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Vol. 1

The United States Senate

Report of Proceedings

Hearing held before

Committee on Interior and Insular Affairs

S. J. RES. 149

TO PROVIDE FOR A CONTINUANCE OF CIVIL GOVERNMENT
FOR THE TRUST TERRITORY OF THE PACIFIC ISLANDS

April 17, 1952

Washington, D. C.

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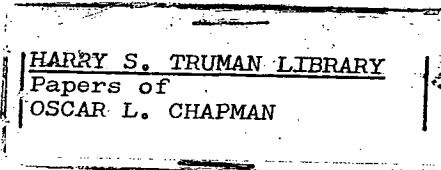
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S. J. RES. 149

TO PROVIDE FOR A CONTINUANCE OF CIVIL GOVERNMENT
FOR THE TRUST TERRITORY OF THE PACIFIC ISLANDS

- - -

Thursday, 17 April 1952

United States Senate,
Committee on Interior and Insular Affairs,
Washington, D. C.

The Committee met, pursuant to call, at 10:35 a.m.,
in Room 224, Senate Office Building, Washington, D. C.,
Senator Joseph C. O'Mahoney presiding.

Present: Senators O'Mahoney (presiding) and Cordon.

- - -

The Chairman. This meeting has been called for
the purpose of receiving the testimony of the Secretary
of the Interior, Mr. Oscar Chapman, the Commissioner of
the Trust Territory of the Pacific Islands, and Senator
Elbert D. Thomas, and Mr. James P. Davis, head of the
Division of Territories, Department of the Interior, and
such others as may desire to testify with respect to
Senate Joint Resolution 149, introduced for the purpose of
providing for a continuance of civil government for the
Trust Territory of the Pacific Islands.

This joint resolution was introduced on April 9 of
this year, and at the same time, at the request of the

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Department of State, a bill, S. 2992, was introduced to provide a civil government for the Trust Territory of the Pacific Islands, and for other purposes. This latter bill is a comprehensive organic act and it will require much more detailed study than it will be possible for the Committee to give it at this session of Congress.

The other joint resolution has been introduced for the purpose of allowing the Committee to consider the desirability of additional legislation to authorize the civil administration of the Trust Territory. Heretofore Congress enacted a bill approving and ratifying the action of the United States in agreeing with the United Nations Security Council to assume the responsibility of the government of the Trust Territories in the Pacific Ocean.

(The bills are as follows:)

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The Chairman. Mr. Secretary, will you be good enough to give us your view about the matter?

STATEMENTS OF THE HONORABLE OSCAR L. CHAPMAN, SECRETARY OF THE INTERIOR;

ELBERT D. THOMAS, HIGH COMMISSIONER OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS, FORT RUGER, OAHU, TERRITORY OF HAWAII;

JAMES P. DAVIS, DIRECTOR, OFFICE OF TERRITORIES;

EMIL J. SADY, CHIEF, PACIFIC DIVISION, OFFICE OF TERRITORIES; AND

IRWIN W. SILVERMAN, CHIEF COUNSEL, OFFICE OF TERRITORIES, DEPARTMENT OF THE INTERIOR.

Secretary Chapman. Thank you, Mr. Chairman. I did not come with a prepared statement. Mr. Thomas has a detailed statement which I would like him to give you. I have some ideas on this that I would like very much to discuss with the Committee and give you our point of view on, and a bird's-eye view of some of the problems we are meeting in trying to administer these islands.

As you are probably aware, we have had administrative control of these islands since July 1 of last year, approximately 9 months. That is a short time to determine and develop a pattern of administration and to get a better pattern of appropriations to follow and what is needed.

There are several things that give us a guide and a

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basis from which we have to start developing our appropriations and our request for services. In the first place, the Japanese, having had these islands for a number of years, had developed, I would consider for these islands, a rather strong economy.

The Chairman. May I interrupt at this point to ask that we put in the record at the outset a statement about the area involved, the land and water area, so that the area will show distinctly where, on the map of the world, these islands are, how many of them there are, what the population is, and something about their economic basis.

Secretary Chapman. We will give you a detailed memorandum covering those points, Senator. As I started to say on that, the Japanese had integrated approximately 100,000 native Japanese into these islands, scattered in all of them, while the actual population of the natives themselves is only 55,000, covering a hundred or more atolls and small islands. That population is generally centered on Saipan, Truk, and two or three major islands, but they are scattered over large numbers.

The Japanese having developed a fairly good economy there, and having built one or two roads on some of the islands, they were using it for expansion for themselves, but nevertheless it gave them a basis for their economy to become established. We are talking about an area, land

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area, scattered through a water area approximately the size of the United States, and some 2600 miles from Honolulu to Saipan, and Guam is in the Marianas Islands group. You have the Caroline Islands and the Marianas, all in different groups in this large area that has to be administered.

It is one of the largest areas of civil administration that has to be pulled together anywhere under the American flag. The transportation problem itself becomes one of the bottlenecks and one of the most serious problems to deal with in the normal day-by-day life between the natives and the administrative people in trying to communicate with the natives. That of course requires that we have to set up as full and complete service as we possibly can in terms of service to the people.

The Chairman. These islands in the first place fell under the control of Japan under World War I?

Secretary Chapman. They are the mandated islands given to Japan under the League of Nations arrangements and agreements. From that they continued their operations.

The Chairman. The Japanese were under obligation not to fortify the islands, but they did fortify Truk and Saipan and the others?

Secretary Chapman. That is correct.

The Chairman. You say they moved some 100,000 Japanese into this area?

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Secretary Chapman. Yes, sir, approximately that.

The Chairman. Did they have any cities or towns?

Secretary Chapman. Yes, they had some very good sized towns scattered through the large islands.

The Chairman. Were they newly established towns?

Secretary Chapman. I would assume basically that they were built around other villages and expanded and enlarged. That is what they did in most cases. I don't know of an outright new development as a town or city, but they expanded these villages and towns that they had very largely, and they developed roads; particularly in Saipan they developed roads. When they were taken of course, Japan had them since the League of Nations days under the Mandate. Under the war the Navy, having military control of the area, maintained control for as long as they felt necessary for security reasons.

The Chairman. Before you go into that, let's get the picture of what happened during the war. We stormed some of those islands?

Secretary Chapman. Yes, sir.

The Chairman. What was the extent of the destruction?

Secretary Chapman. I imagine the destruction on Truk must have been quite severe and extensive, as well as Saipan. I do not have the military destruction of facilities details, but Senator Thomas does.

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The Chairman. How about the communities?

Secretary Chapman. The communities obviously in the Truk area were very seriously damaged.

The Chairman. What happened to the Japanese?

Secretary Chapman. All the Japanese that could be located have been returned to their homeland or some other place.

The Chairman. So that as a result of the war the construction that the Japanese had undertaken was destroyed?

Secretary Chapman. To a large extent that was destroyed.

The Chairman. And the Japanese who had been settled there by the Japanese Empire were repatriated by us?

Secretary Chapman. That is right.

The Chairman. That leaves only the natives.

Secretary Chapman. That leaves only 55,000 natives in this large number of islands. That of course brought the Navy up against a serious administrative problem, having to readjust from the repatriation of 100,000 Japanese to their homeland, to readjust in the lives and economy of 55,000 natives on practically no communications whatsoever except what they supplied, as between the islands. The Navy had a difficult problem, first in establishing communications and transportation. They did that and maintained it and did operate the islands during and after

jap-8

the war, after they took control.

We have now taken over that, nine months ago, and based upon what their experience was and what their basis of operation consisted of, such as services being given and so on, and under the mandate of the United Nations we have tried to follow and carry out our instructions and authority to carry that out.

The Chairman. For whose benefit was this done?

Secretary Chapman. For the benefit of the natives.

The Chairman. For whose benefit was this system of transportation established?

Secretary Chapman. For both. Transportation is for the benefit of the natives and for the people who have the responsibility of administering the islands. It is for the services of everybody who needed to go on any business to the islands. That having been gone through in that period, the turnover has now been made to the civilian administration.

We find ourselves in this position: The transportation situation is inadequate, the military of course was able to have many features of transportation that we are not able to have that was purely an auxiliary to their normal services of necessity for commercial life, which was a great help to the people and to the Navy itself and to other folks there.

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However, we do have a minimum, I consider, of transportation between the islands. We also had taken over at that time the Pacific Island Trading Company.

Senator Cordon. May I inquire as to the extent to which there is native-owned transportation or native-owned transportation facilities among the islands?

Secretary Chapman. As between the islands?

Senator Cordon. Yes.

Secretary Chapman. There is none owned by the natives at the moment other than this Pacific Island Trading Company.

Senator Cordon. Of course that is commercial.

Secretary Chapman. That is commercial.

Senator Cordon. They move among our islands in their own craft as they did originally?

Secretary Chapman. In some instances they do. In some instances to a small degree they still do, in their own small crafts that they can get between islands. There is some of that done. That of course is inadequate totally for administrative purposes, but it is all right for their own method and mode of transportation.

That is still being utilized for whatever value it can give. Transportation becomes one of the most serious problems of administration in these areas. First, transportation in and out of those areas from, say, Honolulu

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and Guam and other American base areas to the islands.

That leads up to the other problem, why we have asked for the budget that we have asked for to maintain what we consider essential services. What are those essential services? You look first to what is required of you to do as a reasonable thing, not trying to just do good to people, but what are the reasonable things that are required of a civilized government to do for a trust area. We felt and we still feel that some of those reasonable services are such things as police services, police protection, education and health facilities, as well as transportation to assist in that.

We are dealing with 55,000 people scattered over large areas that have no local government particularly, no organized government of any stability, and no police protection. We have to follow in the pattern of what the Navy had done. We have to follow up with some police services, police protection, legal services to some degree, and therefore we have had to employ certain numbers of natives to be used as policemen and natives to be used as school teachers, and whatever services we could get in the nursing field from the Navy.

There have been no doctors among the natives so we have supplied some doctors of our own. Consequently we have employed a total of about 1400 people. Less than 300

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of those are what we call state-side, or people from the United States. Our headquarters have been established in Honolulu. A lot of people have been critical of why the headquarters are in Honolulu. We ourselves are unhappy with it and do not wish it to be in Honolulu, but the Navy, because of circumstances that we face, in the determination that they made, that the situation required it to be in Honolulu, we feel it is required.

Senator Cordon. What was that reason?

Secretary Chapman. Purely military. They did not want a civilian government set up in the islands during those days.

Senator Cordon. What about these days?

Secretary Chapman. We come to that. This is an open hearing. I cannot tell you one of the reasons why we have been asked not to establish the island headquarters in one of the trustee islands at the moment. I would like to give it to the Committee.

Senator Cordon. You mean not to establish it in any of the trust islands for the moment?

Secretary Chapman. Yes, sir.

Senator Cordon. Or even on Guam, not a trust island?

Secretary Chapman. No. That has not been included in my remark.

Senator Cordon. Why could we not establish it there?

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That is fairly simple.

Secretary Chapman. It is fairly simple. It is possible to establish at Guam. You have this problem, though: If you go to establish at Guam we have to build completely new facilities. You have not got room enough to take care of the present government facilities and the native program in Guam now.

Senator Cordon. What about the facilities that the Navy used when it operated in Guam?

Secretary Chapman. They still are using most of them for military purposes. Some of it is being used.

Senator Cordon. You could grow big but you can never grow little.

Secretary Chapman. That is partly true. That is one of the Navy's large bases.

Senator Cordon. They do not need any area there for the purposes of civil government and they did have an area for civil government. So when they turned over civil government to you they should turn over the facilities with it.

Secretary Chapman. They turned over a large number of facilities. They turned over the Governor's house, the hospital, and many facilities. What facilities we are using were turned over from the Navy. So I am not in any sense critical of the Navy's functions there. They did turn

jap-13 over to us what we are using. They feel that they need what they have left.

Senator Cordon. Is that all that they were using?

Secretary Chapman. No, they were using more, but they still are using those. Based upon the size of their operations there I really think they need them. I do not know whether they need all of the area that they are using or not. That is something to be determined. Nevertheless we have had turned over to us these facilities for civilian operation in Guam.

If we went to Guam we would obviously have to build new facilities to take care of these people. It has been my feeling that having to do that I would rather see the headquarters moved into, say, Saipan or Truk, one of those areas, more into the central area, directly into the trust territory itself.

Therefore, we have been making plans and have plans made for a location that we want to establish headquarters at. We have been asked not to do it for the time being.

Senator Cordon. It seems to me that we would be better off to have a permanent headquarters in an area title to which and jurisdiction over which is permanently in the United States.

Secretary Chapman. There is a good argument for that.

Senator Cordon. What the United Nations did it might

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undo, and we might be willing to have it undone.

Secretary Chapman. I think there is a good argument for keeping it on, what should I say, a more fully organized territory under the flag. But there is criticism because it has been in Honolulu. Nevertheless I felt that was the only place to maintain it for the time being.

Senator Cordon. You could not do anything else. I am certain of that.

Secretary Chapman. We could not do anything else. However, we have some plans to move the headquarters, and more, to move it into the trust territory.

