

PROVIDING A CIVIL GOVERNMENT FOR GUAM, AND FOR
OTHER PURPOSES

FEBRUARY 22, 1950.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. PETERSON, from the Committee on Public Lands, submitted the
following

REPORT

[To accompany H. R. 7273]

The Committee on Public Lands, 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-
out amendment and recommend that the bill do pass.

EXPLANATION OF THE BILL

The purpose of H. R. 7273 is to confer United States citizenship
on the people of Guam, to grant them a bill of rights, to establish a
representative form of government in accordance with our democratic
tradition, to provide effective protection of the rights of individuals
under law through an independent judiciary, to define the scope of
executive authority of government, to accord the greatest practicable
measure of local self-government, and to fulfill the international
obligations of the United States Government with respect to Guam.

HISTORY OF GUAM

Guam is the largest and greatest populated of the Marianas Islands,
located in the North Pacific between the Philippines and Hawaii and
between Japan and New Guinea. It is the most fertile of the Marianas
and the only island of the group with natural harbor accommodations
for large ships.

Guam has been dominated by influences from various parts of the
world for more than 400 years. Discovered by Magellan in 1521 on
his first voyage around the world, it was colonized by Spanish Jesuits
and soldiers in 1668. Under Spanish rule, the Marianas were ad-
ministered as a part of the Philippine Islands.

The island of Guam was captured by American naval forces during the Spanish-American War in 1898. It was subsequently ceded to the United States by the Treaty of Paris, and has remained a possession of the United States ever since, with the exception of the period of Japanese occupation during World War II. It was retaken by the United States in July 1944.

Owing to its strategic position as a key point in the Pacific, and in view of lessons learned during World War II, Guam has been under development as a major naval base. The Marianas Islands, other than Guam, together with the Marshall and Caroline Islands, constitute the Trust Territory of the Pacific Islands, which is administered by the United States in accordance with a trusteeship agreement concluded on July 18, 1947, between the United States and the United Nations.

Approximately 96,000 persons live on Guam, of whom about 26,000 are Guamanians. English is the official language and is compulsory in all public-school instruction. The Guamanians are nationals of the United States.

The Constitution of the United States does not apply to Guam. Except during the period of Japanese occupation, the Navy Department has since 1898 exercised sole responsibility for the administration of Guam in every phase of activity, with the naval governor the absolute and final authority in all matters of government.

On September 7, 1949, the President issued Executive Order 10077, transferring the administration of Guam from the Secretary of the Navy to the Secretary of the Interior, effective July 1, 1950. This action was in accordance with the recommendation on June 18, 1947, of a committee appointed by the President of the United States composed of the Secretaries of State, War, Navy, and Interior.

IMPORTANCE OF ORGANIC LEGISLATION FOR GUAM

The Guam Congress has repeatedly petitioned the Federal Government for United States citizenship, organic legislation, and civilian administration. The Committee on Public Lands has conducted extensive hearings in the Eighty-first Congress and in prior Congresses on such legislation.

Members of Congress, members of the Cabinet, high-ranking officers of the Army and Navy, business people, and many others have appeared before the committee. All have expressed themselves as being in favor of the immediate establishment of civil government on the island of Guam. It should be pointed out that of the many people who appeared before the committee not a single person testified against passage of this measure.

A memorial addressed to the Congress of the United States, dated January 15, 1949 reads in part:

As we enter the second half-century period of unquestioning allegiance to the United States of America since the signing of the Treaty of Peace between the United States and Spain at Paris, on December 10, 1898 * * *. We, the Ninth Guam Congress, on behalf of the native inhabitants of Guam, do hereby memorialize the Congress of the United States to so determine the civil rights and political status of the said native inhabitants of Guam by the passage of an organic act providing, among other things, the establishment of the Territory of Guam, and the representative government thereof, and conferring United States citizenship upon certain of the inhabitants thereof.

