

12/2/76

Territories - Pending Litigation - Major Cases

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4. Sa'aga v. Kleppe, et al., U.S.D.C. Hawaii, Civ. No. 75-393

This is a suit against the Secretary and officials of the Government of American Samoa alleging discrimination and violation of civil rights in the hiring of Samoans versus pligis (whites) by the local government. We are in the process of preparing a proposed answer to the complaint and motions to dismiss for lack of jurisdiction.

The plaintiff alleges he is a U.S. citizen of Samoan ancestry. He was recruited in Hawaii for the position of producer-director of KVZK Educational Television in Samoa. He claims that he was offered an employment contract at a pay level offered to non-Samoan expatriates hired to work in Samoa. However, when he got to Samoa, and it was learned that he was a native Samoan, defendants effectively withdrew the offer and tried to get him employed, in accordance with governmental policy, at a pay level which was comparable to the pay level offered to other Samoans. This pay level is substantially lower than that offered originally.

It is the position of the Department, that the District Court of Hawaii has no jurisdiction over the case. What is complained of is not an action of the Secretary but that of a local government which is not a Federal agency or instrumentality but is semi-sovereign in its own right, with the power to sue and be sued and that the District Court of Hawaii has no jurisdiction over the named Government of American Samoa defendants.

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