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THE PRESIDENT'S COMMISSION FOR THE OBSERVANCE OF HUMAN RIGHTS YEAR 1968 DEPARTMENT OF STATE WASHINGTON, D. C. 20520

October 3, 1968

IV R Oct. 14 - Green requested to tell interim that we need better draft than this. Nov. 1. deadline

MEMORANDUM

TO: UNP - Mr. McHenry ARA/CAR/T - Mr. Matthews EA/RA - Miss McNutt EA/ANZ - Mr. Moore FROM: IO/HR - James Frederick Green SUBJECT: Draft Commentaries on Territories under United States Jurisdiction

Keep her informed of outcome.

JFH

The President's Commission will publish later in the year a booklet entitled For Free Men in a Free World, which will analyze, Article by Article, the status of the Universal Declaration of Human Rights in the United States today. The commentary on each Article will summarize briefly the historical background (relevant Constitutional provisions, Acts of Congress, Court decisions), report progress made since the Universal Declaration was adopted in 1948, and indicate what gaps and inadequacies remain. The purpose of the booklet is to provide an honest appraisal of both achievements and shortcomings.

Article 2 of the Universal Declaration begins with a sweeping statement that everyone is entitled to all the rights set forth thereafter without any kind of distinction. A second paragraph states that "...no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty."

DEPARTMENT OF STATE A/CDC/MR REVIEWED BY B. H. PAAS DATE 3/25/87 RDS or XDS EXT. DATE TS AUTH. REASON(S) ENDORSE EXISTING MARKINGS [] DECLASSIFIED/RELEASABLE [] RELEASE DENIED [] PA or FOI EXEMPTIONS

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The Department of the Interior has prepared short commentaries, under Article 2, on the Virgin Islands, American Samoa, Guam, and the Trust Territory; and the Office of the Commonwealth of Puerto Rico has provided one for that territory. (Mayor Washington has been asked to submit one on the District of Columbia!) Each of these papers provides a useful summary of developments but concludes that all is perfect with regard to human rights.

I should be most grateful if you could review the attached commentaries and give me a frank opinion whether there really are no flaws whatever in the particular territory concerned. For example, in view of the very critical articles in The New York Times some months ago about the Trust Territory, I have some misgivings about the concluding bland statement that "there are no problems involving human rights."

Many thanks in advance for your advice.

Attachments:

Commentaries.

IO/HRY:JFGreen:met - 10/3/68

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VIRGIN ISLANDS

The Virgin Islands were purchased from Denmark on August 4, 1916, and the transfer was effective on March 1, 1917. The Islands were under the jurisdiction of the Navy Department from March 31, 1917, until March 18, 1931, when the government was placed under the supervision of the Secretary of the Interior. Organic legislation was first passed in 1936 and was revised by Public Law 517 of the 83rd Congress, effective July 22, 1954. The government is divided into three branches; executive, legislative, and judicial. Executive power is vested in the Governor who is appointed by the President with the advice and consent of the Senate. Legislative power is vested in the Legislature of the Virgin Islands, a unicameral body composed of 15 senators popularly elected for two-year terms. The judicial power of the Islands rests with certain local courts and in the District Court of the Virgin Islands. The District Court has local jurisdiction as well as the jurisdiction of a United States District Court. The judge and the district attorney are appointed by the President of the United States with the advice and consent of the Senate. Virgin Islanders are citizens of the United States and have the right to vote in local elections. They do not have representation in the Congress, nor do they participate in national elections. A major political move was the en-

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actment by both Houses of the Congress of legislation providing for the local election of the Governor and Lieutenant Governor. The President on August 23, 1968, signed the act, which provides that the first election shall be held on November 3, 1970. [It seems likely that differences in the House and Senate version will be resolved and the bill enacted into law.]

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Over 80 percent of the population are wholly or partly negro, descendants of the slaves who worked the plantations of Danish days. A different ethnic group is represented by people of French origin. Persons of Danish, Scotch, Spanish, and Portuguese descent are also found in the community, as well as an increasing group from the United States mainland and from nearby Puerto Rico.

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The territory of the Virgin Islands ^{has} boasts of a long history of racial harmony.

