

Chamorros of Indeterminate Status

A Problem Defining Persons of Northern Marianas Descent

There exists a class of Chamorros who, though believing themselves to be persons of Northern Marianas Descent (NMD), face uncertainty as to their status. Most are the descendants of a large group of Chamorros born on Guam that migrated to Saipan during Spanish, German and early Japanese times. Others are descended from Guam born Chamorros who migrated to Yap, Palau or Ponape during the same eras and later migrated to the Northern Marianas shortly after the American invasion of Saipan.

To qualify as a person of Northern Marianas descent, a person must meet the twin criteria of Article XII; 1) Trust Territory Citizenship and, 2) domicile in the Northern Mariana Islands by 1950.

The issue as to this class's status arises because, unless personally qualified (by definition eliminating all those less than 45 years old), those claiming NMD status are dependent upon the status of their ancestors ("base line ancestors") and, for this class, this creates uncertainty because of their ancestors' birth place, Guam.

The framers of Article XII attempted to create a definition for NMDs that, while broad, would exclude those with allegiance elsewhere. As Trust Territory citizenship was similarly limited, that concept was utilized. What appears to have been overlooked, however, was the long term presence in the local community of a large class of Guam born Chamorros who apparently didn't qualify for Trust Territory citizenship because it was limited to those born in (or with parents born in) the Trust Territory. 53 TTC §1. While the definition of Trust Territory citizen has varied somewhat over the years, it has always included this requirement.¹

This causes a potential problem for descendants of Chamorros born on Guam that were induced to move to Saipan in the early 1900's by the recruiting efforts of German administrators seeking to repopulate the island by offering

¹ This is somewhat difficult to document. I have researched Trust Territory archived records and have determined that this requirement appears in all versions of the Trust Territory Code I've located. The materials are not sorted or indexed, however, leading to the possibility that relevant material remains unreviewed.

Memorandum re: status
June 15, 1995
page 2

homesteads and jobs. Entire families migrated north and several hundred of these people were found residing on Saipan, Rota and the Northern Islands at the time of the American invasion in 1944. The definition of Trust Territory citizenship eventually adopted years later created doubt as to their status, even though they were obviously a part of the local community, because of their birthplace.²

There are other identifiable migration streams of Guam born Chamorros with similar problems. Chamorros that came from Yap in 1946 (211 people) and 1948 (217 people) included Guam born Chamorros. Another group of Chamorros (112 people) including Guam born Chamorros arrived from Anguar in 1945. A separate stream came from Ponape. Thus, quite unintentionally, a class of Chamorros of indefinite status was created when, somewhat after the fact, a definition of Trust Territory citizen was adopted that included a requirement that the individual be born within the Trust Territory.

At first, the indefinite status was of little consequence. Military ID cards were issued to all and it appears scant attention was paid to a Chamorro's status because, perhaps, Trust Territory laws and procedures were just developing. Over time, however, military requirements dictated that the local population be tracked with greater care and a naturalization process was developed to provide a method to resolve the status questions. This was part of a transition from ID cards to passports. And, with this change, questions of status became more important because passports were limited to Trust Territory citizens.

Faced with this status problem, the Trust Territory Government responded by creating and implementing a naturalization process. The procedure was developed in the mid to late 1950s after a naturalization provision was inserted in the Trust Territory Code and regulations adopted to implement it. The first Naturalization Certificates were issued in 1958. A sample summary of selected applications and application form are attached as exhibit "A". In the interim, over 1,000 people had died, some of whom, while residing in the Northern

² A similar situation - the disqualification as a Trust Territory citizen by later definition of the term - arose in *Milne v. DeBrum*, 7 TTR 148, December 10, 1974. In that case the petitioner had been accepted as a Marshallese "citizen" and was a leading politician. Still, it was said he did not qualify as a TT citizen and his voting rights were withdrawn because his birthplace, the Gilbert Islands, were not part of the Trust Territory. The court ruled that petitioner's Marshallese "citizenship" through customary adoption had been established long before the enactment of 53 TTC §1 and that to apply it to petitioner to deny his status as a TT citizen "...is the same as an enactment of a retrospective law which is analogous to an ex post fact law." *Id.* at page 151.

Memorandum re: status
June 15, 1995
page 3

Marianas for years, were still of uncertain political status because they had been born on Guam.³

While a naturalization procedure was available as early as 1958, relatively few individuals took advantage of it. The vast majority continued to reside in the Northern Marianas without ever resolving their status and the treatment of the Guam born Chamorro remained a thorny issue throughout Trust Territory times.⁴ It is the descendants of these people - or descendants of those who died before the naturalization process was implemented - who now face uncertainty.

A question may be raised as to the significance of this problem. The exact number affected is almost impossible to determine. First, the numbers of Chamorros of indeterminate status is difficult to ascertain. Second, while not all this class had children after 1950, presumably some did with exponential effect. The average Chamorro family tends to be large. Two or three generations have passed in the intervening 45 years. If we assume each couple produces 6 children, 1 defect becomes 6; becomes 36; becomes 216; and the question of status becomes intolerably confused.

Still, it is not an impossible task. American military authorities registered all inhabitants of the Northern Marianas immediately after the invasion of Saipan. These records were maintained until the termination of the Trust Territory administration and provide a wealth of information.⁵ Examples are attached as exhibit "B". Sampling these records, I have found a significant class - almost 300 people - who, while born on Guam, were part of the local community at the time of the invasion, having resided in the Northern Marianas for many years. These people, and those living in Chamorro communities on Yap and Palau that were repatriated to Saipan from 1945 through 1947, constitute a significant percentage of the entire local population as recorded by U.S military authorities.⁶ An

³ I have examined summaries of death certificates from 1947 through 1961 and several individual death certificates. Unfortunately, it was not until 1960 that the place of birth is noted on the death certificate so the exact number of Chamorros born on Guam and dying between 1947 and 1958 is difficult to determine. It is possible, however as this information is also contained in the military ID records attached as Exhibit "B".

⁴ Attorney General Richard I. Miyamoto expressed the problem well in his letters to U.S. Immigration officials in December, 1975 and January, 1976. The letters are attached as Exhibit "C"

⁵ Not only do these records provide the birthplace, date of birth and id number of the individual, they also were used to record war claims for the loss of personal property caused by the American invasion. The first distribution occurred in the mid 1970s and it appears these records were maintained until at least that time.

⁶ Records received from U.S. Naval Operational Archives include a first draft of a handbook used by the School of Naval Administration, Hoover Institute, Stanford University,

Memorandum re: status

June 15, 1995

page 4

examination of all the military ID records - which still exist - would certainly increase this number.

The information gleaned from the military id records and lists of Naturalization Certificates is reproduced in spreadsheet form in Exhibit "E". Because the information contained is somewhat sensitive, I have obscured the names. From the numbers of unnaturalized, Guam born Chamorros revealed in this sample alone, it is clear that a problem of identification exists that jeopardizes the entire class of NMDs either through unfair exclusion of this class - and its efforts to resist that exclusion - or, just as real, the eventual impossibility of enforcement of the NMD criteria for lack of certainty; the inability to provide definite proof one way or the other of the eligibility of the base line ancestor. Certainly, it is a problem that needs to be addressed.

EXHIBIT "A"

**SUMMARY OF SELECTED NATURALIZATION FILES
FOUND IN ARCHIVES**

- 88 : Emeliana Salas Villagomez
Born in Guam - August, 1896
Domiciled in TT since 1907
- 90 : Jose Lujan Chong
Born in the Gilbert Islands
Domiciled in TT since 1945
- 91 : Maria De Leon Guerrero Tudela
Born in Guam - October, 1894
Domiciled in TT since 1926
- 93 : Joaquin Iriarte Pangelinan
Born in Guam - October, 1895
Domiciled in TT since 1903
- 94 : Juan Iriarte Pangelinan
Born in Guam - March, 1899
Domiciled in TT since 1903
- 95 : Jose Ada Santos
Born in Guam - March, 1899
Domiciled in TT since 1903
- 96 : Vicente Takeda Seman
Born in Japan - August, 1893
Domiciled in TT since 1934
- 101 : Jose Cabrera Manibusen
Born in Guam - October, 1897
Domiciled in TT since 1897
- 102 : Vicente Aguon Babauta
Born in Guam - 1900
Domiciled in TT since 1907

13937/20

APPLICATION FOR NATURALIZATION AS CITIZEN OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS PURSUANT TO SECTION 668 OF THE CODE OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS

1. J.B. UTA, BABAUTA, Vicente, Agan
Last Name First name Middle name

2. Date of Birth 27 November 1900

3. Place of Birth Agat Village, Guam, M. I.

4. I have been permanent resident of and legally domiciled continuously in the Trust Territory of the Pacific Islands since 1907

5. My (Father) (Mother), Not Applicable, was a citizen of and maintained (his) (her) principal resident in the Trust Territory of the Pacific Islands at the time of my birth.

6. My (father) (mother) was granted citizenship of the Trust Territory of the Pacific Islands on Not Applicable
Naturalization No. Not Applicable

7. I am now a (citizen) (subject) of undetermined Citizenship which nationality I intend to renounce.

8. I intend to renounce allegiance to any and all foreign powers and re

Date: 18 August 1959

Vicente 13 Agan
Signature



Witness: Paulina
J. S. Pangalinan

TRUST TERRITORY OF THE PACIFIC ISLANDS)
SAILOR DISTRICT, SAIPAN, M.I.) ss

Subscribed and sworn to before me this 18th day of August 1959

[Signature]
Clerk of Courts
Saipan District

An application having been made by Vicente Agon BABUTA for naturalization as a Citizen of the Trust Territory of the Pacific Islands, and it appearing from said application and supporting documents attached hereto that the said Vicente Agon BABUTA is eligible for such naturalization.