You have raised a question about Guam, which does to my mind -- we ought to give consideration to it. It would require new facilities. But if we move into one of these other areas it is going to require new facilities, although we could use, in one of the areas we are speaking of moving into, some native facilities that are there now. We could be able to use them.

When security reasons permit it, we will be able to use those if we can move into this particular area. I mention that for the headquarters because there has been some criticism of keeping it in Honolulu. However, I feel it has been justified, and we have to keep it there. It has been on the advice of the military that it should be for the time being. I want to move from that.

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People raise the question, why are we trying to give public education and police service to the people. They have no county or state governments as we have, of course. It is the very bottom strata of organization that you have. We have to deal with people who have not an organized system of government that we can rely upon. Yet we feel an obligation and I feel it is an obligation to give as pure, as good an administration as we can. We are giving what I consider a minimum service to these people. We are employing natives for teachers, for educational purposes, we are trying to carry on some educational program for health.

That is being done. Out of the total budget as we come to this thing, your transportation problem takes up a large item because of the cost of transportation in that large area.

Senator Cordon. May I interrupt you there?

Secretary Chapman. Yes.

Senator Cordon. Am I correct that the Navy had some sort of inter-island transportation system at the time that they surrendered jurisdiction, and that you took that over?

Secretary Chapman. Yes.

Senator Cordon. But you now either subsidize or hire its operation by private enterprise?

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Secretary Chapman. That is right. We lease that out under contract to a private operator, and he operates that. It obviously does not make enough in its operation to pay its cost of operation. There isn't a large enough volume of business to do it on that basis, so we are subsidizing it on that basis. We took that little trading company over that the Navy had organized and continued to use it as economically and as best we could to get all the service we could out of it.

Senator Cordon. When the Navy had that was it a Naval operation or did it have it leased out?

Secretary Chapman. I don't think it was leased out.

Mr. Davis. It was a Naval operation until about the spring of 1951. At that time the two departments in cooperation worked out the lease arrangement with the private operators and the Navy taking part. For some months the Navy was the contracting agency and we took over the contract when we assumed it in July.

Senator Cordon. When you mention a trading company as having charge of the transportation agency --

Mr. Davis. That is not quite correct, Senator.

Senator Cordon. It would indicate that the holder of the lease was not only handling transportation in the islands but that he was handling some type of commercial transaction.

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Secretary Chapman. There are two companies.

Mr. Davis. For the record it should be made clear and I would be glad to do it. We have two types of commercial operation which are carried on under the general sponsorship of the Trust Territory Government. One of them is to provide air and surfact transportation. That is done by direct contract between the Trust Territory Government and the private operators of the two services.

The other operation is that of the Island Trading Corporation. It does not manage the transportation, has nothing to do with it, except that it uses the transportation to carry goods into the trust territory and to take people and other products out of the trust territory.

Senator Cordon. The people who now own and operate these two agencies, who are they?

Mr. Davis. Both the contractors for the transportation are American firms. One is a subsidiary of the Pacific Far East Shipping Lines and the other is the Transocean Air Lines, with headquarters in Honolulu. All American citizens. The present security policy of the Navy does not permit nationals of other countries to go into the trust territory at all except under extraordinary circumstances.

Senator Cordon. What about the Trading Company?

Mr. Davis. The Trading Company is a corporation

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organized under the laws of Guam. All the stock is held by the Deputy High Commissioner of the Trust Territory, Mr. McConnell. It is in his name. It is operated as a separate agency under the Trust Territory Government. It is, I may say, not at the present time using any federal funds except such profits as accrued during the Navy period.

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The Chairman. How was the corporation created?

Mr. Davis. It was created by the High Commissioner during the Navy period several years ago. It was originally established --

The Chairman. What authority did the High Commissioner have to issue a charter?

Mr. Davis. It was originally established by the United States Commercial Company, a subsidiary of the Reconstruction Finance Corporation, during the war period. I presume under the war powers then existing. That company went out of business in the Pacific. It was liquidated and the Navy, finding itself with the need of providing some means of getting trade goods and food and clothing and so on into the trust territory, to the local small merchants scattered throughout the whole area, and of getting copra and other products out of the trust territory, established this Island Trading Corporation under the general powers of the High Commissioner, the Navy High Commissioner. It was incorporated as a civil company on the island of Guam and still is a Guam corporation.

Legislation has been pending for at least two years in both Houses to give it statutory federal authority, but that has not yet been acted upon.

Secretary Chapman. Senator, that gives you an

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outline of the problem we are dealing with. That is one of the reasons that we would like this resolution to pass, to stabilize our legal responsibility in the thing.

Senator Cordon. I take it, Mr. Secretary, that those who studied the matter feel that the peculiar status of this area as an area is an area held in trust by the United States and not one where sovereignty over it is vested in the United States, and there is no basic constitutional authority in the President as would exist in the President had this country as a result of a war taken the property by conquest.

Secretary Chapman. That is right.

Senator Cordon. At least it raises the question of that power.

Secretary Chapman. It raises the question. We do want it clarified for that reason.

Senator Cordon. I take it there has been no question until the recent treaty with Japan?

Secretary Chapman. That is right.

Senator Cordon. We could hold it up to that time with the war powers.

Secretary Chapman. I think we could hold it, too, under the agreement that the Congress has approved, with the United Nations agreements, for trusteeship. I think we could hold it under that authority. But we feel that

ht3 that ought to be supported, substantiated in some form
of resolution.

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The Chairman. May I say, Secretary, that to me the question boils down rather simply in this respect: These islands were of interest to the Japanese Empire because the population of Japan was an expanding population and the Japanese islands did not furnish an area sufficient for their growth, and therefore they launched upon the vast expansion program that led them to invade the mainland of China and so forth.

In the pursuit of that policy the Japanese undertook to make these islands Japanese, and they sent almost twice as many people from Japan into the islands than there were natives there.

Secretary Chapman. That is right.

The Chairman. So during the war we apparently, if I understand the story, destroyed the new economy that the Japs had imposed on the islands?

Secretary Chapman. That is substantially correct.

The Chairman. No evidence of what the Japs were doing for the Navy population, but I suspect they were not being regarded as the beneficiaries of any sort of a trust.

Secretary Chapman. The Japanese from all the information we can get, were treating them very well because they were trying to make friends and wanted to incur good friendship in that area. They wanted to establish bases there.

The Chairman. That period is gone. We are not trying

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to hold these colonies. We are trying to hold these under the Trust Agreement for the benefit of that native population. Therefore, from my point of view the question that rises in my mind is what is the social and cultural status of that native population, the 55,000 natives.

The evidence which has been submitted here, memorandums and one thing or another, indicates that they were chiefly a fishing and a rather primitive farming people.

Secretary Chapman. That is right. They were primarily a fishing and farming economy. That is basically what they were doing.

The Chairman. What type of government did they have?

Secretary Chapman. Practically none other than the chieftain type, more or less a tribal nature, a tribal pattern of the chief being in control of a group of people.

The Chairman. I haven't had an opportunity to read the bill which the Department of State sent. We introduced it by request because we did not have an opportunity to read it. But it seems to me offhand that the establishment of an organic government, a civil government for the native people, might be a little bit difficult.

Secretary Chapman. I think it would be difficult depending on how fast we try to move and how far we try to impose our pattern of government on them.

The Chairman. So the resolution that we have here is a

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resolution to allow the Department of the Interior to carry on by civilian means what the Navy was doing?

Secretary Chapman. That is right.

The Chairman. But the Navy was occupied primarily in a military operation.

Secretary Chapman. That is correct.

The Chairman. What they did for the Navy was incidental. You have no military purpose whatsoever.

Secretary Chapman. That is correct. We are trying in these earlier days, while you have civilian administration beginning in those islands, a pattern which begins to work out. We are so anxious that it become a pattern of reality and worked out in a sense of practical approach to what we can do with those people.

Senator Cordon. You are going to have a difficult proposition in working out reality by remote control from Honolulu.

Secretary Chapman. That will be a problem. We have recognized that. That is one of the difficulties of getting this thing established.

If I can explain to you in conference, the reason we are not doing it, you would understand it and agree with me I am quite sure.

Senator Cordon. Mr. Secretary, will the government as it has been projected under the High Commissioner as of

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now, have agents of the High Commissioner or representatives of the High Commissioner scattered among at least the more important of these islands?

Secretary Chapman. You have three district or area headquarters operating directly under the High Commissioner, in six of the regional areas now. From that there are smaller units of operation among the citizens of the local people, even on a smaller unit basis.

From that you get your chain of operation, of information and administrative services to the people in that way. That is the way it is operated.

Senator Cordon. We hoped to disturb the life of those people as little as possible until such time as we know more about it.

Secretary Chapman. You have here the problem, as I said a moment ago, of not wanting to impose our pattern of government per se on a group of people like this. What you do want to do is to give some semblance of orderly procedure and orderly government in its inception and in its beginning with us, as effectively as we can give it to them, integrated with their own culture and background, so that it is as least disturbing as it can be.

The Chairman. The record shows that the trusteeship agreement was approved by Public Law 204, 80th Congress, July 18, 1947. On that date the President issued an

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Executive Order Number 9875, in which responsibility for the civil administration of the trust territory was vested in the Navy.

Secretary Chapman. That is correct.

The Chairman. Then an executive order was issued by the President, Number 10,265, on June 29, 1951, and became effective on the 1st of July, 1951, whereby this responsibility for civil administration was transferred to the Department of the Interior.

Did the Department of the Interior institute any new enterprises or any new programs after it took over from those which had been instituted by the Navy?

Secretary Chapman. It is my understanding, Senator, that we have not instituted any new programs. We have taken the programs and plans that the Navy was operating under and have tried to keep them operating and going, and in some cases expand them.

In some cases they needed expanding. As you said in the beginning, the Navy's primary responsibility in that area was of a military nature. The Department of the Interior is a civilian operation entirely. It has no military responsibilities.

The Chairman. Are there hospitals there?

Secretary Chapman. Yes, sir.

The Chairman. Who built them?

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Secretary Chapman. The Navy had built some.

The Chairman. Did the Interior Department build any?

Secretary Chapman. No. We have not had time to build any yet.

Senator Cordon. When the Navy built the hospital were they for Navy use or native use?

Secretary Chapman. I presume for both.

Mr. Thomas. The ones that are being used now are for native use. The military have their own hospitals.

Senator Cordon. Were they built by the Navy originally for Navy use?

Mr. Thomas. Yes, sir.

Secretary Chapman. They were built for the native use?

Mr. Thomas. Yes, sir, for the native use.

The Chairman. You also had some schools there under the naval regime?

Mr. Thomas. Yes, sir.

The Chairman. Has the Department of the Interior built any schools?

Secretary Chapman. We haven't built anything as of the moment because the operation and the time limit has not permitted it. We have some plans for future construction.

Senator Cordon. Do you have any hospitals in any of the trust territories distinguished from Guam?

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Secretary Chapman. Yes. They are in the trust area.

Senator Cordon. What are they?

Mr. Thomas. We have six hospitals plus a leprosarium in Tinian. So there are seven hospitals maintained.

Secretary Chapman. The Navy built those?

Mr. Thomas. The Navy built all of them.

Senator Cordon. Tinian has a leprosarium. How about the others?

Secretary Chapman. The six hospitals that you referred to are located in those six area centers that I mentioned. I do not have the island names.

Senator Cordon. Kwajalein, I take it?

Mr. Thomas. No, sir. That is a naval base.

Secretary Chapman. One of your staff on your committee has visited all of the islands in that area and has some very fine pictures that can give you a bird's-eye view of the type of physical properties and the population.

Mr. Davis. We shall be glad to give you any details on these matters that you would like, Senator Cordon and Mr. Chairman.

The Chairman. Have any new facilities been constructed, or any new programs initiated by the Department of the Interior since it took over?

Secretary Chapman. No, sir, no buildings at all and no new programs. We are trying to expand a little bit and

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give some more extensive services in one or two of the areas that the Navy had started.

The Chairman. Would it be fair to conclude from your answers that the establishments which are now on the island for the benefit of the native population are establishments which were set up by the Navy?

Secretary Chapman. That is correct.

The Chairman. The program of health and the program of education are programs that were initiated by the Navy?

Secretary Chapman. That is right.

The Chairman. You are seeking only to carry them on?

Secretary Chapman. We are. We want to carry that on as efficiently as we can.

The Chairman. Under this resolution which is brief and simple, it provides "That until Congress shall further provide for the government of the Trust Territory of the Pacific Islands, all executive, legislative, and judicial authority necessary for the civil administration of the Trust Territory shall continue to be vested in such person or persons and shall be exercised in such manner and through such agency or agencies as the President of the United States may direct or authorize."

It is your intention to proceed as you have been going?

Secretary Chapman. We have, Senator. But let me make this one explanation: There are two or three

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things that we are trying to do that the Navy had not had an opportunity to do, such as trying to help develop a land pattern, things of that kind.

Senator Cordon. What do you mean by that?

Secretary Chapman. For instance, you have to clarify the land pattern that is developed there from their own tribal authority.

