

Speech by Mrs. Ruth Van Cleve, Director, Office of Territories
Spring 1964

Madame Chairman, Governor and Mrs. G. W. [unclear], distinguished delegates and
other guests:

I cannot tell you how very flattered I feel at being able to speak to all
of you tonight. Very soon after moving into the job which I now hold,
as Director of the Office of Territories in the United States Department
of the Interior, I learned that the annual convention of the Asian Women's
Association would be held in Guam at this time. Frankly I saw this,
instantly, as presenting a very happy opportunity for me to visit Guam,
something which I have truly for many years wanted to do, and in that
connection I foresaw the possibility of attending some of your meetings
most likely as an observer. Little did it occur to me that I might not
only speak to you, but that I would do so at this particularly auspicious
occasion. I am very grateful, and I thank you for the invitation.

At the same time, however, I find this reminiscent of an
incident, recently alluded to in an American weekly known as the Commonwealth,
a magazine with which many of you are doubtless familiar. A critic
of Commonwealth was invited by its editors to fill some three pages of
the magazine with a full statement of her views as to Commonwealth's deficiencies.
She did this, with obvious relish, but only after saying that she felt
like Mrs. Astor, who is alleged to have said, as the iceberg crashed
into her stateroom on the Titanic, "Good Lord, I ordered ice this THIS
is ridiculous!" Similarly, I hoped to watch you silently from afar,
but instead I'm in your midst, being characteristically unsilent.
I hope it will not prove ridiculous.

I have chosen tonight to talk to you about the attitude and the policies of the United States in the administration of areas which are not yet fully self-governing. I choose to do this for two reasons: first, many of you, I note from material concerning these meetings, come from areas which have only recently achieved a full measure of self government. Others, and I am sure of those representing Guam, are of course current residents of an area which is not wholly self-governing. But all of you, I feel sure, have the concern of enlightened people the world over respecting one of the great issues of this decade, that is, self government for formerly dependent peoples.

I choose to speak to you on this subject, secondly, because by definition I am supposed, now, to know something about it. The Office of Territories exists because the United States has responsibilities for areas which are not wholly self-governing. And I am thus expected to be reasonably learned on this subject. Regrettably I'm not as learned as I should like to be, for I have carried my imposing job title for only about two months. I have been concerned with territorial matters for very-much-longer, but until recently always as a lawyer, as a kind of technical advisor. I could cite to you court cases and obscure law review articles on fascinating, if not terribly important, legal questions from now until the moment you must all board your planes to go home. But I think this would serve no useful purpose, except to cause me to feel intellectually comfortable. To feel intellectually comfortable in 1964 is itself dangerous, so I will plunge into the disconcerting, into a discussion of broader policy matters, of telling

you something you don't now know about the United States Government and its relationships to such areas as Guam.

At the outset, I want to define some terms and to discuss some general concepts, so that our understandings will be mutual. In referring to areas of the United States which are not wholly self-governing, I will use our standard term, "territories". In U. S. parlance, "territory" means an area, not admitted to the United States as a state of the Union, over which the United States exercises sovereignty. Until a few years ago, this term was meaningfully broken down into two categories: incorporated territories and unincorporated territories. The incorporated territories were those to which the Congress of the United States had expressly extended the provisions of the United States Constitution. The unincorporated territories were and are those to which the Constitution has not been expressly extended. But before proceeding further, let me not imply to you that the people of an unincorporated territory are without U. S. constitutional protections. In the first place, many provisions of the United States Constitution have been held to extend to the people of the unincorporated territories, simply because the U. S. flag flies there. Thus the courts have said for many decades that the "fundamental human rights" of the people of the territories are fully protected, whether in an area which is incorporated into the United States or not. Additionally, most of the provisions of the Bill of Rights of the United States Constitution have, by one means or another, become a part of the law of all the territories.

