samoa under the Department of the Interior.....	23
II. The potential for development.....	28
The native population.....	29
Local opportunities for work.....	32
III. Public works for development and growth.....	34
Water supply and distribution.....	35
Village and outer island systems.....	38
Electric supply and distribution.....	39
Improvements and expansion needed.....	42
Roads and transportation.....	44
Road systems on Tutuila and Manu'a.....	44
Airport facilities and air transportation.....	46
Water transportation.....	48
Wharf required for Manu'a.....	50
Marine railway and yard.....	50
Communications facilities.....	52
Radio broadcasting.....	52
Telephone service.....	53
Housing and sanitary facilities.....	53
Land reclamation.....	55
Meshing gears for the public works job.....	56

III



# IV CONTENTS

Chapter	Page
IV. Agriculture as a pillar in the economy	57
Small farms and scattered units	58
Much land poorly used	58
Kinds of foods in the diet	59
Increasing reliance on food imports	60
Agricultural problem can be solved	61
Reaching farm people	61
Extension staff requirements	62
Developing leadership	62
First emphasis on food	63
More livestock and poultry needed	63
Rejuvenating the coconut industry	64
Growing cacao for export	66
Farm equipment needs	66
Improve forestry resources	67
Adequate marketing facilities essential	67
Role for marketing education	68
Foundation stock and plant materials	68
Demonstrations on lands of producers	69
Technical cooperation with Western Samoa	70
Authority needed for USDA to assist	70
V. Industry and business to broaden the economic base	71
Import and export trade	72
Fisheries industry	72
Fish industry could be expanded	74
Samoa fishing fleet possibility	75
Pond fisheries	76
Production and marketing of handicrafts	76
Tourism as an industry	78
Bank of American Samoa	80
Bus transportation service	81
Other possible business changeovers	82
Meeting investment capital needs	82
VI. Impact of tax and land policies	84
Structure of taxes and levies	85
Tax policy and levies need revision	86
Land tenure policy	89
VII. Bridging the gap between people and progress	91
Health status and problems	92
Status of nutrition and diet problems	93
Medical health program needs	95
Status and scope of education	97
Education aims and needs	99
School facilities required	101
Federal supplements to education	103
Combine forces to narrow the gap	104

## LIST OF TABLES (PART II)

Table	
1. Direct Federal appropriations and grants-in-aid received by American Samoa	26
2. Grants-in-aid to American Samoa and the equivalents in 1959 dollars	27
3. Population of American Samoa, 1900-60	29
4. Area and population of American Samoa, by districts and islands, 1950-60	30
5. Number and percent distribution of population by age groups for American Samoa	31
6. Estimates of population change components for American Samoa, 1950-60	31
7. Estimated cash income of individuals in American Samoa, fiscal year 1960	33
8. Electric power load growth in American Samoa since fiscal year 1953	40
9. Estimated peak demands and annual energy requirements, 1960-65	42
10. Value of food imports by sources, American Samoa, 1955-56 and 1959-60	60
11. Copra purchases and sales by the Copra Board, 1955-60	65
12. Samoan Industries handicraft sales, 1957-60	77
13. Samoan Industries handicraft sales and operating expenses, 1957-60	78



# CONTENTS

V

## LIST OF MAPS (PART II)

	Page
I. Water supply system, Tutuila.....	Facing 36
II. Water supply, Manu'a group of islands.....	Facing 39
III. Electric power system, Tutuila.....	Facing 42
IV. Roads, Tutuila.....	Facing 44
V. Roads, Manu'a group of islands.....	Facing 44
VI. Telephone system, Tutuila.....	Facing 54
VII. Proposed sewer system, Tutuila.....	Facing 54
VIII. Proposed land reclamation, Tutuila.....	Facing 54

## APPENDIXES (PART II)

I. History of budgetary submissions, government of American Samoa, fiscal years, 1956-61.....	106
II. Expenditures by activities, government of American Samoa, fiscal years 1956-60.....	107
III. Number of employees by grade, salary range, and status, government of American Samoa.....	108
IV. Gross receipts by activity, government of American Samoa, fiscal years 1956 and 1960.....	109
V. Sources of gross receipts, government of American Samoa, fiscal years 1956-60.....	110

## PART III—POLITICAL DEVELOPMENT IN AMERICAN SAMOA

Introduction.....	111
Present stage of political development of the two Samoas.....	113
American Samoa.....	113
Western Samoa.....	117
Desires of American Samoan leaders formally expressed to the Senate subcommittee.....	119
American citizenship.....	121
Territorial status.....	121
Alternatives to territorial status.....	122
Washington commissioner.....	123
Governor.....	123
The remaining six "economic" resolutions.....	123
Citizenship and organic legislation.....	124
Courses of action available for congressional consideration.....	127
Organic act for American Samoa.....	130
Ameliorative action.....	131
Ultimate government of American Samoa.....	136

