

LEGISLATIVE HISTORY

Subject to your consideration of the points made in this letter and transmittal of a copy of it to the Senate committee, you are advised that there would be no objection to submission of such report to the committee as you deem appropriate.

Sincerely yours,

FRANK PACE, Jr., *Director.*

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For text of Act see p. 386

Senate Report No. 2109, July 20, 1950 [To accompany H.R. 7273]

House Report No. 1677, Feb. 22, 1950 [To accompany H.R. 7273]

The Senate Report repeats in substance the House Report.

Senate Report No. 2109

THE Committee on Interior and Insular Affairs, to whom was referred the bill (H. R. 7273) to provide a civil government for Guam, and for other purposes, having considered the same, report favorably thereon with amendments and unanimously recommend that the bill, as amended, do pass.

PURPOSE OF THE BILL

The purpose of H. R. 7273, as amended, is to provide, in compliance with their wish, a civil government in the American pattern for the inhabitants of Guam, a Pacific island which has been under the jurisdiction of this country for more than half a century. Guam came under the American flag by virtue of the Treaty of Paris at the end of the Spanish-American War in 1898 (30 Stat. 1754). Up to and including the present, all the powers of government have been exercised under two Presidential Executive orders, issued by President McKinley in 1898 and by President Truman in 1949, and a series of intervening administrative orders of United States naval governors.

The two-sentence Executive order of President McKinley, set forth in appendix 2, without whereases or qualification, placed the island completely under the control of the Navy. Pursuant thereto, a succession of naval governors exercised all legislative and judicial, as well as executive authority. The revoked existing laws, rewrote and promulgated new ones, created courts, acted as judges, levied, collected, and disbursed revenues, and, in general, directed the fiscal, economic, and political well-being of the Guamanians according to their own best judgment. That the powers of the naval governors were used wisely and in an efficient and beneficial manner is attested by the very substantial economic, social, and political development that has taken place on the island.

This bill is reported in the belief that the time has come for the Congress to pass an organic act permitting the people of Guam to govern themselves. The measure has the support of the Departments of Defense, State, Navy, Justice, and Interior, as well as that of the President of the United States.

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It establishes democratic local government for the island, and guarantees human freedoms under the authority of the Congress rather than the executive branch. American citizenship would be conferred on the approximately 27,000 native Guamanians who gave such valiant proof of their loyalty to the United States and American traditions in two world wars, including 4 years of enemy occupation by the Japanese armed forces. A bill of rights is provided; a representative local government formed in the American tradition; an independent judiciary created, administering a system of law based on local needs and local traditions, all within the American framework of fundamental fairness and equality; and the scope of executive authority is defined and limited.

RESPONSIBILITY OF CONGRESS

All American tradition and history dictates that government shall rest upon law, rather than upon executive decree. By international treaty also, the Congress has a direct responsibility for the government of Guam. The second paragraph of article IX of the treaty ceding Guam to the United States provides:

The civil rights and political status of the native inhabitants of the Territories hereby ceded to the United States shall be determined by the Congress (30 Stat. 1759).

In addition to the obligation under the Treaty of Paris, the United States has additional treaty obligations with respect to Guam as a non-self-governing Territory. Under chapter XI of the Charter of the United Nations, ratified by the Senate June 26, 1945 (59 Stat. at p. 1048), we undertook, with respect to the peoples of such Territories, to insure political advancement, to develop self-government, and taking "due account of the political aspirations of the peoples, * * * to assist them in the progressive development of their free political institutions * * *."

The facts that the island has been well governed by the Navy and that the people have made great economic, political, and social progress during the Navy administration, only emphasize the desirability of providing self-government.

HISTORY OF LEGISLATION

On October 20, 1945, the President requested the Secretaries of State, War, Navy, and Interior to submit recommendations concerning the administration of Guam and the other Pacific islands under the aegis of the United States. The report of the four Secretaries, submitted on June 18, 1947, by then Secretary of State George Marshall to the President, is set forth in the appendix to this report. As to Guam, the Cabinet officers recommended:

Separate organic legislation for Guam to provide civil government and to grant citizenship, a bill of rights, and legislative powers to Guamanians should be enacted this session * * *.

Pursuant to the recommendations of his four departmental heads, the President issued Executive Order 10077 on September 7, 1949, transfer-

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ring the administration of Guam from the Secretary of the Navy to the Secretary of the Interior. The text of this order is set forth in the appendix to this report (appendix 4). Although the order originally set the time of transfer as July 1, 1950, its execution has been postponed for 30 days in view of the pendency of this legislation.

A draft of model legislation on which H. R. 7273 and allied bills in the House and Senate were based was submitted to the Speaker of the House and the President of the Senate by the Secretary of the Interior. Full hearings were conducted by both the House and Senate committees at which a number of representatives of the people of Guam were heard. No one appeared in opposition to the proposed legislation. As a result of the Senate hearing, amendments have been provided to make the government less expensive and more efficient. The measure was passed by the House, on voice vote, on May 23 of this year.

In a statement at the Senate committee hearing, the Secretary of the Interior said:

Mr. Chairman, members of the committee, I am very gratified at this opportunity to appear before your committee to present my views on S. 1892, entitled "A bill to provide a civil government for Guam, and for other purposes."

This bill deals with a subject upon which there has long been agreement among all the interested executive departments of our Government in recommending congressional action. So far as I know, no opposition whatever has been voiced to the passage of this legislation.

* * * * *
Enactment of S. 1892 would not only be a fulfillment of our country's treaty pledge of 1898, but would further evidence its traditional policy, in which it takes such rightful pride as the champion among nations of extending representative government, justice under law, and fundamental rights and human freedoms, not only to our dependent peoples but to everyone everywhere.

For over 50 years, in the absence of congressional action and except during the period of Japanese occupation in World War II, the inhabitants of Guam, their lives and affairs, have been entrusted by a Presidential Executive order of December 23, 1898, to the Department of the Navy for exclusive control and administration.

The Guamanian people have repeatedly petitioned the Federal Government for United States citizenship, a bill of rights, organic legislation, and civilian administration. S. 1892 will accord such rights and privileges to a people who have amply and heroically demonstrated their devotion to American ideals, and than whom there are none more loyal and patriotic under the American flag today.

World War II made us mindful of our political neglect of our Guamanian nationals, and over the past 4 years the establishment of civil government under law on Guam has been under active consideration.

