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THE UNITED STATES AND SAMOA

by

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Approval of the Chairman

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PREFACE.

In the history of nations Samoa does not rank very high. Nevertheless, it is interesting and important principally because of two reasons. First: it is a typical example of the domination of groups of people in the Pacific by a strong power. Second: American Samoa in particular furnishes to the world a rich ground for political experiment and observation.

In a relatively small area we have a homogeneous group of people depending upon a strong nation for leadership. While these people have developed a civilization of their own, they would hardly be able to stand competition with the rest of the world without adequate protection. We can protect them, offer them wise leadership, but for the most part, permit them to work out their own destiny.

To the political scientist and historian it is a particularly interesting field because as yet there is no comprehensive treatment of the historical, political, and social development of the Samoan people. As far as I am able to determine, the work contained within these pages is the most comprehensive treatment yet attempted.

The Author.
The Wilkes Expedition

The first recorded contact of the United States with Samoa was in 1839, when the Wilkes Exploring Expedition, the first of its kind to be authorized by the United States Congress, visited the Islands. The island of Tutuila was explored and Pago Pago harbor surveyed. At Olosega about a hundred natives boarded the boat and demanded presents. Wilkes managed to get all but about eight, including the chief, ashore. He then presented the chief with a large fish hook, and the others with small ones, after which they departed well satisfied. Wilkes recorded in his journal: "I was heartily glad to be rid of such rapacious, troublesome fellows so easily and without a fight." 1.

1. Extract from Wilkes' Journal, quoted from a "Government History of American Samoa", published in October, 1926. "This History of American Samoa is a revision and an expansion of the 46 page pamphlet entitled 'American Samoa - a General Report by the Governor', printed in 1922, which was a revision of reports made by Governor W. M. Crose in 1912 and by Governor J. M. Poyer in 1916." This report is a comprehensive one, covering such topics as the following: The Land and the People, Samoan Chronology, Government, Government Departments and Activities, Missions and Mission Schools, Communication and Transportation, and information concerning the Naval Base. I have drawn upon this material heavily for the historical part of this paper. The copy that I have used is a mimeographed one, so the pages do not correspond with that of the printed pamphlet.
A Consular Agent is Established at Apia

In 1853 the United States established a consular agent at Apia, the principal village of the islands, and destined to be the center of a struggle between the United States, Great Britain and Germany. Germany established a consular agent at Apia in 1861.

The Proposed Treaty of 1872

Commander Richard Meade, in charge of the U.S.S. Narragansett, visited Pago Pago in 1872 and decided to do a little private buccaneering. Upon his own responsibility, he made a treaty with Mauga, one of the native chiefs of Tutuila. This treaty, which consisted of nine articles, guaranteed protection to foreign consuls and their property, and other foreigners settling in the island; provided for the salvage of wrecked vessels; a port charge on vessels; forbade Sunday work on shore or aboard ship, except in case of necessity; forbade trade in intoxicating liquors; provided punishment for prostitution; sought aid of the chief in apprehending deserters; and provided for punishments and fines for violators of treaty agreements. President Grant sent the treaty to the Senate with the message that he would not hesitate to recommend its approval but for the fact that it provided for undue protection to the United States, consequently nothing came of the treaty.
Great Britain and Germany were turning their eyes to the Islands of the Pacific also. Commercial agents of these three powers had been established at Apia as early as 1850, and in 1854 the great South Sea trading firm of Godeffroy and Company of Hamburg, established itself upon Upolu. Because of trade interests and Commander Meade's treaty, the State Department sent Colonel Steinberger to Samoa in 1873 to investigate conditions. His report was made to Congress in April, 1874 and in April of the following year he returned to Samoa by way of Hamburg, it is alleged, with letters and presents for the chiefs. Steinberger's official connection then ended, but he remained in Samoa. At the time of his first visit, according to his report, the Government consisted of the "Taimua and Pule". The Taimua consisted of seven able chiefs; the Pule of four of the highest chiefs. There was no king of the group at that time. The foreign consuls, the missionaries, and Steinberger drew up a constitution and a code of laws. Between Steinberger's first and second visit, two kings were elected, but upon his return, Steinberger persuaded the chiefs that that would be impracticable, so they decided to have but one king. In May, 1875, a new constitution was adopted by the Taimua, which had been increased to fourteen members. In this new form of government the most important position was to be that of Premier.
Steinberger reserved this position for himself, which made him virtual dictator. Whatever motives were back of this move, the Steinberger government and regime was destined to be the only stable one between this time and the final partition in 1899. But Steinberger soon lost the support of certain interests and aroused the jealousy of the powers, Great Britain and Germany, for they thought it presaged a dominating influence by the United States. On the other hand, the American Consul, on March 18, 1876, informed the Department of State that Steinberger had agreed to use his influence to gain advantages for Godeffroy and Company providing they would help him gain an influential position. Although the king was not involved, by a conspiracy between the American Consul and the captain of H.M.S. Barracouta, Steinberger was taken forcibly and unlawfully aboard the British ship and after a while released on British Fiji.