Senator Cordon. Determine land ownership or land use?

Secretary Chapman. First to determine on what authority they have used it. We are trying to get the pattern established, basically on what authority it was established, who owns it and how they inherited it and how they operate it.

That is a pattern we are working on.

The Chairman. We will have to do a better job than was done by the old-timers who went into the Hawaiian Islands and took away from the natives the land pattern which they had established and fastened on them a new land pattern that a couple of graduates of Yale law school had opinions on.

Secretary Chapman. Wasn't that established before 1948?

The Chairman. Yes, long before that.

Secretary Chapman. We have another problem. I do not mean to be interpreted as saying we have started

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nothing new. For instance, the mental hospital cases. We are trying to keep those cases from being sent to jail for infractions of law and put into a hospital. We are trying to set up an insane hospital base.

That is the only new feature that we have started. We are trying to develop the copra business. That is developing. That is improving. We are trying to encourage that. That is the one little economy that they can develop.

Senator Cordon. How do you try to encourage it?

Secretary Chapman. We have an agricultural expert in there with us on our teaching staff. We are trying to advise them on a forestry program, how that can best be improved.

Senator Cordon. Do they plant coconut trees in orchards or just harvest the wild native trees?

Mr. Thomas. Of course the natives use wild coconuts but they planted their trees in definite places. Mostly the land markings are by coconut trees. You get your metes and bounds by coconut trees. So they are very important in the legal aspect of the island as well as in the economic aspect.

But the Japanese laid out great coconut reserves, is the word. They are completely run over by weeds at the present time.

Senator Cordon. Were they planted areas?

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Mr. Thomas. Planted areas.

Senator Cordon. Or simply reserved areas?

Mr. Thomas. They were actually planted. The coconut culture under the Japanese was changed from a natural culture to an economic one and it was made to pay.

Now, due to the war and other things, one-third of the coconut trees in the islands have been wiped out by a beetle.

Senator Cordon. What about title to the properties which the Japanese had used for this purpose of planting coconut groves?

Mr. Thomas. The Japanese under the right of eminent domain took them over. You realize that when Japan was there under the mandate system she had to recognize that the land was not hers. But in 1938 she incorporated all these islands into the Empire of Japan.

From that day the legal aspect of the overlordship took effect.

The Chairman. May I interrupt, Senator?

Mr. Thomas. Yes.

The Chairman. Before we started the hearing this morning, the Secretary indicated to me that he had an important engagement at the White House that he wanted to keep. I would like to ask whether you have completed the statement that you had in mind.

Secretary Chapman. Yes I have, Senator.

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The Chairman. Are there any other questions?

Senator Cordon. No.

Secretary Chapman. The Commission will have a more detailed statement through Mr. Davis and others.

The Chairman. We will proceed with the Commissioner and Mr. Davis. We will excuse you and thank you for coming up.

Secretary Chapman. Thank you very much, Senator.

The Chairman. Will you continue, Mr. Commissioner?

Mr. Thomas. The senator has hit upon what is our greatest problem, Mr. Chairman, the land ownership problem, and the factors are tremendous. We are working with them in such a way that we hope to be able to overcome the complications and that we may have land returned to the people in the same sort of security and the same sort of basis that American law provides.

The Chairman. What did the native law provide, if anything?

Mr. Thomas. The native law, of course, will ultimately be the controlling law as far as metes and bounds, and so on and so forth.

The Chairman. Before the Japanese went in, while these people were living by themselves, how did they handle their land?

Mr. Thomas. They handled it -- it is complicated but

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it was handled under the rules of the chiefs and the rules of the tribal organization. It is pretty hard to get to the place where one person can say, "This is mine and that is yours."

The Chairman. It was largely communal property?

Mr. Thomas. Yes, sir. You find everything there, Chairman, that you can think of. These people have been under the influence of the West since the 17th Century. As far as the ordinary tribal taboos are concerned, and the ordinary primitive society, you do not find that in the mentality of any of our islands at all.

That is gone. But the land is something that they themselves have not thought about in the sense of ownership because they have not had to. Now with the Japanese law and the law which we will hope to be able to work out for them to make property secure and to see that government does not impose upon the rights of individuals, I think that this resolution will basically give us in American law the chance to move ahead and to adjust these land titles.

The Chairman. Of course as it is drawn it is a blank check.

Mr. Thomas. That is true.

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The Chairman. You can do anything you please.

Naturally questions will arise in the minds of members of the Appropriations Committee with respect to what bounds, if any, should be placed on this authority pending the enactment of something like the organic system that is requested.

Mr. Thomas. I may say that we have adjusted several hundred of little individual claims already and have got the record straight. There are things that we are working on all the time. It is a job for a man with patience. We have got to lay the foundations of a political entity of some kind which will be secure and which will preserve private rights and property rights. That is our aim.

The Navy, thank goodness, has the same idea. We have Japanese, German students, working on titles and so on.

Senator Cordon. I again would express the hope that no permanent shifting or shovelling of real property titles be done under the authority of this resolution. Investigation and exploration, yes. Plans, yes. But the final determination should be left until such time as a permanent organic authority is established.

The Chairman. Would it not be simplest to recognize the fact that the Navy did a good job while it was in there -- all the testimony that we have had from the Joint Committee, and the House Committee in November looked into

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it -- and the testimony that has been developed around this table -- all of that has indicated that the Navy sought to provide and did provide in an efficient manner for the welfare of the people. But their primary job was a military job. You have taken over that same establishment. If this resolution could be worded to make clear that you were to continue that operation and would not expand it except after having submitted the plans to the Congress and secured the appropriations for it, then I think that you would have the time within which to work out the plan which ought to be written into the basic law.

Mr. Thomas. I agree with that wholeheartedly, Mr. Chairman. We have got to know what we are doing before we go forward. No plan will work until we have worked it out in theory before we actually put it into practice.

The Chairman. Would it not be helpful to everything that you have in mind if this resolution were redrafted so that it would call for the submission of plans to Congress by the High Commissioner and his staff or the Division of Territories?

Mr. Davis. I see no objection whatever to that, Mr. Chairman, although I think that is inherent in the appropriation processes. We have to submit reasonable explanations.

The Chairman. What you run against is this: The House Committee on Appropriations did not regard the Act

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which Congress passed in the 80 th Congress to approve the contract with the United Nations Security Council as authority for civilian administration. The civilian administration was set up by the Executive Order of the President and under that system the President's Executive Order can go anywhere it pleases. Congress would be more willing to appropriate the funds to carry on the work that you must carry on to maintain the level that the Navy maintained and to keep your equipment in running shape if you were to place a limitation.

Don't you agree with that?

Senator Cordon. I feel, Mr. Chairman, that if we don't spell it out in this what will be temporary basic authority, that we will not get the appropriation.

Mr. Davis. We do not wish to argue that in any way, Mr. Chairman. In fact, we are anxious to have such limitation and such guidance as the Congress may wish to give us.

The Chairman. You recall very well how Senator Cordon and the Chairman worked out the legislation last year under which you were able to proceed.

Mr. Davis. I recall that very well. We would be very happy to have any policy directives that your committee or the Congress itself can formulate.

The Chairman. Is there now general agreement with this

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outline that I have just stated?

Mr. Davis. Yes, sir.

Mr. Thomas. Yes, sir, there is on my part. There is just one safeguard, Mr. Chairman, that we have to think about when we pass any kind of law. There are other interests besides the interior and trust territory in the islands that have been taken over. There is a Navy interest, and the strategic aspects of our situation, quite as much as the other aspects. The Atomic Energy is in our islands, the Weather Department is in our islands, the Coast Guard is in our islands, and to assume that these little islands are something which the whole of the United States is not interested in is a wrong assumption.

We have the birthplace of the typhoons in the Pacific. How are our ships on the high seas ever going to be safe anywhere without the weather information which we send them? The experiments which we are carrying on by the Atomic Energy Commission are mighty and they are important. Government is investing tremendous money there.

The Chairman. But they are not under your jurisdiction?

Mr. Thomas. No, Mr. Chairman, but when they take an island which belongs to someone else, it is the duty of us to see to it that the people's rights are preserved in that island. Incidentally, the only civil authority that is in the islands as far as the Atomic Energy Commission is

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concerned, is the authority granted by the High Commissioner.

The Chairman. Let us see what your authority is under the Executive Order. This is Executive Order 10,265:

"Transfer of the Administration of the Trust Territory of the Pacific Islands from the Secretary of the Navy to the Secretary of the Interior.

"Whereas the Trust Territory of the Pacific Islands (hereinafter referred to as the trust territory) was placed under the trusteeship system established by the Charter of the United Nations by means of a trusteeship agreement apprement approved by the Security Council of the United Nations on April 2, 1947, and by the United States Government on July 18, 1947, after due constitutional process; and

"Whereas the United States, under the terms of the trusteeship agreement, was designated as the administering authority of the trust territory, and has assumed obligations for the government thereof; and

"Whereas Executive Order No. 9875 of July 18, 1947, delegated authority and responsibility for the civil administration of the trust territory to the Secretary of the Navy on an interim basis; and

"Whereas a committee of the Secretaries of State, War, the Navy, and the Interior recommended on June 18, 1947, that administrative responsibility for the trust territory be transferred to a civilian agency of the Government at the

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earliest practicable date; and

"Whereas plans for the orderly transfer of administrative responsibility for the trust territory from the Secretary of the Navy to the Secretary of the Interior are embodied in a memorandum of understanding between the Department of the Navy and the Department of the Interior, approved by me on September 23, 1949, and it is the view of the two departments, as expressed in that memorandum, that such transfer should take effect on July 1, 1951; and

"Whereas the transfer of administration of the trust territory from the Secretary of the Navy to the Secretary of the Interior, effective July 1, 1951 appears to be in the public interest;

"Now, therefore, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

"1. The administration of the trust territory is hereby transferred from the Secretary of the Navy to the Secretary of the Interior, such transfer to become effective on July 1, 1951.

"2. The Department of the Navy and the Department of the Interior shall proceed with the plans for the transfer of administration of the trust territory as embodied in the above-mentioned memorandum of understanding between the two departments.

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"3. When the transfer of administration made by this order becomes effective, the Secretary of the Interior shall take such action as may be necessary and appropriate, and in harmony with applicable law, for the administration of civil government in the trust territory and shall, subject to such policies as the President may from time to time prescribe and, when appropriate, in collaboration with other departments or agencies of the Government, carry out the obligations assumed by the United States as the administering authority of the trust territory under the terms of the trusteeship agreement approved by the United States on July 18, 1947, and under the Charter of the United Nations: Provided, however, that the authority to specify parts or all of the trust territory as closed for security reasons and to determine the extent to which Articles 87 and 88 of the Charter of the United Nations shall be applicable to such closed areas, in accordance with Article 13 of the trusteeship agreement, shall be exercised by the President: And provided further, that the Secretary of the Interior shall keep the Secretary of State currently informed of activities in the trust territory which relate to the foreign policy of the United States, and that all relations between departments or agencies of the Government and appropriate organs of the United Nations with respect to the trust territory shall

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be conducted through the Secretary of State.

"4. The executive departments and agencies of the Government are authorized and directed to cooperate with the Departments of the Navy and Interior in the effectuation of the provisions of this order.

"5. The said Executive Order No. 9875 of July 18, 1947, is revoked effective July 1, 1951."

We ought to have a copy of this memorandum of understanding. I will ask you to supply that for the file.

(Committee insert.)

mm- 9 The Chairman. We already have in the Appropriations Committee a copy of the United Nations agreement and the Act approving that agreement, and those will also be incorporated in the record here.

(The document referred to appears in the printers copy of the record.)

mini- The Chairman. I observe that you have a prepared statement, Mr. Thomas.

Mr. Thomas. Yes, sir, I have a prepared statement, which I could give if desired.

Mr. Davis. I think it might be well to have it filed in the record or have Mr. Thomas give it, whichever you prefer.

The Chairman. It is going on 12 o'clock now. I think if you can summarize what you have to say, we will print the full statement in the record.

Mr. Thomas. The Chairman has already recommended putting in the record the Executive Order and also the trusteeship agreement which I was going to give. That has already been done.

(The prepared text of the statement by Mr. Elbert D. Thomas, High Commissioner of the Trust Territory of the Pacific Islands, will be found in the printer's copy of the record.)

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Mr. Thomas. Mr. Chairman, I am going to summarize in a way what is said here in the record, as I got the inspiration from the Secretary from the way in which he has presented our case.

The trust territory of the Pacific Islands, as I have already hinted, is an extremely important geographical center in the Pacific, vastly important to our Navy, extremely important to the State Department in the relations which we have now developed in the treaty with Japan, the security treaty with Japan and the treaty with the Philippines, the treaty with Australia, and the treaty with New Zealand.

In carrying out the provisions of those treaties in case some trouble should come, the trust territory waters are of course in the center of that part of the Pacific. So that no one can discount the importance of these islands to the United States and to the world from the standpoint of the control of these islands in the Pacific.

