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STATEMENT
OF
JOHN A. CARVER, JR. UNDER SECRETARY OF THE DEPARTMENT OF THE INTERIOR AT HEARING BEFORE THE SUBCOMMITTEE ON TERRITORIAL AND INSULAR AFFAIRS OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, HOUSE OF REPRESENTATIVES, SCHEDULED FOR TUESDAY, JULY 19, 1966, IN CONNECTION WITH H. R. 15996 AND H. R. 16001, IDENTICAL BILLS "TO AMEND THE ACT OF JUNE 30, 1954, AS AMENDED, PROVIDING FOR THE CONTINUANCE OF CIVIL GOVERNMENT FOR THE TRUST TERRITORY OF THE PACIFIC ISLANDS."

Mr. Chairman and members of the committee:

The nature and character of the relationship which the executive and legislative branches of the United States Government bear toward the Trust Territory of the Pacific Islands, is necessarily relevant to the bill before you. It would increase the authorization for appropriations for the Trust Territory by an order of magnitude which commands consideration by the Congress of such fundamental questions.

The term "territory" is mentioned in the Constitution, Article IV, section 3, clause 2, in the context of Congressional power to "make all needful rules and regulations respecting the Territories...belonging to the United States." Yet there is no special constitutional meaning for the term, or even the concept. Over time the word has generally had some identifying adjective--"organized" territories, referring to those like the Virgin Islands and Guam which have a congressionally adopted organic act; "incorporated" territories, meaning those recognized by the Congress as destined for Statehood, the last two being Hawaii and Alaska;

and "unorganized territories," meaning those not yet accorded congressional charter.

These three examples show stages, and it might be thought that there is some sort of progression in territorial status. But no generic term precisely describes the process of political development of people in areas described as "territories". History helps to gain insight into the process, but it furnishes no standard progression.

Confining our attention to the noncontiguous areas, the United States has acquired dominion over other lands and peoples since 1898 in a variety of ways. Guam, Cuba, the Philippines, and Puerto Rico came from Spain by the Treaty of Paris which ended the Spanish American War. American Samoa came to the U. S. as a free act of cession by the Samoan chiefs at about the same time--albeit the United States and Germany had decided between themselves for a division of the Samoan Archipelago, with the United States selecting the magnificent harbor

of Pago Pago in the Island of Tutuila with the nearby Manua group, and the Germans selecting the more extensive islands of Upolu and Savaii.

The Virgin Islands were purchased from Denmark in 1917. That purchase ended U. S. territorial acquisition of non-contiguous areas until the former Japanese mandated islands, with three million square miles of surrounding ocean stretching from the Marshalls to the Western Carolines, were committed to the U. S. trusteeship by agreement with the United Nations Security Council in 1947. Thus the arrangement for the Trust Territory is unique.

An examination of our history in the period from 1898 until the present time reveals that the United States has never been a colonial power, in the sense of the building of an ageless empire. Peoples in all these areas have been, and are, free to work out that political relationship to or with the United States best suited to their own conditions and status in the world community. Our record is one of performance, not propaganda.

Thus Cuba and the Philippines were granted total, sovereign independence, Cuba within four years of the Treaty of Paris.

The Philippines are an instructive case in point. President McKinley in 1900 said that "the government which they [the Philippines] are establishing is designed not for our satisfaction nor for the expression of our theoretical views, but for the happiness, peace and prosperity of the people of the Philippine Islands."

In 1933 Congress voted independence to the Philippines, and in the same year overrode President Hoover's veto of the independence bill. But the Philippine Legislature declined to ratify the proffered grant of independence. So in 1934, the Congress again promised independence for the Philippines and created a Commonwealth to function until the new scheduled date of 1944. This promise was executed only two years late, notwithstanding such intervening changes in circumstances as three years of enemy occupation, a million Philippine lives lost, and devastation of the local economy in the range of 80-90 percent.

A few months before the scheduled independence, Congress voted the $620 million Rehabilitation Act and the Philippines Trade Act.

Since 1898, five States have been admitted to the Union, two of them non-contiguous Alaska and Hawaii. Complete integration into the federal union of equal States is the polar opposite to complete independence. Between these ultimates of self-government, our American system has been flexible enough to accommodate the varying needs of different cultures, economies and heritages. This system takes into account the dynamics of social and political development and has seen one form freely evolve into other, more advanced institutional arrangements. The concept of commonwealth status, for example, has no constitutional basis, but in different forms was created for the Philippines and Puerto Rico as those areas reached higher stages in their development and capability for independent administration.

The process is going on today. The Virgin Islands has recommended changes in its organic act, carrying on a responsible and

fruitful constitutional convention for the purpose. American Samoa is about to go through a similar process.

I have visited Guam, the Virgin Islands, and American Samoa several times each, as many of the members of this committee have. I may observe parenthetically that one cannot return from a trip to any of them, or indeed from the Trust Territory, without a renewed faith and confidence in the American system. These places are American; their people are loyal, undivided, steadfast.