Conditions Become Chaotic after Departure of Steinberger

Conditions became chaotic after Steinberger left, largely due to the competing interests of the three countries. The British were appealed to for protection, but they did not respond. In 1877 and again in 1878, the United States Consul hoisted the American flag over the Samoan flag on the government flagstaff. This action was taken both times at the threat of British domination. The German Consul endorsed these
actions, but in 1886, when the United States Consul again hoisted the flag, but this time to discourage German domination, the German Consul protested! The United States had no legal right to perform any such act, but no harm was done and it is possible that she prevented annexation by Great Britain or Germany.

**Treaty of 1878**

The chiefs of all Samoa sent high chief Mamea to Washington in December, 1877, probably in hope of getting the protection of the United States. As a result of this visit, a treaty was concluded between Samoa and the United States to the effect that:

"Naval vessels of the United States shall have the privilege of entering and using the Port of Pago Pago and establishing therein and on the shores thereof, a station for coal and other naval supplies for their naval and commercial marine, and the Samoan government will hereafter neither exercise nor authorize any jurisdiction within said port adverse to such rights of the United States or restrictive thereof."

The treaty further provided that in case trouble should arise between Samoa and another power with which the United States is at peace:

"The Government of the latter will employ its good offices for the purpose of adjusting those differences upon a satisfactory and solid foundation." 1.

This treaty was ratified by both the United States and Samoa in 1878. It was Samoa's first treaty; it was the first

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1. Quoted from "American Diplomatic Quotations" by Henderson. Pages 216 and 216.
treaty in which the United States departed from her policy of avoiding entanglements with foreign governments. And it may be added that these entanglements came in short order. A year later Germany concluded a treaty which gave her the right to establish a coaling station in Saluafata Harbor on Upolu. At the same time Great Britain made a treaty which gave her the right to establish a coaling station at a site to be chosen later by Her Majesty.

Period of Quiet between 1881 and 1885

Between 1881 and 1885 there was comparative quiet. During this time negotiations had taken place between the Samoan chiefs and Great Britain, in which it was proposed that the islands be protected and their affairs administered by the New Zealand Government. The chiefs were in great fear lest Germany annex the islands; they preferred protection by either the United States or Great Britain to German domination.

The United States Exercises Its "Good Offices"

In 1885 Dr. Stabel, the German Consul, raised the imperial flag at Mulinu'u, "as a public manifestation of the taking possession as security, of all of the land which now constitutes all the municipality of Apia." The British and United States Consuls protested and the German Government
repudiated the Act. This situation gave the United States a chance to exercise its "good offices" as provided for under the treaty of 1878. Accordingly, the Secretary of State at Washington negotiated with the German and English representatives there, to hold a conference after commissioners had investigated the matter. Mr. Bates was the American commissioner. He proceeded to Samoa, looked over the field and made his report in 1886. The unanimous conclusion was that the natives were wholly incapable of maintaining a stable or efficient government. The conference was called at Washington in June, 1887. The German representative proposed that a foreign advisor to the king be appointed, and that this advisor be responsible for the interests of the powers. He was to be nominated by that power holding the preponderance of interest in Samoa. Of course this meant Germany, so it was not accepted by the United States, although the British representative supported the German view. The conference finally adjourned until the autumn. The ministers were to present the matter to their respective governments and to receive more definite instructions. Germany then adopted strong handed methods; she declared war on the opposing faction and finally deported six chiefs. The United States protested. Five Hundred Thousand Dollars were appropriated by Congress and a warship
was ordered to Apia. On March 15, 1889, there were assembled in Apia Harbor, three United States men-of-war, three German, and one British. The situation was ominous, but a storm came up and all but the British ship were sunk. The Samoans rescued many of the men, but over one hundred and fifty were drowned. Call it accident or fate, circumstances or providence intervened and prevented the occurrence of an event which might have meant war.