* * * * *
In a letter addressed to the Secretary of the Interior under date of May 14, 1949, with reference to the present bill S. 1892 under consideration by your committee here today, President Truman stated:

"I have today informed the Director of the Bureau of the Budget that the drafts of organic legislation for Guam and American Samoa, prepared by the Department of the Interior, have my approval. The Department of the Interior will have the responsibility of presenting the measures to the Congress. I have asked the Secretary of the Navy to assist you. * * *

"It is the announced aim of this Government to accord civil government and a full measure of civil rights to the inhabitants of its Pacific territories.

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The accomplishment of this objective will be furthered by the transfer of these territories to civilian administration and the enactment of organic legislation at the earliest practicable date."

Other members of the Cabinet, high-ranking officers of the Army and Navy, business people, and many others have testified at previous hearings in support of organic legislation for Guam. It is significant that, at recent House hearings on the companion bill to S. 1892, not a single person testified against passage of the measure. That measure is presently pending on the House Calendar.

It should also be noted that high military as well as civilian officials of this Government have stated that establishment of civil government under an organic act would in no way impair our national security. To the contrary, I hold with them the view that in Guam, a bastion of our Pacific defenses, measures taken to satisfy the legitimate aspirations of our Guamanian nationals will in fact enhance our security by binding these people more closely to the rest of the United States, and to its ideals. I urge the speedy passage of S. 1892.

PROVISIONS OF THE BILL

A detailed sectional analysis of H. R. 7273 is set forth in the appendix. Three points, however, may require further explanation.

Citizenship for Guamanians was unequivocally recommended to the President in the report of the Secretaries of State, War, Navy, and Interior. The House of Representatives approved provisions in the bill to give effect to this recommendation. The Senate committee gave the question careful consideration, both as to the principle involved and the language of the section. In order that the wording might be precise, the advice of the Attorney General of the United States was sought. The Attorney General's report, based on a study by the Immigration and Naturalization Service, is set forth herein. The committee amended the bill in accordance with the Attorney General's recommendation.

Another section to which the Senate committee devoted considerable time and thought was that concerning the establishment of a court system on Guam.

Given a period of peace, the growth of Guam as a transportation and commercial center for American interests in the Far East seems almost a foregone conclusion. American business enterprise in the area will want, and need, a center in which it can have the full protection of American laws and legal procedure.

Formerly this need was supplied by the United States Court for China, which had its headquarters in Shanghai, but that court was abolished by the treaty with China ending extraterritoriality. The nearest American court to far eastern economic centers is that in Hawaii, which is 12 or more hours away from Guam by air. If Guam is to afford American business enterprise the protection and stability needed, a court in Guam which will have on-the-spot jurisdiction in matters involving admiralty and business reorganization is clearly indicated.

Section 3 of the bill sets forth in specific language that Guam is declared by the act to be "an unincorporated territory." Thus it has the same legal status as Puerto Rico and the Virgin Islands, and is not similar to that of Alaska and Hawaii.

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No commitment as to statehood, express or implied, is held out in the measure. The representatives of the people of Guam who came to Washington to appear at the hearings, concur in the committee's views in this respect.

Also, as head of the government of Guam, the Honorable Carlton Skinner, sent the following telegram to the committee:

WASHINGTON, D. C., May 3, 1950.

Senator JOSEPH C. O'MAHONEY,
*Chairman, Senate Committee on Interior and Insular Affairs,
Senate Office Building, Washington, D. C.:*

I am informed that in hearings before your committee on Hawaiian statehood a question was raised as to a possible obligation to grant statehood to Guam. Please inform the committee that the people of Guam do not envision or desire statehood. They do ardently desire passage of your bill (S. 1892), now being considered by your committee, which will give them citizenship and right of self-government, which they have patiently sought for the 51 years that they have been under the American flag. The bill for organic act on which Senator Anderson's subcommittee has already held an excellent and sympathetic hearing contains absolutely no promise, direct or implied, of statehood for Guam. By its language describing Guam as an unincorporated territory, the pending bill clearly rejects the possibility of statehood. With citizenship and self-government provided in your bill (S. 1892), the people of Guam will be happy and contented as to their political ambitions and will have the foundation they need to fulfill their destinies politically, economically, and socially.

CARLTON SKINNER,
Governor of Guam.

THE AMENDMENTS

Hearings were held in the winter or spring by the Senate committee on S. 1892, a companion bill to H. R. 7273, as introduced. Based upon matters brought out at those hearings, amendments were made to the bill, in the discussion and drafting of which the members of the Guam Congress and the Attorney General and the Governor of Guam took full part.

The principal amendments are as follows:

Section 3 was changed to provide clear separation of the executive, legislative, and judicial branches of the government except as to general administrative matters, such as appropriations.

Section 4 (b): The proviso was added upon the recommendation of the Attorney General of the United States to insure against any construction which would permit the conferring of citizenship upon any person born on the island of Guam who has since assumed a status inconsistent with, if not antagonistic to, the interests of the United States.

Section 5 (n): The proviso was deleted because it appeared to authorize discriminatory, un-American laws which would penalize persons of non-Guamanian ancestry. Such a proviso would be contrary to American principles of equality.

Subsection (t) is added to protect the new local government of Guam against possible Communist infiltration. The language is based on provisions found in existing legislation which have been upheld by the Supreme Court of the United States.

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Section 6 (a): The language restricting the power of the President to remove the Governor of Guam only "for cause," was deleted as undesirable from the point of view of the Guamanians as well as the general policy consideration. The "for cause" provision made it clearly impossible to remove an undesirable official unless he committed some clear-cut act of malfeasance or misfeasance.

Section 7: The Office of Lieutenant Governor with its salary of \$13,000 a year, was abolished as being unnecessary. In lieu thereof, the committee created the office of Secretary of Guam, a lesser official with a commensurately smaller salary, who would perform the functions of Lieutenant Governor as well as other administrative duties.

Section 9: Provision is made for the establishment of a merit system for service in the government of Guam. At the same time, the Governor is left free to appoint, by and with the consent of the Guam Legislature, heads of executive agencies who would be in policy-making positions. Such a provision is clearly necessary in the interest of efficient government.

Section 9 (d): For the present, Guam is not and cannot be self-supporting. Therefore, deficits in the budget must temporarily be met by funds from the Federal Treasury. Under these circumstances, it would be inappropriate to permit the Guam Legislature to determine the salaries of officials paid from the Federal Treasury.

Section 10: The authority of the Guam Legislature, at present composed of 51 members, to decide to continue all of its members in office as a bicameral body is curtailed. Instead a unicameral body, with a maximum of 21 members, is provided as being more in keeping with the political and economic structure of the island.

Sections 22, 23, and 24 provide for the creation of the District Court of Guam. This amendment has been discussed above. Its language was worked out with the Administrative Office of the United States Courts, and with the Honorable Albert B. Maris, chairman of the Chief Justice's Judicial Conference Committee.

