

A17-10/A1-2  
 FF12/60:cjs

UNITED STATES P  
 COMMANDER

<b>DECLASSIFIED</b> Authority <u>8012958</u>
---

Serial: 362

10 January 1947.

~~RESTRICTED~~

To: Commander Marianas.  
 From: DISTRIBUTION LIST.  
 Subject: Native Self-Government.

Reference: (a) CinCPacFlt ltr ser 52855 dtd 12 December 1945.  
 (b) ComMarianas rest ltr ser 18936 dtd 13 November 1946.  
 (c) ComMarianas ltr ser 18829 dtd 14 November 1946.  
 (d) Section C, paragraphs 16 and 17 of Rear Admiral Wellborn, USN, Report to CinCPacFlt dtd 27 November 1946, subject: "Analysis of Military Government Needs."

Enclosure: (A) Sample Authorization for Elected Officials.  
 (B) Sample Precept for Local Court.  
 (C) Sample Petition for Review.  
 (D) Appendix I: Salaries and wages overdue.

1. It is recognized that, during hostilities and the transition to peaceful conditions, expedience was sometimes the controlling consideration in establishment of local government. This led, for example, to immediate confirmation of the authority of a local chief and to placing him on the military government payroll.

2. The time has now arrived to implement more fully the policies laid down in paragraph 7 of reference (a) and paragraph 6 of reference (b). The intent of this directive is to:

- (a) Define the functions and authority of certain minor native officials.
- (b) Establish the functions and authority of these local native officials and their offices, throughout the ex-mandates, in as close approximation as feasible to American concepts of local government; but without radical changes in the native system.
- (c) Provide a set of terms which (in combination with local, native terms) will describe as closely as possible the functions and authority of these native officials, whatever the locality involved.
- (d) Provide, through (a), (b), and (c) above, the sine qua non of further education in, and development of, native self-governments of larger scope.

DECLASSIFIED

Authority 2012958

A17-10/A1-2  
FF12/60:cjsUNITED STATES PACIFIC FLEET  
COMMANDER MARIANAS

Serial: 362

10 January 1947.

~~RESTRICTED~~

Subject: Native Self-Government.

NATIVE CIVIL AFFAIRS

3. (a) Local civil affairs may be administered by either a magistrate or a council, as the inhabitants of the community prefer. This preference will be determined by discussion between military government and the people.
- (b) The magistrate or the council may be elective, or appointed by military government. Some communities may desire to hold elections; some may have no conception of the elective process; some may definitely prefer appointed officials. In any case, the matter should be left up to the community itself, and no pressure for elections should emanate from the military government.
- (c) It is believed that in a great number of communities, particularly in the small, compact, long-settled populations of the outlying islands, it will be wise to confirm the chief as a magistrate; if he is agreeable to so serving. In some of the larger communities, also, as at Ponape, it may be desirable to confirm the present chieftains and clerks.
- (d) A magistrate may be further installed as a judge, and certainly in the small islands, or other small communities, the two functions should be combined, with authorizations issued for each position.
- (e) Titles may be combined. As examples: The present "Nanmaraki" of Jokaz, in Ponape, may be confirmed as "Nanmaraki - - - -, Magistrate and Judge of the Jokaz District"; on Mokil, Chief August may be confirmed as "Chief August, Magistrate and Judge of Mokil Island"; in the Palaus, the High Chief of the Northern District may be confirmed as "- - -, High Chief, Chief Magistrate, and Senior Judge of the Northern District, Palau Islands"; on Saipan, "Elias Sablan, Mayor and Chief Magistrate of Chalan Kanoa, Saipan."

4. A magistrate, or the administrative clerk of a council, will be paid a salary by military government, unless for cultural reasons, such as prestige, the officials prefer to serve without pay; or unless the office is honorary. Whether paid or not, officials must be required to take their duties seriously. They will be charged with the enforcement of ordinances and regulations affecting the public order and welfare of the community, and held responsible for results achieved. Failure to perform satisfactorily will be cause for recall and a new election or appointment. The Deputy Chief Military Government Officer will issue an authorization similar to enclosure (A).