When Secretary of the Interior Krug appeared before this committee, he said:

It is my firm conviction that the benefits which will result from enactment of the proposed organic legislation will reach far beyond the islands concerned. America takes pride in its traditional role as the champion, among nations, of dependent peoples, of representative government, of justice under law, and of fundamental rights and human freedoms for everyone everywhere. 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 security. In Guam, a bastion of defense in the Pacific, measures taken to satisfy the legitimate aspirations of the Guamanians would actually enhance our national security by binding these people more closely to the rest of the United States.

Secretary of State George Marshall, in a letter to the President of the United States dated June 18, 1947, stated in part:

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 (State, War, Navy, and Interior) 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.

In a letter from the Navy Department to this committee dated August 8, 1949, the Under Secretary of the Navy states:

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.

In connection with the hearings at that time before this committee, President Truman, in a letter addressed to the Speaker of the House dated June 19, 1947, said:

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.

And in a recent letter addressed to the Secretary of the Interior with reference to the present bill, President Truman states:

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. 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.

CONCLUSIONS

The Treaty of Paris of 1898 by which Cuba, the Philippine Islands, Puerto Rico, and Guam were ceded to the United States provides in article IX that—

The civil rights and political status of the inhabitants of the territories ceded by Spain to the United States shall be determined by the Congress.

Cuba and the Philippines were given their independence and Puerto Rico was given an organic act in fulfillment of the treaty pledge and of our traditional policy, but we have as yet not taken any action with respect to Guam. H. R. 7273 would extend to the people of Guam United States citizenship, a bill of rights, local legislative powers, and independent judiciary and civilian administration. It follows closely the pattern set by the Congress in the organic legislation for Hawaii, Alaska, Puerto Rico, and the Virgin Islands, with some modification for special conditions.

There are no more patriotic, loyal people under the American flag than the Guamanians. Guam was the only important area under United States jurisdiction which was occupied by the Japanese during World War II. Throughout the Japanese occupation Guamanians demonstrated their great loyalty and devotion to this country. Many of them endured cruel torture and performed unsurpassed acts of heroism to hasten the victorious return of the American forces. They are Americans in every sense except that they lack the fundamental rights under law and the elemental features of democratic government which other Americans enjoy.

The people of Guam by their heroic loyalty in war and their long devotion and adherence to the American way of life have demonstrated in every respect that they are qualified for and deserving of United States citizenship and an increased measure of self-government under law. Their desires for these measures have been eloquently expressed in repeated petitions to the United States Congress.

As testimony before this committee reveals, the Eighty-first Congress has an opportunity and the responsibility, by enacting H. R. 7273, to put an end to our neglect of the rights of the Guamanian people over the last 50 years and to fulfill our international obligations under article IX of the Treaty of Paris of 1898 and under article 73 of the United Nations Charter. Enactment of H. R. 7273 will provide additional evidence to the peoples and nations of the world of this Government's traditional policy of promoting the political, economic, social, and educational advancement of dependent peoples. Failure to do so would be a severe blow to the aspirations of millions of dependent peoples all over the world. To permit the executive branch of government to exercise complete legislative, judicial, and executive authority over Americans is contrary to every basic principle of democratic government. Ours is a Government of laws and not of men, and only the Congress, by law, can define the civil rights and political status of the people, insure democratic lawmaking processes, establish an independent judiciary, and define executive authority. Until the Congress does act, Guam will be subject to the good will or arbitrariness, as the case may be, of Federal officials having responsibility for the government of Guam. To remedy this situation, the Congress, in this committee's opinion, should act now.

An earlier bill, H. R. 4499, was reported by this committee on October 3, 1949. H. R. 4499 was introduced as the result of an executive communication directed to the Speaker of the House of Representatives by the Secretary of the Interior.

In November 1949 a special subcommittee from the Public Lands Committee visited Guam, Samoa, and the Trust Territory. Upon their return to Washington, the subcommittee members submitted to the Committee on Public Lands a report of their findings in the Pacific

area. This report, pertinent excerpts from which are set forth below as appendix No. 3, recommended that certain amendments be made to H. R. 4499. Agreeing that the suggested amendments are desirable, the Committee on Public Lands has withdrawn H. R. 4499 and introduced H. R. 7273, which embodies H. R. 4499 with the amendments recommended by the special subcommittee.