In order to bear that out, Mr. Chairman, may I say this: The Japanese Navy was built upon exactly the same theory as the American Navy. It was to be a defense Navy, based upon the homeland. Pearl Harbor was attacked by a Navy that was based on the homeland, excepting for some submarines which didn't have much to do with the attack

mm-12 Harbor proper.

The Battle of Midway was fought by a Navy based on the homeland. After the Battle of Midway practically all Naval operations which were carried on by the Japanese had their base not in the homeland but in our islands. It was from those islands that we had to drive the Japanese. The loss of life is tremendous and terrific. We now know that something over 100,000 Japanese dead are scattered throughout our islands at the present time.

We know about our own dead. The sacrifice of Americans was great. That makes the whole of the United States interested in these islands and not just one department, as I have previously stated. We have a stake in almost every point of our American policy for keeping the Pacific from war, and these islands. That can not be stressed too much. The Japanese, after they made the islands part of their empire, conquered pretty easily the southeastern part of Asia.

One little bit of statistic that will help you to remember these miles that we have to deal with there: If you add together all of the land which Japan controlled at the height of the war, including Manchuria and her control in China, her control in the Malay States, her control in the Philippines and her control in the islands south of the territory, in New Guinea, in Japan

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proper you have just about the number of square miles which we have in the trust territories. So you can see how big this is.

The Chairman. Except one is an area primarily land and the other water.

Mr. Thomas. Yes, sir. This water is extremely important to us, Mr. Chairman, and we must not discount it.

The Chairman. Oh, yes.

Mr. Thomas. From the history of the islands we must remember that there have been Spanish influences, and they were great. There were German influences and they were not so lasting. But the efficiency of the German administration is worthy of our study, as it is wherever the Germans went. They knew why they were there and they maintained the islands on the basis of helping build up the German empire.

The Japanese started in full sympathy with the mandate theory of the League of Nations. They made their annual reports, they carried on good administration, but as soon as their co-prosperity sphere ideas got hold of them and the Japanese expansion got hold, they moved in and made this territory their own, closed it to the outside world.

We can in these islands build upon the native culture

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that is there, make that native culture develop itself so that they get the sort of education, the sort of training, sort of health ideas that they can take care of themselves.

We can keep peace in those islands, keep contentment, and we can do the humanitarian job in a way which I think America is the only country in the world able to do, and in accordance with the great notion established in the world in 1944 by the Declaration at Philadelphia, that from henceforth the mandate territory shall be true trusteeships and shall be administered not for the benefit of the mandatory power but for the benefit of the people who live there.

That is basic international law and we are in harmony with it. I have only one request, and one claim. Our hope is to start and to start in a way in which we will be able to overcome the elements and distances, build on a permanent way, build slowly so that we will be able to develop this culture.

We have to turn everything we do into an educational matter, even the transfer of lands. They say "Why do you have to do that? They preserve their own lands by some sort of traditional arrangement and nobody challenged them until the Japanese came in and brought them the theory of eminent domain and the use of lands for the benefit of government."

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Senator Cordon. Does your study, so far as it has progressed, give you any information as to whether after Japan had taken whatever action it did take to make this mandated area part of the Japanese empire, was there any remaining thereafter in the so-called private individual ownership of the natives or in native communal ownership?

Mr. Thomas. The little local farms were not disturbed. Japan's culture and Japan's economy was such that she could raise enough sugar on those islands to take care of her commercial needs for sugar. Japan doesn't use sugar as we use it. She makes candies from beans and things of that kind. She does not use sugar in tea.

Senator Cordon. Did sugar plantations remain in local ownership or did Japan exercise eminent domain?

Mr. Thomas. She made them her own.

Senator Cordon. In doing that does the record indicate that she made some payment of some sort or other to the then local owner?

Mr. Thomas. No, there is no payment made that I know of.

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The Chairman. Was it a government operation?

Mr. Thomas. Yes, sir, all of it was government operation.

The chairman. In other words, a government plantation.

Mr. Thomas. Government plantation owned by Japan.

Senator Cordon. When we took over, did we continue that government operation of those areas?

Mr. Thomas. No, not at all. They have gone to waste.

Senator Cordon. To whom did we transfer title when we took over? Did we determine the original owner and return it to that owner or did we just simply parcel it out?

Mr. Thomas. No, sir. It was returned to the little individual owners. What land has gone back to the people has been land which belonged to little individual owners.

The Chairman. Let us not get off on that. Let's stick to this government owned sugar plantation. I would gather the impression from what has been said that with the conquest of Japan by the United States, that just came to an end.

Mr. Thomas. It was destroyed. It was completely wiped out.

The Chairman. There is no sugar being raised there

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now?

Mr. Thomas. Only wild sugar that grows.

The Chairman. So there was no question of transferring title which the government of Japan had seized, to anybody else?

Mr. Thomas. That is correct. That title will come back to the people of the trust territory.

The Chairman. Do I understand that the people of the trust territory never engaged in the commercial growing of sugar?

Mr. Thomas. That is true.

The Chairman. In other words, this was an operation that the Japs began, and it ceased with the Japs?

Mr. Thomas. That is true.

Senator Cordon. That still leaves the question of title to be determined somewhere or other. It certainly is not in Japan.

The Chairman. Certainly not.

Senator Cordon. If we attempted to determine the original ownership prior to the invasion by Japan I imagine we would enter into an impossible matter. Where now do we deem the title to rest to those vast areas that the Japanese Empire took title to and operated?

Mr. Thomas. The only way in which we can understand that from a legal standpoint is to assume that the land

ht3 which the Japanese took was land which the natives had not taken over and had not used individually. It was therefore the equivalent of our public lands.

 Senator Cordon. Would it be that or would it be native communal land?

 Mr. Thomas. Just like the United States public lands and territories.

 Senator Cordon. You have a sizeable problem.

 The Chairman. A lawyer for the United States may one day go down to these trust territories and say "Pay me a fee and I will get all this land for you folks."

 Senator Cordon. You cannot tell what will happen.

 Mr. Thomas. We know from our experience in the Philippines, Senator Cordon, that the problem is not little. We have got to have your sympathy. We do not want to make mistakes in that problem, and we are going at it as carefully as we know how.

 The Chairman. Do I understand it correctly that as yet you have not undertaken any broad-scale determination of land titles?

 Mr. Thomas. We have settled about 1200 little individual cases.

 The Chairman. How do those cases arise?

 Mr. Thomas. Little farmers claiming their lands and then proving it. We have granted them their farms.

ht4 Incidentally, any little farmer who was displaced on the islands, like Saipan, for example, there is plenty of room to let them go and take it. In other cases we may have trouble because you see there are not great land areas for the people.

The Chairman. What of the big cases?

Mr. Thomas. The big cases would be the cases in relation to the radio headquarters which the Japanese set up which was supposed to be on private land. The big cases will be the cases in which the United States Government itself has taken land, cases where the Atomic Energy Commission has taken whole islands. Those things will be big cases and the adjustment not in the sense of making financial adjustment but in the sense of preparing for it has been started for some of those bigger cases.

Mr. Davis. We do feel, Mr. Chairman, that this is a very important as well as a very difficult question in giving the people of the islands a contented view as to what the United States is trying to do there. I would suggest if you approve that we submit to the committee a memorandum on the land question as one of the questions having to do with more detail than we can give here.

The Chairman. My understanding from a previous report upon this is that in some instances you have a

ht5 high degree of individual ownership among little owners,
and in others you have a good deal of communal ownership,
and that this varies from island to island.

Mr. Davis. That is true.

Mr. Thomas. You have a small island with a rather
big population, comparatively speaking, and a system of
land developed naturally.

The Chairman. You made a statement which arouses
my curiosity, with respect to the result of the atomic
experimentation. Some of this area has been literally
taken over.

Mr. Thomas. Yes, sir.

The Chairman. Is it not a fact that the native
inhabitants of one of these islands were just gathered
up bodily and taken to another island?

Mr. Thomas. That is true.

The Chairman. Without their consent?

Mr. Thomas. I do not know about the last sentence,

Mr. Chairman.

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The Chairman. Were they asked whether they wanted to go or not?

Senator Cordon. They wanted to come back and they would not let them come back. That indicates what their desires were. I do not blame them for not letting them come back. I was out there.

Mr. Thomas. The big mistake made there was a mistake in geography, again. You took a people from a lagoon-surrounded island where they were used to soft waters --

The Chairman. Now you are dropping into the "you."

Mr. Thomas. I did not mean "you." The United States Government.

The Chairman. I noticed you did not say "I."

Mr. Thomas. We took a people from a lagoon-surrounded island where they were used to fishing and still waters, comparatively still waters, and we put them on an island completely surrounded by the ocean.

Senator Cordon. The one they were on was surrounded by an ocean. There was not any place more than a mile wide.

Mr. Thomas. We cannot land on these islands. We have to drop food to the people ever so often. They cannot get out, they cannot fish.

Senator Cordon. They are not on an atoll?

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Mr. Thomas. No. It is an island surrounded by the ocean instead of lagoons.

Senator Cordon. What about Eniwetok where the Atomic Energy Commission seems to have settled upon as a sort of permanent bombing range. Was that not inhabited in the first instance?

Mr. Thomas. There were some inhabitants on that island.

Senator Cordon. They were moved?

Mr. Thomas. They must have been moved. There are no inhabitants there now.

The Chairman. You spoke of that as a naval base?

Mr. Thomas. Kwajalein is the naval base.

The Chairman. You exercise no jurisdiction over Kwajalein?

Mr. Thomas. Not over Kwajalein. That is naval. Of course the Navy is nice in our relationship there and things of that kind.

The Chairman. With respect to Eniwetok?

Mr. Thomas. They get from us what civil authority they need for keeping order.

Senator Cordon. Do you deem that you have some obligation with respect to the people who were moved from Bikini?

Mr. Thomas. We have great obligations.

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Senator Cordon. What are you doing about it?

Mr. Thomas. We are keeping them alive right now.

Senator Cordon. That would seem to be only a temporary answer if they are on the wrong kind of an island. Is there another kind of island we can find that is right?

Mr. Thomas. If, for example, they can go back to their island we would be the first to try to get them back there.

Mr. Davis. We are seeing Mr. Dean, Chairman of the Atomic Energy Commission, this afternoon, in regard to that problem.

Senator Cordon. I do not know why you cannot let them go back.

The Chairman. Were you consulted about this removal?

Mr. Thomas. You mean us?

The Chairman. The High Commissioner.

Mr. Davis. This occurred quite a few years ago. It was at the time that the Commander of the Pacific Fleet was also High Commissioner.

Mr. Thomas. Mr. Chairman, I ought to say here that our relations with the Navy, with the Atomic Energy, with the Coast Guard, with the weather people, they are all very fine and we mean to keep them fine. We know what we are out in the islands for and we are not going to get into

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difficulties, administrative difficulties, with the people there.

The Chairman. But it seems to me that there is no definite central authority.

Mr. Sady. For civil authority.

The Chairman. If the Atomic Energy Commission or the Navy or some other department wants some operation there, may it come in?

Mr. Thomas. They ask permission to go to other islands.

The Chairman. They ask your permission?

Mr. Thomas. Yes, sir.

Senator Cordon. They do not need to ask your permission, do they?

Mr. Davis. I think so.

Mr. Thomas. They do, legally. That is declared a closed area. That is the President's business. He notifies the Security Council of the United Nations.

Senator Cordon. So far as you are concerned the authority might well be exercised by the President at the instance of the Defense Department with respect to any of these islands. They can keep the island closed.

Mr. Thomas. Notice has to go to the United Nations Security Council.

Senator Cordon. It does not go to you.

ht5 Mr. Thomas. There has never been any perfunctory act like that that I know of in the history of the islands. It has always been worked out.

 The Chairman. It occurs to me that the thing to do now is to examine this resolution and redraft it for the temporary purpose of securing specific legislative authority for the sort of expenditure which will be required to enable you to carry on what amounts to the civil program which has already been established.

 If that were spelled out I think you probably would have no difficulty in securing an appropriation sufficient to allow you to operate. May I ask you then, Mr. Davis, to have Mr. Silverman and Mr. French get together on that matter?

 Mr. Davis. I would like to add one very brief statement to the record if I may.

 The Chairman. Certainly.

 Mr. Davis. In the first place I would not like the record to fail to show that we have a very high regard for all of the work that had been done by the Navy during the four or five years that they were in control of the civil administration there. I feel that the Navy had gone to great length to determine what were the sound policies to be followed in the territory under the trusteeship agreement, and had succeeded in establishing a very remark-

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able system of government education, health, transportation, all the other services that seemed to be essential in carrying out that function.

As a matter of fact we are more or less, I think, in a position of a newly elected state administration rather than the government of a new political entity or something like that. We merely have taken over from the Navy operations that they had established and upon which they had received from the Trusteeship Council of the United Nations and almost every one who had examined it, including congressional committees, generally speaking a very high degree of approval. We are very hopeful that we shall be able to find ways of simplifying and economizing in the operations of the trust territory.