Now Therefore, Vicente Agon BABUTA is declared to be a citizen of the Trust Territory of the Pacific Islands effective immediately upon his taking the oaths set forth below.

Date: DEC 11 1959

Commander Naval Forces Marianas

OATH OF RENUNCIATION

I, Vicente Agon BABUTA, a person of ~~unimpaired~~ ~~sound~~ ~~mind~~ ~~and~~ ~~sound~~ ~~memory~~, hereby renounce and disclaim nationality in any state or country other than the Trust Territory under United States administration that may have accrued to me through the nationality of my parents or for any other reason whatsoever and hereby renounce absolutely and entirely all allegiance and fidelity to any foreign prince, state or sovereignty.

Vicente B. Agon

Subscribed and sworn to before me this 19th day of February, 1960



Clerk of Courts, Saipan District

OATH OF ALLEGIANCE

I, Vicente Agon BABUTA, solemnly swear that I will support and defend the Government and the Bill of Rights of the Trust Territory of the Pacific Islands against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation free-
without any mental reservation, or purpose of evasion: So help me God.

C E R T I F I C A T E

I, Elias P. Sablan, a citizen of the Trust territory of the Pacific Islands and of the Municipality of Jaipan Mariana Islands do hereby certify that I have known Vicente Agnon BABAUTA for 35 years and that to the best of my knowledge (he) (~~she~~) is of good moral character.

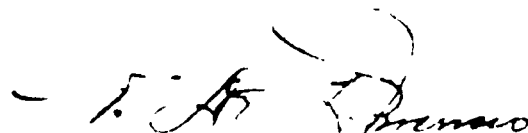
Date: 12 August 1959


Elias P. Sablan

C E R T I F I C A T E

I, Vicente De Leon Guerrero, a citizen of the Trust territory of the Pacific Islands and of the Municipality of Jaipan Mariana Islands do hereby certify that I have known Vicente Agnon BABAUTA for 35 years and that to the best of my knowledge (he) (~~she~~) is of good moral character.

Date: 12 August 1959


Vicente De Leon Guerrero

C E R T I F I C A T E

I, RALPH H. MORTENSEN
RALPH H. MORTENSEN, Naval Administrator certify

that to the best of my knowledge and belief:

1. Elias P. Sablan and Vicente Delon Guerrero are

leading citizens of the Trust Territory of the Pacific Islands, and

2. Vicente Agon BABUJA, an applicant for citizenship of the Trust Territory of the Pacific Islands, is a person of good moral character.

Date: SEP 24 1959

RALPH H. MORTENSEN, CDR USNR
Naval Administrator

1085

Occupation FARMER

9.

10.

Form PSI

Name BORJA GAMAHO, MARIANO
(Family name) (Given names)

Address NO. 520 SAN. ST., HOMER DARAPAN

Age 33 Sex MALE

Born 3-23-32 Hair BLACK

Place Suan Other _____

6. Foreign language Speak Write
Spanish

7. In service of Japan? Govt. MIL.

8. None

14. Fisherman

15. Fisherman

16. Wife

17. Wife

18. Wife

19. Wife

20. Wife

21. Wife



2154

11. Right thumb print

No. of years in United States

Last daily rate of pay

Card issued on

Date 11-10-44

No. 1062

14. Fisherman
Hostel Motor
Own Ball
Loan Sampan
Bike Motor
Koku Motor
H.P. Motor
Make & No. _____
Av. lbs. catch _____ Koku _____

15. Fisherman
Type business _____
Own Yes No
Place of business _____
No. of employees _____
Income _____ year _____

16. Wife
No. of years in United States _____
Last daily rate of pay _____
Card issued on _____
Date 11-10-44
No. 1062

1. Occupation farm laborer

9. 10. Form PSI

2. Name CHARCUALAF MAFNAC JOSE
(Family name) (Given names)

Address #527 1st. St. N. GARAPAN
(Street and No.) (Town)

Name 442



3. Nationality Chamorro

4. Male Female
Wt. 145 Ht. 5'7"
Age 70 Eyes BRN
Born 7-7-1874 Hair BLK
Chamorro Place Other

5. Married Head of household
Single Yes No
Separated Dependents:
Widow under 12 yrs.
over 12 yrs.
Wage earners

6. Foreign language Spanish Speak Write

7. Criminal arrest or conviction?
 Yes No What

8. In service of Japan? Govt. Mil.
Self: Date

11. Right thumb print

12. Previous employer

13. Labor class

13. Farmer
Area Cho
Owned Leased
No. of workers

14. Fisherman
Boats: Motor

15. Businessman
Type business

16. Wage earner
No. of years in stated occupation lifetime
Last daily rate of pay 1 yen + 100

NUMBER

18. Property owned or leased:

- Houses
- Owned..... Where.....
- Leased..... Where.....
-
- Owned Area Cho
- Leased Where
- Business property
- Owned What
- Leased Where
- Vehicles (specify)
- Radio
- Money: Bank Elsewhere
- Cash on hand 7140.50
- Savings
- Securities
- Other

19. Personal property abandoned?

- Yes No
- What?
- House 2
- Household goods
- Clothing 2 COATS
- Jewelry, etc. 50 CHICKETS
- Books, etc.
- Merchandise
- MONEY 4000
- Value 43000-

21.

- Do you hold life insurance?
- Yes No
- Amount

22.

If under 16 yrs. state yrs. of schooling completed

20. Property turned in:

- Old identification
- Weapons Firearms
- Ammunition
- Firecrackers
- Explosives
- Knives
-
- Photographic Supplies
- Radio
- Car
- Boat
- Bicycle
- Personal papers
- Other

23. Medical history.

Have you ever had any serious illness? Yes No Specify 7-1948

Deformities None

Vaccinations: Typhoid 7-1948

Small pox 1-18-48

date

Capacity for labor: Heavy Medium Light

24. REMARKS:

DEAD: October 21, 1960

1. 1875

Occupation HOUSEWIFE

9.

10.

Form PSI

2. Name AGON CASTRO, PILAR

(Family name)

(Given names)

Address 408 No. 3 NORTH GARAPAN

(Street and No.)

(Town)

Name



3. Nationality Philippines

4. Male

Wt. 52kg

Female

Ht. 5'1"

Age 74

Eyes Brown

Born A-70

Hair Grey

Place Puerto

Other

5. Married Head of household

Single Yes No

Separated Dependents:

Widow under 12 yrs. _____

over 12 yrs. _____

Wage earners _____

Restrictions _____

What _____

Date _____

Previous employer _____

6. Foreign language Speak _____ Write _____

7. In service of Japan? Govt. Civil

Religious No. _____

11. Right thumb print



13. Farmer

Area _____ Cho _____

Owned Leased

No. of workers _____

Major crop _____

Gr. am. inc. _____

14. Fisherman

Boats: Motor _____

Own Sail _____

Lease Sampan _____

Size Shaku _____

Koku _____

H.P. _____

Major fish _____

Av. da. catch _____ Koku _____

15. Businessman

Type business _____

Owner? Yes No

Place of business _____

No. of employees _____

Income last year _____

16. Wage earner

No. of years in stated occupa-

tion _____

Last daily rate of

pay _____

17. Card issued

Date 11-18-44

Mo. 1885

NUMBER

1887

18. Property owned or leased:

Houses

Owned..... Where.....

Leased..... Where.....

Land

Owned Area Cho

Leased Where

Business property

Owned What

Leased Where

Vehicles (specify)

Radio

Money:

Bank

Elsewhere

19. Personal property abandoned?

Yes No

What?

House

Household goods

Clothing

Jewelry, etc.

Books, etc.

Merchandise

.....

Value

21.

Do you hold life insurance?

Yes No

Amount:

22.

..... state yrs. of

20. Property turned in:

Old identification

Weapons

Firearms

Ammunition

Firecrackers

Explosives

Knives

.....

Photographic Supplies

Radio

Car

Boat

Bicycle

Personal papers

Other

..... and any serious illness?

Yes

No

Specify

Capacity for labor:

Heavy

Medium

Light

DIED

AL-7-1951

1887

1. 1756 Occupation stevedore

2. Name Bruz Bruz Francisco
(Family name) (Given name)

Address #35 4th CHO N. GARA AN
(Street and No.) (Town)

3. Nationality CHAMORRO
5. Married Head of household
Single Yes No
Separated Dependents:
Widow under 12 yrs. two
over 12 yrs.
Wage earners

4. Male Weight 175 lb
Female Height 5'7"
Age 24 Eyes Brown
Born 10-5-1908 Hair Black
GUAM Place Other

7. Criminal arrest or conviction?
 Yes No What Drunkness
Date 1924

6. Foreign language Japanese Write
8. In service of Japan? Self: Date 2-2-48 Relatives: No.

12. Previous employer Labor class

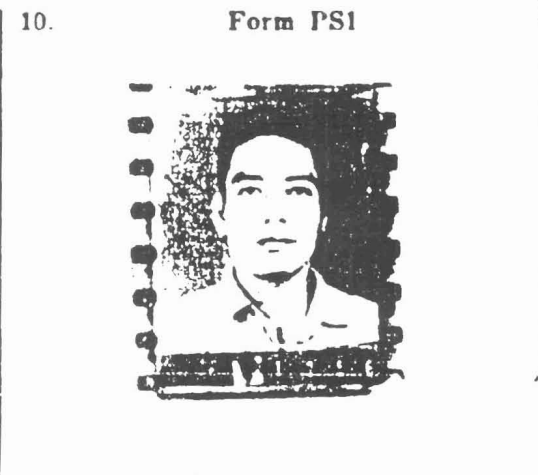
13. Farmer
Area Cho
Owned Lensed
No. of workers
Major crop
Gr., ann. inc.