The previously referred to executive communication from the Secretary of the Interior is set forth in full as appendix No. 1 and further explains the need for this legislation. The Department of the Navy, in endorsing this legislation, submitted a letter which is included in this report as appendix No. 2.

An analysis of the provisions of H. R. 7273 is set forth in appendix No. 4 of this report. It will be noted that H. R. 7273 contains no provision for Guam's representation in Congress by a Resident Commissioner. Although this action is not intended to imply in any way that the committee does not favor such representation, further consideration of the question of representation in the Congress by the peoples living in all of our offshore areas is deemed advisable.

Eventual statehood for Guam is not contemplated in the provisions of this bill. Guam is specifically described therein as an "unincorporated territory" and would not obtain status as an "incorporated territory" through the enactment of H. R. 7273.

The Committee on Public Lands unanimously recommends that H. R. 7273 be promptly enacted.

APPENDIX No. 1

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

HON. SAM RAYBURN,
Speaker of the House of Representatives.

MY DEAR MR. SPEAKER: 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 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 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.

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.*

APPENDIX No. 2

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 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.

APPENDIX No. 3

REPORT TO THE PUBLIC LANDS COMMITTEE ON THE PACIFIC ISLANDS

GUAM

Guam is the largest and most populous of the 17 Mariana Islands, and, as already stated, is located within the geographic area of the Trust Territory, although politically it is not a part of it. From the latter part of the seventeenth century Guam was under Spanish control until it was ceded to the United States by the Treaty of Paris in 1898, following the Spanish-American war. Article IX of that treaty provided that "the civil rights and the political status of the inhabitants of the territories ceded by Spain to the United States shall be determined by the Congress." But although this obligation has been carried out with respect to the other areas—the Philippines and Puerto Rico—acquired from Spain, no action has been taken by the Congress with respect to Guam.

Guam has been subject to the jurisdiction of the Department of the Navy pursuant to an Executive order dated December 23, 1898. By Executive Order No. 10077, of September 7, 1949, administration of Guam was transferred to the Department of the Interior, effective July 1, 1950, in accordance with a recommendation made earlier to the President by the Secretaries of State, War, Navy, and Interior.

During the years of naval administration, Guam's government has been headed by a Governor, commissioned by the President upon recommendation of the Secretary of the Navy. As in Samoa, until recently all authority was exercised by the Governor; only recently has the legislature had any genuine legislative authority. The legislative body is a bicameral organization known as the Guam Congress, which was created in 1917 as a single house, whose members were appointed by the Governor and had only advisory functions. It became a bicameral body in 1931, and its members became elective. It consists of a house of council and a house of assembly. Councilmen are elected for 4 years on the basis of universal suffrage, one councilman for each municipality. Assemblymen, who are elected by universal suffrage, are elected for 2-year terms, one for each district within a municipality. Until August 7, 1947, the Guam Congress continued to act in an advisory capacity only; on that date, the Secretary of the Navy extended legislative power to the congress. The congress may initiate legislation, which becomes law upon the Governor's approval. The Governor may veto legislation, which, if repassed by the Guam Congress over the veto and not then approved by the Governor, is submitted to the Secretary of the Navy for final action. The judicial system of Guam consists of courts of original jurisdiction and appellate courts. All judges are appointed by the Governor of Guam although the chief justice is selected, and his appointment directed, by the Secretary of the Navy. On the island, there is no appeal beyond the Governor from the courts of Guam, and outside the island, appeal lies only to the Secretary of the Navy.

The people of Guam are nationals of the United States. There are today approximately 25,000 Guamanians, who represent a mixture of Chamorro, Spanish, Filipino, Mexican, Chinese, Japanese, and other peoples. English is the official language, although the ancient Chamorro tongue continues to be spoken, especially by the older people. According to the 1940 census, 84.4 percent of all persons 10 years of age or older were literate. Farming was formerly a profitable occupation for the people of Guam, but since the war most of the cultivable land has been under occupancy by the military, which holds title to more than half the island, and much of the remainder is the subject of involved and unresolved land claims.