Section 26 (a): The salary of the Governor is fixed at a maximum of \$13,125, instead of the \$16,000 provided for the chief executives of other Territories and island possessions. This sum represents the salary for the position of GS-15 in the classified service, plus the 25 percent allowance permitted by law for compensation of persons serving in overseas posts where living expenses are in excess of those on the mainland. Under present pay scale, the salary of the Secretary of Guam would be approximately \$9,000 per annum.

Section 34: July 21 is the "Fourth of July"—the anniversary of the liberation of the island by American armed forces in World War II. As such, the date would have great symbolism as the effective date of Guam's Organic Act and accordingly, the committee has amended the bill to provide that it should become effective on this historical anniversary.

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REPORTS OF EXECUTIVE AGENCIES

The favorable reports on this measure or on similar bills by the Departments of Navy, Interior, and Justice, as well as the comments of the chairman of the Chief Justice's Judicial Conference Committee are set forth in full.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington 25, D. C., May 3, 1949.

HON. ALBEN W. BARKLEY,
President of the Senate.

MY DEAR MR. PRESIDENT: Enclosed herewith is a draft of a proposed bill to provide a civil government for Guam and for other purposes. I request that the proposed bill be referred to the appropriate committee for consideration and I recommend that it be enacted.

The United States acquired Guam from Spain, under the Treaty of Paris of December 10, 1898. That treaty provided that the Congress should determine the civil rights and political status of the native inhabitants of the territories ceded by Spain. Organic legislation was enacted for the Philippine Islands and for Puerto Rico, acquired under the same treaty, but although 50 years have passed the United States has not yet fulfilled its commitment with respect to Guam. The American tradition of self-government and our adherence to the principles of the United Nations Charter require that Guam be provided with a civil government as Alaska, Hawaii, Puerto Rico, the Virgin Islands, and the Philippine Islands have been. Guam has been subject to the jurisdiction of the Department of the Navy by virtue of Executive order, and the Navy has been responsible for civil affairs there.

On October 20, 1945, President Truman requested the Secretaries of State, War, the Navy, and the Interior to submit recommendations to him on problems arising in connection with the administration of the Pacific islands. On June 18, 1947, the four Secretaries recommended that administrative responsibility for Guam, American Samoa, and the trust territory of the Pacific islands be assigned to a civilian agency at the earliest practicable date as determined by the President, and that the administrative responsibility of the Navy Department for the islands be continued upon an interim basis only. The Secretaries also recommended that organic legislation be drafted by the executive departments and submitted to the Congress. These recommendations were forwarded by the President to the Congress on June 19, 1947.

In accordance with that recommendation, the enclosed draft of organic legislation for Guam has been prepared, in consultation with the Department of the Navy. The bill is modeled upon the organic acts of the other Territories. It would provide for a local government consisting of the traditional three branches executive, legislative, and judicial, to be under the supervision of such civilian department or agency as the President may direct. It would make the people of Guam citizens of the United States. The draft contains a bill of rights, modeled upon the Bill of Rights in the Constitution, but granting express authority to the Legislature of Guam to enact such legislation as may be necessary to protect the lands and business enterprises of persons of Guamanian ancestry, notwithstanding a general provision in the bill of rights that there shall be no discrimination against any person on account of race, sex, language, or religion, and no denial of the equal protection of the laws. Such authority is considered to be essential in order that the local people may be protected against economic exploitation.

Executive authority would be vested in a Governor, either a civilian or a retired officer of the Armed Forces, appointed by the President, with the

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advice and consent of the Senate, to hold office at the President's pleasure. The Governor would have general supervision and control of all executive agencies and instrumentalities of the local government, and would coordinate all activities of a civil nature carried on by agencies of the Federal Government in the island. The President would also appoint a Lieutenant Governor, who would serve as Governor in case of a vacancy in the office of Governor or the temporary removal, absence, resignation, or disability of the Governor. The head of the department or agency with supervision over the local government would designate the head of a local government department to serve as Governor when neither the Governor nor the Lieutenant Governor is available. Heads of executive agencies or instrumentalities in the local government would be appointed by the Governor, unless the organic legislation or local law otherwise provides. Salaries of employees of the local government would be fixed by the local legislature and paid from local funds, unless otherwise provided in the organic legislation.

The legislature would consist of one or two houses, as determined by the legislature itself. Legislative power would extend to all subjects of local application not inconsistent with the organic act and such other laws of the United States as might apply to the island. No person may sit in the legislature who is not a United States citizen, at least 25 years old, domiciled in Guam for 5 years immediately preceding the legislative session in which he seeks to sit, or who has been convicted of a felony or crime involving moral turpitude and has not received a pardon restoring his civil rights. The existing laws governing elections to the Legislature would continue, subject to amendment by the legislature. These laws now provide for election by secret ballot. Provision would be made for regular and special sessions of the legislature. The Governor would have a suspensive veto. If a bill should be reenacted over his veto, and he does not then approve it, it would be submitted to the President for his approval or disapproval. All laws enacted by the legislature would be reported by the Governor to the head of the supervisory civilian agency and by him to the Congress. If not annulled by the Congress within 1 year after date of its receipt, the law would be deemed to be approved. Appropriations would be made by the legislature, except such as may be made by the Congress from time to time or as otherwise provided in the organic legislation. The legislature or any person or group of persons would have the right of petition. Guam would be represented in the House of Representatives by an elected Resident Commissioner, with the right to debate but not to vote, and with the same privileges, compensation, travel allowance, and other allowances as the Members of the House of Representatives. The first Resident Commissioner would be elected at the first general election, his term to expire on January 1, 1951. Terms of succeeding Resident Commissioners would be 4 years, in view of the fact that local elections, under existing law, are quadrennial.

The judicial branch would consist of a supreme court, with a single justice appointed by the President, with the advice and consent of the Senate for a 6-year term, and of such inferior courts as the legislature might create. The judicial district of Hawaii would be extended to include Guam so that the United States District Court for the District of Hawaii would have jurisdiction over certain cases arising in Guam. It would review final judgments of the Supreme Court of Guam in certain classes of cases.

Laws in force in Guam on the date of enactment of the bill, except as the bill may amend them, would be continued in force, subject to modification or repeal by the Congress or the legislature. Except as otherwise provided by the act, no law of the United States hereafter enacted would apply to Guam unless expressly made applicable by the Congress. The President would be directed to appoint a commission of seven persons, at least three of whom would be residents of Guam, to survey the field of Federal laws and to recommend to the Congress within 12 months after the date of enactment of the act, which laws of the United States not now

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applicable to Guam should be made applicable, and which laws already applicable, should be declared inapplicable.