11. Fisherman
Boats: Motor
Own Sail
Lease Sumpun
Size Shaku
Koku
H.P.
Major fish
Av. da. catch Koku

15. Businessman
Type of business
Own Yes No
Time of business
No. of employees
Income last year

16. Wage earner
No. of years in stated occupation
Last daily rate of pay \$5.00 per mo
17. Card issued
Date 11-28-48
No. 1756

9. Name



11. Right thumb print

1.

Occupation

farmer

9.

10.

Form PSI

2.

Name **BORJA DIAZ, IGNACIO**

(Family name)

(Given name)

Name

Address **#51 4th N. GARAPAN**

(Street and No.)

(Town)

3.

Nationality

Philippines

4.

Male

Wt.

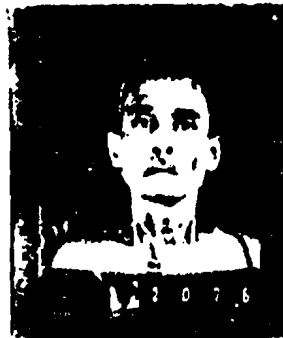
Female

Ht.

Age *55*Eyes *Br*Born *1-13-1889*Hair *Bl*

Place

Other



5.

Married

Head of household

Single Yes NoSeparated

Dependents:

Widow under 12 yrs. *2*over 12 yrs. *1*Wage earners *1*

6 Foreign language

Speak Write

7.

Criminal arrest or conviction?

 Yes No

What

Date

8. In service of Japan?

Govt Mil. Self: Date *No*Relatives: *No*

11.

Right thumb print



12.

Previous employer

Labor class

13.

 FarmerArea *1/2 ha. 1/2 Tawana*Owned Leased No. of workers *self*Major crop *rice*Gr., ann. inc. *5000*

14.

 Fisherman

Boats:

Motor Own Sail

Type

Sampan

Size

Shaku Koku H.P.

Major fish

Av. da. catch *1000* Koku

15.

 Businessman

Type business

Owner? Yes No

Place of business

No. of emp. years

Income last year

16.

 Wage earnerNo. of years in state local
patternLast daily rate of
pay

17.

Card issued Date *11-18-41*No. *26710*

NUMBER

18. Property owned or leased:

Houses

Owned..... Where

Lensed..... Where

Land

Owned Area Cho

Lensed Where

Business property

Owned What

Lensed Where

Vehicles (specify)

Radio

Money: Bank Elsewhere

Cash on hand

Savings

Securities

Other

19. Personal property abandoned?

Yes No

What?

House

Household goods

Clothing

Jewelry, etc.

Books, etc.

Merchandise

COPIES *POST*

Value *for 12.00*

21.

Do you hold life insurance?

Yes No

Amount

22.

If under 16 yrs., state yrs. of schooling completed

20. Property turned in:

Old identification

Weapons

Firearms

Ammunition

Firecrackers

Explosives

Knives

Photographic Supplies

Other

Radio

Car

Boat

Bicycle

Personal papers

23. Medical history.

Have you ever had any serious illness? Yes No Specify

Deformities

Vaccinations: Typhoid *once - 1944 - July 31/14*

Small pox *5/18/14*

date

Capacity for labor: Heavy Medium Light

24. REMARKS:

1. <u>20033</u>		Occupation <u>MACHINIST</u>		9.	10. Form PS1		
2. Name <u>AGON, VICENTE</u> (Family name) (Given names)		Address <u>PONAPE</u> (Street and No.) (Town)		Name	Photograph		
3. Nationality <u>CHAMORRO</u>		4. Male <input checked="" type="checkbox"/> Female <input type="checkbox"/> Age <u>45</u> Wt. _____ Born <u>11-27-70</u> Ht. _____ <u>MANA</u> Place Other _____ <u>GUAM</u>					
5. Married <input checked="" type="checkbox"/> Head of household Single <input type="checkbox"/> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Separated <input type="checkbox"/> Dependents: Widow <input type="checkbox"/> under 12 yrs. <u>1</u> over 12 yrs. <u>4</u> Wage earners		6. Foreign language: Speak _____ Write _____					
7. Criminal arrest or conviction? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No What _____ Date _____		8. In service of Japan? Govt. _____ M.I. _____ Self: Date _____ Relatives: No _____		11. Right thumb print			
12. Previous employer <u>Williams</u> Labor class _____							
13. <input type="checkbox"/> Farmer Area _____ Cho _____ Owned <input type="checkbox"/> Leased <input type="checkbox"/> No. of workers _____ Major crop _____ Gr. ann. inc. _____		14. <input type="checkbox"/> Fisherman Boats: Motor _____ Own <input type="checkbox"/> Sail _____ Lease <input type="checkbox"/> Sampan _____ Size _____ Kaiu _____ R.P. _____ Major fish _____ Avg. da. catch _____ Ref: _____		15. <input type="checkbox"/> Businessman Type business _____ Owned? Yes _____ No _____ Place of business _____ No. of employees _____ Per. bet year _____		16. <input type="checkbox"/> Other _____ No. of years _____ Per. bet year _____ Ref: _____	

NUMBER ۲۰۰۰۳

18. Property owned or leased:

Houses

Owned..... Where

Leased..... Where

Land

Owned Area Cho

Leased Where

Business property

Owned What

Leased Where

Vehicles, (specify)

Radio

Money: Bank Else where

Cash on hand

Savings

Securities

Other

19. Personal property abandoned?

Yes No

What?

House

Household goods

Clothing

Jewelry, etc.

Books, etc.

Merchandise

Value

21.

Do you hold life insurance?

Yes No

Amount

22.

If under 16 yrs., state yrs. of schooling completed

20. Property turned in:

Old identification

Weapons

Firearms

Ammunition

Firecrackers

Explosives

Knives

Photographic Supplies

Radio

Car

Boat

Bicycle

Personal papers

Other

23. Medical history.

Have you ever had any serious illness? Yes No Specify

Deformities

Vaccinations: Typhoid

Small pox

date

Capacity for labor: Heavy

Medium

Light

24. REMARKS:

Arrived 19 Oct. 1945

NUMBER

18. Property owned or leased:

- Houses
Owned..... Where.....
Leased..... Where.....
- Land
Owned Area Cho
Leased Where
- Business property
Owned What
- Leased Where
- Vehicles (specify)
- Radio
- Money: Bank Else where
- Cash on hand
- Savings
- Securities
- Other

19. Personal property abandoned?

- Yes No
- What?
- House
 - Household goods
 - Clothing
 - Jewelry, etc.
 - Books, etc. *ranch (100)*
 - Merchandise *cash (400)*
 - livestock (400)*
- Value *8380 yen*

20. Property turned in:

- Old identification
- Weapons Firearms
- Ammunition
- Firecrackers
- Explosives
- Knives
- Photographic Supplies
- Radio
- Car
- Boat
- Bicycle
- Personal papers
- Other

21.

Do you hold life insurance?
 Yes No
 Amount

22.

If under 16 yrs., state yrs. of schooling completed

23. Medical history.

Have you ever had any serious illness? Yes No Specify

Deformities *No*

Vaccinations: Typhoid *7-1944*
 Small pox *8-1944*

Capacity for labor: Heavy Medium Light

date

24. REMARKS:

Date: 5-1-44 ; quonset 1 good shape fair shape. ...
 Spring.

43
January 15, 1976

Mr. John F. O'Shea
District Director
Immigration and Naturalization Service
P. O. Box 461
595 Alomoua Blvd.
Honolulu, Hawaii

Dear Mr. O'Shea:

We enclose a copy of a letter we addressed to the Guam Office of the United States Immigration and Naturalization Service and a copy of the reply received from that office. We hope that you may be able to assist us with a more definitive answer to our inquiry.

There are a number of persons in the Trust Territory with similar problems of citizenship. They are being denied the benefits of Trust Territory citizenship on the theory that they were born on Guam and are United States citizens. Admittedly they have not, through the years, received the benefits of United States citizenship. We are coming more and more to the opinion that, although these persons born on Guam could have become and retained United States citizenship, they in fact did not. Once this is established, we will be able to determine whether these persons qualify for Trust Territory citizenship or whether they are without citizenship.

Your assistance in establishing the status of these residents of the Trust Territory will be very helpful.