As in American Samoa, so in Guam there had been considerable discussion of the provisions of the proposed organic act before the committee's arrival, and many persons were eager to be heard. About 100 witnesses testified, including the community leaders and all the members of the congress, and all were enthusiastically in favor of the bill. Not a single witness was opposed to organic legislation. Some minor changes in H. R. 4499 were suggested.

In section 5 (r), it was proposed that the compulsory school age level be raised from 14 to 16 years. The committee has no objection to this proposal.

It was proposed that section 6 (a) be amended to provide that the Governor shall hold office "for a term of 4 years or at the pleasure of the President," instead of at the pleasure of the President, as the section now provides. The committee considers that it would not be administratively feasible to fix the Governor's term in the alternative. A term at the President's pleasure rather than a term of years, was chosen because the Governors of the Virgin Islands and, until recently, Puerto Rico, held office on that basis; it was thought desirable to make the same provision applicable to Guam, which is also an unincorporated territory, rather than to provide for a term of years, as is the case in the two incorporated Territories of Alaska and Hawaii. However, the committee would have no objection to setting a 4-year term for the Governor. Similar comments apply to the proposal that the Lieutenant Governor hold office "for 3 years and at the President's pleasure." However, if a term of years is to be prescribed for this office, the committee recommends that the term be the same as the Governor's.

It was proposed that section 9 (a) be amended to provide that the Governor's power to appoint heads of executive departments and agencies shall be exercised with the advice and consent of the house of council. The committee has no objection to this proposal.

It is proposed that section 26 (e) of the bill as reported by the House Public Lands Committee be amended to provide that each member of the legislature shall be paid the sum of \$20 per day for each day that the legislature is in session, whether regular or special, out of sums to be appropriated annually by the Congress, instead of \$15 per day, as the bill now provides. For reasons stated above in the discussion of a similar provision in H. R. 4500, the committee is of the opinion that the present language should be retained.

It is also proposed that a new section be added to the bill, to provide that—
Acts passed by the United States Congress with reference to vocational education, Soil Conservation and Domestic Allotment Act, Public Health Service Act, vocational and education grants shall be so amended to read as follows: "The term 'States and Territories' means the several States, the Territories of Alaska, Hawaii, Puerto Rico, Guam, and the District of Columbia."

The committee is sympathetic with the objective of this provision, but does not consider this to be the most effective way of accomplishing the desired result, in view of the fact that to make Guam eligible for a share in these benefits without reducing the share of the Territories already eligible would require a more extensive amendment than the one proposed. Moreover, section 25 (b) of the bill directs the President to appoint a commission to recommend to the Congress, within a year after enactment of the bill, which statutes of the United States not applicable to Guam shall be extended to it. The committee considers that it would be preferable for the commission to review the field of Federal statutes and for action to be taken upon its recommendations than for certain statutes chosen at random to be extended to Guam by the organic legislation. Undoubtedly there are others in addition to those proposed which should be so extended. The committee, therefore, recommends that this amendment not be adopted, with the understanding that this recommendation is not intended to indicate any determination by the committee that the benefits of the legislation referred to should not be extended to Guam.

The major change proposed in H. R. 4499 was with respect to the sections relating to the judiciary. The people of Guam want a court system which corresponds to those in the States and Territories, in that local questions would be dealt with in local courts, and final judgments of the highest local court would, in certain cases, be reviewable by a United States Court of Appeals and the Supreme Court of the United States. They were satisfied with the present provision of section 22 of H. R. 4499, which establishes a Supreme Court of Guam, and authorizes the Guam Legislature to prescribe the jurisdiction as it may confer. But they requested the deletion of present provisions for certain original jurisdiction in the United States District Court for the District of Hawaii to be concurrent with the courts of Guam, and for appellate jurisdiction over final judgments of the Supreme Court of Guam to be lodged in the United States district court. The committee recommends that these and other proposals made with respect to the judiciary sections be adopted, so that in lieu of the present sections, the judiciary portion of the bill will provide as follows: (1) Guam shall have a supreme court and such local courts as may have been or may hereafter be established by the local legislative body, which may also prescribe the jurisdiction of the courts; (2) the supreme court shall consist of a chief justice and two associate justices appointed by the President with the advice and consent of the Senate for terms of