In any event, the distinction between incorporated and unincorporated territories no longer commands particular attention, because there are not any longer any incorporated territories of the United States. The last were Alaska and Hawaii, which were admitted into the Union as States in 1959. But the so-called "doctrine of incorporation" continues to have some importance because the fact of incorporation has always been regarded, within the United States, as having significance in terms of ultimate political status. It has been regarded as constituting a promise of ultimate Statehood. Thus, when Congress extended to Alaska and Hawaii the provisions of the Federal Constitution, as it did in the early years of this century, the Congress was regarded as saying to these areas that when they were "ready" for statehood (and the term "ready" must be in this context a highly subjective term), the Congress would enact such legislation as might be necessary to admit them to the Union. This commitment was not a legal commitment, but it was regarded as a moral commitment. We are all uniformly pleased that this moral commitment has been honored. I might state that it is a rare thing in the bureaucracy, both in the United States and in governments throughout the world, for the interested bureaucrats actively to support an effort to diminish their authority. But with pleasure I can report that there were few supporters of statehood for Alaska and Hawaii more active in the cause than were the bureaucrats of the Office of Territories of the Department of the Interior. They urged Statehood legislation for these two incorporated Territories with such enthusiasm, and such

ultimate success, as to make one think they were acting as empire-builders rather than empire-deplorables.

But, to return momentarily to the point concerning incorporation, it is important to note that those territories of the United States, that remain, being in all cases unincorporated, are areas to which there has not been given a recognition, either moral or legal, of ultimate Statehood. This does not, however, mean that they might not, someday, be admitted as States of the Union. It seems to most of us, particularly those who are veterans of the hard struggle for Statehood for Alaska and Hawaii, to be an event unlikely to occur in the near future, if at all. But it will remain, until another form of permanent association is devised, a possible form of ultimate political status for the unincorporated territories of the United States. The fact that a territory is not incorporated does not mean that it cannot be admitted to the Union as a State. The precedents in United States history indicate that in almost all cases, incorporation has preceded Statehood. This was even in the case of most of the States, beyond the original 13, of the Continental United States, for each had some experience as an unincorporated territory prior to Statehood. Incorporation of course preceded Statehood for Alaska and Hawaii. But it is not a legal requirement, and it is a precedent which the Congress could ignore, and has occasionally in the past ignored.

Another phrase which I will use is "non-self governing territory". I use this phrase as it is used in the United Nations Charter to denote an area "whose people have not yet attained a full measure of self government". One more term I will define, and that is the term "organized". An "organized territory", in United States terminology, is one whose territorial government has been defined by Act of the United States Congress. The converse of an organized territory, incidentally, and vaguely, is "unorganized territory", not "disorganized territory". An organized territory is one whose local government has been established by what we refer to as an Organic Act. Organic Acts are somewhat similar to constitutions, in that they define what officers a government will have, who will choose them, and how; and most importantly, what powers they will have.

And now let me turn to a description of just what areas we're talking about, just what areas constitute territories for which the United States is responsible. First, of course, is Guam, an unincorporated, organized territory of the United States. The Constitution of the United States has not been extended to Guam and so it is unincorporated; but the Congress enacted an organic act for Guam in 1950, and thus it is an organized territory. Secondly, the Virgin Islands, also an unincorporated, organized territory. The United States Virgin Islands are comparatively small in both size and population, involving three islands in the Caribbean, southeast of the southern tip of the continental United States,

and having a population of about 21,000. Thirdly, American Samoa, an unincorporated, unorganized territory, again having a small land area and a population of about 21,000. Fourthly, I will include the Trust Territory of the Pacific Islands, which has representatives here tonight, and to whom I will particularly state that, of course the Trust Territory is not a "territory" of the United States, as I have defined that term. It is not an area over which the United States exercises sovereignty. It is, instead, an area which the United States administers under an agreement with the Security Council of the United Nations. That agreement gives to the United States very broad authority. The pertinent language of the Trusteeship Agreement is "Full powers of administration, legislation, and jurisdiction". So the authority of the United States in the Trust Territory is extremely broad, and roughly comparable to that granted in the Federal Constitution to the Congress with respect to such territories as Guam and the Virgin Islands. But the mystical thing known as sovereignty is not involved.