Berlin Conference of 1889

The Berlin Conference met between April and June of 1889. Among the matters discussed was the Samoan situation. An agreement was drawn up and accepted by the three powers and Samoa, exclusive of Manu'a, which has regarded itself as separate from the rest of Samoa. The three powers were to have equal rights in the islands. They provided for the establishment of a government with Malietoa as king. Apia was to be under local administration. A land commission of three members was provided for, and a Supreme Court, the chief justice of which was to be appointed by the three powers, or in case of disagreement, by the king of Norway and Sweden.

The way the three powers were able to get along for the next ten years is typified by the appointment of the first chief justice by the king of Norway and Sweden.
The consuls, the chief justice, the king and the pretenders, the captains of the man-of-war, the members of the municipal council, each with different ideas and interests, made harmony impossible. Revolutions were encouraged or opposed according to the ends to be gained by one or the other of the powers.

Robert Louis Stevenson, who lived for awhile in Samoa, and died and was buried there, called the Samoa wars an "infinitesimal affray". "Samoa was like a teapot in which a tempest raged while three great nations jostled each other in fussy endeavor to keep the little pot from boiling over." 1.

The German Consul Violates the Treaty of 1889

In 1899, contrary to the provisions of the Berlin treaty, the German Consular Agent supported a provisional government headed by Mataafa. At a conference of the consular and naval representatives, called by Admiral Kautz of the United States Navy, the American and British representatives opposed the German faction. The majority decision was announced, but the German Consul General announced that he would continue to support the Provisional Government until he received further notice from his own

1. Stevenson's "A Footnote to History."
government.

Shortly after this the American and British men-of-war shelled the camp of Mataafa; a few native villages were destroyed; several men were killed or wounded.

The three powers decided in April, 1899 to send a joint commission to Samoa to exercise supreme authority in the islands, and to prepare a strong and stable government for the future. All hostilities were to cease pending arrival of the commissioners. Peace was restored and in July the members of the commission made their joint report.

The Berlin Convention of 1899

It was finally agreed that it was unwise to continue the tripartite rule. Germany proposed that the United States be given those islands east of the 171st meridian, and that Germany and Great Britain be given the rest. The United States accepted. Great Britain and Germany renounced all rights to those islands east of the 171st meridian and the United States to all those to the west. England later gave up her interests in the islands in return for certain other islands in the South Seas. In the same treat, Germany also gave England certain rights in West Africa.

A convention met and signed an agreement on December 2, 1899. Ratifications were exchanged February 16, 1900, and the President of the United States made the following
proclamation on the same day:

Article 1. "The general act concluded and signed by the aforesaid powers at Berlin on the 14th day of June, A.D. 1869, and all previous treaties, conventions, and agreements relating to Samoa are annulled."

Article 2. "Germany renounces in favor of the United States of America all her rights and claims over and in respect to the island of Tutuila and all other islands of the Samoan group east of longitude 171° west of Greenwich.

Great Britain in like manner renounces in favor of the United States all her rights and claims over and in respect to the island of Tutuila and all other islands of the Samoan group east of longitude 171° west of Greenwich.

Reciprocally, the United States of America renounce in favor of Germany all their rights and claims over and in respect to the islands of Upolu and Savai'i and all other islands of the Samoan group west of longitude 171° west of Greenwich."

Article 3. "It is understood and agreed that each of the three signatory powers shall continue to enjoy, in respect to their commerce and commercial vessels, in all the islands of the Samoan group, privileges and conditions equal to those enjoyed by the sovereign power, in all ports which may be open to the commerce of either of them."

Article 4. "The present convention shall be ratified as soon as possible, and shall come into force immediately after the exchange of ratifications."