The Governor's salary would be \$16,000. Should he be a retired officer of the Armed Forces, the Governor would receive such sum as when added to his pay and allowances as a retired officer would total \$16,000. The Chief Justice and the Lieutenant Governor would receive \$13,000 annually. Members of the Guam Legislature would receive \$15 a day for each day of the legislative session, to be paid by the United States. Other legislative expenses would be met from local revenues. Officers and employees whose homes are outside Guam would be transported to Guam with their families and household goods at the expense of the United States and would be returned at Federal expense if they had served 2 years. They would also be allowed travel time not to exceed 30 days once every 2 years in which to return to their homes on leave, transportation for this purpose to be at United States expense. Officers or employees whose salaries are not fixed by the act would receive such compensation and allowances as might be provided by local law, or by the civilian department or agency if employees of such agency.

Title to property owned by the United States and employed by the naval government in administration of civil affairs would be transferred to the local government within 90 days after the date of enactment of the act. All other property owned by the United States and not reserved by the President within said 90 days would be placed under control of the local government to be administered for the benefit of the people of Guam. Property title to which or control of which is not transferred to the local government would be transferred to the administrative supervision of the head of the civilian department or agency, except as the President may from time to time prescribe, and the head of that department or agency would be authorized to lease or sell, on terms he deems advantageous to the United States, any such property not needed for public purposes.

The Governor would be responsible for the establishment and maintenance of public-health services and a public-school system.

Customs duties and Federal income taxes collected in Guam, proceeds of taxes collected under United States internal-revenue laws on products of Guam, fees for passports, immigration, etc., would be covered into the local treasury to be expended by the government of Guam in accordance with the annual budget.

There would be expressly reserved to the President power to designate parts of the island as military or naval reservations, or to treat the island as a closed port with respect to vessels and aircraft of foreign nations.

The authority and powers conferred by the proposed organic legislation would come into force immediately upon enactment. However, the President would be authorized, during not more than 1 year from date of enactment, to continue the administration of Guam as provided by law, Executive order, or local regulation in force on the date of enactment of the act. The President would be further authorized to place any or all of the provisions of the act in force before the expiration of the 1-year period, if practicable.

Enactment of this legislative proposal would confer upon the people of Guam the measure of self-government and civilian administration to which they have long been entitled. It would contribute toward fulfillment of the obligation assumed by the United States under article 73 of the United Nations Charter to promote the political, economic, social, and educational advancement of the inhabitants of the non-self-governing Territories under United States administration. It would confer upon the people of Guam the privileges of United States citizenship and participation in their own government which have long since been granted to people in the other territorial areas of the United States, and I therefore recommend that it be enacted.

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The Director, Bureau of the Budget, has advised me that there is no objection to the submission of this report.

Sincerely yours,

J. A. KRUG,
Secretary of the Interior.

THE SECRETARY OF THE NAVY,
Washington, August 8, 1949.

HON. J. HARDIN PETERSON,
*Chairman of the Committee on Public Lands,
House of Representatives.*

DEAR MR. CHAIRMAN: The chairman of the Subcommittee on Territorial and Insular Possessions of the Committee on Public Lands, during the course of the hearings on H. R. 4499, a bill to provide a civil government for Guam, and for other purposes, and H. R. 4500, a bill to provide a civil government for American Samoa, and for other purposes, requested that the Department of the Navy submit a formal statement regarding its position with respect to organic legislation for those islands.

The enclosed statement sets forth the position of the Navy Department with regard to the proposed legislation which would provide organic acts for Guam and American Samoa and confer United States citizenship upon the indigenous inhabitants of those islands.

Sincerely yours,

DAN A. KIMBALL,
Under Secretary of the Navy.

STATEMENT OF THE POSITION OF THE DEPARTMENT OF THE NAVY WITH RESPECT TO CURRENT PROPOSED LEGISLATION TO PROVIDE AN ORGANIC ACT FOR GUAM AND AMERICAN SAMOA AND TO CONFER UNITED STATES CITIZENSHIP UPON THE INDIGENOUS INHABITANTS THEREOF

The Department of the Navy desires to endorse most strongly the proposal now before the Congress to grant United States citizenship to the peoples of Guam and American Samoa and to provide an organic act for each of these insular possessions. This endorsement is in effect a reiteration of the recommendations contained in the joint statement of the Secretaries of Navy and Interior before the Subcommittee on Territorial and Insular Possessions of the House Public Lands Committee on May 28, 1947.

The type of legislation best designed to accomplish the above objectives is, of course, a matter for the Congress to determine. The function of the executive departments concerned with the administration of insular affairs is considered as being to offer recommendations, on the basis of their backgrounds of experience in this field, as a guide to the Congress in the consideration and enactment of legislation.

The Department of the Navy, in reviewing the 50 years of its administration of Guam and American Samoa, feels a pride which is believed justifiable in the progress made on these islands. At the turn of the century when the administration of Guam and American Samoa was assigned to the Navy, the sanitary and health conditions of these islands were deplorable. The indigenous population had been decimated by disease. At once a vigorous public-health program was instituted on each of these islands. Medical treatment and hospitalization were provided for all. Programs for training medical practitioners and nurses have been promoted. Since 1900 the population of each island has almost trebled. Health conditions are now considered excellent. There has been a steady increase in the participation of the people of Guam and American Samoa in their local governments. The development of this participation has proceeded in accordance with the culture and institution of the people. Today the people of Guam are represented by the Guam Congress upon which certain legislative powers were conferred in 1947. The Samoans are represented by the Fono of American Samoa, a general assembly constituted according to Samoan tradition, upon the recommendations of which the Governor

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relies heavily. Guamanians and Samoans occupy responsible positions in the executive branch of their local governments and sit on the island courts. Similar substantial progress might be noted in the fields of education, commerce, and agriculture. Progress along these lines will be greatly accelerated, under whatever civilian department or agency is designated to have responsibility for the administration of Guam and American Samoa, by the enactment of organic legislation for these islands.

On behalf of the Department of the Navy, it is strongly urged that prompt and favorable consideration be given to legislation designed to provide an organic act for Guam and American Samoa and confer United States citizenship on the loyal inhabitants of these islands.

This statement has been coordinated within the National Military Establishment in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget has advised that there is no objection to the presentation of this statement to the Congress.

DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, July 13, 1950.