Sincerely yours,

Richard I. Miyamoto
Attorney General

Enclosures

C 29

ESP/RLING/gc

December 2, 1975

United States Immigration and
Naturalization Service
Guam 96910

Gentlemen:

Subject: Francisco C. Cruz

Your assistance is requested in determining the citizenship of Francisco C. Cruz, a resident of Saipan, Mariana Islands. The facts are as follows:

Francisco C. Cruz was born to Dolores de la Cruz in Agaña, Guam on October 5, 1908. The father is unknown. Dolores de la Cruz was born in Guam and we can assume that her birth was prior to April 11, 1899. She was a resident of Saipan, Mariana Islands from shortly after the birth of Francisco C. Cruz through August 1, 1950 and thereafter.

Francisco C. Cruz came to the Mariana Islands with his mother in October 1908 and has, since that time, resided in Saipan. Mr. Cruz voted in the local elections in Saipan and voted in the recent plebiscite in the Northern Marianas.

Mr. Cruz was considered as a Trust Territory citizen when he was employed by the United States Navy and by the Government of the Trust Territory. His pay scale was at all times that of a Trust Territory citizen.

Roll-2039
No. 1

BEST AVAILABLE COPY (29)

2.

When visiting in Guam, Mr. Cruz was admitted to Guam on the basis of his birth certificate which shows him as having been born in Guam. On his return to Saipan, Mr. Cruz was admitted on a permit as a non-Trust Territory citizen. He was never ordered to leave the Trust Territory.

In order to assist this office in the determination of the citizenship of Mr. Cruz, it would be helpful if you would determine whether Mr. Francisco C. Cruz is a citizen of the United States. The determination which you make on these facts will assist us in a number of similar cases where the issue of United States citizenship is involved.

Your cooperation will be much appreciated.

Sincerely yours,

Richard I. Miyamoto
Attorney General

First Draft for Restricted
Circulation Only

The United States Trust
Territory of the Pacific Islands
Northern Marianas
(Saipan District)

School of Naval Administration
Hoover Institute, Stanford University
1948

D

FOREWORD

This handbook, prepared by the staff of the School of Naval Administration, Stanford University, is one of a series of six handbooks dealing with the major administrative regions in the United States Trust Territory of the Pacific Islands. The information relates primarily to the post-war period, and especially to conditions existing as of April 1948.

This handbook should be used in conjunction with the general handbook also prepared at the School of Naval Administration on the Trust Territory as a whole. The latter covers the general directives, overall administrative organization, and other matters common to the Territory. Such information is not repeated in this regional handbook, except as it applies specifically to this particular area. For every subject dealt with here, a cross reference is assumed to the corresponding section of the general handbook. The materials given here are therefore only those necessary for fuller and more specific understanding of the area concerned.

Correspondingly, this handbook does not attempt to duplicate the information given in the published regional handbooks prepared under naval auspices before the invasion (OPNAV Handbooks, SOE 1,5,7,8). At most, brief resumes will be given of conditions under the Spanish, German and Japanese regimes. It is again assumed that cross-reference will be made to these sources for any detailed materials needed relating to such earlier periods.

IV POPULATION

As of 31 March 1948 the total population of islanders in the Saipan District was approximately 5,653.¹ This figure does not include the 134 Bonin Islanders on Chi Chi Jima.

The number of non-resident Americans has fluctuated greatly since the war. Military personnel has been greatly reduced while the number of civilian employees recruited from the United States and Honolulu has been increasing every month. No attempt is made in this handbook to record the number of military or American civilian personnel in the Saipan District.

Japanese, Korean and Okinawan civilians were repatriated from Saipan and Tinian during the months of January, February and March of 1946. A very few, 26 in number, Japanese and Koreans, identified through marriage or other special ties with island communities, have been allowed to remain. In December 1946 the last load of Japanese POW's sailed from Saipan for Uruga, thereby completing the repatriation of Oriental military and civilians from the Marianas.²

The following table shows the estimated population and sex distribution in the Saipan District as of 1 April 1948:

-
- 1 Saipan census for quarter ending 31 March 1948 was 4,998. Latest census figures for Rota were for month ending July 1947 and showed a total of 655.
 - 2 There are approximately 31 hold-out Japanese on Anatahan.

1
Saipan (including Tinian)

	Chamorro	Carolinian	Russian	Spaniards	Japanese	Korean	Cuban	Total
Males under 16	995	253			1			1,249
Males over 16	977	304	1	1	10	7	1	1,301
Females under 16	965	224						1,189
Females over 16	953	291		6	8			1,258
TOTAL	3,890	1,072	1	7	19	7	1	4,998

It can be seen here that the proportion of young people to old is by far the highest among the Chamorros.

	Rota	Alamagan	Agrihan
Males under 16	161	35	30
Males over 16	178	35	38
Females under 16	148	36	18
Females over 16	168	33	30
TOTAL	655	139	116
Saipan plus Rota	5,652		

Breakdown by races
not available.

Breakdown by races
not available, there-
fore this figure is
included in the
Saipan Census.

Breakdown by races
not available, there-
fore this figure is
included in the Saipan
Census. The Chamorros
and Carolinians now
living on Alamagan and
Agrihan were moved from
Saipan and landed on
these 2 islands on
7 and 8 March 1948.

1 This figure does not include the 218 Chamorros moved from Yap to Tinian about 1 April 1948.

CONFIDENTIAL DRAFT

MILITARY/TT ID CARDS OF NMI RESIDENTS
NOT BORN IN THE TRUST TERRITORYUNSORTED
IN SAME ORDER
AS APPEAR ON REELS

Name		ID No.	Reel/Frame	Card Issued	Birthdate	Date of Death	Place of Birth	Natur- alized	Remarks non - italicized comments appear in record
Cas		2651	1242/0101	11/16/44	06/15/95		Guam	Yes*53	Farmer with address in Garapan.
Cak	DLG	18867	1242/058	04/27/45	09/28/44		Guam		(Transfer from Guam)
Bor	iaz	2876	1242/050	11/18/45	01/13/89		Guam	Yes	Appears to have resided on Saipan during Japanese time.
Bla	iz	19937	1242/045		??/??/71	12/24/47	Guam		Died 12/24/47.
Bal	tinez	14496	1242/036	11/16/44	05/08/95		Guam	Yes*71	
Bak		19	1242/034	11/16/44	07/07/98	09/01/60	Guam	Yes	Deceased: 09/01/60. Appears to have resided on Saipan during Japanese times.
Bak		631	1242/032	11/16/44	04/07/00		Guam	Yes	
Bak	Guerrero	1488	1242/030	11/17/49	02/30/04		Guam		
Ago		20033	1242/011	06/15/45	11/27/00		Guam		Arrived 19 Oct. 1945. Gave Ponape as address.
Ago		1671	1242/009	11/17/44	03/02/33		Guam		Note, only 12 years old and born on Guam.
San	in DLC	20708	1251/127	03/05/46	11/29/05		Guam		Yap Chamorro.
San	Lizama	20813	1251/125	03/05/46	08/10/08		Guam		Yap Chamorro.
Cak	Mesa	13596	1244	02/13/45	02/04/12		Guam		(Transfer from Guam.)
Cha	io Muna	21289	1242/	03/21/47	04/23/88		Guam		Gave Rota as address.
Cho		19128	1242/0119	09/25/45	07/25/20		Nauru	Yes 90	Transfer from Angaur 07/21/45. To Guam Jan. 1946.
Cru		1756	1242/0125	11/18/44	10/05/08		Guam		Stevedore with address in Garapan.
Del	iro, Juan	959	1242/0137	11/18/44	12/??/90		Guam		Farmer with address in Garapan.
De	Diaz Jesus	2854	1242/0144	11/18/44	??/??/??		Guam	Yes 78	Farmer/blacksmith with address in Garapan.
De	Juan Salas	21430	1242/0146	04/21/47	06/10/99		Guam	Yes 68	Farmer with address in Rota.
Due		905	1242/0159	12/05/44	02/10/07		Guam	No	Farmer with address in Garapan.
Due	, Jesus	1273	1242/0160	11/16/44	12/11/??		Guam	Yes 82	Farmer with address in Garapan.
Flo	na	21022	1242/0167	07/19/46	06/26/11		Guam		Nationality is U.S. citizen.
Gue	cente	1976	1242/0174	11/18/44	07/12/00		Guam	Yes*69	Longshoreman with address in Garapan. Appears to have resided on Saipan during Japanese times.
Ich	n. Migel	17303	1242/0175	06/15/45	04/08/25		Guam		Transfer from Guam 06/15/45. Jap. & Chamorro nationality.
Ich	u. Migel	17355	1242/0175	06/15/45	02/28/12		Guam		Transfer from Guam 06/15/45. Jap. & Chamorro nationality.
Ich	u. Migel	17313	1242/0176	06/15/45	09/26/28		Guam		Transfer from Guam 06/15/45. Jap. & Chamorro nationality.
Kis		1634	1242/0181	12/05/44	06/13/98		Guam	Yes 83	Carpenter with address in Garapan.
Maf		2946	1242/0195	12/05/44	02/11/94		Guam	Yes	Laborer with address in Garapan.