AI7-10/A1-2  
FF12/60:cjs

UNITED STATES PACIFIC FLEET  
COMMANDER MARIANAS

DECLASSIFIED  
Authority 2012958

Serial: 362

10 January 1947.

~~R-E-S-T-R-I-C-T-E-D~~

Subject: Native Self-Government.

5. The magistracy shall be divided into two classifications: "Magistrate" and "Magistrate - Honorary." This distinction may be exemplified by comparing the labors of a magistrate on an isolated island with few inhabitants with those of the magistrate of the populous island where the Military Government Unit is located. The first has no onerous duties; the second may be called upon to provide and supervise labor parties, inspect schools, consult frequently with Military Government, etc. Thus, in determining the proper salary, a small gift (such as tobacco) may suffice for the honorary official, but the working official should receive a salary related not alone to the dignity of his office, but also to the work load he must carry. Ordinarily, working officials will not be placed in a pay grade lower than group 4 as shown in reference (c), exhibit I of enclosure (A) thereto. The status, authority, and prestige of the honorary official shall be the same as for a paid working official. In every case, the office shall be declared before the election, as to whether the position is or is not "honorary."

6. The foregoing will be applied equally to clerks appointed or elected in accordance with reference (b). It may be noted that in point of effective routine administration the clerkship may prove to be more valuable than the magistracy.

NATIVE JUSTICE

7. Local justice will be administered by a judge who may either be appointed by military government or elected by the inhabitants of the community as military government, after consultation with the people concerned, may deem advisable. An election is preferable, but consideration must be given to the candidate's personal fitness for judicial office. The judge should be paid in line with his work load as discussed above in paragraph 5 for magistrates. He shall be subject to removal for sufficient cause shown.

8. Separate courts will be located as military government deems necessary, with due regard to local conditions, probable number of cases, availability of a suitable judge, and similar factors. In no event, however, should the territorial jurisdiction of the court extend beyond the customary cultural affinities of the community.

9. The Deputy Chief Military Government Officer will recommend, for the consideration and approval of the Chief Military Government Officer of the Sub-Area, the following:

- (a) Location and territorial jurisdiction of each local court.

AL7-10/AL-2  
FF12/60:cjs

UNITED STATES PACIFIC FLEET  
COMMANDER MARIANAS

DECLASSIFIED  
Authority 2013958

Serial: 362

10 January 1947.

~~R-E-S-T-R-I-C-T-E-D~~

Subject: Native Self-Government.

- 
- (b) Whether the judge is to be elected or appointed.
  - (c) If appointed, the name and qualifications of the nominee for judge.
  - (d) Salary proposed for judge.
  - (e) Name and qualifications of nominee for clerk of the court.
  - (f) Salary proposed for clerk.

Upon approval by the Sub-Area Commander, the Deputy will issue a precept for the court, of which enclosure (B) is an example.

10. The legal jurisdiction of the court shall be limited as follows:

- (a) To cases involving natives only.
- (b) To offenses against the generally recognized native customs.
- (c) To offenses (misdemeanors) against the police regulations of military government, such as sanitary regulations, licensing regulations (as for barbers, restaurants, fishing, etc.), and similar, relatively minor regulative measures of military government.
- (d) To suits and torts, both at law and in equity, arising under local custom and involving amounts of one hundred dollars (\$100.00) or less.

11. (a) All other judicial matters are reserved to military courts, although the local native court may serve as court of first instance in any criminal case, and order the defendant held in confinement while awaiting a military court to take jurisdiction. Similarly, no native court shall be competent to impose imprisonment exceeding six (6) months or a fine to exceed one hundred dollars (\$100.00), or both such imprisonment and fine.