Hon. JOSEPH C. O'MAHONEY,
*Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.*

MY DEAR SENATOR: This is in response to the oral request of Mr. Stewart French of your staff for the views of the Department of Justice relative to the citizenship provisions of the bill (H. R. 7273) to provide a civil government for Guam, and for other purposes.

You are advised that the Department of Justice has no objection to the enactment of the afore-mentioned provisions in the form contained in section 4 of the bill, except that it is recommended that the proposed section 206 (b) be amended by deleting the period which appears on line 13 of page 3 of Committee Print No. 2, dated July 11, 1950, and inserting in its place a colon and the following proviso: "Provided, That in the case of any person born before the date of enactment of this section, he has taken no affirmative steps to preserve or acquire foreign nationality."

The recommended proviso is intended to insure against any construction which would permit the conferring of citizenship upon any person born on the island of Guam who has since assumed a status inconsistent with, if not antagonistic to, the interests of the United States.

Very sincerely,

PEYTON FORD,
Deputy Attorney General.

DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, July 17, 1950.

Hon. JOSEPH C. O'MAHONEY,
*Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.*

MY DEAR SENATOR: This is in response to your oral request for the further views of the Department of Justice relative to the citizenship provisions of the bill (H. R. 7273) to provide a civil government for Guam, and for other purposes.

Section 4 of H. R. 7273 would amend chapter II of the Nationality Act of 1940 by adding thereto a new section to be known as section 206.

Subsection (a) of section 206 would provide citizenship status to two classes of persons and their children born after April 11, 1899, provided they are residing on the island of Guam or other Territory over which the United States exercises sovereignty on the date of the enactment of the new section. The first class of persons included in subdivision (a)

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consists of those inhabitants of the island of Guam on April 11, 1899, who were Spanish subjects, who were residing on the island on that date (or if absent, were only temporarily absent), and who since such date have continued to reside on the island of Guam or other Territory over which the United States exercises sovereignty. These persons do not benefit, however, if they have at any time subsequent to April 11, 1899, taken any affirmative steps either to preserve the nationality they then possessed or to acquire any foreign nationality.

The second class of persons for whom citizenship status would be provided is described in paragraph 2 of subsection (a). This class includes all persons born on the island of Guam, whether or not Spanish subjects, who resided there on April 11, 1899, and who have continued since that date to reside there or in other Territory over which the United States exercises sovereignty. Temporary absence from the island on April 11, 1899, is excused. However, as under paragraph 1 relating to Spanish subjects, under paragraph 2 no person may benefit if he has taken any affirmative steps to preserve his then existing nationality or to acquire any foreign nationality.

A further subdivision of the proposed section 206 is designated subsection (b). It would confer citizenship on all persons born in the island of Guam on or after April 11, 1899, subject to the jurisdiction of the United States, irrespective of whether the birth of such person on that island occurred before or after the enactment of the new section. With reference to this subsection it would seem advisable to impose a limitation concerning the taking of affirmative steps to preserve or acquire foreign nationality, similar to that which the bill attaches to paragraphs 1 and 2 of subsection (a). This could be done by striking the period at the end of subsection (b), and inserting in lieu thereof a colon and the following language: "Provided, That in the case of any person born before the date of enactment of this section, he has taken no affirmative steps to preserve or acquire foreign nationality."

It is unnecessary that such a proviso should extend to those born after the enactment of the proposed section since such persons would be citizens at birth. However, since the retroactive effect of these subsections extends over a period of some 51 years, it is not impossible that in a few cases persons qualifying thereunder have long since acquired a foreign nationality and may not therefore be regarded as subject to such solicitude on the part of the United States as to warrant conferring United States citizenship upon them at this time.

Subsection (c) would permit any person upon whom citizenship may be conferred by either subsections (a) or (b) of the new section, and who are now citizens or nationals of a country other than the United States, to retain their present nationality if they so desire. It would provide a method by which such desire and purpose may be effected by declaration.

Subsection (d) is a section usually found in connection with legislative provisions relating to immigration and naturalization, and would merely confer upon the Commissioner of Immigration and Naturalization, with the approval of the Attorney General, the power to prescribe necessary rules and regulations not in conflict with the act.

Subsection (e) would exempt persons who are naturalized under the new section 206 from the provisions of section 404 (c) of the Nationality Act of 1940. That section provides that naturalized citizens who proceed to a foreign country and reside abroad for as long as 5 years shall forfeit their United States citizenship. This subsection is presumably motivated by the fact that the persons who would receive naturalized citizenship status under the new section are already nationals of the United States, owing allegiance thereto though not citizens, and hence worthy of being distinguished from those who not being nationals of the United States are merely naturalized in the usual process.

Section 4 of the bill carries also a subsection (b). Its effect would be to add a new class of persons to those enumerated in subsection (a) of section 303 of the Nationality Act of 1940. At the present time, subsection

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(a) of section 303 of the Nationality Act of 1940 provides that naturalization may be extended to white persons, persons of African nativity or descent, persons who are descendants of races indigenous of continents of North and South America or adjacent islands, Filipinos or persons of Filipino descent, Chinese persons and persons of Chinese descent, and persons of races indigenous to India. Subsection (b) of section 4 of the bill would add another group, to wit, Guamanian persons and persons of Guamanian descent. This provision is doubtless included to make it possible for this group of persons, who may not qualify for United States citizenship under the provisions of the proposed section 206, to apply for such citizenship in their individual capacities through the usual naturalization process.

Generally, the provisions of section 4 of H. R. 7273 follow a pattern established by Congress in establishing organic acts for the governments of outlying Territories of the United States. The organic act relating to Puerto Rico, as amended, and that relating to the Virgin Islands of the United States, are illustrative.

If in establishing an organic act for the island of Guam, the Congress should wish to include provisions with respect to citizenship and nationality similar to those which have been provided in the precedents relating to Puerto Rico and the Virgin Islands of the United States, it would appear that the provisions of section 4 of H. R. 7273 would adequately meet that objective. However, it is believed that the suggestion hereinabove made concerning subsection (b) of the proposed section 206, would constitute an improvement.

Yours sincerely,

PEYTON FORD,
Deputy Attorney General.

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT,
Philadelphia 7, Pa., July 6, 1950.

HON. JOSEPH C. O'MAHONEY,
United States Senate, Washington, D. C.

DEAR SENATOR O'MAHONEY: I am grateful to you for your courtesy in sending me the committee print of S. 1892, the Guam Organic Act, with the proposed amendments submitted by the subcommittee. I am, of course, primarily interested in the provisions relating to the judiciary and I have two definite comments to make with respect to these provisions in the bill as proposed by the subcommittee.