With its two million residents, just west of the Virgin Islands, Puerto Rico is no longer a non-self governing territory of the United States. The Office of Territories accordingly has no authority covering it. By various acts of the Congress, accepted by popular referendum in Puerto Rico, and by overwhelmingly affirmative votes, the people of Puerto Rico have adopted a status which is known as Commonwealth status. The term is, perhaps intentionally, an ambiguous one, and efforts to define

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precisely what Commonwealth status is and usually deemed to failure.
The President of the United States has recently appointed a distinguished group to serve on a commission to consider the status of Puerto Rico, and from this Commission there is likely to emerge more enlightenment on the question of what kind of political control has been exerted in Puerto Rico. But although urgency of this question has so far, in the courts, in Puerto Rico, and in the mainland, been impossible to achieve, there is total agreement on the basic point: that there has been accorded to the people of Puerto Rico a degree of local autonomy which is without precedent in U. S. history. And this autonomy was surely sufficient to persuade the General Assembly of the United Nations, in 1953, to determine that Puerto Rico had ceased to be a non-self governing territory. The people of Puerto Rico elect their own Governor. They continue, as they have done for many decades, to elect their own Legislature. Except for the Federal court, their judicial system is independent of the Federal establishment. In general, it is fair to say that the people of Puerto Rico have roughly the power of the people of a State of the Union.

In addition to the means I have mentioned, the United States maintains other off-shore areas, commonly referred to as "possessions". I need not dwell upon them tonight, for they are generally areas without sizable populations and without permanent populations of any kind. I refer to such islands as Wake, Palmyra, Midway, Baker and Jarvis.

So let us now come to the real point, to what it is the United States is trying to achieve in its off-shore areas, and how it is going about it, and where, in the immediate future, it is likely to go. I suggest that these are three concepts which summarize the position of the United States on this subject: flexibility, local autonomy, and increasing measures of local self-government.

On the issue of flexibility, you may have detected from what I have already said that the off-shore areas of the United States have not been forced into any pre-arranged mold for political development. They have followed widely different paths, with widely different results as of this date. There was a time when the Philippines, too, were an organized, unincorporated territory of the United States. You are, of course, aware that the Philippines long since have ceased to have this status.

I have alluded to the special route which Puerto Rico has followed. The people of Puerto Rico, following acts of the United States Congress which looked toward the results which have come to pass, elected delegates to a constitutional convention, and that convention drew up a constitution which was subsequently approved by an overwhelmingly favorable vote by the people of Puerto Rico. Although it retains the closest ties to the United States, Puerto Rico has by any reasonable test, attained a full measure of self-government. We may not be wholly sure what the Commonwealth of Puerto Rico is, but we do know that it is

self-governing. In what direction it will move from here no one can, at this time, be quite sure. It is conceivable, but very unlikely, that it might follow the precedent of the Philippines, but the sentiment for independence in Puerto Rico is so slight that this appears to be only a theoretical possibility. It is also conceivable, and somewhat more likely, that Puerto Rico might enter the Union as a State, but this is not likely to come soon to pass, if it ever does. Most observers agree that the likeliest course that Puerto Rico will follow in the years immediately to come is one which perpetuates its current status: the widest possible local autonomy, coupled with the closest of political and economic ties to the U. S. mainland.

Alaska and Hawaii have followed the most common route of non-self governing areas of the United States. Having first been made incorporated territories, they have now entered the Union as States, on an equal footing with all the other States.

Guam and the Virgin Islands duplicate one another, in their current legal relationships to the United States, but they stand almost alone in terms of precedents from the history of the United States. No unincorporated territory, except for Puerto Rico, has ever achieved such a very wide measure of local self-government. Each elects its own legislature, and that legislature has very broad powers, very close to the powers of a State legislature. Each has its own, independent judiciary.

The people of Guam and the Virgin Islands are citizens of the United States. But each of these territories has a governor, at this time a native of the area, who is appointed by the President of the United States. So long as that condition continues, none of us could conscientiously argue that full powers of self-government have been accorded to the people of Guam or the Virgin Islands. Where the Virgin Islands and Guam, separately or together, will go from here, what their further or ultimate status will be, clearly no one can know with any certainty. I shall allude to this subject further, in a moment. But I have already alluded to some of the routes which other areas have chosen to follow, and each is, by definition, available for Guam and the Virgin Islands.