6 years; the bill now provides for a single judge of the supreme court and authorizes him to select two or more judges of inferior courts to sit with him from time to time; (3) the jurisdiction of the District Court for the Northern District of California, rather than the District Court for the District of Hawaii shall be extended to Guam, and that there shall be no provision which would make the original jurisdiction of that court concurrent with the courts of Guam; the committee recommends that the advice of the Director of the Administrative Office of United States Courts be obtained on this point, and calls attention to the fact that incorporation of Guam with any existing judicial district would be only until the volume of litigation warrants creation of a separate district court on Guam, and to the further fact that the proposed organic legislation for American Samoa would extend the jurisdiction of the District Court for the District of Hawaii to Samoa, thus perhaps making it inadvisable to add litigation from Guam to the Hawaii court's already crowded docket; (4) the United States Court of Appeals for the Ninth Circuit shall review final judgments of the Supreme Court of Guam in the same instances in which the Court of Appeals for the First Circuit reviews final judgments of the Supreme Court of Puerto Rico, and that further review by the Supreme Court of the United States shall be provided on the same basis as review is given by that court to judgments of the Supreme Court of Puerto Rico; there should be no provision, as in the present bill, for appellate review by a United States district court. These changes would integrate the court system of Guam with the Federal court system, at the same time permitting an independent local judicial system, and the committee considers these proposals to be entirely reasonable.

A considerable portion of the testimony given to the committee was devoted to the subject of the settlement of land claims. Until the land claims are settled, there is little likelihood that substantial industries will be established on Guam. Privately owned land was seized by the Japanese and later by the American occupying forces. The owners received no compensation at the time. During the war, title records and landmarks were destroyed, and upon the rebuilding of villages and towns, old property boundaries were disregarded. As a consequence, the land-title situation on Guam is in extraordinary confusion. New tracts and subdivisions are frequently composed of portions of tracts formerly held by several persons. A land court has been established for the purpose of hearing and adjudicating these claims, but little progress has been made, partly because of difficulty of proof of ownership, and mostly because of dissatisfaction with the awards and the manner in which the awards are made. The committee has no ready solution to this problem, but recognizes that winding up of the claims in a satisfactory manner must be among the first order of business. In many instances there is general dissatisfaction with the manner in which the military have handled land acquisitions. For example, it was testified that some 14 acres on a most desirable site on Guam was on lease to the Navy, which paid the owner only \$14.10 rent annually. The committee recommends that the need of the military for the land now held by it should be carefully reexamined, with the object of releasing at the first possible moment all lands not actually required for military purposes. At the hearings in 1947 on proposed organic legislation for Guam, then Under Secretary of the Navy Sullivan was questioned very closely by the committee as to the rate of settlement of the land claims. The committee was given the impression that it would not be long before substantially all the claims were settled, but the impression the committee received in Guam was that a great deal remains to be done.

The committee was well pleased with what it found on Guam in the way of ability to carry on government, and in the understanding of American traditions and practices. For all practical purposes, Guam is an American community. English is the language of instruction in the schools and virtually all Guamanians speak English. They read mainland newspapers, wear clothes made in the States, follow state-side sporting events and are almost undistinguishable, with allowances for climate, flora, and fauna, from a community of comparable size in the States. The committee is confident that the people of Guam will be able to govern themselves under the proposed organic act, and that wise and forward-looking laws will be enacted and enforced. The United States should interfere with local administration no more in Guam than it does in the other United States Territories.

It is of interest that many persons on Saipan, Tinian, and Rota told the committee that they wished to be incorporated with Guam. Many families now on Rota and Saipan and Tinian migrated from Guam and have close ties on Guam. It is only a historical accident that has made Guam an area politically separate

from the Trust Territory. The people of these islands are anxious to have consideration given to the possibility of uniting these islands. Early attention should also be given by the military to releasing lands taken on these islands, but not now needed for military purposes. More than half the land on Saipan, for example, is held by the Army, and most of this is not needed for military purposes.