<u>Name</u>	<u>ID No.</u>	<u>Reel/Frame</u>	<u>Card Issued</u>	<u>Birthdate</u>	<u>Date of Death</u>	<u>Place of Birth</u>	<u>Naturalized</u>	<u>Remarks</u> non - italicized comments appear in record
Mag	364	1242/0198	11/16/44	11/20/90		Guam	Yes*42	Farmer with address in Tanapag.
Mat	Efraim 2612	1242/0203	11/16/44	01/01/17		Guam		Jap. & Chamorro nationality. Appears to have resided on Saipan during Japanese times.
Igi	644	1242/0019	11/16/44	??/??/87		Guam		Kanaka nationality.
Pan	e Joaquin 2747	1243/0114	11/16/44	10/??/95		Guam	Yes*93	Stevadore with address in Garapan.
Pan	Cepeda 2404	1243/0116	01/19/45	06/24/30		Guam		Student
Pan	Iriarte 20069	1243/0116	10/20/45	03/10/99		Guam	Yes*94	Arrived 20 Oct. 1945. Gave Ponape as address.
Pan	Manuel 1335	1243/0117	11/16/44	01/01/83		Guam	Yes*87	Farmer with address in Garapan.
Pan	Mariano 17837	1243/0117	04/27/45	07/11/44		Guam		Baby. Transfer from Guam
Pin	Vicente 2580	1243/0122	11/16/44	07/24/91		Guam		Appears to have resided on Saipan during Japanese times.
Rey	1674	1243/0126	11/16/44	11/7/91		Guam		Farmer with address in Garapan.
Sak	William John 6082	1243/0166	04/27/45	08/28/44		Guam		Baby. Transfer from Guam
Sar	Jose 383	1243/0183	11/16/44	05/15/98		Guam	Yes	Stevadore with address in Garapan.
Sor	dal 17692	1243/0191	02/13/45	12/12/12		Japan		Transfer from Guam
Tai	19656	1243/0193	??	??/??/97		Guam	Yes	Gave Pagan as his address.
Tuc	uan 1998	1243/0218	11/18/44	01/21/84		Guam		Farmer with address in Garapan.
Agc	1886	1244/0006	11/18/44	05/24/75	11/10/69	Guam		Deceased: 11/10/69.
Agc	19490	1244/0007	09/13/45	??/??/63	08/16/61	Guam		Deceased: 08/16/61
Agc	1885	1244/0007	11/18/44	10/??/70	11/07/51	Guam		Deceased: 11/07/51
Agc	2003	1244/0008	11/16/44	10/27/77		Guam		Farmer with address in Garapan.
Agc	a 19504	1244/0008	09/13/45	03/28/98	05/28/70	Guam	Yes	Laborer with address in Pagan. Deceased: 05/28/70
Agc	1555	1244/0009	11/17/44	06/11/74	02/24/66	Guam		Deceased: 02/24/66
Agc	i, Dolores 2210	1244/0010	11/17/44	09/04/66		Guam		Housewife
Maç	Maria 25	1244/0152	11/17/44	03/30/90	04/18/66	Guam	Yes 36	Deceased: 04/18/66
Maç	urgur 21485	1244/0152	07/29/47	06/04/81	11/23/61	Guam	Yes 40	Deceased: 11/23/61
Maç	668	1244/0153	11/05/44	06/30/97		Guam	Yes*41	Farmer
Maç	ia 20767	1244/0153	03/05/46	??/??/82	01/07/57	Guam		Deceased: 01/07/57. Gave Yap as his address.
Mar	ia 1514	1244/0156	11/17/44	02/12/86	02/04/56	Guam		Deceased: 02/04/56
Maç	477	1244/0158	11/18/44	10/04/87	08/22/63	Guam		Deceased: 08/22/63
Mat	19425	1244/0159	10/12/45	??/??/86	02/06/56	Guam		Deceased: 02/06/56
Mat	Maria 2370	1244/0160	11/17/44	11/11/81	07/23/65	Guam	Yes*61	Deceased: 07/23/65
Mor	224	1244/0163	11/17/44	??/??/98	01/08/56	Guam		Deceased: 01/08/56
Mul	587	1244/0166	11/16/44	03/04/77	06/06/61	Guam		Deceased: 06/06/61
Mur	Anna 1286	1244/0166	??	06/15/90	??/??/44	Guam		Deceased: 1944
Mur	in 2683	1244/0166	11/16/44	09/22/97		Guam	Yes	Farmer
Mur	a 978	1244/0167	01/19/45	??/??/65	08/18/50	Guam		Deceased: 08/18/50
Mur	1603	1244/0169	11/18/44	02/11/92	07/11/49	Guam		Deceased: 07/11/49
Nar	19470	1244/0172	09/13/45	??/??/40	02/18/54	Guam		Deceased: 02/18/54
Nek	19993	1244/0174	09/22/45	??/??/77		Guam		Farmer
Oka	ana 1654	1244/0179	11/16/44	05/07/97	10/17/45	Guam		Deceased: 10/17/45
Olc	Margarita 352	1244/0181	11/17/44	??/??/89	02/03/66	Guam		Deceased: 02/03/66
Osr	imir 639	1244/0184	12/05/44	11/29/76	04/22/49	Russia		Deceased: 04/22/49. Merchant with address in Garapan.

Name	ID No.	Reel/Frame	Card Issued	Birthdate	Date of Death	Place of Birth	Naturalized	Remarks non - italicized comments appear in record
Cas	agomes	19642	1244/0053	09/01/45	??/??/75	07/23/67	Guam	Deceased: 07/23/67
Cas	faela	1151	1244/0054	11/18/44	02/05/98	03/19/65	Guam	Deceased: 03/19/65
Cas	Vicenta	2798	1244/0055	11/17/44	08/15/78	08/15/55	Guam	Deceased: 08/15/55
Cha:	, Jose	1856	1244/0059	11/16/44	07/07/76	10/21/60	Guam	Deceased: 10/21/60
Con:	utau,	2220	1244/0060	11/08/44	06/02/80	03/06/59	Guam	Deceased: 03/06/59
Fra:								
Cor:		474	1244/0062	12/05/44	02/05/96	04/07/65	Guam	Deceased: 04/07/65
Cru	o	246	1244/0065	11/??/44	04/28/81	08/18/63	Guam	Deceased: 08/18/63
Cru	seph	17781	1244/0066	04/27/45	11/17/44	07/03/45	Guam	Deceased: 07/03/45. Baby
De	iaz	20766	1244/0072	03/05/46	01/01/90		Guam	Farmer
Del	edro	1300	1244/0073	11/14/45	04/08/78	01/28/55	Guam	Deceased: 01/28/55
Del	icente	4951	1244/0073	??/??/??	??/??/95	03/13/63	Guam	Deceased: 03/13/63. Transfer from Sariguan May 13, 1946.
Del	orres	700	1244/0077	??/??/??	??/??/97	04/09/59	Guam	Deceased: 04/09/59
Del	eleon	19465	1244/0077	09/18/45	06/24/89	06/04/59	Guam	Deceased: 06/04/49
Del	alas	19673	1244/0077	09/18/45	06/??/88	09/17/54	Guam	Deceased: 09/17/54
Del		1635	1244/0077	11/17/44	07/07/83	01/14/69	Guam	Deceased: 01/14/69
Del		1659	1244/0078	12/05/44	05/22/06	03/22/48	Guam	Deceased: 03/22/48
Del	dan	22118	1244/0078	??/??/??	??/??/61	01/19/57	Guam	Deceased: 01/19/57
Del	Cruz	20682	1244/0078	03/??/44	01/05/84	06/23/50	Guam	Deceased: 06/23/50
Del	Jose	1602	1244/0080	11/18/44	06/10/04	05/29/50	Guam	Deceased: 05/29/50
Del	ruz Dolores	2874?	1244/0081	??/??/??	08/29/89	10/15/44	Guam	Deceased: 10/15/44
Del	ose, Diaz	19663	1244/0081	09/18/45	03/03/90		Guam	Laborer-Blacksmith
Del	osepha Muna	19666	1244/0082	09/18/45	04/25/32	??/??/54	Guam	Deceased: 1954 (Guam)
Del	.costa,	2223	1244/0082	12/05/44	07/02/01		Guam	Housewife with address in Garapan
Jos								
De	Juan, Diaz	19746	1244/0082	09/18/45	08/03/95	09/29/66	Guam	Deceased: 09/29/66
De	Sablan,	2161	1244/0084	11/18/44	04/09/85	01/08/50	Guam	Deceased: 01/08/50
Mar								
De	Pedro	2185	1244/0084	??/??/??	05/17/74	12/09/44	Guam	Deceased: 12/09/44
De	Ramona	1585	1244/0085	11/17/44	08/29/86	09/06/52	Guam	Deceased: 09/06/52
De	Rita	1584	1244/0085	11/17/44	06/16/72	09/21/60	Guam	Deceased: 09/21/60
De	(Diaz),	2184	1244/0086	12/05/44	05/13/74	11/20/59	Guam	Deceased: 11/20/59
Ruf								
Del		987	1244/0086	11/18/44	12/23/76		Guam	Unemployed with address in Garapan
De	iel	19111	1244/0087	??/??/??	02/26/78	05/30/62	Guam	Yes 45 Transfer from Angaur 07/21/45. Deceased: 05/30/62
De	.an Maria	2040	1244/0087	11/16/44	10/22/82	11/27/65	Guam	Deceased: 11/27/65 (Guam)
Del	ino Trinidad	1809	1244/0088	11/17/44	03/20/91	05/03/46	Guam	Deceased: 05/03/46
Del	nio, Acosta	20729	1244/0088	03/05/46	??/??/75	03/19/56	Guam	Deceased: 03/19/56
De	in	1089	1244/0089	11/18/44	04/08/81	08/05/62	Guam	Yes 67 Deceased: 08/05/62
Dia		1024	1244/0091	11/18/44	04/28/62	01/19/53	Guam	Deceased: 01/19/53
Dim	Anna	2062	1244/0091	11/17/44	08/11/87	07/09/69	Guam	Deceased: 07/09/69
Due:	:z) Martina	1092	1244/0092	11/16/44	10/??/78	02/07/58	Guam	Deceased: 02/07/58
Fai		1023	1244/0095	12/05/44	02/15/87	02/05/55	Guam	Deceased: 02/05/55
Flo.		208	1244/0104	11/16/44	??/??/84	04/12/54	Guam	Deceased: 04/12/54
Gar:	.on, Arriola	21128	1244/0105	12/23/46	08/30/86	09/12/70	Guam	Transfer from Guam, 12/21/46. Deceased: 09/12/70