4 In the late 1940's [however] the Virgin Islands first began to understand and exploit its potential as a tourist haven. In attracting the American tourist dollar, there was no intention or desire to become a place where discrimination would or could be sanctioned in any form. In 1950, before the first large hotel opened for business, the first of the strong civil rights laws was passed. The law was completely revised, strengthened and reenacted in 1961, [which action was, in essence, preventive medicine.] In 1950 there were less than 1,000 visitors to the Virgin Islands. In 1967 there were well over 900,000 tourists from all parts of the Nation and many foreign areas. In the nearly 20 years that the local Civil Rights Law has been in effect in the Islands, no one has ever challenged it. Relations between the races have been and continued to be harmonious, based on mutual respect and self-respect, and reflecting the simple and fundamental moral precept which recognizes the equal humanity and dignity of all men.

Under the Civil Rights Law, the civil rights of all persons within the jurisdiction of the Virgin Islands are specifically protected in terms of employment, public accommodations, and purchase of goods and real estate. The Virgin Islands government has established a Human Rights Commission to assist the implementation and enforcement of the act.

While the Constitution of the U.S. does not apply as such, the people of the Virgin Islands are guaranteed virtually all of the individual rights contained in the Constitution through the Bill of Rights contained in the Organic Act.

? is civil rights violation?

elaborate; esp. on enforcement provisions

prov.

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During the current year, the Virgin Islands Legislature enacted legislation, which was approved by the Governor, providing for a legislative reapportionment plan consistent with the "one man--one vote" rule as enunciated by the Supreme Court in interpreting the Constitutional guarantee of equal protection.

We are hopeful legislation will be enacted in the near future to give the residents of the Islands who are citizens of the United States the right to be represented in the Congress of the United States and the right to vote in national elections.

In recent years the territory has made remarkable progress, both politically and economically. Politically, the elected legislature has shown an increasingly mature grasp of its responsibilities. The territorial government has greatly expanded the scope of its services, and the private economy has likewise prospered, largely because of the tremendous increase in tourism and manufacturing enterprises. The Virgin Islands are meeting the challenge of a changing society with overwhelming success and are moving ahead with confidence toward social and economic prosperity.

If there are any problems remaining to be solved in the Virgin Islands, they relate to the integration into the society of the alien workers. There are at the present time well over 13,000 alien workers in the Islands. Their presence is essential to the maintenance of the economy. At the same time their presence creates problems of housing, social services, education and wages. The government of the Virgin Islands is giving high priority to the problems of this segment of the population.

e ✓
has it been
introduced ✓

elaborate
what problems ✓

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AMERICAN SAMOA

American Samoa consists of seven islands: Tutuila, on which the central administrative offices are located; Aunu'u; the Manu'a group which includes Ta'u, Olosega, and Ofu; and Swains and Rose, both of which are coral atolls, the latter uninhabited. The total area of the seven islands is 76.2 square miles. Of that total about 1400 acres are owned by the Government of American Samoa. A much smaller portion is owned in fee simple. This leaves more than 96 percent of all the land in American Samoa owned communally, according to Samoan custom.

In April 1900 deeds of cession were negotiated with the leading chiefs and orators of Tutuila and Aunu'u, and, on April 17, the U.S. flag was raised for the first time over these islands. On June 14, 1904 the chiefs of the Manu'a group ceded their authority to the United States. Swains became a part of American Samoa by its request in 1926. Under the terms of the deeds of cession the United States agreed that the chiefs of the villages would be permitted to retain their individual control over the separate villages providing such control was in accordance with the laws of the United States pertaining to Samoa and providing that such control was not obstructive to the peace of the people and the advancement of civilization.

The people of American Samoa represent one of the few remaining societies of Polynesians. There is a relatively small group of persons of mixed blood. The population of the territory has increased from 5,697 in 1900 (when jurisdiction was given to the United States Navy) to 20,051ⁱⁿ [according to the] 1960 [census]. The estimated population of American Samoa as of June 30, 1967 was 26,000.