Our objective there is a simple grass roots form of governmental organization that will cost the Treasury of the United States as little as possible consistent with its obligations under the trust agreement. I would like to say one thing, commenting on Senator Cordon's last remark. I do feel that we must have authority, at least for the present period in the development of the trust territory, to conduct some operations of an economic character.

We must provide transportation and we must provide some sort of commercial distribution and collection

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system until such time as there are private interests which can take it over.

Senator Cordon. That would be in addition.

Mr. Davis. The sooner that happens the better it will suit us. We have no desire to continue those operations a moment beyond the period that we need.

The Chairman. Let's write into this resolution specific authority for the things that you must do and also write into it a provision for reports upon other things which may later seem to be desirable.

Mr. Davis. Certainly.

The Chairman. I think that would be very helpful. Do you have any other witness that you want to present?

Mr. Davis. No, sir, Mr. Chairman, unless you have questions to present.

The Chairman. I notice that the Navy Department has been represented by an observer. Or a witness?

Lt. Commander Herrick. Mr. Chairman, I would like to appear as a witness if I may.

The Chairman. Come forward and give your name.

STATEMENT OF LIEUTENANT COMMANDER CHESTER H. HERRICK.

Lt. Commander Herrick. I am Lieutenant Commander Chester H. Herrick from the Office of the Chief of Naval Operations.

The Chairman. You may proceed.

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Lt. Commander Herrick. I would like to add to some of the comments that Senator Thomas had made with respect to what would be our primary interest out there, and that is the strategic aspects of the trust territory. He has commented on it and I think very well. This whole thing took its premise from the strategic aspect which is incorporated into the trusteeship agreement with the United Nations which was approved by Congress.

We are there today on that basis.

Senator Cordon. May I interrupt there to suggest that the difference between the United Nations trusteeship which exists today and the old League of Nations mandate was represented in the fact that the trusteeship came to the United States because of the strategic value in the area so far as the United States was concerned, and the mandate under the League of Nations was intended to be the very opposite of that, was it not?

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Lt. Commander Herrick. Yes, sir. It was to provide-- the mandate system was to provide a local administration by a recognized government. In our case we are accomplishing that function, providing a governmental structure to an area that does not have the ability of self-government as of today. However, we made a very definite point at the United Nation's Security Council that this area not only have the security aspect in respect to the United States, but in respect to the United Nations in its entirety.

We have locations in the trust territory, as you are well aware. Within the strategic picture it is foreseen that they will be necessary for a long time to come. We tried in our administration to divorce certain relationships, such as the civil from the military operations. The military installations, for instance, at Kwajalein were operated exclusively by a group of people who had interests of a military nature where civil administration was operated by a different group of people.

Since the transfer has taken place we have found it possible to work along very well and very nicely with the Department of the Interior and the High Commissioner. He has given recognition to one of the problems in the area of our being there. We have no intention of taking any perfunctory approaches to the problems out there. We intend to keep him informed of our operations, as to our

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needs. We have already set up the procedures locally by which this is carried on.

The whole point that I am trying to make in this comment is the fact that our part in the picture in the Pacific is an important one, and that we would like at all times that full recognition be given to the carrying out of what is a national policy of maintaining the security of the United States and fully utilizing the strategic aspects of this particular area.

Senator Cordon. It is a point that it is well to make and to have made at this time in connection with this hearing.

Mr. Davis. Mr. Chairman, at this point it might be well to mention specifically Article 5 of the Trusteeship Agreement. The whole agreement is included in the record. Article 5 provides, among other things:

"To this end the administrator authority shall be entitled, (1) to establish naval military and air bases and to erect fortifications in the trust territory; (2) to station and employ armed forces in the territory; (3) to make use of volunteer forces, facilities and assistance from the trust territory in carrying out the obligations toward the Security Council undertaken in this regard by the administering authority as well as for the local defense and the maintenance of law and order within the trust

territory."

To illustrate again the importance of this area from the military standpoint, within the last few days I have seen official Japanese Government figures that nearly a half million dead are on the trust territory islands. They considered them of that much importance in defending them.

The Chairman. Is there anything else?

Lt. Commander Herrick. Mr. Chairman, there is one little side aspect that has come up here in respect to this land problem. We recognize the fact that in order to maintain stations we need to occupy certain land areas. We would like to follow those procedures in conjunction with the High Commissioner, which would give full protection to the local inhabitants to their rights in land. We think that the United States Government should have some recognition in pieces of land out there, either in the form of a title or some sort of a leasing arrangement, so that the problem of locating military people within an area is solved for long-term purposes.

In other words, we do not constantly disturb these people one way or another, or leave them in that indefinite status of thinking "Maybe next year I can get back my two acres" which we now have in the middle of their country, or something to that effect.

Senator Cordon. Are you familiar with the provisions

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of the bill S. 2992?

It. Commander Herrick. Yes, sir.

Senator Cordon. Is there any provision in there with respect to rights of the Federal Government in the security field?

It. Commander Herrick. The provision is there for the President to designate such reservations for use of the armed forces or other federal agents.

Senator Cordon. I hope that you will suggest to the Navy that if they feel that the provisions here are inadequate that they will suggest to the Committee what they feel would be adequate and necessary in that field.

Mr. Silverman. That is being worked out between the two departments.

It. Commander Herrick. We would appreciate it.

Mr. Thomas. We have made really fine progress in negotiations at our level in regard to agreements for making these adjustments between the Navy and the trust territory government.

I think that I would like to emphasize what Commander Herrick has said, that we are determined to work in such a way that we do not get in each other's way. We work together and we can work out the problems. It is an American problem, as we understand it, and we want to live up to it.

The Chairman. Commander Herrick, with respect to the

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simple resolution which is here, you have heard all of the comments and all of the testimony. Do you care to make any recommendation, or does the Navy care to make any recommendation with respect to this interim resolution?

Lt. Commander Herrick. Mr. Chairman, the only thought that I had in connection with it, by and large we are entirely in favor of the concept of the whole thing.

The Senator from Oregon mentioned that we might delay land title procedures until such a time as organic legislation may be accomplished. We had in mind previously in some of our considerations at a local level in the Pacific that possibly we might go ahead and perfect some of these arrangements for the military installations, probably ahead of organic legislation.

The Chairman. Is not that covered by the memorandum agreement between the two services? I mean between the Navy and the Interior Department?

Lt. Commander Herrick. Yes sir, but in respect of this resolution I wonder whether that would not contravene such previous action.

The Chairman. What you want is a provision of the resolution that would recognize that whatever activities are carried on will be within the scope of that memorandum.

Lt. Commander Herrick. Yes sir.

The Chairman. I think that will be easily worked out.

OSCAR L. CHAPMAN

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Are there any other comments?

(No response.)

The Chairman. The Committee is very grateful, Mr. Commissioner, Mr. Davis, and to you, Commander Herrick, for your presence here. This will terminate the hearing. (Whereupon, at 12:05 p.m., the hearing was CLOSED.)

82^d CONGRESS
2^d SESSION

S. J. RES. 149

IN THE SENATE OF THE UNITED STATES

APRIL 9 (legislative day, APRIL 2), 1952

Mr. O'MAHONEY (for himself and Mr. CORDON) introduced the following joint resolution; which was read twice and referred to the Committee on Interior and Insular Affairs

JOINT RESOLUTION

To provide for a continuance of civil government for the Trust Territory of the Pacific Islands.

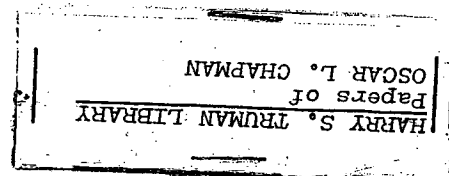
Whereas, pursuant to the authority of Public Law 204, Eightieth Congress, of July 18, 1947, the President approved the trusteeship agreement for the Trust Territory of the Pacific Islands between the United States and the United Nations, effective July 18, 1947; and

Whereas responsibility for civil administration of the Trust Territory was vested in the Secretary of the Navy by Executive Order Numbered 9875 of July 18, 1947; and

Whereas responsibility for such civil administration was transferred to the Secretary of the Interior, effective July 1, 1951, by Executive Order Numbered 10265 of June 29, 1951; and

Whereas organic legislation for the Trust Territory is now pending
before the Congress: It is hereby

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*
3 That until Congress shall further provide for the government
4 of the Trust Territory of the Pacific Islands, all executive,
5 legislative, and judicial authority necessary for the civil ad-
6 ministration of the Trust Territory shall continue to be vested
7 in such person or persons and shall be exercised in such
8 manner and through such agency or agencies as the Presi-
9 dent of the United States may direct or authorize.



82d CONGRESS
2d Session

S. J. RES. 149

JOINT RESOLUTION

To provide for a continuance of civil government for the Trust Territory of the Pacific Islands.

By Mr. O'MAHONEY and Mr. CORDON

APRIL 9 (legislative day, APRIL 2), 1962

Read twice and referred to the Committee on Interior and Insular Affairs

OSCAR L. CHAPMAN

82^d CONGRESS
2^d SESSION

S. 2992

IN THE SENATE OF THE UNITED STATES

APRIL 9 (legislative day, APRIL 2), 1952

Mr. O'MAHONEY (for himself and Mr. CORDON) (by request) introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

A BILL

To provide a civil government for the Trust Territory of the Pacific Islands, and for other purposes.

Whereas article 75 of the Charter of the United Nations provides for the establishment of an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent agreements; and

Whereas the Security Council of the United Nations approved on April 2, 1947, a Trusteeship Agreement for the islands of the Pacific Ocean formerly mandated to Japan in which Agreement the Territory of the Pacific Islands is designated as a strategic area and in which the United States of America is designated as the administering authority; and

Whereas the President of the United States of America, acting upon authority granted by a joint resolution of the Congress

of the United States, approved the Agreement on July 18, 1947, on behalf of the United States and thereby, in accordance with article 16 of the Agreement, brought the Agreement into force; and

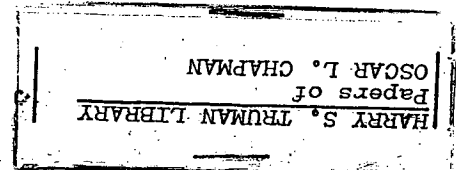
Whereas article 12 of the Agreement provides that the administering authority shall enact such legislation as may be necessary to place the provisions of the Agreement in effect in the Territory: Now therefore

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 GENERAL PROVISIONS

4 SEC. 1. The islands formerly held by Japan under man-
5 date in accordance with article 22 of the Covenant of the
6 League of Nations and placed under the trusteeship system
7 of the United Nations, with the United States as administer-
8 ing authority, by agreement of the United States and the
9 Security Council of the United Nations, being the Mariana
10 Islands (other than Guam) and the Marshall and Caroline
11 Islands, shall be known as the Trust Territory of the Pacific
12 Islands (hereinafter referred to as the "Trust Territory").

13 SEC. 2. The civil government of the Trust Territory
14 shall be under the general supervision of the head of such
15 civilian agency of the Government of the United States as
16 may be designated by the President (hereinafter referred to
17 as the "head of the civilian agency"). The civil government
18 shall have jurisdiction, including jurisdiction over all persons,



1 in all parts of the Trust Territory except that, in reserva-
2 tions designated by the President pursuant to section 42 of
3 this Act, the appropriate agency shall exercise the same
4 jurisdiction as it is authorized by the laws of the United States
5 to exercise in similar reservations in the United States. The
6 head of the civilian agency shall keep the Secretary of State
7 currently informed of activities in the Trust Territory affecting
8 the foreign policy of the United States and shall consult the
9 Secretary of State on questions of policy concerning the Trust
10 Territory which relate to the foreign policy of the United
11 States.

12 BILL OF RIGHTS

13 SEC. 3. (a) No law shall be enacted in the Trust Terri-
14 tory respecting an establishment of religion or prohibiting the
15 free exercise thereof, or abridging the freedom of conscience,
16 or of speech, or of the press, or the right of the people to
17 form associations and peaceably to assemble and to petition
18 the government for a redress of grievances. No public money
19 or property shall ever be appropriated, supplied, donated,
20 or used, directly or indirectly, for the use, benefit, or sup-
21 port of any sect, church, denomination, sectarian insti-
22 tution or association, or system of religion, or for the use,
23 benefit, or support of any priest, preacher, minister, or other
24 religious teacher or dignitary as such.

25 (b) Neither slavery nor involuntary servitude, except

1 as a punishment for crime whereof the party shall have
2 been duly convicted, shall exist in the Trust Territory.

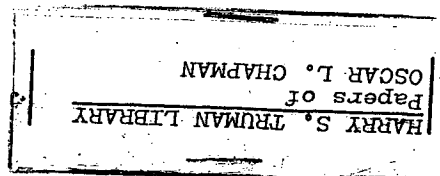
3 (c) The rights of the people to be secure in their per-
4 sons, houses, papers, and effects, against unreasonable
5 searches and seizures, shall not be violated, and no warrants
6 shall issue but upon probable cause, supported by oath or
7 affirmation, and particularly describing the place to be
8 searched and the persons or things to be seized.