U. S. administration of the Trust Territory was 19 years old yesterday. In that period it has taken the American form of government as its own. The Congress of Micronesia last year asked for and was granted the bicameral system of the U. S. Congress; and its members listened with understanding to Mr. Craley and Mr. Morton of this committee when these men told them of the nature of responsibilites to constituents in the American system.

The relationship between any territory and the federal

establishment, the executive and legislative branches collectively, contains special and unusual incidents, to be met by steps from each adequate to the time and place. The creation of a social, economic and political environment to permit the residents of the area to make a free choice as to their ultimate form of relationship with the United States can be free only so long as it is not overshadowed by fear--fear of outside aggression or subversion, fear of economic instability, fear of shortages in basic physical necessities.

I suggest, in substance, that we ought not accept the word "colonial" as having meanings and implications which are bad. In our domestic lexicon, we probably have an understanding of the word "colonial" which puts this matter in perspective. Colonialism in this sense involves the imposition of economic or political constraints to further the extraction of an area's resources for the benefit of the dominating area or power.

In that sense, the United States has never pursued anything resembling a colonial policy abroad. For our territories, we put, not

take; for their governmental arrangements, we tolerate variances from our own system which would at home be considered violative of constitutional requirements; the whole pattern has been to assist, not to exploit.

To accept the burden of a charge of colonialism would be inconsistent with our good record, as I have outlined it. That there are U. S. territorial areas still in a political status between the polar extremes of independence and statehood ought not be regarded as a failure of policy or program. Guam and the Virgin Islands may remain the subject of scrutiny by the United Nations as "non-self'governing" territories, to the chagrin, from time to time, of the elected legislatures of those territories, but in our system we should not regard this as requiring apology or excuse.

American Samoa has developed and grown in the last five years, in a remarkable performance by an able governor, aided by a sympathetic and helpful Congress. The essence of our success there has been to get

the Samoan cultural system to function as a help, rather than a hindrance, to the accomplishment of the essential objectives of the improvement program, even though, paradoxically, one of those objectives is the shift away from the matai system.

To regard the Samoans as ready for full self-government, in the sense of independence or Statehood, would be irresponsible. The self-government status of our organized territories will come to Samoa in time, but at this moment to accord the same status as, say, Guam, would result in chaos and disservice to Samoa.

The Trust Territory has cultural similarities to Samoa, considerably compounded in complexity. In both places, a cultural heritage with hidden forces of tribal sovereignty coloring concepts of land ownership, income distribution and political authority is still strong.

Lest this be regarded as unique, let me remind this Committee that some of this cultural overhang still exists in our relationships with American Indians.

The Trust Territory is not legally the same as Samoa, or any of our other territories. Yet it would not be accurate to conclude that the differences which exist in terms of how an area was committed to U. S. dominion necessarily require a different U. S. approach to administrative, social, economic or political questions.

For example, the Trusteeship Agreement for the United States Trust Territory of the Pacific Islands was sent to Congress to be approved by a joint resolution in July 1947, to conform with the Agreement's requirement that it be agreed to as part of due constitutional process.

By the terms of the agreement, the U. S. has full powers of administration, legislation, and jurisdiction, and may apply such of the laws of the U. S. as it may deem appropriate to local conditions and requirements.

The U. S. agrees to foster the development of such political institutions as are suited to the Trust Territory and to promote the development of the inhabitants toward self-government or independence as may be appropriate to the circumstances and the freely expressed will of the people; to give to the inhabitants a progressively increasing share in the administrative services, to develop their participation in government; and to promote economic social and educational advancement.

As a security council trusteeship, changes in the agreement are subject to veto.

President Truman delegated the initial responsibility for administration of the Trust Territory to the Navy Department, doing

so on the same day the Joint Resolution was passed. Simultaneously, he issued a statement affirming that it was a responsibility primarily of the Congress to carry out the provision of the Agreement which called for the U. S. to enact legislation necessary to place the agreement in effect. "In order to assist the Congress, . . .," President Truman said, "I have asked the Department of State to prepare . . . suggestions for organic legislation for the trust territory."

Congress has never enacted organic legislation for the Trust Territory, as President Truman asked but it was asked to do so first in 1953. By that time, President Truman had transferred responsibility for administration to the Interior Department, excepting the Marianas District which was left under the Navy until 1962.

The executive recommendation for organic legislation for the Trust Territory led to the introduction by Congressman Saylor of organic legislation in the 83d Congress, May 25, 1953. No action was taken on the bill, which in form was quite similar to the Secretarial

order which in substance still prevails.

In 1954, the Department reported on the first Trust Territory ceiling bill, H. R. 8754, 83d Congress, 2d session, which had as its purpose "to afford statutory authority for the continuation of civil government for the Trust Territory."

The bill, adopted June 20, 1954, provided that "Until Congress shall further provide for the government of the Trust Territory of the Pacific Islands, all executive, legislative, and judicial authority necessary for the civil administration of the Trust Territory shall continue to be vested in such person or persons and shall be exercised in such manner and through such agency or agencies as the President of the United States may direct and authorize."

A year earlier, in Interior's appropriation act for fiscal year 1954, Congress had provided that "no new activity in the Trust Territory of the Pacific Islands requiring expenditures of Federal funds shall be initiated without specific prior approval of Congress."