## PART IV—EDUCATION IN AMERICAN SAMOA

Introduction.....	137
School buildings and reorganization.....	138
Qualities of school structures.....	139
Recommendations.....	140
The school population and attendance laws.....	141
The board of education.....	142
Aims of education in Samoa.....	143
Materials of instruction.....	144
English versus vernacular instruction.....	145
Teachers and teacher training.....	147
Federal aid programs.....	150
Summary of major recommendations.....	151

## PART V—PUBLIC HEALTH

Introduction and recommendation.....	155
Report of public health problems in American Samoa, as of December 31, 1960.....	156
Summary report, survey of leprosy in American Samoa.....	158



VI

CONTENTS

APPENDIXES

Appendix A. Chapter 13.—Eastern Samoa (extract from title 48, United States Code [1958 edition]).....	Page 161
Appendix B. Recommendations of Judge Albert B. Maris pertaining to the judicial system.....	163
Appendix C. Constitution of American Samoa.....	166
Appendix D. The South Pacific Commission.....	181

## FOREWORD

On June 28, 1960, the Senate unanimously approved Senate Resolution 330 authorizing the Committee on Interior and Insular Affairs—

to conduct a full and complete study and investigation of conditions in American Samoa for the purpose of determining what should be done to improve economic and other conditions and to give the people of American Samoa a greater amount of self-government.

Pursuant to this authorization, Senators Oren E. Long, of Hawaii, and Ernest Gruening, of Alaska, both of whom are "Pacific Senators," volunteered to devote the necessary time to the study, and accordingly constituted a special subcommittee for the purposes of fulfilling the committee's responsibilities under Senate Resolution 330. Specialists in several areas of governmental responsibility, as authorized by the resolution, preceded the subcommittee to Samoa, and spent varying periods of time in making intensive investigations. In December, the members of the subcommittee, accompanied by appropriate staff, visited the area and, aided and guided by the specialists, made an on-the-spot personal inspection and study.

The subcommittee's report, together with the individual reports of the specialists, is respectfully submitted. For convenient reference, the subcommittee's own observations and recommendations are set forth as part I, and the individual findings and views of the specialists set forth in subsequent parts.

The subcommittee generally adopts the findings and recommendations of its specialists. The economics section, part II, was prepared by Nathan Koenig, an economist in the Department of Agriculture whose services were strongly recommended to the subcommittee by Senator Clinton P. Anderson, former Secretary of Agriculture and now chairman of the Senate Committee on Interior and Insular Affairs. The political section, part III, was prepared by Dr. Norman Meller, professor of government, University of Hawaii, and the education section, part IV, by Dr. Hubert V. Everly, dean of the College of Education, University of Hawaii.

A report of the former Director of Medical Services, Dr. Lawrence H. Winter, with whom the subcommittee conferred at some length in Samoa, has been added as part V, together with the summary report on the survey by the U.S. Public Health Service on leprosy in American Samoa.

In the appendix the subcommittee has published, for convenient reference, the constitution of American Samoa, and the very scant Federal law respecting the islands. Also set forth is a communication from Hon. Albert B. Maris, senior U.S. Circuit Judge for the Third Circuit, who made a study of the Samoan judicial establishment in 1952 for the Department of the Interior. Judge Maris' comments upon the designation of the area as "Eastern" rather than "American"

VII

VIII

FOREWORD

Samoa, and on the appellate procedure are regarded by the subcommittee as particularly pertinent and helpful.

In addition, the subcommittee is publishing a brief statement on the South Pacific Commission and its work. The United States is a member of the Commission, its Commissioners being Dean Knowles Ryerson, of the University of California, and Lt. Gen. (Ret.) Henry Aurand, with Dr. Arthur Osborne of the U.S. Public Health Service as Alternate Commissioner.

Under the auspices of the Commission, the South Pacific Conference will meet in Pago Pago in July 1962. The conference consists of leaders native to the areas they represent, and the meeting in Eastern Samoa, the first ever held on American territory, gives emphasis to the fact that the United States is a South Pacific power and also gives emphasis to our political, economic, and cultural responsibilities to a group of the peoples of the South Pacific. A comment on this forthcoming conference by Curtis Cutter, Dependent Areas Officer, Department of State, who accompanied the study mission, is set forth herein on page 13.



# STUDY MISSION TO EASTERN [AMERICAN] SAMOA

## PART I

### SUBCOMMITTEE FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

#### FINDINGS

In order that the subcommittee's findings and conclusions may be understood in realistic relationship to conditions and needs in Eastern (American) Samoa, certain background facts as to geography, the people, and history are set forth briefly.

#### PHYSICAL FACTS

Samoa is a group of 14 volcanic tropical islands below the Equator some 1,600 miles east and north of New Zealand, and 2,200 miles southwest of Hawaii. The six islands of this archipelago east of longitude 171° W., together with Swains Islands, constitute Eastern or American Samoa and are under the sovereignty of the United States. The islands west of the meridian are Western Samoa, and are governed by New Zealand under a United Nations agreement.