9 (d) No person shall be deprived of life, liberty, or prop-
10 erty, without due process of law; nor shall private property
11 be taken for public use, without just compensation; nor shall
12 any person be subject for the same offense to be twice put in
13 jeopardy of life or limb; nor shall any person be compelled
14 in any criminal case to be a witness against himself. In all
15 criminal prosecutions the accused shall enjoy the right to a
16 speedy and public trial; to be informed of the nature and
17 cause of the accusation; to be confronted with the witnesses
18 against him; to have compulsory process for obtaining wit-
19 nesses in his favor, and to have the assistance of counsel for
20 his defense.

21 (e) No bill of attainder, ex post facto law, or law im-
22 pairing the obligations of contracts, shall be enacted.

23 (f) Excessive bail shall not be required, nor excessive
24 fines imposed, nor cruel and unusual punishments inflicted.

25 (g) All elections provided for by this Act shall be held



1 by secret ballot on the basis of universal and equal suffrage of
2 adult citizens. No qualifications with respect to property,
3 income, political opinion, or any other matter apart from civil
4 capacity or residence shall be imposed upon any voter in such
5 elections.

6 (h) No law shall be enacted in the Trust Territory
7 which discriminates against any person on account of race,
8 sex, language, or religion; nor shall the equal protection
9 of the laws be denied.

10 (i) Subject only to the requirements of public order and
11 security, the inhabitants of the Trust Territory shall be ac-
12 corded freedom of migration and movement.

13 (j) Free public elementary education shall be provided
14 for all inhabitants of the Trust Territory.

15 (k) No person shall be imprisoned solely for failure to
16 discharge a contractual obligation.

17 (l) The privilege of the writ of habeas corpus shall
18 not be suspended, unless, when in cases of rebellion or in-
19 vasion or imminent danger thereof, the public safety shall
20 require it.

21 (m) No soldier shall, in time of peace, be quartered in
22 any house without the consent of the owner, nor in time
23 of war but in a manner to be prescribed by law.

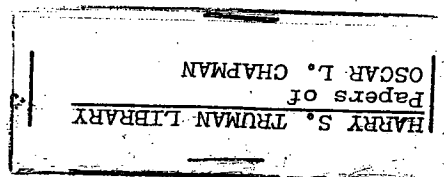
24 (n) The High Commissioner and the legislative bodies
25 constituted under this Act, by appropriate regulation or leg-

1 islation, may restrict or forbid the acquisition of interests
2 in real property and in business enterprises by persons not
3 of Trust Territory ancestry and shall give due recognition
4 to local customs in providing a system of law, and nothing
5 in this Act shall be construed to deny this authority.

6 THE EXECUTIVE POWER

7 SEC. 4. The President shall appoint, by and with the
8 advice and consent of the Senate, a High Commissioner of
9 the Trust Territory of the Pacific Islands. The High Com-
10 missioner of the Trust Territory shall be a civilian or a
11 retired officer of the Armed Forces of the United States.
12 He shall hold office at the pleasure of the President and shall
13 receive a salary of \$15,000 per annum to be paid by the
14 United States.

15 SEC. 5. The executive power of government in the
16 Trust Territory shall be vested in the High Commissioner
17 and shall be exercised under the supervision of the head of
18 the civilian agency. Pending the establishment of a Terri-
19 torial Legislature pursuant to the provisions of section 17
20 of this Act, the High Commissioner may issue regulations
21 for the government of the Trust Territory which are con-
22 sistent with broad policies approved in advance by the
23 President or by the head of the civilian agency under au-
24 thority delegated by the President. Such policies shall be
25 made public upon or before the issuance of regulations there-

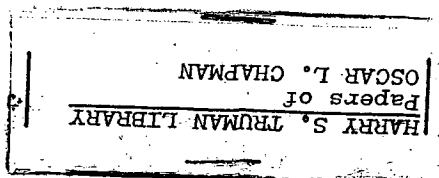


1 under, and the policies and regulations shall be in conformity
2 with the Trusteeship Agreement, with this Act and with
3 international agreements and laws and regulations of the
4 United States in force in the Trust Territory. The High
5 Commissioner may grant pardons, commutations, and re-
6 pries and remit fines and forfeitures for offenses against
7 the laws of the Trust Territory, and may grant respites for
8 all offenses against the applicable laws of the United States
9 until the decision of the President can be ascertained. He
10 shall commission all officers that he may be authorized to
11 appoint. The High Commissioner may call upon the com-
12 manders of the military forces of the United States in the
13 Trust Territory when necessary to prevent or suppress vio-
14 lence, insurrection, or rebellion. The High Commissioner
15 may, in case of rebellion or invasion or imminent danger
16 thereof, when the public safety requires it, suspend the privi-
17 lege of the writ of habeas corpus, or place the Trust Terri-
18 tory or any part thereof under martial law, until the decision
19 of the President is communicated to the High Commissioner.
20 The High Commissioner shall have general supervision and
21 control of all executive agencies and instrumentalities of the
22 Government of the Trust Territory. He shall faithfully
23 execute the laws of the Trust Territory. He shall coordinate
24 and have general cognizance over all activities of a civil
25 nature of the departments, bureaus, and offices of the Gov-

1 ernment of the United States in the Trust Territory. The
2 President may, however, provide by Executive order that
3 any such department, bureau, or office shall not be subject
4 to the coordination or general cognizance of the High
5 Commissioner.

6 SEC. 6. The President shall appoint a Deputy High
7 Commissioner of the Trust Territory who shall have all the
8 powers of the High Commissioner in the case of a vacancy
9 in the office of High Commissioner or the disability or tem-
10 porary absence of the High Commissioner and until the
11 vacancy is filled or the disability or temporary absence ends.
12 He shall have additional duties as Government Secretary
13 of the Trust Territory and shall have all such executive
14 powers and perform such other duties as may be prescribed
15 by law or assigned to him by the High Commissioner. He
16 shall hold office at the pleasure of the President and shall
17 receive a salary of \$13,000 per annum to be paid by the
18 United States.

19 SEC. 7. The head of the civilian agency may from time
20 to time designate the head of an executive department of
21 the Government of the Trust Territory or other person to
22 act as High Commissioner in case of a vacancy in the office,
23 or the disability or temporary absence, of both the High
24 Commissioner and the Deputy High Commissioner, and the



1 person so designated shall have all the powers of the High
2 Commissioner for so long as such condition continues.

3 SEC. 8. The seat of government of the Trust Territory
4 shall be located in the Trust Territory at a site to be de-
5 termined by the President.

6 SEC. 9. (a) All officers and employees of the Govern-
7 ment of the Trust Territory shall be appointed by the High
8 Commissioner under terms of employment prescribed by the
9 High Commissioner, except as otherwise provided in this
10 Act. In making appointments, the High Commissioner shall
11 give preference to qualified citizens of the Trust Territory.
12 Pending the establishment of a Territorial Legislature pur-
13 suant to the provisions of section 17 of this Act, the High
14 Commissioner, with the approval of the head of the civilian
15 agency, is authorized to establish departments, including a
16 Department of Justice, and other agencies and instrumentali-
17 ties of the Government of the Trust Territory. The head
18 of the Department of Justice shall bear the title of Attorney
19 General of the Trust Territory of the Pacific Islands.

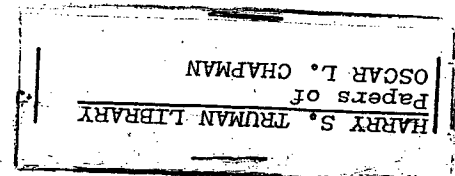
20 (b) In all legal proceedings to which the Government
21 of the Trust Territory is a party it shall be represented by
22 the Attorney General of the Trust Territory, personally or
23 by assistant, except as the High Commissioner shall other-

1 wise determine and except that, in any proceeding under
2 a law of the United States of general application, the At-
3 torney General of the United States, personally or by as-
4 sistant, may, as he determines, represent the Government
5 of the Trust Territory in association with or instead of the
6 Attorney General of the Trust Territory and may direct
7 the Attorney General of the Trust Territory therein.

8 SEC. 10. The Secretary of State may, upon notification
9 to the head of the civilian agency, station personnel of the
10 Department of State or of the Foreign Service at posts in the
11 Trust Territory for the purpose of performing functions in
12 connection with the foreign relations of the United States.

13 SEC. 11. The High Commissioner, with the approval of
14 the head of the civilian agency, shall from time to time estab-
15 lish such Districts of the Trust Territory as may be appro-
16 priate. The High Commissioner may appoint a District
17 Administrator for each District, who shall be responsible
18 under the High Commissioner's direction for the adminis-
19 tration of the District.

20 SEC. 12. The District Administrators or their representa-
21 tives shall consult regularly with the advisory and legislative
22 bodies established pursuant to sections 15 and 16 of this Act
23 in their respective Districts. Wherever possible, consulta-
24 tion shall be held before the issuance of regulations by the
25 High Commissioner, except those framed in pursuance of



1 laws enacted by the Territorial Legislature provided for in
2 section 17 of this Act. In the event of opposition by the
3 afore-mentioned bodies to such policies or regulations, such
4 opposition shall be reported to the High Commissioner.

5 SEC. 13. Any person or group of persons in the Trust
6 Territory shall have the unrestricted right of petition. It
7 shall be the duty of all officers of the Government of the Trust
8 Territory to receive and without delay to act upon, or for-
9 ward, as may be appropriate, any petitions submitted.

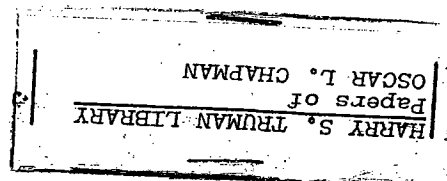
10 THE LEGISLATIVE POWER

11 SEC. 14. Except as otherwise provided in this Act, leg-
12 islative power for the Trust Territory shall be exercised
13 by the Congress of the United States.

14 SEC. 15. Local Advisory Councils for individual islands,
15 groups of islands, or such other communities in his District
16 as may seem appropriate to the District Administrator, shall
17 be established. The members of each council shall be citizens
18 of the Trust Territory and residents of the area for which
19 the council is established, and shall be selected by elective
20 process if practicable, or in conformity with local custom.
21 A District Administrator may from time to time assemble a
22 District Advisory Council composed of representatives
23 selected by the Local Advisory Councils. The High Com-
24 missioner shall as soon as practicable establish a Territorial
25 Advisory Council.

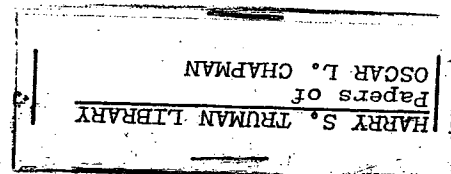
1 SEC. 16. When in the opinion of the High Commissioner
2 such action is warranted by the circumstances and by the
3 stage of development of any advisory council, the High
4 Commissioner shall direct the District Administrator con-
5 cerned to assist the council in preparing a charter for the
6 community represented by the council. Such charter shall
7 provide for the organization of the community to exercise
8 governmental, economic, and social functions not inconsistent
9 with this Act. The charter shall provide for legislative,
10 executive, and judicial instrumentalities which shall exercise
11 such powers as may be assigned to them by the charter.
12 The charter shall become effective when approved by the
13 head of the civilian agency and by two-thirds of the members
14 of the community concerned voting at a special election
15 authorized and called by the District Administrator under
16 rules and regulations prescribed by the High Commissioner
17 with the approval of the head of the civilian agency.