REF ID: A66037

The islands remained under Naval administration from 1900 to June 30, 1951. During this time considerable progress was made in the establishment of public works and medical and educational facilities. However, little was done to disturb the traditional village life of the people. The fundamental personal rights of the inhabitants of American Samoa were protected by the constitution, and the people of American Samoa were given the status of American Nationals. On June 29, 1951 the President of the United States by Executive Order 10264 transferred the administration of American Samoa from the Secretary of the Navy to the Secretary of the Interior, effective July 1, 1951.

expand

These Polynesians are closely related to other people of the central and eastern Pacific. They form part of the family which includes the Hawaiians, the Tahitians, the Tongans, and the Maoris of New Zealand. They are a friendly and generous people, and their culture is rich in ceremony and mythology. The Samoan language is closely related to other eastern Polynesian tongues.

Samoa's basic economic and political unit is the extended family, composed of related kin tracing their origins bilaterally back through the generations to mythological ancestors. Within their extended group which is administered by a matai or chief, a collective family economy prevails. The matai is responsible for control of family lands and property and represents the family in the political affairs of village, county, and district councils. He is responsible for the family welfare and is trustee of family lands and property.

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The goals for the people of American Samoa are self-government and self-sufficiency. Although the Governor is appointed by the Secretary of the Interior, American Samoa has its own bi-cameral legislature consisting of an elected House of Representatives and a Senate composed of members selected by the representative chiefs or matais. American Samoa has its own constitution which was revised and approved, becoming effective July 1, 1967. Article I of the Constitution is a Bill of Rights for the protection of the people of American Samoa. It provides that there shall be freedom of speech, freedom of religion, freedom of the press and the right of assembly and petition. It provides that there shall be no deprivation of life, liberty and property without due process. The Constitution also provides for the protection of persons of Samoan ancestry against alienization of their lands and destruction of the Samoan way of life and language, contrary to their best interests. The dignity of the individual is respected and he is protected against unreasonable search and seizure. Also protected are the rights of the accused.

when?
what kind?

enforcement
provisions?
implementation?

The economy of American Samoa is steadily improving and the revised constitution is rapidly advancing the Samoans toward self-government. There are no major problems with which American Samoa has to resolve and no problems at all relating to the protection of human rights.

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GUAM

Guam is the largest Pacific island between Hawaii and the Philippine Islands, ^{and is located} [being] approximately 3,000 miles West of Honolulu. In 1898 at the end of the Spanish American War, Guam was ceded to the United States by the Treaty of Paris. It is the largest and most populous of the Marianas and has a total area of approximately 210 square miles. It is 30 miles long and varies from 4 to 8.5 miles in width. The estimated population of Guam as of July 1, 1965 was 76,500. This estimate included military personnel and dependents.

From 1898 until 1950 except for two and one half years of Japanese occupation during World War II, Guam was administered by the Department of Navy. During the Naval administration the commander of the Naval station at Guam also was the Governor of the island. In 1931 a local Congress with advisory powers was created. And in 1947 the Congress of Guam was granted limited legislative authority. In 1950 the Organic Act of Guam was signed by President Truman, which Act gave Guam extensive power of self-government and made Guamanians citizens of the United States. At the same time the administration of Guam was transferred ^{from} [to] the jurisdiction of the Secretary of the Navy to that of the Secretary of the Interior. Although Guamanians are citizens of the United States, they cannot vote in national elections nor do they have representation in the Congress of the United States. However, Guamanians do have the same protection as afforded by the constitution to other citizens of the United States. The Government of Guam is headed by a civilian Governor who, presently, is appointed by the President with the advice and consent of the Senate and whose term of office is four years.

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The District Court of Guam has the jurisdiction of a district court of the United States in all cases arising under law of the United States, and original jurisdiction over such other cases arising in Guam as the Guam Legislature does not vest in courts of its own creation. Decisions of the District Court are reviewable by a United States Court of Appeals and by the Supreme Court of the United States.

The battles which led to the reoccupation of Guam by American forces in July 1944 caused considerable damage to the natural and man-made assets of Guam. This damage together with that caused by a powerful typhoon in 1962 prompted vast programs of Federal aid which between 1963 and 1966 has released some \$30 million in reconstruction and rehabilitation funds to Guam. The aid program will continue to provide loans and grants for rehabilitation on Guam for several years.

Legislation now before the Congress of the United States proposes to authorize the citizens of Guam to elect their Governor. It is presumed that this legislation will become law. This marks another advance in self-government for the Guamanians and the protection afforded by the constitution assures the citizens of Guam unobstructed human rights. No problems in connection with human rights can be foreseen at this time.