Name	ID No.	Reel/Frame	Card Issued	Birthdate	Date of Death	Place of Birth	Naturalized	Remarks non - italicized comments appear in record
Gue	922	1244/0105	01/06/45	10/22/94	01/17/59	Guam		Deceased: 01/17/59
Gue	2317	1244/0105	11/17/44	01/11/91	09/13/52	Guam		Deceased: 09/13/52
Gue	813	1244/0106	11/17/44	02/11/80	11/11/53	Guam		Deceased: 11/11/53 (Guam)
Gue	1977	1244/0106	11/17/44	01/04/05	01/04/57	Guam		Deceased: 01/04/57
Gog	2515	1244/0107	11/17/44	12/05/86	12/15/66	Guam	Yes 106	Deceased: 12/15/66
Gog	2845	1244/0107	11/16/44	01/03/70	04/13/48	Guam		Deceased: 04/13/48
Hab	528	1244/0109	11/17/44	07/05/71	03/03/47	Guam		Deceased: 03/03/47
Ich	6020	1244/0110	06/15/45	11/27/85	09/04/50	Japan		Transferred from Guam 06/15/45. Deceased: 09/04/50
Ich	Sn. Migel	17603	1244/0110	06/15/45	11/27/04	Guam		Transfer from Guam 6/15/45
Iga	325	1244/0110	11/18/44	??/??/94	06/14/52	Guam		Deceased: 06/14/52
Iga	464	1244/0111	11/18/44	??/??/98	01/07/64	Guam		Deceased: 01/07/64
Ilic	, Jose	1508	1244/0112	11/17/44	02/02/84	Guam	Yes*92	Deceased on or about 1968 (Guam)
Ila	Brigitta	1809	1244/0120	11/17/44	10/08/91	Guam	Yes*70	Deceased: 03/20/68
Ila		2160	1244/0120	12/05/44	08/14/86	Guam		Deceased: 05/25/58
Ili	aco	2860	1244/0120	04/16/45	01/15/95	Guam		Deceased: 03/08/58
Ken		21461	1244/0130	05/16/47	10/23/08	Korea		Transfer from Rota, 05/14/47. Deceased: 02/09/58
Kid	ion	1701	1244/0132	11/18/44	12/22/95	Guam		Deceased: 11/09/59
Kid		1857	1244/0133	??/??/??	07/21/78	Guam		Laborer with address in Garapan
Kim	iso	21346	1244/0134	03/27/47	05/11/09	Korea		Deceased: 01/02/64
Kis		1924	1244/0134	11/16/44	07/07/63	Guam	Yes 84	Deceased: 07/07/63
Kit		19487	1244/0135	09/13/45	11/08/50	Guam		Deceased: 11/08/50
Kog	lahe	882	1244/0135	11/16/44	10/06/69	Guam		Deceased: 10/06/69
Lec	ia Sablan	21445	1244/0139	05/16/47	04/10/73	Guam		Transferred from Rota
Liz	Carmen	14491	1244/0147	11/16/44	08/31/85	Guam		Deceased: 11/23/46
Liz	uan	1598	1244/0148	11/16/44	06/10/90	Guam		Deceased: 12/09/47
Liz	esa	2342	1244/0151	11/17/44	01/12/71	Guam	Yes 111	Deceased: 01/12/71
Agu	ria	1168	1246/0009	11/17/44	05/05/94	Guam		Gave Garapan as address.
Ald	ta	18317	1246/0013	07/21/45	01/15/08	Guam		Transfer from Angaur 07/21/45
Cah	, Rosa	866	1246/0067	11/18/44	10/30/03	Guam	Yes 74	Gave Garapan as address.
Cam		19720	1246/0072	10/19/45	??/??/95	Guam		Gave Ponape as address
Car	osa	2385	1246/0089	11/18/44	11/04/86	Guam	Yes 104	Gave Garapan as address
Cas	Anna	1469	1246/0094	11/18/44	01/12/98	Guam		Gave Garapan as address.
Cel	ablan	22422	1246/0102	10/18/50	02/25/50	Guam		Baby
Con	, Maria	2221	1246/0111	10/17/44	04/20/86	Guam		Gave Garapan as address.
Con	Taitano	19624	1246/0112	09/18/45	08/30/95	Guam	Yes	Gave Pagan as address.
Cru	Virginia	17787	1246/0119	02/13/45	06/16/24	Guam		Transfer from Guam
De	Villagomez	11410	1246/0130	02/27/45	07/23/44	Guam		Baby. Transfer from Guam
Idy								
De	Sn Nicolas,	1407	1246/0130	12/05/44	11/16/14	Guam		Gave Garapan as address.
Jua								
Dia		864	1246/0147	11/16/44	08/05/91	Guam	Yes	Gave Garapan as address.
Dia	sa	21049	1246/0148	10/24/46	10/10/26	Japan		Gave Japan as address.
Gue	antos, Josefa	2112	1246/0163	11/18/44	02/29/09	Guam	Yes*64	Gave Garapan as address.
Tud	rrero	14224	1246/0163	12/05/44	10/14/94	Guam	Yes*91	Gave Garapan as address.
Ich	Sn. Migel	17244	1246/0169	06/15/45	08/07/21	Guam		Transfer from Guam 06/15/45. Gave Guam as address.

Article XII's Rules For Land Transactions

1. Leasehold interests acquired by non-NMI descent persons are limited to no more than 55 years including renewal rights.
 - a. From January 9, 1978 to January 8, 1986 the limit was 40 years.
2. A longer lease (or a freehold interest) may be acquired for a condominium above the first floor of a building on private land.
 - a. From January 9, 1978 to January 8, 1986 this exception did not exist.
3. To be Northern Marianas descent, one must have at least 1/4 NM Chamorro or Carolinian blood (or a combination of the two) and be a U.S. citizen or national; or, one must have been adopted by a person of NMI descent prior to reaching the age of 18 years old.
4. A full-blooded NM Chamorro or Carolinian person must have been: (a) born or domiciled in the NMI by 1950, and (b) a citizen of the TTPI prior to termination of the Trusteeship for the CNMI.
5. A corporation is of NMI descent if: (1) it is incorporated in the CNMI, (2) it has its principal place of business in the CNMI, (3) 100% of its directors are of NMI descent, and (4) 100% of its voting shares are actually owned by NMI descent persons.
 - a. From January 9, 1978 to January 8, 1986 only 51% of the directors were required to be of NMI descent and only 51% of the voting shares were required to be owned by persons of NMI descent.
6. Minors cannot be directors.
 - a. From January 9, 1978 to January 8, 1986 this restriction was not stated.
7. No trusts or proxy voting by non-NMI descent persons.
 - a. From January 9, 1978 to January 8, 1986 this restriction was not stated.
8. Beneficial and legal title (over shares) shall remain in the same person.
 - a. From January 9, 1978 to January 8, 1986 this restriction was not stated.
9. Violations of the main rule shall make the transaction void *ab initio*.
10. A corporation that once qualified as an NMI descent person which loses its qualifications shall immediately have its permanent or long-term interests in land acquired after January 9, 1986 forfeited to the government.
 - a. From January 9, 1978 to January 8, 1986 this provision, in slightly different words, stated that such interest acquired after the effective date of the Constitution shall be forfeited to the government.
11. The Registrar shall issue regulations to ensure compliance and the legislature may enact enforcement laws and procedures. (Added on January 9, 1986)

ARTICLE XII: RESTRICTIONS OF
ALIENATION OF LANDSection 1: Alienation of Land.

The acquisition of permanent and long-term interests in real property within the Commonwealth shall be restricted to persons of Northern Marianas descent.

Section 2: Acquisition.

The term acquisition used in Section 1 includes acquisition by sale, lease, gift, inheritance or other means. A transfer to a spouse by inheritance is not an acquisition under this section if the owner dies without issue or with issue not eligible to own land in the Northern Mariana Islands. A transfer to a mortgagee by means of a foreclosure on a mortgage is not an acquisition under this section if the mortgagee is a full service bank, Federal Agency or Governmental entity of the Commonwealth and does not hold the permanent or long-term interest in real property for more than ten years beyond the term of the mortgage.

Commission Comment: 1985 Constitutional Convention Amendment 34 amended Article XII, Section 2.

Section 3: Permanent and Long-Term Interests in Real Property.

The term permanent and long-term interests in real property used in Section 1 includes freehold interests and leasehold interests of more than fifty-five years including renewal rights, except an interest acquired above the first floor of a condominium building. Any interests acquired above the first floor of a condominium building is restricted to private lands. Any land transaction in violation of this provision shall be void. This amendment does not apply to existing leasehold agreements.