18 SEC. 17. The High Commissioner shall, when he thinks
19 practicable, prepare a plan for the holding of an election
20 throughout the Trust Territory to elect representatives to a
21 Territorial Legislature. This plan, which shall be approved
22 by the head of the civilian agency prior to effectuation, shall
23 specify electoral constituencies and the manner in which
24 the voting shall take place and be recorded, conformably
25 with the provisions of section 3 of this Act. The plan shall



1 provide for the convening of the Territorial Legislature at
2 the seat of government on a day certain following the elec-
3 tion. The High Commissioner shall preside over the legis-
4 lature until it shall have provided for its own organization.
5 and procedure. The Territorial Legislature shall have power
6 to enact all measures for the government of the Trust Terri-
7 tory, not inconsistent with the Trusteeship Agreement, this
8 Act, and international agreements and laws and regulations
9 of the United States in force in the Trust Territory. When
10 necessary to anticipate taxes and revenues, bonds and other
11 obligations may be issued by the Government of the Trust
12 Territory: *Provided, however,* That no public indebtedness
13 of the Trust Territory shall be authorized or allowed in
14 excess of 10 per centum of the aggregate tax valuation of
15 the property in the Trust Territory. Bonds or other obliga-
16 tions of the Government of the Trust Territory payable solely
17 from revenues derived from any public improvement or
18 undertaking shall not be considered public indebtedness of
19 the Trust Territory within the meaning of this section.
20 Interest on all bonds issued by the Government of the Trust
21 Territory or by its authority may be exempted from tax-
22 ation by the Government of the Trust Territory or any
23 political subdivision thereof. The High Commissioner may
24 present measures to the legislature for its consideration.
25 Every bill passed by the legislature shall, before it becomes

1 a law, be entered upon the journal and presented to the
2 High Commissioner. If he approves it, he shall sign it,
3 but if not he shall, except as hereinafter provided, return
4 it, with his objections, to the legislature within ten days
5 (Sundays excepted) after it shall have been presented to
6 him. If he does not return it within such period, it shall be
7 a law in like manner as if he had signed it, unless the legis-
8 lature by adjournment prevents its return, in which case it
9 shall be a law if signed by the High Commissioner within
10 thirty days after it shall have been presented to him; other-
11 wise it shall not be a law. When a bill is returned by the
12 High Commissioner to the legislature with his objections,
13 the legislature shall enter his objections at large on its journal
14 and proceed to reconsider it. If, after such reconsideration,
15 two thirds of each house (if there be two houses) or two-
16 thirds of the legislature (if there be only one house) agree to
17 pass it, it shall be sent to the High Commissioner. If he
18 then approves it, he shall sign it; if not, he shall within ten
19 days transmit it to the President of the United States. If
20 the President of the United States approves it, he shall sign
21 it. If he shall not approve it, he shall return it to the High
22 Commissioner so stating, and it shall not be a law. If he
23 neither approves it nor disapproves it within ninety days
24 from the date of transmittal to him by the High Commis-
25 sioner, it shall be a law in like manner as if he had signed



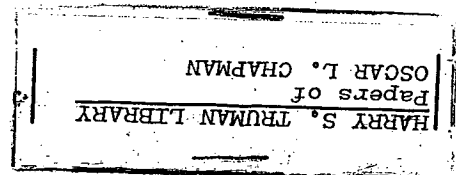
1 it. If any bill presented to the High Commissioner con-
2 tains several items of appropriation of money, he may object
3 to one or more of such items, or any part or parts, portion
4 or portions thereof, while approving the other items, parts,
5 or portions of the bill. In such a case he shall append
6 to the bill, at the time of signing it, a statement of the items,
7 or parts or portions thereof, to which he objects, and the
8 items, or parts or portions thereof, so objected to shall not
9 take effect. All laws enacted by the legislature shall be
10 reported by the High Commissioner to the head of the civilian
11 agency, and by him to the Congress of the United States,
12 which reserves the power and authority to annul the same.
13 If any such law is not annulled by the Congress of the
14 United States within one year of the date of its receipt by
15 that body, it shall be deemed to have been approved.

16 THE JUDICIAL POWER

17 SEC. 18. The judicial power in the Trust Territory shall
18 be vested in one supreme court, and in the inferior courts
19 constituted pursuant to sections 16, 20, and 21 of this Act.
20 The President, by and with the advice and consent of the
21 Senate, shall appoint a chief justice, who shall be the presid-
22 ing officer of the supreme court, and two associate justices
23 of the supreme court. The chief justice and the associate
24 justices shall each hold office for a term of six years or until
25 a successor qualifies. They shall be eligible for reappoint-

1 ment. The chief justice shall receive an annual compensa-
2 tion of \$15,000, and the associate justices shall each receive
3 an annual compensation of \$12,000, which amounts shall
4 be paid by the United States. The chief justice and asso-
5 ciate justices of the supreme court may be removed only
6 through impeachment by the House of Representatives for,
7 and upon conviction by the Senate of, high crimes and mis-
8 demeanors. The supreme court shall be a court of appel-
9 late jurisdiction with jurisdiction to review any final deci-
10 sion given by a district court. Such review shall be by
11 appeal, which may be taken as of right from any final
12 decision of a district court, according to such rules as the
13 supreme court may promulgate. On such review the jus-
14 tice who, as district judge in accordance with section 20
15 of this Act, gave the decision under review shall not partici-
16 pate in the review. In so far as the other two justices are
17 unable to agree as to their judgment, the judgment ap-
18 pealed from shall stand except that in criminal cases on
19 appeals from judgments of conviction the judgment appealed
20 from shall be reversed.

21 SEC. 19. The Supreme Court of the Trust Territory
22 shall hold regular terms at the seat of government. The
23 court may appoint a clerk and such other officers of the
24 supreme court, and of the district courts of the Trust Terri-
25 tory, as the Territorial Legislature may approve, at salaries



1 and for terms fixed by the Territorial Legislature on recom-
2 mendation of the Supreme Court of the Trust Territory:
3 *Provided*, That the High Commissioner of the Trust Terri-
4 tory may exercise these functions pending the establish-
5 ment of, and action by, the Territorial Legislature.

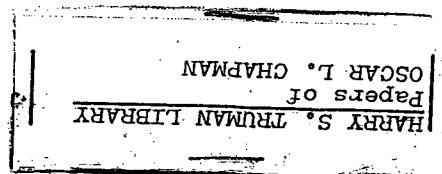
6 SEC. 20. There shall be a district court of the Trust
7 Territory in each of the districts of the Trust Territory
8 established pursuant to section 11 of this Act. The
9 chief justice and associate justices of the supreme
10 court shall sit as district judges in the district courts,
11 according to assignments made by the chief justice.
12 The judge of a district court may select an assessor to advise
13 in regard to local law and custom while the district court
14 is in session. Such assessor shall sit with the district judge,
15 but shall not participate in any decision in any case. The
16 district courts shall have original jurisdiction of all cases aris-
17 ing in areas in which local courts have not been established
18 and (concurrently with such jurisdiction as the local courts
19 may have thereof) of all cases arising under the Constitu-
20 tion or laws of the United States or to which the Govern-
21 ment of the United States or the Government of the Trust
22 Territory is a party and of all civil actions to which no citizen
23 of the Trust Territory is a party. The district courts shall
24 have appellate jurisdiction to review all final decisions of

1 the local courts in their respective districts. Such review
2 shall be by appeal, which may be taken as of right from
3 any such final decision, according to such rules as the
4 supreme court may promulgate. In the event that a charter
5 is adopted for an entire district pursuant to the provisions of
6 section 14 of this Act, the district court provided for that
7 district by this section shall be the highest judicial body in
8 that district.

9 SEC. 21. Pending the establishment of local courts pur-
10 suant to the provisions of section 16 of this Act, the High
11 Commissioner is empowered to provide for the exercise of
12 judicial functions by such local courts as may be in existence
13 when the High Commissioner makes such provision.

14 SEC. 22. In any criminal proceeding in a court of the
15 Trust Territory, the prosecution shall be conducted in the
16 name of "Trust Territory of the Pacific Islands". In any
17 civil proceeding to which the Government of the Trust Ter-
18 ritory is a party it shall appear and be represented as the
19 "Trust Territory of the Pacific Islands".

20 SEC. 23. The United States Court of Appeals for the
21 Ninth Circuit shall have jurisdiction of appeals from final
22 decisions of the Supreme Court of the Trust Territory of the
23 Pacific Islands in all cases, civil or criminal, wherein the
24 Constitution or a statute or treaty of the United States or
25 any authority exercised thereunder is involved, in all other



1 civil cases wherein the value in controversy, exclusive of
2 interest and costs, exceeds \$5,000, and in all habeas corpus
3 proceedings.

4 SEC. 24. The High Commissioner shall appoint a public
5 defender with appropriate staff, who shall serve, in case of
6 need, as counsel for defendants in criminal proceedings in
7 the Trust Territory.

8 SEC. 25. The laws of the Trust Territory shall com-
9 prise—

- 10 (a) the Trusteeship Agreement;
- 11 (b) this Act;
- 12 (c) all existing laws and regulations of the United
13 States in force in the Trust Territory and all existing laws
14 and regulations of the Trust Territory on the date of the
15 enactment of this Act, except as amended by this Act,
16 subject to modification or repeal pursuant to this Act, and
17 all laws and regulations in force in the Trust Territory in-
18 consistent with the provisions of this Act are hereby re-
19 pealed to the extent of such inconsistency;
- 20 (d) such existing treaties and other international agree-
21 ments in force with respect to the United States as are ap-
22 plicable to the Trust Territory under their provisions, and
23 such other existing treaties and other international agree-
24 ments in force with respect to the United States as shall
25 have been determined from time to time by the Secretary

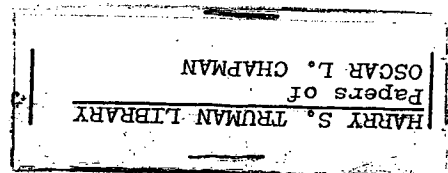
1 of State and the head of the civilian agency to be appro-
2 priate for application to the Trust Territory and with respect
3 to which any necessary arrangements for such application
4 have been completed with other countries, parties to such
5 treaties and other international agreements;

6 (e) future laws and regulations of the United States
7 in force in the Trust Territory and, unless otherwise specifi-
8 cally provided, such future treaties and other international
9 agreements concluded by the United States as are appro-
10 priate for application to the Trust Territory. The President
11 of the United States shall appoint a commission of seven
12 members, two of whom shall be inhabitants of the Trust
13 Territory, to survey the field of Federal statutes and to
14 make recommendations to the Congress of the United States,
15 within twelve months after the date of enactment of this
16 Act, as to which statutes of the United States not appli-
17 cable to the Trust Territory on such date shall be made
18 applicable to the Trust Territory, and as to which statutes
19 of the United States applicable to the Trust Territory on
20 such date shall be declared inapplicable;

21 (f) enactments of the Territorial Legislature;

22 (g) regulations promulgated by the High Commis-
23 sioner;

24 (h) enactments of legislative bodies established pur-
25 suant to the provisions of section 16 of this Act; and



1 (i) recognized customary law in the Trust Territory,
2 in matters to which it is applicable, and the common law
3 as determined by the courts referred to in this Act, so far
4 as the customary law and the common law are not in conflict
5 with other laws of the Trust Territory.

6 CUSTOMS

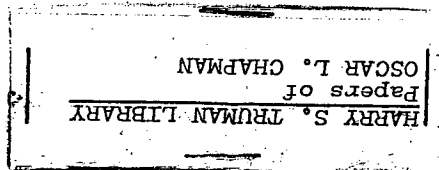
7 SEC. 26. (a) No customs duties shall be levied upon any
8 goods brought into the Trust Territory except that if neces-
9 sary in the interests of the citizens of the Trust Territory,
10 customs duties may be levied on goods without discrimina-
11 tion as to their country of origin: *Provided*, That nothing
12 in this section shall prevent the participation by the Trust
13 Territory in a customs union or free-trade area. Nor shall
14 any export tax be levied in the Trust Territory.

15 SEC. 26. (b) No customs duties shall be levied in the
16 customs territory of the United States upon articles which
17 are the growth, produce, or manufacture of the Trust Terri-
18 tory, except to the extent that the President may determine
19 and proclaim is required by any international obligation of
20 the United States.

21 SEC. 26. (c) Subparagraph (2) of paragraph (a) of
22 section 2470 of the Internal Revenue Code is amended to
23 read as follows:

24 "There shall be imposed (in addition to the tax
25 imposed by the preceding paragraph) a tax of 2 cents per

1 pound, to be paid by the processor, upon the first do-
2 mestic processing of coconut oil or of any combination or
3 mixture containing a substantial quantity of coconut oil
4 with respect to which oil there has been no previous first
5 domestic processing, except that the tax imposed by this
6 sentence shall not apply when it is established, in ac-
7 cordance with regulations prescribed by the Commis-
8 sioner with the approval of the Secretary, that such
9 coconut oil (whether or not contained in such a com-
10 bination or mixture), (A) is wholly the product of the
11 Philippine Islands, any possession of the United States,
12 or the Trust Territory of the Pacific Islands; or (B) was
13 produced wholly from materials the growth or produc-
14 tion of the Philippine Islands, any possession of the
15 United States, or the Trust Territory of the Pacific
16 Islands; or (C) was brought into the United States on
17 or before June 9, 1934, or produced from materials
18 brought into the United States on or before June 9,
19 1934; or (D) was purchased under a bona fide contract
20 entered into prior to April 26, 1934, or produced from
21 materials purchased under a bona fide contract entered
22 into prior to April 26, 1934: *Provided, however,* That
23 the tax shall apply to such coconut oil (whether or not
24 contained in such a combination or mixture) which is the
25 production of the Trust Territory or was produced from



1 materials the growth or production of the Trust Terri-
2 tory if and to the extent that the President may deter-
3 mine and proclaim it to be required by any international
4 obligation of the United States. The tax imposed by
5 this paragraph shall not apply to any domestic process-
6 ing after July 3, 1974."

7 SEC. 26. (d) Section 2483 of the Internal Revenue
8 Code (relating to payment of proceeds of processing tax)
9 is hereby amended by striking out the words "Guam or
10 American Samoa" wherever appearing therein and insert-
11 ing in lieu thereof the following: "Guam, American Samoa,
12 or the Trust Territory of the Pacific Islands".

13 NATIONALITY AND MIGRATION

14 SEC. 27. All persons heretofore or hereafter born in the
15 territory constituting the Trust Territory shall be deemed to
16 be citizens of the Trust Territory, except persons who at
17 birth have acquired or shall acquire another nationality.
18 A person born outside the Trust Territory of a parent who
19 is a citizen of the Trust Territory and who has resided
20 therein prior to the birth of such person shall acquire at birth
21 citizenship in the Trust Territory.