Western Samoa remained in the hands of Germany until seized by a New Zealand Expeditionary force at the beginning of the World War. It is now held as a Class "C" mandate by New Zealand.

The treaty of 1889 recognized Samoa as an autonomous power, but in 1899 we have three powers agreeing to partition her. It is but another example of the domination of a weak nation by stronger ones. Might is regarded as right.

With this we leave Samoa in general, and turn to Eastern Samoa, which has since 1900 been administered by the United States under the Navy Department.
THE UNITED STATES ADMINISTRATION OF EASTERN SAMOA.

Question of Relationship to the United States.

Commander Tilly Assumes Control

The United States Government appropriated One Hundred Thousand Dollars in 1889 for the purpose of constructing buildings and wharfs in Pago Pago Harbor. The harbor was surveyed and additional pieces of land were purchased. Ten years later Commander Benjamin F. Tilly, in command of the U.S.S. Abarenda, arrived at Pago Pago with supplies to be used for construction purposes. He had been directed by the Secretary of the Navy to regard all orders that had been given to the engineer in charge as applying to himself. In December, Commander Tilly wrote a letter to High Chief Mauga of Tutuila, informing him of the partition of the islands. He urged him to persuade the people to return to their homes and resume their work. The authority of the chiefs was to be upheld and all offenders punished. Conditions became peaceful and Commander Tilly said that the people were delighted at the prospects of United States rule.

The following executive order was issued by the President on February 19, 1900:

"The island of Tutuila, of the Samoan group, and all other islands of the group east of longitude 171° west of Greenwich, are hereby placed under the control
of the Department of the Navy for a naval station. The Secretary of the Navy shall take such steps as are necessary to establish the authority of the United States and to give the islands the necessary protection." 1.

On the same date the Secretary of the Navy issued an order as follows:

"The island of Tutuila, of the Samoan group, and all other islands of the group east of longitude 171° west of Greenwich, are hereby established into a naval station, to be known as the Naval Station, Tutuila, and to be under the command of a commandant." 2.

Commander Tilly was assigned to the command of the naval station on February 17th.

Treaties Ceding the Islands are Made With the Chiefs

Commander Tilly proceeded to negotiate with the chiefs and to plan for a day of celebration, which was set for April 17. On that day the High Chiefs of Tutuila ceded the Islands of Tutuila and Aunu'u to the United States,

"for the promotion of the peace and welfare of the people of said islands, for the establishment of a good and sound government, and for the preservation of the rights and property of the inhabitants of said islands, the chiefs, rulers and people thereof are desirous of granting unto the said Government of the United States full power and authority to enact proper legislation for and to control the said islands and are further desirous of removing all disabilities that may be existing in connection therewith and to

2. Ibid. Page 56.
ratify and to confirm the grant of said islands heretofore granted on the second day of April, 1900." 1.

The last reference is to a letter written to Commander Tilly and signed by 20 chiefs expressing their appreciation of the course of events.

Previous to this time the Commandant had visited Manu'a, and after considerable discussion in the Fono, the chiefs had accepted the sovereignty and protection of the United States. They regarded themselves as distinct from the rest of Samoa, and were quite independent. It is probable that they were afraid that ceding the islands might mean the loss of their lands.

Commander Tilly then took one hundred natives with him to Pago Pago to participate in the flag raising exercises which took place April 17. But the chiefs of Manu'a requested that the flag be raised over their islands also. Commander Tilly sent them a flag which they hoisted themselves, in his presence. The treaty signed by the chiefs of Tutuila had included Rose Island and the Manu'a group, but they had no right or authority to cede these islands. On July 10, the flag, in the presence of chiefs of Manu'a, was hoisted over Rose Island.

It was not until July, 1904 that the chiefs of Manu'a formally ceded Manu'a to the United States, although they had announced their allegiance and sovereignty to the United States previous to this time.

President Roosevelt Thanks the Chiefs for Ceding the Islands

The two highest chiefs of Tutuila, Tuitele and Mauga, representing the people of Tutuila, on March 17, 1902, asked the commandant if the United States had accepted the ceding of the island. The matter was taken up with the Department of the Navy, and President Roosevelt sent greetings to the chiefs and people and thanked them for ceding the islands, assuring them that their rights would be respected. Each signer was presented with a watch, a diploma, and a medal. After the chiefs of Manu'a formally ceded the Manu'a group, they were accorded the same treatment.