The total area of American Samoa is but 76 square miles and most of that is mountainous. Thus, in land area, Eastern Samoa is about the size of the District of Columbia. Its population, as of April 1, 1960, was 20,051. The Eastern Samoans are American nationals, as distinct from U.S. citizens. Natural resources, other than the excellent harbor of Pago Pago, the scenic beauty of a tropical South Sea isle, and an equable tropic climate, are meager. There are no known mineral deposits; the amount of arable land is extremely limited. Because of inadequate and undeveloped storage facilities, water is sometimes in such short supply as to require use limitation, although rainfall approximates 200 inches a year.

Western Samoa has a land area of 1,133 square miles, and a population of more than 100,000. The amount of arable land is substantial. The capital of Eastern Samoa, Pago Pago, and that of Western Samoa, Apia, are about 77 miles apart.

Ethnically, the population of both Samoas is Polynesian, with little mixture of other strains. They are a bronze-skinned, large-bodied, hearty people, possessed of true dignity, yet friendly and



## 2 STUDY MISSION TO EASTERN (AMERICAN) SAMOA

hospitable. Their language is considered the oldest Polynesian tongue in existence, and is closely related to the Maori of New Zealand and the Hawaiian.

### HISTORY

Relationship between Samoa and the United States goes back to 1838, when the American Navy lieutenant, Charles Wilkes, made a survey of the islands. In 1872 an agreement was concluded with the Samoan chiefs of Tutuila which gave the United States exclusive rights to the harbor of Pago Pago, one of the finest in the South Seas. For many years, Pago Pago was a highly strategic coaling station for the U.S. Navy in the South Pacific. It was the locale of Somerset Maugham's celebrated play "Rain."

At the same time, however, Britain and Germany were obtaining commercial concessions in the Samoan islands and the rights and privileges asserted by the three nations there became the subject of misunderstandings and controversies. In 1899, the three nations resolved their differences by treaty under which the signatories recognized the claims of the United States to the islands east of the 171st meridian, while Germany's claims were recognized in the islands west of the meridian.

In 1900 and in 1904, the Samoan chiefs voluntarily ceded the islands of Eastern Samoa to the United States. Nearly three decades elapsed before Congress took cognizance of this cession. In February 1929, the 70th Congress adopted a resolution accepting the islands as of the time they were ceded. Of especial interest is the section of this public law which states:

(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. [Act of Feb. 20, 1929; 455 Stat. 1253.]

More than another three decades have elapsed since this law was written, but Congress has as yet made no provision for the government of Eastern Samoa, other than to appropriate Federal funds for disbursement to the island government by the Department of the Navy and the Department of the Interior.

### SOCIAL SYSTEM AND LAND TENURE

No understanding of the particular needs of American Samoa is possible without knowledge of the unique social and land tenure system which is a basic part of Samoan life. The entire social structure is based on an intricate, far-reaching system of traditional family relationships, often referred to as the "matai" system. Strictly speaking, matais are family chieftains of varying degrees of power and prestige.

Almost all the land throughout American Samoa is owned, communally, by these family units. It can neither be bought nor sold, foreclosed upon, nor made subject to legal process for collection of debts. A few tracts, limited in size and number, are owned by eleemosynary institutions originated by foreigners, but by and large, from the very beginning the doctrine has been and is, "Samoa lands for the Samoans."



STUDY MISSION TO EASTERN (AMERICAN) SAMOA 3

This policy has been founded on the concept that the basis for the integrity of Samoan life rests in the ownership and control of their lands by the Samoans themselves. The plight of the native Hawaiians, who in large measure lost their lands to outsiders, has been cited as a clear-cut example of the social undesirability of a contrary policy.

However, the matai system is far more than a means of communal landholding. It is a social pattern extending into virtually every phase of Samoan life, controlling the economic as well as the social relationships of the Samoans. For example, we were informed that, theoretically at least, the girl who works in the privately operated fish cannery for the excellent, relatively, wage of 75 cents an hour, must bring her pay envelope home and turn it over intact to the matai or chief to use for the benefit of the whole family, whether its other members work or not.

Apropos to the matai system as we found it in 1960, the observations in 1931 of the first Senate group to visit the Samoan islands officially is significant. This was the American Samoan Commission, appointed by President Hoover pursuant to subsection (d) of Public Resolution 89, the 70th Congress, to "recommend to Congress such legislation concerning the islands of Eastern Samoa as they shall deem necessary or proper." The Commission consisted of Senators Hiram Bingham and Joseph T. Robinson, Representatives Carroll L. Beedy and Guinn Williams, and three Eastern Samoan Chiefs, Tufele, Mauga, and Magalei.

The Commission's report, set forth in Senate Report No. 195, 72d Congress, to accompany S. 417, a bill to provide a government for American Samoa, states with respect to the matai system:

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: Today 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 on the part of the individual. Thrift brought no reward. However, 30 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.

It is to be noted that this 1931 report to the Senate of the 72d Congress uses the past tense in describing the matai system. Your subcommittee in 1960 did not find this hierarchy of family chieftains nearly as much a thing of the past as the report of 30 years ago indicates; rather the system is still in the process of dynamic transition.

The vitality of the matai system is recognized in the official policy statement regarding American Samoa issued by the Secretary of the Interior in 1956. This document asserts "\* \* \* Protection of