Commission Comment: 1985 Constitutional Convention Amendment 35 amended Article XII, Section 3.

Section 4: Persons of Northern Marianas Descent.

A person of Northern Marianas descent is a person who is a citizen or national of the United States and who is of at least one-quarter Northern Marianas Chamorro or Northern Marianas Carolinian blood or a combination thereof or an adopted child of a person of Northern Marianas descent if adopted while under the age of eighteen years. For purposes of determining Northern Marianas descent, a person shall be considered to be a full-blooded Northern Marianas Chamorro or Northern Marianas Carolinian if that person was born or domiciled in the Northern Mariana Islands by 1950 and was a citizen of the Trust Territory of the Pacific Islands before the termination of the Trusteeship with respect to the Commonwealth.

Section 5: Corporations.

A corporation shall be considered to be a person of Northern Marianas descent so long as it is incorporated in the Commonwealth, has its principal place of business in the Commonwealth, has directors one-hundred percent of whom are persons of

B-334

(Supp. 5-86)

Northern Marianas descent and has voting shares (i.e. common or preferred) one-hundred percent of which are actually owned by persons of Northern Marianas descent as defined by Section 4. Minors, as defined by applicable laws of the Commonwealth, may not be eligible to become directors of a corporation. No trusts or voting by proxy by persons not of Northern Marianas descent may be permitted. Beneficial title shall not be severed from legal title.

Commission Comment: 1985 Constitutional Convention Amendment 36 amended Article XII, Section 5.

Section 6: Enforcement.

Any transaction made in violation of Section 1 shall be void ab initio. Whenever a corporation ceases to be qualified under Section 5, a permanent or long-term interest in land in the Commonwealth acquired by the Corporation after the effective date of this amendment shall be immediately forfeited without right of redemption to the government of the Commonwealth of the Northern Mariana Islands. The Registrar of Corporation shall issue regulations to ensure compliance and the legislature may enact enforcement laws and procedures.

Commission Comment: 1985 Constitutional Convention Amendment 36 amended Article XII, Section 6.

ARTICLE XIII: EMINENT DOMAIN

Section 1: Eminent Domain Power.

The Commonwealth may exercise the power of eminent domain as provided by law to acquire private property necessary for the accomplishment of a public purpose.

Section 2: Limitations.

Private property may not be taken without just compensation. Private land may be taken only if no suitable public land is available for the accomplishment of the public purpose.

ARTICLE XIV: NATURAL RESOURCES

Section 1: Marine Resources.

The marine resources in waters off the coast of the Commonwealth over which the Commonwealth now or hereafter may have any jurisdiction under United States law shall be managed, controlled, protected and preserved by the legislature.

Section 2: Uninhabited Islands.

The island of Managaha shall be maintained as an uninhabited place and used only for cultural and recreational purposes. The

Two sides dispute impact of federal Article 12 ruling

By DAN PHILLIPS
Daily News Staff

SAIPAN — Although the Northern Marianas Supreme Court was slammed in a ruling issued by a federal appeals court last Thursday, both sides in a lawsuit that involves Article 12 of the Commonwealth Constitution are confident of future victory.

The U.S. Ninth Circuit Court of Appeals ruled that the CNMI Supreme Court wrongly applied the "resulting trust" theory when finding a violation of Article 12.

Article 12 prohibits people of non-Northern Marianas descent from owning land in the Northern Mariana Islands.

The CNMI Supreme Court had ruled in favor of Rosalia M. Borja and her family, saying that Article 12 was violated when Borja sold the land to Diana C. Ferreira, who bought the land using money supplied by someone who was not of Northern Marianas descent.

The CNMI Supreme Court found that Ferreira was acting as an agent-trustee for the person who provided the money and

that a "resulting trust" was created in favor of the person of non-Northern Marianas descent.

The Ninth Circuit disagreed, however, stating that courts in the United States have "refused to find a resulting trust in favor of a person who purchased land under another's name if that person did so in order to accomplish an illegal purpose."

That means if the resulting trust is illegal, there can be no resulting trust. Applied to the Ferreira case, that means investors of non-Northern Marianas descent had no control over what Ferreira did with the land title because no resulting trust was created in favor of those investors.

Ferreira's lawyers, the firm of Carlsmith, Ball, Wichman, Murray, Case, Mukai and Ichiki, issued a release yesterday hailing the decision as significant.

According to the release, the "Ninth Circuit's rejection of the resulting trust doctrine is expected to have significance far beyond this case, since the CNMI Supreme Court's application of this doctrine has led to the filing

of many lawsuits based on this theory."

David Nevitt, who has been handling the case for Carlsmith's Saipan office, refused further comment.

Borja's lawyer, Ted Mitchell, said the Ninth Circuit's ruling is only a temporary setback.

"The Ninth Circuit did not say that the result was wrong," he said. "It did not say that the transaction did not violate Article 12. It just said that the reasoning used by the court was wrong."

Mitchell also blasted the Ninth Circuit for ruling on a matter of commonwealth law.

"The Ninth Circuit has no business telling the CNMI Supreme Court how to interpret commonwealth law. The Supreme Court has that authority by virtue of the (Commonwealth) Covenant, as agreed by both the United States and the Northern Marianas," he said. "In my opinion, the Ninth Circuit's ruling is a blatant violation of the Covenant and of the commonwealth's right to self-government."

PDN - focus
9/3/93

CNMI voters pushing for proposed land bill

■ **SMART:** Group leads drive to clarify issues involving land ownership

By DAN PHILLIPS

Daily News Staff

SAIPAN — More than 1,500 voters signed a petition demanding that lawmakers act on a proposed legislation providing guidelines for the interpretation of a constitutional provision restricting land ownership in the Commonwealth of the Northern Mariana Islands.

Lawsuits involving Article 12, which limits ownership of land to people of Northern Marianas descent, have been blamed for economic problems in the CNMI.

A bill that takes up some of the leading concerns about litigation involving alleged violations of Article 12 has been passed by the Senate and is now awaiting action in the House.

The bill clarifies the application of the "resulting trust" doctrine in cases involving Article 12, limitations on how much lawyers can charge for work in Article 12-related cases, equi-

table compensation for anyone losing land due to an Article 12 violation, and a statute of limitations on lawsuits alleging Article 12 violations.

House Speaker Thomas P. Villagomez said House members have some concerns about language in the bill and that it is still under review.

He also said the House is waiting to see what happens to Rep. Stanley T. Torres' bill, which takes up only the legal fees issue. The bill is now on Gov. Larry I. Guerrero's desk.

The petition drive is led by a group calling itself SMART — Saipanese Mobilized on Article Twelve.

Connie Coward, a member of the group, said in a news release the group realizes that the Legislature won't be working much longer this year because it is almost time to pay attention to campaigning for this November's election.

"We want our elected leaders to know how strongly we feel that everything we care about — our culture, our economy, even our personal relationships with each other — is in danger because of the continuing Article 12 crisis," she said.

9/3/93

Mitchell, Hillblom joust in court

By DAN PHILLIPS
Daily News Staff

Soap opera-like conditions continued to surround litigation involving Saipan lawyer Ted Mitchell and multi-millionaire businessman Larry L. Hillblom at a Superior Court hearing, as Mitchell's conspiracy theories were labeled a "fairy tale" by Hillblom's lawyer.

Richard W. Pierce, Hillblom's lawyer, said that Mitchell's theory that Hillblom is the mastermind behind three taxpayer-based cases alleging violations of Article 12 of the Commonwealth Constitution is nothing more than a "one-way vendetta, a mission by Ted Mitchell to get Larry Hillblom."

The Hillblom-Mitchell battle has spilled over into the U.S. District Court, where Hillblom has filed a lawsuit alleging that Mitchell used illegal extortionist tactics against Hillblom.

At a hearing involving one of the Article 12-related cases on Wednesday, Pierce asked Presiding Judge Alex C. Castro not to allow Mitchell to interview Hillblom or to gain access to Hillblom's financial records, asserting constitutionally-guaranteed privacy rights.



MITCHELL

Mitchell, meanwhile argued that in this instance, Hillblom's right to privacy "cannot be presumed to override or limit this court's authority to obtain all evidence pertaining to the matters at hand."

Pierce countered by saying that Mitchell has the burden to show why the court should allow him to violate Hillblom's privacy rights.

Castro took the arguments under consideration and is expected to rule soon.

Since the three taxpayer-based lawsuits were dismissed in March, Judges Castro and Miguel S. Demapan have given Mitchell an opportunity to pursue his belief that the taxpayers were fronts for Hillblom.

Mitchell's justification for the inquiry is seeing that the parties responsible for the three cases be made to pay the legal expenses involved, which have piled up beyond \$100,000.

Could they win by losing?

On Wednesday, Mitchell went further with his theory, saying that the evidence he has gathered so far suggests that Hillblom and DFS Saipan Ltd. (formerly Duty Free Shoppers) conspired to file the cases, get a court judgement against themselves and then seek return of the property from the government.

The lawsuits, two filed in the name of Lorenzo M. Ayuyu of Rota and the other in the name of Mario Taitano of Saipan, claimed that if land deals occurred that violated Article 12, the Commonwealth Constitution mandates that the property be returned to the government.