✓ updates

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The code of laws of the Trust Territory protects the human rights of the individual by providing for the freedom of speech, religion and the press, and the rights of assembly and petition. The code also provides that there shall be no deprivation of life, liberty and property without due process. The dignity of the individual is respected and he is protected against unreasonable search and seizure. The code further protects the rights of the accused.

enforcement?

The economic structure of the Trust Territory is primarily based on subsistence from farming and fishing. The level of economic development available to its inhabitants varies from the semi-urbanized district centers, absorbed in the money economy, to the outer islands where only a small amount of cash from the sale of copra is available. The administration's program calls for promoting the development of the economy of Micronesia so that it will become geared to a world money economy and thus, its subsistence aspects will become supplemental.

Transportation upon which any improvement of the economy depends has been vastly improved by the recent introduction of jet aircraft service between the islands.

The ultimate status of the inhabitants of the island will depend to a considerable extent upon the desires of those inhabitants. Most probably, referendums upon which the several groups may act will determine the affiliation or the independence of the respective groups.

At this time there are no problems involving human rights and for such time as the inhabitants are subject to the code of laws of the Trust Territory there will be no problems concerning human rights.

how can you say?

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July 30, 1968

Puerto Rico was discovered on November 19, 1493 by Christopher Columbus and was settled in 1508 by Juan Ponce de León. It remained under Spanish sovereignty until the Spanish American War, when U. S. forces landed in Guánica on July 25, 1898 and occupied Puerto Rico. By the Treaty of Paris of December 10, 1898, it came under the United States sovereignty. In 1900 the United States Congress provided for the island a civil government which was appointed by the President of the United States, except for a House of Delegates that was elected by the people of Puerto Rico.

By the Organic Act, better known as the Jones Act (1917), the United States granted citizenship and unrestricted suffrage to Puerto Ricans for local purposes. It also provided for the election of members of the House and the Senate by the people of Puerto Rico, but the Judiciary and two members of the Executive branch (the Attorney ^{General} and the Commissioner of Education) remained to be appointed by the President of the United States.

In 1946 the President appointed the first Puerto Rican as Governor. The following year, by an amendment of the Jones Act of 1947, Puerto Ricans were further allowed to elect their own governor, who in turn appointed his cabinet members. Members of the Supreme Court were still appointed by the President.

In accordance with the wishes of the people of Puerto Rico, the 81st Congress enacted Public Law 600 on July 3, 1950. This law "in the nature of a compact", became effective upon acceptance by the electorate of Puerto Rico. It authorized the people of Puerto Rico to draft and approve their own constitution, thus attaining self-government in local matters. The Constitution was drafted by a freely elected constitutional convention, overwhelmingly approved in a special referendum and approved by Congress and the

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President. It became effective upon proclamation by the Governor of Puerto Rico on July 25, 1952. Those sections of the Organic Act of 1917 which were not repealed or amended (mostly defining economic and fiscal relationship) were kept in force under the new name of The Puerto Rican-Federal Relations Act of 1952.

The Constitution of Puerto Rico provides for the [securement] of those human rights as are needed to maintain the basic principles of democracy. The Preamble of the Constitution declares as one of its primary purposes the securement "for ourselves and our posterity, the complete enjoyment of human rights." The rights of man are placed above the political order. They go above and beyond social position, racial differences, and economic interests. The Constitution of Puerto Rico recognizes the dignity of the human being as inviolable, regardless of race, color, sex, birth, social origin or condition, or political or religious ideas. Human equality is essential, both under the law and in the system of public education.

protection

✓ is this the actual language?

Universal suffrage is guaranteed, along with protection from coercion in the exercise of the electoral franchise.

Every person has the right to an education which is to be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. The right to life, liberty, and the enjoyment of property is recognized as a fundamental right of man. Persons may organize freely and join each other for any lawful purposes.

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Neither slavery nor involuntary servitude are to exist, except in the latter case as a punishment for crime after the accused has been duly convicted.

The Bill of Rights is not construed restrictively nor does it contemplate the exclusion of other rights not specifically mentioned which belong to the people in a democracy.

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