APPENDIX No. 4

ANALYSIS OF H. R. 7273

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

Section 2: Defines Guam as to area and territorial limits. Guam, the Philippines, and Puerto Rico were ceded to the United States by the Treaty of Paris. Article IX of the treaty provided that Congress would define the civil rights and political status of the inhabitants of these areas. Puerto Rico has an organic act and elects its Governor; the Philippine Islands were given first an organic act and then complete independence; the civil rights and political status of the inhabitants of Guam have never been determined by Congress.

Section 3: Defines the political status of Guam as an unincorporated territory and places the government of Guam under the supervision of a civilian agency. 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. Alaska and Hawaii are incorporated Territories and as such have a right, according to several Supreme Court decisions, to statehood. 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.

In keeping with a cherished American tradition of separating military and civil authority, the act provides that the government of Guam will be under the supervision of the head of such civilian department or agency as the President may direct. This is also consistent with a recommendation made to the President by the Secretaries of State, War, Navy, and Interior on June 18, 1947 (see H. Doc. No. 333, 80th Cong.) and with Executive Order No. 10077 of September 7, 1949, transferring responsibility for the Guam government from the Navy Department to the Department of the Interior, effective July 1, 1950.

Section 4: Confers United States citizenship upon the people of Guam. It amends chapter II of the Nationality Act of 1940, as amended, by adding a new section as follows:

"Sec. 207. (a) The following persons, and their children born after April 11, 1899, are hereby declared to be citizens of the United States, if they are residing on the date of enactment of this section on the island of Guam or other territory over which the United States exercises rights of sovereignty:

"(1) All inhabitants of the island of Guam on April 11, 1899, including those temporarily absent from the island on that date, who were Spanish subjects, who after that date continued to reside in Guam or other territory over which the United States exercises sovereignty, and who have taken no affirmative steps to preserve or acquire foreign nationality.

"(2) All persons born in the island of Guam who resided in Guam on April 11, 1899, including those temporarily absent from the island on that date, who after that date continued to reside in Guam or other territory over which the United States exercises sovereignty, and who have taken no affirmative steps to preserve or acquire foreign nationality.

"(b) All persons born in the island of Guam on or after April 11, 1899 (whether before or after the date of enactment of this section), subject to the jurisdiction of the United States, are hereby declared to be citizens of the United States.

"(c) Any person hereinbefore described who is a citizen or national of a country other than the United States and desires to retain his present political status shall make, within two years of the date of enactment of this section, a declaration under oath of such desire, said declaration to be in form and executed in the manner prescribed by regulations. From and after the making of such a declaration any such person shall be held not to be a national of the United States by virtue of this Act.

"(d) The Commissioner of Immigration and Naturalization, with the approval of the Attorney General, is hereby authorized and empowered to make and prescribe such rules and regulations not in conflict with this Act as he may deem necessary and proper.

"(e) Section 404 (c) of this Act shall not apply to persons who acquired citizenship under this section."

Subsection (a) of section 303 of the Nationality Act of 1940, as amended (8 U. S. C., sec. 703), is hereby amended by adding the following new subparagraph:

"(6) Guamanian persons and persons of Guamanian descent."

The status of "citizenship for Guam" is not provided in H. R. 7273, thus leaving the matter to the Guam Congress. The present laws of Guam define citizenship 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. The bill of rights also grants 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.

Section 6: Vests executive authority for the government of Guam in a Governor appointed by the President with consent of the Senate. The Governor would hold office for 4 years and until a successor is appointed and qualifies unless sooner removed by the President for cause. The act requires that the Governor be a civilian or a retired officer of the armed forces of the United States and that the Governor reside in Guam during his incumbency. The Governor is charged with the execution of the laws of the United States applicable to Guam and the laws of Guam. The powers and duties of the Governor of Guam are similar to those defined by law for the governors of other Territories and island possessions. The act also provides that the Governor shall coordinate and have general cognizance over all activities of a civil nature of the various Federal agencies on Guam.