- (b) Where a native court of wider powers is already in existence, the Sub-Area Commander shall submit to this command a statement of its history, powers, and jurisdiction (as for instance, in the case of the present high court of the Palau Islands), with recommendations as to confirmation of the court in its present status.

12. The local court need not follow American legal procedures precisely, but must abide by generally recognized local custom, provided that such local custom does not militate against a just determination of the issues. The law, as distinguished from the procedure to be applied in all cases, is that which was in force at the time of the American occupation, as modified by the proclamations, ordinances, orders, and regulations, promulgated by proper authority.

AL7-10/11-2  
FF12/60:cjs

UNITED STATES PACIFIC FLEET  
COMMANDER MARIANAS

DECLASSIFIED  
Authority 2013958

Serial: 362

10 January 1947.

SECRET

Subject: Native Self-Government.

13. All sentences and judgments of the local court shall become effective upon review and approval by the Deputy Chief Military Government Officer. An appeal by petition for review of any sentence or judgment may be taken by the native convicted of a crime or misdemeanor, or who is not satisfied with the judgment in a civil case. Such a petition for review shall be filed with the trial court within ten (10) days of the effective date of the sentence or judgment. Each petition shall state substantial grounds, either in fact or law, as to why the conviction should be varied or set aside, or the judgment modified or reversed. It shall be forwarded to the Chief Military Government Officer of the Sub-Area via the Deputy cognizant. Enclosure (C) is a sample petition. Each court will be given a supply of these petition forms.

14. Each local court will have a clerk, appointed by military government, who must be able to write his own language. He will make a duplicate record of each case, one copy to be retained by the court and one to be sent to the Deputy Chief Military Government Officer for review. The record may be made in the local tongue with an English translation. It shall show:

- (a) Name and location of court.
- (b) Date of trial.
- (c) Names and addresses of plaintiff and defendant.
- (d) Charge or claim.
- (e) Evidence submitted (in summary form).
- (f) Sentence or judgment.
- (g) Signatures of judge and clerk.
- (h) Action of reviewing authority.

15. Whenever one individual holds more than one official post, as for example magistrate and judge, or town clerk and clerk of the local court, he shall be paid but one salary, which however, may be adjusted in terms of his work as discussed above in paragraph 5.

16. Constables and sanitary inspectors in the employ of military government may be assigned to work with and under the direction of duly authorized local governments.

**DECLASSIFIED**  
Authority 2012958

AI7-10/A1-2  
FF12/60:cjs

UNITED STATES PACIFIC FLEET  
COMMANDER MARIANAS

Serial: 362

10 January 1947.

~~R-E-S-E-R-V-E-D~~

Subject: Native Self-Government.

17. Authorizations similar to enclosure (A) and precepts similar to enclosure (B) will be issued with appropriate ceremonies. Each authorization or precept will be noted as required in Part I, Section C, of the monthly report and a copy thereof appended as an enclosure.

18. Appendix I (enclosure (D) hereto), will be implemented as circumstances require.

19. Whenever existing local community governments differ from the standards directed herein, they shall be brought into conformity by a gradual, progressive program.

*C. A. Pownall*  
C. A. POWNALL.

DISTRIBUTION LIST:

- ComBonins-Marianas Sub-Area
- ComMarshallis Sub-Area
- ComEastCarolines Sub-Area
- ComWestCarolines Sub-Area
- IsCom Saipan
- CO USNIGU Saipan
- CO USNIGU Palau Is. (Koror)
- CO USNIGU Yap
- CO USNIGU Truk
- CO USNIGU Ponape
- CO USNIGU Kwajalein
- CO USNIGU Majuro

Copy to: SNO (Is. Govt.) (5 copies)  
CinCPacFlt (5 copies)  
SONA, Stanford Univ., Calif. (10 copies)

**DECLASSIFIED**  
Authority 2012958

(Sample Authorization)

UNITED STATES NAVY  
MILITARY GOVERNMENT UNIT, \_\_\_\_\_

To All Men, Greeting:

Be it known that, pursuant to an election held on \_\_\_\_\_ (date) \_\_\_\_\_ at  
\_\_\_\_\_, \_\_\_\_\_ (name of official or  
councilmen) \_\_\_\_\_, was (were) duly elected as Magistrate (Council) of  
\_\_\_\_\_ (name of island, atoll, district or other community) \_\_\_\_\_, Said  
\_\_\_\_\_ (name) \_\_\_\_\_, shall hold office for one year  
from date hereof or until his (their) successor(s) be duly elected, sub-  
ject to his (their) good behavior and proper discharge of his (their)  
duties. The Magistrate (Council) shall promulgate, explain, and enforce  
the ordinances and regulations issued by proper authority for the good  
order and welfare of the people of \_\_\_\_\_ (name of community) \_\_\_\_\_;  
and shall consult with the people from time to time and make their desires  
known to the Military Government.

Done under my hand and seal, this \_\_\_\_\_ day of \_\_\_\_\_, 194\_\_\_\_, at  
\_\_\_\_\_.

\_\_\_\_\_  
(signature)  
Commanding Officer.

(Seal).

NOTE: Where done by appointment, change above as appropriate.

(Sample Precept)

<p style="text-align: center;"><b>DECLASSIFIED</b></p> <p style="text-align: center;">Authority <u>2012958</u></p>
--

UNITED STATES NAVY  
MILITARY GOVERNMENT UNIT, \_\_\_\_\_

To All Men, Greeting:

Be it known that, pursuant to the authority vested in me as Deputy Chief Military Government Officer, I hereby (nominate and appoint) (confirm the election of) \_\_\_\_\_ (name) \_\_\_\_\_ as Judge of the Local Court of \_\_\_\_\_; and I charge him faithfully to hear, and justly to weigh, all matters which may come before said Court, that he may determine them according to law and their just desserts.

Said \_\_\_\_\_ shall serve for one year from date hereof or until his successor be duly (appointed) (elected and confirmed), subject to his good behavior and proper discharge of his duties. I further nominate and appoint \_\_\_\_\_ (name) \_\_\_\_\_ as Clerk of said Court, and I charge him to truly record all matters which may come before the Court. He shall serve for one year from date hereof or until his successor be duly appointed.

Done under my hand and seal, this \_\_\_\_\_ day of \_\_\_\_\_, 194\_\_\_\_, at

\_\_\_\_\_.

\_\_\_\_\_  
(signature)  
Commanding Officer.

(Seal)

ENCLOSURE (B)

DECLASSIFIED  
Authority 2012958

(Sample Petition for Review)

1. Local Court of \_\_\_\_\_ (Location) \_\_\_\_\_ (Date) \_\_\_\_\_.
  2. The person named herein, petitions the Chief Military Government Officer, \_\_\_\_\_ Sub-Area, for review of the \_\_\_\_\_ (conviction, sentence, judgement) \_\_\_\_\_ entered by the Local Court of \_\_\_\_\_ (location) on \_\_\_\_\_ (date) \_\_\_\_\_, as approved by the Deputy Chief Military Government Officer on \_\_\_\_\_ (date) \_\_\_\_\_.
  3. Your petitioner is \_\_\_\_\_ (name and address) \_\_\_\_\_.
  4. Nature of charge (claim): \_\_\_\_\_  
 \_\_\_\_\_ (show custom or law involved) \_\_\_\_\_  
 \_\_\_\_\_
  5. Sentence (judgement): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
  6. Grounds for appeal: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- \_\_\_\_\_ (Signature of Petitioner) \_\_\_\_\_
7. Forwarded to Deputy Chief Military Government Officer on \_\_\_\_\_ (date) \_\_\_\_\_.
- \_\_\_\_\_ (Clerk) \_\_\_\_\_
- \_\_\_\_\_ (Judge) \_\_\_\_\_

ENCLOSURE (C)