A legal opinion of the General Counsel of the Peace Corps dated January 19, 1962, concurred in by Interior's Solicitor, holds that this provision expired at the end of fiscal year 1954.

As nearly as I can tell, Congressman Kyl's H. R. 9278, 87th Congress, 1st Session, was the last proposal of organic legislation for the Trust Territory to be introduced. Until 1960, the United States repeatedly promised to seek organic legislation at its U. N. appearances; the subject has not come up since.

What would now be included in organic legislation, if that route should be opened for further consideration, might be entirely different. I have cited this history to show that such an approach has precedent authority.

It is also demonstrated that the obligations in the Trusteeship Agreement have been kept. Progress has been made toward "a progressively increasing share of the administrative services" with a number of Micronesians in important posts. Micronesian participation in

government is a reality with a Secretarially chartered Congress of Micronesia, which had its opening session a year ago with members of this committee in attendance. Economic, social, and educational advances have been made, in connection with which thanks is owed to the Congress for putting the Trust Territory in the Elementary and Secondary Education Act of 1965.

Yet it would be a mistake to conclude that the progress which has been made, and the overall framework of an affirmative United States policy, has insulated the United States from criticism.

Some of this criticism has come from the so-called Committee of 24, the "Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples." For example, a year ago one of the members of the Committee of 24 asked the United States to remove its naval garrison in American Samoa, where there is and has been none for years.

This Committee was created by United Nations General

Assembly Resolution 1514 of December 14, 1960. The Resolution declares that all peoples have the right to self-determination and that by virtue of that right they should freely determine their political status and freely pursue their economic, social and cultural development. What President McKinley stated as United States policy in 1900 seems to me to say the same thing, as well or better--we seek a government "not for our satisfaction nor for the expression of our theoretical views, but for the happiness, peace and prosperity of the people of the Islands."

Resolution 1514 declares that inadequacy of political, economic, social or educational preparedness should never serve as a pretext of delaying independence. Granting independence to the Philippines proved that we do not use pretexts to avoid our commitments.

Resolution 1514 calls for immediate steps, in Trust and Non-Self-Governing Territories (which in U. N. parlance includes

Guam and the Virgin Islands) "to transfer all powers to the peoples of those territories, without any conditions or reservation, in accordance with their freely expressed will and desire, . . . in order to enable them to enjoy complete independence and freedom."

If the emphasis on this is on the freely expressed will of the people, it is unexceptionable. If on the clause, "without any conditions or reservations," then the Congress must be a party to such policy.

The United Nations was assured that as recently as last month that events are moving us toward the need for a definite decision, within a reasonably short time, as to how and when the population of the Trust Territory shall exercise the right of choice we are obligated to provide them. Our representative there, Mrs. Eugenie Anderson, also emphasized the role of the Congress, explaining that Congress is jealous of its appropriations powers, and that the annual budget of the Trust Territory must be meticulously justified.

This then is the background in which the ceiling bill comes before you. The Trust Territory can have no future without the cooperation of the executive and legislative branches.

President Johnson has announced that 400-500 Peace Corps Volunteers will be sent to the Trust Territory, beginning in the next few months, emphasizing thereby a strong executive commitment to social, educational, health, and economic betterment of the area. In fact, the success of the Peace Corps effort is dependent on action on the pending measure. A brief of its program, which was supplied us by the Peace Corps, has been distributed to the Committee as a separate document along with a copy of the President's letter to Mr. Vaughn.

High Commissioner Norwood will detail the presently proposed legislation, which would have you authorize a 172 million dollar, five-year accelerated capital investment program, and would remove the present ceiling for civil government operations.

As you consider this proposal, you deserve to have the background I have tried to give you. The overriding international

factor is that the people of the Trust Territory are to have a free choice. The overriding domestic factor is that the alternatives which could be offered the people of Micronesia, so far as future political arrangements are concerned, would be meaningful choices only insofar as the Congress is prepared to specify its willingness to participate in carrying them out.

It seems unlikely to me that Congress would agree that any alternatives for political arrangements could be offered the people of the Trust Territory without considering the economic circumstances, existing political development, strategic requirements of the United States in the area, and perhaps the comparable status of other U. S. territorial areas. No fair minded student of history could regard these as pretexts for delay. The United States has too good a record of delivering full measure on its promises to territories.

What is before the Congress is not organic legislation. But a commitment of the length and magnitude of that here recommended implies a long term commitment by the United States Congress which,

if history is any teacher, requires the formulation of a theory or basis for the recommended action.

The theory which I have articulated is that the United States is not a colonial power in any invidious sense; that its promises like those in the trusteeship agreement are entitled to credence; that delivery on those promises requires close cooperation between the executive and legislative branches; that such cooperation can be meaningful only as all the considerations are laid out for discussion and action.

I hope you will permit the new High Commissioner to detail his program, and to show to you how he would expect to act if this bill should be passed, and the appropriations it authorized should be made. The United States has a great stake in this area, and I am convinced that the American system can accommodate to both our needs and our responsibilities there.