Section 7: Provides for a Lieutenant Governor 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 absence of Governor and Lieutenant Governor 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 with the advice and consent of the House of Council, except as otherwise provided in the act or the laws of Guam. The act specifies that Guamanians shall be given preference for these appointments and shall be provided with opportunities for higher education and in-service training in order to qualify therefor. The Governor's power of removal is made commensurate with his appointive power and is given express responsibility and authority to reorganize as necessary the executive branch of the government. Except as otherwise provided, the Guam Legislature is given power to fix the salaries of all officers and employees.

Section 10: Legislative power, except as otherwise provided, is vested in a legislature, which as the legislature determines shall consist of either two houses or a single house. 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 levy taxes and, when necessary to anticipate taxes and revenues, issue bonds and other obligations up to 10 percent of the aggregate tax valuation of the property of Guam.

Section 12: Provides that the legislature shall be the judge of the selection and qualification of its own members and shall choose 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 February and to close not later than the following April 15. 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. In the event the legislature should reenact the bill over the Governor's veto, and he does not then approve it, the bill 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.

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 the judicial branch to consist of one supreme court and such inferior courts as may have been or hereafter may be established under the laws of Guam.

Section 23: Provides that the supreme court shall consist of the chief justice of Guam and two associate judges to be appointed by the President, with the advice and consent of the Senate, for a 6-year term.

Section 24: Extends the judicial district known as the northern district of California to include Guam, so that the United States District Court for the Northern District of California would have jurisdiction over certain cases arising in Guam. The United States Court of Appeals for the Ninth Circuit would have jurisdiction of appeals from all final decisions of the Supreme Court of Guam in certain classes of cases.

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

Section 26: Provides that 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.

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 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.

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.

Section 31: Authorizes annual appropriations by the Congress of such sums as may be necessary to carry out the provisions of this act.

Section 32: 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 33: Provides that 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.

Pursuant to the provisions of clause 2a, rule XIII of the Rules of the House of Representatives, proposed changes in existing law are indicated below, with the matter proposed to be omitted in black brackets and the new matter proposed to be inserted in italic.

CHAPTER II OF THE NATIONALITY ACT OF 1940, AS AMENDED

* * * * *

Sec. 207. (a) The following persons, and their children born after April 11, 1899, are hereby declared to be citizens of the United States, if they are residing on the date of enactment of this section on the island of Guam or other territory over which the United States exercises rights of sovereignty:

(1) All inhabitants of the island of Guam on April 11, 1899, including those temporarily absent from the island on that date, who were Spanish subjects, who after that date continued to reside in Guam or other territory over which the United States exercises sovereignty, and who have taken no affirmative steps to preserve or acquire foreign nationality.

(2) All persons born in the island of Guam who resided in Guam on April 11, 1899, including those temporarily absent from the island on that date, who after that date continued to reside in Guam or other territory over which the United States exercises sovereignty, and who have taken no affirmative steps to preserve or acquire foreign nationality.

(b) All persons born in the island of Guam on or after April 11, 1899 (whether before or after the date of enactment of this section), subject to the jurisdiction of the United States, are hereby declared to be citizens of the United States.

(c) Any person hereinbefore described who is a citizen or national of a country other than the United States and desires to retain his present political status shall make, within two years of the date of enactment of this section, a declaration under oath of such desire, said declaration to be in form and executed in the manner prescribed by regulations. From and after the making of such a declaration any such person shall be held not to be a national of the United States by virtue of this Act.

(d) *The Commissioner of Immigration and Naturalization, with the approval of the Attorney General, is hereby authorized and empowered to make and prescribe such rules and regulations not in conflict with this Act as he may deem necessary and proper.*

(e) *Section 404 (c) of this Act shall not apply to persons who acquired citizenship under this section.*

SUBSECTION (A) OF SECTION 303 OF THE NATIONALITY ACT OF 1940, AS AMENDED
(8 U. S. C., SEC. 703)

* * * * *
(f) *Guamanian persons and persons of Guamanian descent.*