American Samoa has so far followed a path which is again without precedent. Unlike the people of Guam and the Virgin Islands, the people of Samoa are not citizens of the United States. They are nationals of the United States, and thus entitled to the fullest protection of the United States Government. Samoa has not been the subject of an organic act. The Samoans are, we are given to understand, enormously anxious to perpetuate their relationship to the United States. At the same time, they are also anxious to protect and perpetuate that which is best in their native culture. Accordingly, they have chosen to set themselves to frame and adopt their own constitution. They did this in 1959 and 1960, and since then the Government of American Samoa has been conducted on the basis of this locally adopted constitution. The instrument was approved by the Secretary of the Interior, who is charged

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by U. S. law with responsibility for the administration of Mexico. It has not been approved, nor does it need to be, by the Congress of the United States.

The Trust Territory of the Pacific Islands is, probably inevitably, less far along the road to local self-government than any of the other areas to which I have referred. Because of this fact, it is probably the area to which the United States has focused most of its attention in recent months, and is likely to do so in the months to come. The Trust Territory, along with the off-shore areas administered by the United States, does not yet have a Territory-wide legislature vested with genuine law-making authority. We hope and expect to correct this condition very soon, in a matter of a few weeks. Until then, most meaningful powers are vested in the Chief Executive, an arrangement which we cannot and will not permit to endure for long.

All of the foregoing is designed to show that the United States has devised governmental arrangements, and in many cases accepted government arrangements devised by the people of the affected area, which are designed to meet the particular aspirations of those people. We have very largely refrained from forcing the areas for which we have responsibility into particular patterns of progress. *As a matter*

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The second key phrase is local autonomy. In both the Congress and the Executive Branch of the United States, this has been the chief goal that has been sought. Local autonomy has, of course, been wholly achieved in our two newest States. It has, I believe, been achieved in Puerto Rico. We are well on the way in Guam and the Virgin Islands, through popularly elected local legislatures of very broad power. We have come a good part of the way in Samoa, although the legislature there is more limited in its right to legislate. And we will, very soon I trust, have embarked upon this road in the Trust Territory, with the establishment of a Trust Territory-wide legislature. To be able to defer to the will of the people affected is the goal which the United States seeks in all areas which it administers, and to do this, machinery for the expression of that will is essential. We have created or are creating that machinery in all of the areas for which we are responsible.

The third and last concept to which I want to refer, and to which I've been implicitly referring throughout, is the steady conferral upon the areas which we administer of further powers of self-government. Without doubt, all four areas which I have placed in the non-self-governing category, that is, Guam, the Virgin Islands, Samoa, and the Trust Territory, will soon be out of the category. What "soon" means will necessarily differ from area to area, but from what I have said, you appreciate that Samoa and the Trust Territory have farther to come. Guam and the Virgin Islands are very close to the brink. We can

reasonably hope and expect that the Congress will, not in this session but very possibly in the next, enact legislation which will permit the people of Guam and the Virgin Islands to elect their own Governors. This action is one ardently sought by the Department of the Interior, and we shall continue to work it until it is achieved. We can also anticipate that the time is not far off when the Congress of the United States will include elected delegates from Guam and the Virgin Islands. Prior to Statehood, Alaska and Hawaii had delegates in the Congress, and Puerto Rico does today, so that legislative representation for the people of Guam and the Virgin Islands is not only equitable but it is also unexceptional. When these two steps come to pass, Guam and the Virgin Islands will, by any meaningful test, have achieved a full measure of self-government.

From what I have said, I think you will agree that the United States, as an administrator of off-shore areas, has created, or has permitted to arise, a very wide range of governmental arrangements, designed to best meet the desires of the people affected. Much remains to be achieved, by the people of our off-shore areas, and by the Federal Government, but we in the Federal Government are conscious of our responsibilities and we know that the people of the territories are fully conscious of theirs. As Director of the Office of Territories, I find nothing better than to work myself out of my job. Doubtless I will do that, in one way or another.