May I say preliminarily that I observe that it is proposed to create a district court in Guam to have Federal jurisdiction and also such local jurisdiction as may be assigned to it by the local legislature rather than to other local courts. I gather that this is being done somewhat upon the pattern of the District Court of the Virgin Islands created by section 25 of the Organic Act of the Virgin Islands (48 U. S. C. A., sec. 1405x). Under that act the district court has jurisdiction over both Federal and local cases but the local legislature is authorized to provide for the organization of a superior court to which jurisdiction over all non-Federal cases may be transferred. It happens that the Virgin Islands are in our circuit and that I have had occasion to observe the business which comes before the district court there. The fact is that the Federal business coming into the court is comparatively small, the bulk of the court's business involving local cases and the whole amount of business, both Federal and local, not providing an excessive workload for one judge.

I would assume that the situation in Guam would be roughly analogous to that in the Virgin Islands and that the case load, both Federal and local, would not likely be much greater. If that is so the creation of a district court to consider Federal cases alone would be quite unjustified and it would be much more appropriate to confer upon the district court jurisdiction over local cases generally or over such local cases as are not assigned by the Guam Legislature to some other court created by it.

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Turning to proposed section 22 (a) of the bill I note that the District Court of Guam is described as a "United States district court." I question whether this is an appropriate description since the court is not being created under the judiciary article of the Constitution, article III, section 1, but rather under article IV, section 3, which gives Congress power to regulate the territory of the United States. Moreover, if, as seems to me inevitable, the major business of the court will be to consider and dispose of local cases the designation is hardly apt. Furthermore, I suggest that the sounder legislative approach to the jurisdictional questions involved in this section would be to confer upon the district court original jurisdiction in all Federal causes and in all other causes in Guam except such as the legislature may assign to other courts. I would, therefore, suggest that section 22 (a) read as follows:

"Sec. 22. (a) There is hereby created a [United States district] court of record to be designated the 'District Court of Guam', and the judicial authority of Guam shall be vested in the District Court of Guam and in such court or courts [other than the District Court of Guam] as may have been or may hereafter be established by the laws of Guam. The District Court of Guam shall have, in all causes arising under the laws of the United States, the jurisdiction of a district court of the United States as such court is defined in section 451 of title 28, United States Code, and shall have original jurisdiction in all other causes in Guam jurisdiction over which has not been transferred by the legislature to other court or courts established by it, and shall have such [original or] appellate jurisdiction as the legislature may determine. The jurisdiction of and the procedure in the courts of Guam other than the District Court of Guam shall be prescribed by the laws of Guam."

My only other suggestion relates to the first sentence of section 24(a) which provides for the appointment of the judge of the district court. This sentence now provides that he shall hold office in accordance with the provisions of section 134 of title 28 of the United States Code. Section 134 provides that the district judges, except in Hawaii and Puerto Rico, shall hold office during good behavior and that the district judges in Hawaii and Puerto Rico shall hold office for terms of 6 and 8 years, respectively, and until their successors are appointed and qualified. Under the circumstances the reference to section 134 in proposed section 24(a) with respect to the term of office of the judge is quite ambiguous. Which provisions of that section are intended to be applied? Is it intended that the judge in Guam shall hold office during good behavior or is he to hold office for a term of 6 or 8 years and until his successor is chosen? I, therefore, suggest that the first sentence of section 24(a) be amended to read as follows, the exact length of the term being of course a matter which your committee will consider:

"Sec. 24. (a) The President shall, by and with the advice and consent of the Senate, appoint a judge for the District Court of Guam who shall hold office [in accordance with the provisions of section 134 of title 28, United States Code,] for the term of eight years and until his successor is chosen and qualified unless sooner removed by the President for cause."

I trust that these suggestions may be useful.

With kind regards, I am,

Sincerely yours,

ALBERT B. MARIS.

APPENDIX I

ANALYSIS OF H. R. 7273

Section 1: Authorizes citation of this act as the "Organic Act of Guam."

Section 2: Defines Guam as to area and territorial limits, which are those set forth by the Treaty of Paris.

Section 3: Defines the political status of Guam as an unincorporated Territory and provides that its government shall consist of executive, legis-

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lative, and judicial branches. As an unincorporated Territory, Guam, like Puerto Rico and the Virgin Islands, is appurtenant to the United States and belongs to the United States but is not a part of the United States, as distinguished from Alaska and Hawaii, which are incorporated Territories. Unincorporated areas are not integral parts of the United States and no promise of statehood or a status approaching statehood is held out to them.

Section 4: Confers United States citizenship upon the people of Guam.

Section 5: Provides for a bill of rights granting the Guamanians protection against infringement of personal freedom. The bill of rights is modeled upon the Bill of Rights in the United States Constitution but does not expressly provide for trial by jury in Guam. Since Guamanians derive their tradition in law from Spain, a civil-law nation, they have little knowledge or experience in trial by jury. The Guam Congress could institute trial by jury if it so desired.

Section 6: Vests executive authority for the government of Guam in a Governor appointed by the President for a 4-year term with consent of the Senate, such authority to be exercised under the supervision of the head of the civilian department of the United States designated by the President.

Section 7: Provides for a secretary for Guam to be appointed by the President who shall serve as Acting Governor in the absence of the Governor. He exercises the same functions as Government secretaries in other Territories and possessions and such additional duties as the Governor may assign to him.

Section 8: Designation of Acting Governor in the absence of Governor and secretary will be made by the head of the supervisory agency from among the heads of departments in the Guam government or other persons.

Section 9: Appointment of heads of executive agencies and boards, and commissions of Guam government shall be made by the Governor, except as otherwise provided in the act or the laws of Guam. This section requires the legislature to establish a merit system for the employees of the government of Guam and specifies that Guamanians shall be given preference under the merit system, for appointments and promotions and shall be provided with opportunities for higher education and in-service training in order to qualify therefor.

Section 10: Legislative power, except as otherwise provided in the act, is vested in a legislature, which shall consist of a single house of not to exceed 21 members to be elected at large. General elections to the legislature are required to be held on the Tuesday next after the first Monday in November, biennially in even-numbered years. Present members are to continue in office until the next election held in accordance with present laws and until their successors have duly qualified. The present legislature, the Guam Congress, is composed of two houses, the house of council and the house of assembly. One councilman is elected from each municipality regardless of the population. One assemblyman is elected for each district within a municipality, each district having approximately 1,000 inhabitants. Councilmen are elected for 4 years, assemblymen for 2 years. All elections are held on the basis of universal suffrage of citizens of Guam and are by secret ballot. The act provides that the legislature shall be organized and sit according to the laws of Guam in force on the date of enactment of this act and as amended or modified after such date.