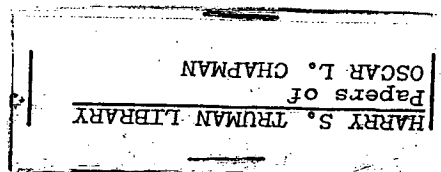
22 SEC. 28. Persons who have been legally admitted to
23 the Trust Territory may, after residing therein for a period
24 of five years, acquire citizenship in the Trust Territory
25 through naturalization under such rules and regulations as

1 may be prescribed by the High Commissioner with the
2 approval of the head of the civilian agency.

3 SEC. 29. The High Commissioner, with the approval
4 of the head of the civilian agency, shall prescribe rules and
5 regulations setting forth the conditions under which citizens
6 of the Trust Territory may be divested of their citizenship.

7 SEC. 30. The United States, through the Department
8 of State, shall afford diplomatic and consular services and
9 protection to citizens of the Trust Territory. The Secretary
10 of State shall prescribe the rules and regulations under which
11 passports shall be issued to citizens of the Trust Territory
12 traveling to countries other than the United States.

13 SEC. 31. Citizens of the Trust Territory shall be free to
14 enter the United States, its Territories or possessions, upon
15 compliance with its immigration laws and other laws relating
16 to the entry of aliens with the exception of those requiring
17 passports and visas. For immigration purposes, the islands
18 constituting the Trust Territory shall continue to have the
19 quota of 100 allotted to them by Presidential Proclama-
20 tion Numbered 2283 of April 28, 1938 (52 Stat. 1544).
21 The High Commissioner shall, in accordance with rules and
22 regulations approved by the Secretary of State and issued
23 by the High Commissioner, issue immigration permits and
24 nonimmigration permits to citizens of the Trust Territory
25 for entry into the United States or any of its Territories



1 or possessions. No passports or visas shall be required in
2 such cases.

3 SEC. 32. That portion of section 3 of the Immigration
4 Act of 1917 (39 Stat. 874, 876) which excludes from ad-
5 mission into the United States natives of a specified geo-
6 graphical area shall have no applicability to citizens of the
7 Trust Territory of the Pacific Islands.

8 SEC. 33. Subsection (a) of section 303 of the Nation-
9 ality Act of 1940, as amended (43 Stat. 1140, 57 Stat.
10 601, 60 Stat. 416; 8 U. S. C. 703), is hereby amended to
11 read as follows:

12 “(a) The right to become a naturalized citizen under
13 the provisions of this Act shall extend only to—

14 “(1) white persons, persons of African nativity or
15 descent, and persons who are descendants of races in-
16 digenous to the continents of North or South America
17 or adjacent islands and Filipino persons or persons of
18 Filipino descent;

19 “(2) persons who possess, either singly or in com-
20 bination, a preponderance of blood of one or more of
21 the classes specified in clause (1);

22 “(3) Chinese persons and persons of Chinese de-
23 scent, and persons of races indigenous to India;

24 “(4) persons who possess, either singly or in com-
25 bination, a preponderance of blood of one or more of

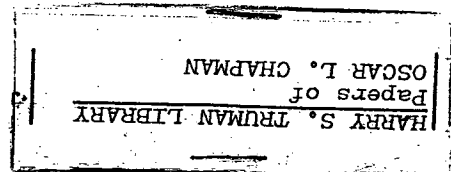
1 the classes specified in clause (3) or either singly or in
2 combination, as much as one-half blood of those classes
3 and some additional blood of one of the classes specified
4 in clause (1) ; and

5 “(5) citizens of the Trust Territory of the Pacific
6 Islands, regardless of race.”

7 SEC. 34. The High Commissioner, with the approval
8 of the head of the civilian agency, shall prescribe rules and
9 regulations, not inconsistent with articles 6 and 8 of the
10 Trusteeship Agreement, for entry into the Trust Territory,
11 which may include the establishment of quotas for entry for
12 permanent residence. The consular services of the United
13 States may, with the approval of the Secretary of State, be
14 utilized in the implementation of these rules and regulations
15 without charge against the Government of the Trust
16 Territory.

17 FINAL CLAUSES

18 SEC. 35. All officers and employees of the Government
19 of the Trust Territory, other than those whose salaries are
20 specified in this Act, shall, subject to enactments of the
21 Territorial Legislature, receive salaries in amounts to be
22 fixed by the High Commissioner, with the approval of the
23 head of the civilian agency: *Provided*, That appointments
24 and promotions shall be on the basis of merit. In no case



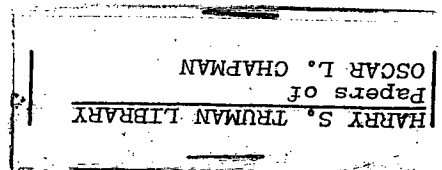
1 shall the salary of a judicial officer be reduced while he is
2 in office.

3 SEC. 36. All officers and employees of the Government
4 of the Trust Territory shall, if their homes be outside the
5 Trust Territory, be entitled to transportation at the expense
6 of the United States for themselves, their immediate families,
7 and household effects, from their homes to the Trust Terri-
8 tory upon their appointment and from the Trust Territory
9 to their homes upon completion of their duties: *Provided,*
10 That if the period of service in the Trust Territory has been
11 less than two years the furnishing of return transportation
12 shall be in the sole discretion of the head of the civilian
13 agency in the case of officers and employees whose salaries
14 are fixed by this Act and in the sole discretion of the High
15 Commissioner in the case of all other officers and employees
16 unless, in either case, the officer or employee was separated
17 for reasons beyond his control, in which event the furnishing
18 of return transportation shall be mandatory. They shall
19 accrue leave in accordance with the leave Act of the United
20 States, and once during every two years shall be entitled to
21 transportation at the expense of the United States for them-
22 selves and immediate families from the Trust Territory to
23 their homes and return. For purposes of transportation to
24 their homes and return, they shall be allowed travel time

1 not in excess of thirty days without charge against annual
2 leave and during such travel time they shall be paid their
3 salaries as prescribed by this Act or the laws of the Trust
4 Territory. Transportation shall be by the shortest and most
5 direct route. During their term of duty in the Trust Terri-
6 tory they shall each be entitled to receive appropriate
7 quarters to be furnished by the United States at established
8 rentals.

9 SEC. 37. The Government of the Trust Territory, or
10 any bureau or office thereof upon authorization by the High
11 Commissioner, shall be considered an office of the Federal
12 Government entitled to place orders for materials, supplies,
13 equipment, work, or services, with any executive depart-
14 ment or independent establishment of the Government of the
15 United States or any bureau or office thereof, within the
16 meaning of the Act of June 30, 1932, as amended (31
17 U. S. C. 696). Moneys of the Government of the Trust
18 Territory may be deposited in banking institutions and in
19 checking accounts with the Treasurer of the United States.

20 SEC. 38. The High Commissioner shall prepare annually
21 the budget of the Government of the Trust Territory, setting
22 forth proposed expenditures and revenues. The budget so
23 prepared shall be submitted by the High Commissioner to
24 the Territorial Legislature, when constituted pursuant to sec-
25 tion 17 of this Act, and shall form the basis for the annual



1 appropriation bill: *Provided*, That should revenues antici-
2 pated from any source not materialize, the High Commis-
3 sioner, with the approval of the head of the civilian agency,
4 may make appropriate adjustments in the appropriation Act.

5 SEC. 39. The provisions of the Internal Revenue Code
6 are amended as follows:

7 (a) Subchapter B of chapter 28 is amended by adding
8 at the end thereof the following:

9 "PART III—TRUST TERRITORY OF THE PACIFIC ISLANDS
10 "SEC. 3370. DEPOSIT OF INTERNAL REVENUE COLLEC-
11 TIONS.—The Secretary of the Treasury shall determine the
12 amount of all taxes imposed by and collected during the
13 previous month under the internal revenue laws of the United
14 States on articles produced in the Trust Territory of the
15 Pacific Islands and transported to the United States. The
16 amount so determined, less 1 per centum and less the esti-
17 mated amount of refunds or credits, shall be transferred and
18 paid over to the Treasury of the Trust Territory of the
19 Pacific Islands and held in account for the Government of the
20 Trust Territory, and shall be expended for the benefit of the
21 Trust Territory."

22 (b) Section 22 (b) (4) is amended by revising the
23 first sentence thereof to read as follows:

24 "Interest upon (A) the obligations of a State,
25 Territory, or any political subdivision thereof or the Dis-

1 trict of Columbia; or (B) obligations of a corporation
2 organized under Act of Congress, if such corporation
3 is an instrumentality of the United States; or (C) the
4 obligations of the United States, its possessions, or the
5 Trust Territory of the Pacific Islands.”

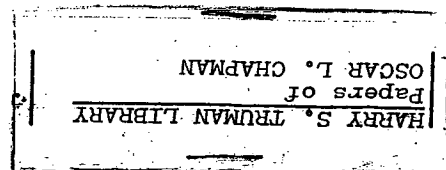
6 (c) Section 131 is amended by adding at the end
7 thereof the following new subsection:

8 “(J) CREDIT FOR TAXES PAID TO THE TRUST
9 TERRITORY OF THE PACIFIC ISLANDS.—For the pur-
10 poses of this section and section 23 (c) (1), the term
11 ‘income, war-profits, and excess-profits taxes’ shall in-
12 clude the amount of any income, war-profits, and ex-
13 cess-profits taxes paid or accrued during the taxable
14 year to the Trust Territory of the Pacific Islands.”

15 SEC. 40. There are hereby authorized to be appropriated
16 annually such sums as may be necessary and appropriate to
17 carry out the provisions and purposes of this Act.

18 SEC. 41. Pending the establishment of a Territorial

19 SEC. 41. Pending the establishment of a Territorial
20 Legislature pursuant to the provisions of section 17 of this
21 Act, the head of the civilian agency shall arrange for an
22 audit of the financial transactions of the Government of the
23 Trust Territory and, at least annually, shall submit a report
24 of such audit to the President for transmission to the
25 Congress.



1 SEC. 42. The legal tender of the Trust Territory shall
2 be the coins and currencies of the United States. However,
3 no restriction shall be made on the use of local forms of
4 barter and exchange in transactions among citizens of the
5 Trust Territory.

6 SEC. 43. The President shall have authority to designate
7 parts of the Trust Territory as reservations of the Army,
8 Navy, Air Force, Coast Guard, or other Federal agencies.
9 The President shall have authority to specify parts or all of
10 the Trust Territory as closed for security reasons and to
11 determine the extent to which the provisions of articles 87
12 and 88 of the Charter of the United Nations shall be appli-
13 cable to such closed areas, in accordance with article 13 of
14 the Trusteeship Agreement.

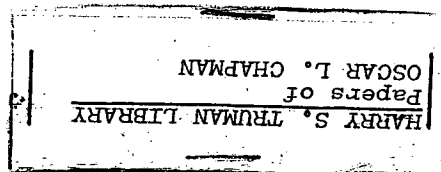
15 SEC. 44. The High Commissioner shall submit to the
16 head of the civilian agency an annual report on the Trust
17 Territory and copies of such report shall be transmitted by
18 the head of the civilian agency to the President and the Con-
19 gress. The head of the civilian agency shall prepare, in
20 collaboration with the Department of State, the annual re-
21 port to the United Nations.

22 SEC. 45. The title to all property in the Trust Ter-
23 ritory which is owned by the United States, directly or in-
24 directly, shall be transferred to the Government of the Trust
25 Territory within two years after the date of enactment of

1 this Act, with the exception of title to such United States
2 property in the Trust Territory as the President may re-
3 serve within such two years. Except as the President may
4 from time to time otherwise prescribe, all property so reserved
5 shall be administered by the High Commissioner under the
6 supervision of the head of the civilian agency. The High
7 Commissioner, subject to the approval of the head of the
8 civilian agency, may lease or sell, on such terms as he may
9 deem advantageous to the United States, any property of the
10 United States under his administration in the Trust Territory
11 not needed for public purposes.

12 SEC. 46. This Act shall take effect on the date of its
13 enactment except that the President may, by proclamation
14 from time to time, effective for a period not to exceed two
15 years from the date of enactment of this Act, suspend all or
16 any of the provisions of this Act and continue the adminis-
17 tration of the Trust Territory in all or in any respect pursuant
18 to the provisions of Executive Order Numbered 9875, dated
19 July 18, 1947.

20 SEC. 47. This Act may be cited as "The Organic Act of
21 the Trust Territory of the Pacific Islands."



82^d CONGRESS
2^d Session

S. 2992

A BILL

To provide a civil government for the Trust Territory of the Pacific Islands, and for other purposes.

By Mr. O'MAHONEY and Mr. CORDON

APRIL 9 (legislative day, APRIL 2), 1962

Read twice and referred to the Committee on Interior and Insular Affairs

OSCAR L. CHAPMAN

Papers of