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LEGAL STATUS OF TRUST TERRITORY CITIZENS INsofar
AS THEIR RELATIONS TO THE UNITED STATES ARE CONCERNED

The legal status of citizens of the Trust Territory vis-a-vis the United States was assigned to the State and Interior Departments for review. Subsequently, representatives of the Department of Justice (the Immigration Service) were included.

Citizens of the Trust Territory are aliens insofar as the United States is concerned. Entry into this country is on the same basis as entry from any foreign area for which the United States exercises no direct responsibilities. It is the view of the Task Force that granting preferential treatment to Trust Territory citizens will be an important factor in attaining the goal of continued association with this country.

Conferral of United States citizenship upon all citizens of the Trust Territory, although legally permissible under the trusteeship agreement, would undoubtedly meet with unfavorable reaction in the United Nations as being an overt attempt to frustrate the objectives of trusteeship. A somewhat lesser step of conferring the benefits and privileges of American nationality was considered and rejected in favor of a more limited and, hopefully, more attainable objective.

Since natives of the Trust Territory are aliens, they may now enter the United States (including Guam) only for specific purposes as non-immigrants and, as immigrants, only at the rate of 100 per year. The Departments of State and Interior have recommended that the quota be removed, that all natives of the Trust Territory be treated as immigrants upon entry, and that they be permitted to enter the United States without the restrictions customarily imposed upon aliens. The

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Task Force concurs in that recommendation and suggests that legislation similar to the following draft language be made a part of the President's Legislative Program at an early date.

The suggested draft legislation is as follows:

A B I L L

To extend to the citizens of the Trust Territory of the Pacific Islands certain rights and privileges now accorded to nationals who are not citizens of the United States, and for other purposes.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of June 30, 1954 (68 Stat. 330; 48 U.S.C. 1681), is hereby amended by inserting at the end thereof the following new subsection (b) and by designating the existing section as subsection (a):

"(b) All natives of the Trust Territory of the Pacific Islands on July 18, 1947, including those temporarily absent from the islands on that date, who, after that date, continued to reside in the Trust Territory or a territory over which the United States exercises sovereignty; who are not citizens or nationals of a foreign country; and who have taken no affirmative steps to acquire foreign nationality; and all persons born in the Trust Territory of the Pacific Islands on or after July 18, 1947, provided such persons have taken no affirmative steps to preserve or acquire foreign nationality, are declared to possess all of the rights and privileges accorded nationals who are not citizens of the United States for the purposes of the following provisions of law:

"(1) The Immigration and Nationality Act (66 Stat.

163: 8 U.S.C. 1101 et seq.), as amended, excepting therefrom the provisions of section 325 of the said Act (8 U.S.C. 1436); Provided however, That any of the above designated persons entering the United States pursuant to the provisions of this act and, who, after such entry, reside continuously in the United States shall be regarded as having been lawfully admitted to the United States for permanent residence for the purposes of petitioning for naturalization pursuant to the Immigration and Nationality Act."

∟ There would follow such other provisions of law as may be determined to involve rights or privileges which should be extended to the citizens of the Trust Territory, together with such other items of legislation as would affect the development of the Trust Territory.∟

The draft legislation set out above, if enacted, would not confer upon the citizens of the Trust Territory the status of either nationals or citizens of the United States to any degree whatsoever, and it is not intended that it should. This proposed legislation merely confers certain rights upon the natives of the Trust Territory, which rights, for convenience and in the interest of brevity, are defined by reference to the rights accorded an existing class of persons. In conferring these rights, the United States would be wholly within its rights under the trusteeship agreement and such act would in fact be in keeping with the responsibilities of the United States under that agreement. More important however is the effect such legislation would have upon the achievement of the President's stated objectives with respect to the Trust Territory.

Should the United States wish to encourage the citizens of the Trust Territory to decide freely to associate themselves with us, they should be given a sense of a more intimate relationship with us, and a welcome to our land. They should be allowed to form easily with us those economic, social, educational, and familial ties with us that will make anything other than continued close association with us unthinkable. They should have a sense of belonging to us and with us.

Under this proposed legislation, each household in Micronesia might well in due course have some member or relative working and living in the United States, sending his money and our concepts back to Micronesia, or educating himself by acquiring our technology and values before his return. This legislation would not only facilitate the coming of the Micronesian to the United States, but it would also allow him to live here without being treated as an alien. It is also intended that the proposed legislation promote a free and greatly accelerated interchange between the peoples of the Trust Territory and of the United States. This legislation, if enacted, would eliminate the annual quota of 100 Micronesian immigrants each year; it would in fact eliminate the distinction between immigrants and non-immigrants insofar as the natives of the Trust Territory are concerned. It would permit unrestricted entry into the United States by making inapplicable the visa requirements and the excluding provisions of the Immigration act. Citizens of the Trust Territory could thus freely enter the United States to visit, attend school, work, and, at their option, after five years residence and compliance with the law, petition for and, if qualified,

receive United States citizenship. While in the United States they would not be subject to the restrictions placed upon aliens such as the annual registration, and the periodic renewal of visas, nor would the provisions of the Immigration Act pertaining to the deportation of aliens be applicable to them.

The people of the Trust Territory can not be isolated from the world and "protected" from the realities of the twentieth century, even if it were desirable to do so, which it is not. They will, as they become increasingly aware of the world around them, aspire to better things. It is important that we open the United States to them and perhaps in this way provide them with standards by which to decide what are the "better things". At the same time the Trust Territory should be opened to citizens of the United States. This too is essential to the development of the Trust Territory and to the accomplishment of the goals before us. Free entry into the United States is a very real part of the opening of the Trust Territory. While certainly the United States could do otherwise, it follows that if it is said to the citizens of the Trust Territory "You must share your territory with the citizens of the United States", in the interest of justice and comity, we must at the same time open our doors. Any other course of action would result in a reaction diametrically opposed to that which we seek to achieve.

The proposed legislation would, in addition to the foregoing, facilitate both higher education and training in technical skills, both of which are basic problems in the Trust Territory, by making it easier for a greater number of persons from the Trust Territory

to avail themselves of the schools and opportunities for training to be found in the United States.

The Task Force does not believe that legislation such as that proposed will induce an immediate large migration to the United States. The population of the Trust Territory is approximately 80,000 men, women and children and there are a number of valid reasons related to financial condition, educational level and social customs, which would tend to minimize any such migration.

There will, of course, be some migration and it is so intended. Such migration will be one more phase of the overall program looking toward the permanent association of the Trust Territory with the United States and the ultimate achievement of the goals set forth in NSA Memorandum No. 145.

19-423974