Section 11: Vests the Legislature of Guam with local legislative powers which shall extend to all subjects of legislation of local application not inconsistent with the provisions of this act or the laws of the United States applicable to Guam. The legislature may provide for the levy of local taxes and, when necessary to anticipate taxes and revenues, the issuance of bonds and other obligations up to 10 percent of the aggregate tax valuation of the property of Guam. It may also authorize the issuance of revenue bonds.

Section 12: Provides that the legislature shall be the judge of the selection and qualification of its own members and shall choose therefrom

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its own officers and determine its rules and procedure not inconsistent with this act, and keep a journal.

Section 13: Provides that the members of the legislature shall be privileged from arrest during their attendance at the legislature and in going to and returning from the same, except in cases of treason, felony, or breach of the peace.

Section 14: Provides that every member of the legislature and officers of the Government shall take the prescribed oath or affirmation.

Section 15: Prohibits members of the legislature from taking or holding offices which were created or the salaries or emoluments of which were increased while they were in office or within 1 year after the expiration of the term.

Section 16: Prescribes the qualifications and basic conditions of eligibility for membership of the legislature.

Section 17: Provides that the legislature may prescribe the method for filling vacancies, except that no person filling a vacancy shall hold office longer than for the remainder of the term for which his predecessor was elected.

Section 18: Provides for regular sessions of the legislature to convene in Agana annually on the second Monday in January for such period or periods not to exceed in the aggregate 60 calendar days, as the legislature may determine. It authorizes the Governor to call special sessions of the legislature, as he deems it necessary, special sessions to be limited to 14 days, and the legislature to consider only such matters as are placed before them by the Governor.

Section 19: Provides the method by which the Governor may veto an act of the legislature.

Section 20: Prescribes the method by which appropriations shall be made for the necessary expenses of the government.

Section 21: Confers on any person or group of persons in Guam the unrestricted right of petition.

Section 22: Establishes a District Court for Guam. Such a court is regarded as highly important for the development of Guam as a sea and air port and trading center for American interests in the Far East, since it would have jurisdiction in admiralty cases and business reorganization arising under the bankruptcy laws. Otherwise, the nearest Federal tribunal having such jurisdiction is more than 12 hours' air travel away—in Hawaii.

The language of this section was carefully worked out in a series of conferences among the officials of the Administrative Office for Federal Courts, the attorney general of Guam, Department of Interior lawyers, and committee staff attorneys. It was submitted to the chairman of the Chief Justice's Judicial Conference Committee, Hon. Albert B. Maris, who made suggestions for amendment, which the committee adopted.

Section 23: The United States Court of Appeals for the Ninth Circuit would have jurisdiction of appeals from all final decisions of the District Court of Guam in certain specified classes of cases. This section would also permit direct appeals to the Supreme Court of the United States from any judgment of the District Court of Guam holding an act of Congress unconstitutional in any civil suit to which the United States is a party.

Section 24: Provides for the appointment by the President, with the consent of the Senate, of a judge for the District Court of Guam. The President would also appoint, with the consent of the Senate, a United States attorney and United States marshal.

Section 25: Provides that the laws in force in Guam on the date of enactment of the bill, except as the bill may amend them, would be continued in force. The President would be directed to appoint a commission of seven persons, at least three of whom would be residents of Guam, to survey the field of Federal laws and to recommend to the Congress within 12 months after the date of enactment of the act, which laws of the United States not now applicable to Guam should be made applicable, and which laws already applicable should be declared inapplicable.

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Section 26: Provides that the Governor's salary would be paid by the United States at the rate provided for governors of Territories and possessions in the Executive Pay Act of 1949. Members of the Guam Legislature would receive \$15 a day for each day of the legislative session, to be paid by the United States. Other legislative expenses would be met from local revenues.

Section 27: Provides that articles grown, produced, or manufactured in Guam may enter into the United States, its Territories, or possessions free of duty.

Section 28: Provides that title to real and personal property owned by the United States and employed by the naval government in administration of civil affairs would be transferred to the local government within 90 days after the date of enactment of the act. All other property owned by the United States and not reserved by the President within said 90 days would be placed under control of the local government to be administered for the benefit of the people of Guam. Property, title to which or control of which is not transferred to the local government, would be transferred to the administrative supervision of the head of the civilian department or agency, except as the President may from time to time prescribe, and the head of that department or agency would be authorized to lease or sell, on terms he deems in the public interest any such property not needed for public purposes.

Section 29: Places responsibility on the Governor for the establishment, maintenance, and operation of the public-health services and public-school system of Guam.

Section 30: Provides that the customs duties and Federal income taxes collected in Guam, proceeds of taxes collected under United States internal-revenue laws on products of Guam, fees for passports, immigration, etc., would be covered into the local treasury to be expended by the government of Guam in accordance with the annual budget. The Governor of Guam stated to the committee that it was believed the island would become self-supporting within the next 2 years.

Section 31: Makes the United States income-tax laws applicable to Guam.

Section 32: Authorizes annual appropriations by the Congress of such sums as may be necessary to carry out the provisions of this act.

Section 33: Expressly reserves the Presidential power to designate parts of the island as military or naval reservations, and to treat Guam as a closed port with respect to the vessels and aircraft of foreign nations.

Section 34: Provides that the authority and powers conferred by the proposed organic legislation would come into force on July 21, 1950, the anniversary of the Liberation of Guam by the American Armed Forces in World War II, celebrated as a Guamanian holiday comparable to the Fourth of July. However, the President would be authorized, during not more than 1 year from date of enactment, to continue the administration of Guam as provided by law, Executive order, or local regulation in force on the date of enactment of the act.

APPENDIX 2

EXECUTIVE MANSION,
Washington, D. C., December 23, 1898.

The island of Guam in the Ladronez is hereby placed under the control of the Department of the Navy. The Secretary of the Navy will take such steps as may be necessary to establish the authority of the United States and to give it the necessary protection and Government.

WILLIAM MCKINLEY.

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APPENDIX 3

THE WHITE HOUSE,
Washington, D. C., June 19, 1947.

Hon. JOSEPH W. MARTIN, JR.,¹

Speaker of the House of Representatives.

MY DEAR MR. SPEAKER: There is enclosed a copy of a report from the Secretary of State indicating a course of action which the Secretaries of State, War, Navy, and Interior have agreed should be followed with respect to the administration of Guam, Samoa, and the Pacific islands to be placed under United States trusteeship.

On October 20, 1945, I appointed a committee consisting of the Secretaries of these four Departments to make recommendations concerning this matter. After preliminary consideration it seemed inadvisable to formulate a final recommendation until a determination had been made of the status of certain islands formerly under Japanese control. In the meantime the Departments represented on the committee continued to give study to the problems involved.