Article 12 restricts ownership of Northern Marianas land to people of Northern Marianas descent.

Lawsuits: Court feud

Continued from Page 1

Mitchell disagrees that the properties in question should be forfeited to the government.

But he said that in cases where land is forfeited, the Constitution provides that the government has the power to return the property to the corporation that lost if the loss of the land causes "undue hardship," and if the corporation meets the requirements of Article 12.

Pierce responded by calling Mitchell's theory a "fairy tale" that has no evidence behind it.

He said that DFS asked the court to dismiss the case, saying, "If Duty Free wanted a judgment against itself, why would it move for dismissal?"

MPLC declines to get involved

The three lawsuits, which involve Hillblom's San Roque beachfront property, the DFS shop in Garapan and the Pacific Islands Club in San Antonio, were dismissed amid suggestions the Marianas Public Land Corp. may intervene and pursue issues identical to those in the previously filed lawsuits involving the same properties.

MPLC, however, decided not to get involved, leaving open the possibility that the cases could be filed again.

Since then, Mitchell has been

on a hunt to find "the real plaintiffs," a search that he said has been blocked by "obstructionist tactics."

He said the evidence so far has shown that "seven lawyers conspired to put together all three lawsuits and file them in December 1992, then prosecute them."

So far, though, no factual link to Hillblom has surfaced. Mitchell is trying to find out where the money to pay for the lawsuits originated.

Billing records indicate that the money trail traces back to Saipan lawyer Robert J. O'Connor, a close friend and associate of Hillblom.

Pierce said that Mitchell's "relentless pursuit to show that Hillblom financed, encouraged and urged the suits is of no purpose," and that it is a waste of taxpayers' money.

Mitchell is pursuing the investigation in his capacity as legal counsel for the Marianas Public Land Trust.

Mitchell's cases that allege violations of Article 12 and seek return of property to original landowners have been identified as a significant factor in the downturn of the commonwealth's economy, prompting strong reactions from the community that include proposed legislation to address certain Article 12 legal issues.

What Article 12 has done

Dear Editor:

Let me start by saying that I am an indigenous resident of Saipan whose been living in Saipan since my return from college three years ago. Before that, I spent my entire life in Saipan.

While in the States at school I

lived with a family that my father knew while he went to school. This family treated me like I was one of their family for the four years I stayed with them.

I had to work very hard in school to maintain the grade point average that I had due to the culture

and language differences that I experienced. This time was very difficult at first, but the help of my "new family" and the constant encouragement I received from them made the roughest spots seem much smoother than they
continued on page 27

Letters... continued from page 5

would have been without them.

When I graduated at the top of my class my family here in Saipan and my family in the States were very proud and happy for me. Because my family in the US was very wealthy and my Saipan family had spent most of their money to send me through school, they would not have been able to see my graduation had it not been for the generous gift of two tickets from my stateside family for my parents to go and see my "big day".

The day we were to leave the US,

my family there took me aside and told me they wanted to give me a gift to help me get a good start back in Saipan. I told them that my stay with them and the times we shared were a gift that I would never forget and felt very much in their debt all ready. They explained that since they had no children of their own and were financially very well to do that they wanted very much to do this one thing for me. What they did was to give me money to buy land in Saipan and said that I could pay it back whenever I felt able to

do so. The important thing to them was that I would be able to have a place of my own when I returned to Saipan.

Upon my return I purchased a nice piece of land and built a small tin house on it just to start with. I married my girlfriend of many years five months after my return and with a good job thought that life was more than I had even hope for. Now, three years later I have two wonderful children, a nice home, and a case against me to take away my land.

Why? What have I, my parents, my wife, my children or my

SEPTEMBER 3, 1993 - MARIANAS VARIETY NEWS AND VIEWS - 27

family in the States done to deserve this. I'll tell you what we've done wrong. Nothing. So why are we in this position? Because the person I bought the land from knew that I got the money to purchase it from an "outside source" and went to talk to a certain attorney about the situation. This "certain attorney", who is also driven by greed just like the person I purchased the land from, told him that he could get him back "his land" because I was really just a "front" for the people in the States that really owned the land and that violated Article 12.

This is what has happened to an idea (Article 12) that intention has been violated more than the law itself. If you feel what is happening to me is fair then go ahead and continue to worship this self appointed "attorney god" that claims to be supporting the local people. If there was as much honor in what this man is doing as there is money, wouldn't there be other attorneys doing the same thing? I guess some things are just to blatantly wrong for even the other attorneys to accept money for.

Name withheld by request.

What Article 12 has done

Dear Editor:

Let me start by saying that I am an indigenous resident of Saipan whose been living in Saipan since my return from college three years ago. Before that, I spent my entire life in Saipan.

While in States at school I
Because I'm happy for me.

I lived with a family that my father knew while he went to school. This family treated me like I was one of their family for the four years I stayed with them.

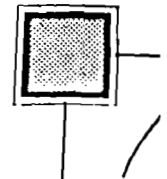
I had to work very hard in school to maintain the grade point average that I had due to the culture with them and the times we spent

and language differences that I experienced. This time was very difficult at first, but the help of my "new family" and the constant encouragement I received from them made the roughest spots seem much smoother than they
Continued on page 27

ER 3, 1993 -MARIA

the States done to
I'll tell you what w
ng. Nothing. So
this position? Bec
I bought the land
I got this...

28-MARIA





Letters... continued from page 5

would have been without them.

When I graduated at the top of my class my family here in Saipan and my family in the States were very proud and happy for me. Because my family in the US was very wealthy and my Saipan family had spent most of their money to send me through school, they would not have been able to see my graduation had it not been for the generous gift of two tickets from my stateside family for my parents to go and see my "big day".

The day we were to leave the US,

my family there took me aside and told me they wanted to give me a gift to help me get a good start back in Saipan. I told them that my stay with them and the times we shared were a gift that I would never forget and felt very much in their debt all ready. They explained that since they had no children of their own and were financially very well to do that they wanted very much to do this one thing for me. What they did was to give me money to buy land in Saipan and said that I could pay it back whenever I felt able to

do so. The important thing to them was that I would be able to have a place of my own when I returned to Saipan.

Upon my return I purchased a nice piece of land and built a small tin house on it just to start with. I married my girlfriend of many years five months after my return and with a good job thought that life was more than I had even hope for. Now, three years later I have two wonderful children, a nice home, and a case against me to take away my land.

Why? What have I, my parents, my wife, my children or my

family in the States done to deserve this. I'll tell you what we've done wrong. Nothing. So why are we in this position? Because the person I bought the land from knew that I got the money to purchase it from an "outside source" and went to talk to a certain attorney about the situation. This "certain attorney", who is also driven by greed just like the person I purchased the land from, told him that he could get him back "his land" because I was really just a "front" for the people in the States that really owned the land and that violated Article 12.

This is what has happened to an idea (Article 12) that intention has been violated more than the law itself. If you feel what is happening to me is fair then go ahead and continue to worship this self appointed "attorney god" that claims to be supporting the local people. If there was as much honor in what this man is doing as there is money, wouldn't there be other attorneys doing the same thing? I guess some things are just to blatantly wrong for even the other attorneys to accept money for.

Name withheld by request.

MARIANAS VARIETY
9/3/93

Solons told to get SMART on Article 12

IN THE latest sign that CNMI citizens want the Article 12 crisis solved now, more than 1,500 local residents have signed a petition calling on legislators to act on the crisis before ending their legislative session on Capitol Hill.

The petition-signers call themselves "SMART," which stands for Saipanese Mobilized on Article 12." The petition reads as follows: "It's time to act. Legislators must solve the Article 12 crisis. We the undersigned, US citizens and residents of the CNMI, call upon our legislature to act without delay to solve the Article 12 crisis and stop the lawsuits.

This crisis must be solved before our economy is ruined and more people lose their jobs. It must be solved before our international reputation as a secure place to do business is destroyed. It must be solved before we lose faith in each other and in our word of honor. We want our legislators to face this problem now, and pass legislation before leaving Capitol Hill to campaign for re-election."

The names of those who have signed the petition so far, fill three full pages of this newspaper, beginning on page —.

Marian Aldan-Pierce, a spokesperson for SMART, said that as of Thursday afternoon, over, 1,500 local residents had signed the petition and that more are adding their names every day.

"We want our elected leaders to know how strongly we feel that everything we care about — our future, our economy, even our personal relationships with each other — is in danger because of the continuing Article 12 crisis," said Lucy Dlg. Nielsen of SMART.

The Legislature has come a long way in recognizing the problem, holding hearings and drafting legislation," said another spokesperson, Connie B. Coward. "But now, with very few days remaining in legislative session, we want you to know that we expect them

to pass the Article 12 bill now before them, and the governor to sign it, before they start campaigning," she added.

Coward was referring to Senate Bill 8-124, which has passed the Senate and is now awaiting action by the House.

SB-8124 attacks the crisis from various angles: it would put a cap on the size of legal fees in Article 12 lawsuits, and would fairly compensate the losing parties in Article 12 cases for the cost of improvements on their land. The new law would also establish the Legislature's intended application of the "resulting trust" doctrine to Article 12 cases, and create a statute of limitations applicable to the filing of Article 12 lawsuits.



S.M.A.R.T. people at work: Connie B. Coward (left), Marian Aldan-Pierce and Lucy Dlg Nielsen count more than 1,500 signatures by local residents on petitions.