After the United Nations Security Council approved a trusteeship agreement designating the United States as the administering authority for the former Japanese mandated islands, I requested that the members of the committee again give joint consideration to problems relating to the administration of the Pacific islands. The enclosed report has been submitted pursuant to that request.

I am sure that the agreement reached by the four Secretaries will be of interest to the Congress in connection with its consideration of legislation to provide civilian government for these islands and that the information obtained by the Departments in studying this question will also be helpful in the consideration of such legislation.

It has long been my view that the inhabitants of Guam and Samoa should enjoy those fundamental human rights and that democratic form of government which are the rich heritage of the people of the United States. We have already extended those rights and that form of government to other possessions of the United States, such as Puerto Rico and the Virgin Islands, and with respect to the inhabitants of the trust territory have given solemn assurance to the United Nations of our intention to grant these inhabitants a full measure of individual rights and liberties.

I hope that the Congress will approve legislation for the purposes indicated in the enclosed report and that such legislation will provide for the full enjoyment of civil rights and for the greatest practicable measure of self-government.

Very sincerely yours,

HARRY S. TRUMAN.

DEPARTMENT OF STATE,
Washington, June 18, 1947.

THE PRESIDENT,
The White House.

DEAR MR. PRESIDENT: Pursuant to your request, the Secretaries of State, War, Navy, and Interior have held several meetings and have agreed upon the following course of action:

1. Separate organic legislation for Guam to provide civil government and to grant citizenship, a bill of rights, and legislative powers to Guamanians should be enacted this session. In recent hearings on such organic legislation, the Departments have recommended the transfer of administration from the Navy Department to a civilian agency designated by the President at the earliest practicable date, the exact date to be determined by the President.

¹ H.Doc. 333, 80th Cong., 1st sess. An identical letter was sent to Arthur H. Vandenberg, President pro tempore of the Senate.

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2. Organic legislation for American Samoa, providing civil government and granting citizenship, a bill of rights, and legislative powers, should be prepared by the Navy and Interior Departments and presented to the next session of Congress.

3. Suggestions for organic legislation for those Pacific islands placed under United States trusteeship are in preparation by the Department of State for presentation to Congress, provided favorable congressional action is taken on the trusteeship agreement to be shortly presented for approval.

4. The Navy Department should continue to have administrative responsibility for Guam and American Samoa on an interim basis pending the transfer to a civilian agency of the Government at the earliest practicable date, such date to be determined by the President. With respect to the trust territory, a similar transfer should be effected by the President at the earliest practicable date.

5. Provided Congress acts favorably on the trusteeship agreement, an Executive order should be issued when the agreement enters into force, terminating military government in the trust territory and delegating civil administration to the Navy Department on an interim basis, subject to the conditions set forth in paragraph 4.

Faithfully yours,

G. C. MARSHALL.

APPENDIX 4

EXECUTIVE ORDER 10077

TRANSFER OF THE ADMINISTRATION OF THE ISLAND OF GUAM FROM THE SECRETARY OF THE NAVY TO THE SECRETARY OF THE INTERIOR

Whereas the island of Guam was placed under the control of the Department of the Navy by Executive Order No. 108-A of December 23, 1898; and

Whereas a committee composed of the Secretaries of State, War, the Navy, and the Interior recommended on June 18, 1947, that administrative responsibility for the island of Guam be transferred to a civilian agency of the Government at the earliest practicable date as determined by the President; and

Whereas plans for the orderly transfer of administrative responsibility for the island of Guam from the Secretary of the Navy to the Secretary of the Interior are embodied in a memorandum of understanding between the Department of the Navy and the Department of the Interior, approved by me on August 10, 1949, and it is the view of the two Departments, as expressed in that memorandum, that such transfer should take effect on July 1, 1950; and

Whereas the transfer of administration of the island of Guam from the Secretary of the Navy to the Secretary of the Interior, effective July 1, 1950, appears to be in the public interest:

Now, therefore, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

1. The administration of the island of Guam is hereby transferred from the Secretary of the Navy to the Secretary of the Interior, such transfer to become effective on July 1, 1950.

2. The Department of the Navy and the Department of the Interior shall proceed with the plans for the transfer of the administration of the island of Guam as embodied in the above-mentioned memorandum of understanding between the two Departments.

3. When the transfer of administration made by this order becomes effective, the Secretary of the Interior shall take such action as may be necessary and appropriate and in harmony with applicable law, for the administration of civil government on the island of Guam.

UNITED STATES DISTRICT COURT—OREGON—TERM AT EUGENE

4. The executive departments and agencies of the Government are authorized and directed to cooperate with the Departments of the Navy and Interior in the effectuation of the provisions of this order.

5. The said Executive Order No. 108-A of December 23, 1898, is revoked, effective July 1, 1950.

HARRY S. TRUMAN.

THE WHITE HOUSE, September 7, 1949.

APPENDIX 5

Sec. 373 of title 28, United States Code, to which reference is made in section 24 (a) of the bill, is set forth in full below.

"§ 373 JUDGES IN TERRITORIES AND POSSESSIONS.

"Any judge of the United States District Courts for the district of Hawaii or Puerto Rico, the District Court for the Territory of Alaska, the United States District Court for the District of the Canal Zone or the District Court of the Virgin Islands and any justice of the Supreme Court of the Territory of Hawaii who resigns, retires, or fails of reappointment or is removed by the President of the United States upon the sole ground of mental or physical disability, after attaining the age of seventy years and after serving as judge of one or more of such courts, at least sixteen years, continuously or otherwise, shall continue to receive the salary which he received when he relinquished office.

"If such service aggregated less than sixteen years but not less than ten years he shall receive that proportion of such salary which the total aggregate number of years of his service bears to sixteen.

"Service in any of such courts shall be included in the computation of aggregate years of service."

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For text of Act see p. 395

Senate Report No. 1223, Jan. 17, 1950 [To accompany S. 2314]

House Report No. 2531, July 12, 1950 [To accompany S. 2314]

The House Report repeats in substance the Senate Report.

House Report No. 2531

THE Committee on the Judiciary, to whom was referred the bill (S. 2314), to provide for holding a term of the United States District Court for the District of Oregon at Eugene, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

The purpose of this legislation is to provide for the holding of a term for the United States District Court for the District of Oregon at Eugene.

STATEMENT

The United States District Court for the District of Oregon now holds court at Medford, Klamath Falls, Pendleton, and Portland and the report from the Administrative Office of the United States Courts indicates that