In 1900 we came into possession of a group of islands over whose inhabitants we were to exercise complete control. There was no precedent in our history which might serve to guide us. As we have seen, by Presidential proclamation, the islands were placed under the Department of the Navy, where they have remained to the present day. From time to time the
different governors organized departments and created offices as they saw fit. In 1931 we find the government as described in the following pages.

The American Officials and Their Dual Positions

The Governor of American Samoa and nearly all of the other high officials, really hold two positions at the same time. Thus, the position of Commandant of the Naval Station, Tutuila, and the Governor of American Samoa, are held by the same person. The Chaplain of the Naval Station is Superintendent of Education. The Captain of the Yard has four different positions in the Island Government. The Medical Officer of the Naval Station is Public Health officer of the Island Government.

The Office of Native Affairs

The only civilian holding office is the Secretary of Native Affairs. He is perhaps the most important of all the officials in the government. The following responsibilities are assigned to him: (a) Supervision of the work of the District Governors, Chiefs, Judges, Magistrates, Pulunu'us and Police. (b) Collection of native taxes (both poll and school taxes). (c) Administration of the native tax fund. (d) Registration of titles. (e) Passport supervision. (f) Administration of copra crop and fund. Besides this he
serves on the board of education and the water commission. The office of Secretary of Native Affairs and American High Judge is held by the same person, and as we shall see later, this situation was and is unsatisfactory.

The Departments, Boards, and other Officials

Besides the Department of Native Affairs, there are eight other departments. The Judicial has charge of the High, District, and village courts. The Public Health Department is charged with the general supervision of all matters pertaining to public health, including hospitals, sanitariums, nursing schools, dispensaries and sanitation. The Department of Public Works and Public Utilities supervises all construction of a public nature. The Customs Department, in addition to collecting customs and port dues, handles the copra cargo, immigration, print shop, land transportation, licenses and rentals. The Department of Education has charge of all public schools. The Fiscal Department serves as the Island Treasury and Government Purchasing Agent. The Communication Department has charge of radio communications between the different islands. The Banking Department has charge of the Bank of American Samoa. Besides these nine Departments there is the Aide to the Governor, the Comptroller, the Editor of the Government paper (Faatohu), the High Sheriff and the Secretary to the Governor. (The Secretary
of Native Affairs). Then there are five boards: The Board of Assessors, the Board of Education, the Water Commission, the Budget Board, and the Auditing Board. Whenever it is necessary, because of illness, absence, or other reasons, the Governor may commission someone to act as Assistant Governor.

The Native Political Divisions

There are seven islands in the group, with an estimated population in 1900 of about 5,000. 1. Along old historical lines, they are divided into three districts. The governor appoints three high chiefs, usually those holding the head matai titles, each to act as governor of a district. The island of Tutuila is divided into two districts, east and west, while the district of Manu'a to the east, consists of the islands of Ofu, Olosega and Tau. Rose Island is an uninhabited atoll, and Swains Island with a population of 99 in 1930, was not taken over by the United States until 1925. Aunu'u is administered as a part of Tutuila.

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<th>Year</th>
<th>Population of American Samoa</th>
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<tr>
<td>1900</td>
<td>5,679</td>
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<tr>
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<td>9,831</td>
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<td>1930</td>
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</tbody>
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Exhibit #62 of the Hearings before the American Samoan Commission. Page 468.
Still in keeping with the old natural divisions, each
district is divided into counties, with county chiefs. The
counties are divided into villages, each with a village chief
(pulemu'u). Each of these chiefs is selected annually accord­
ing to native custom, and his title registered with and
approved by the Governor. 1.

Each village has a council composed of the "matais"
(heads of families) of the village, and presided over by the
village chief. The family is the unit of society, and the
suffrage is given to the matai and not the individual. The
village matais meet and certain of their members are sent
to sit in the district meeting, and certain chiefs are sent
from the district meeting to sit in the annual "Fono"
(meeting of matais) at Pago Pago.

The Central Fono

This Fono, which is presided over by the governor,
has the power to discuss matters, but the final authority
resides in the governor of American Samoa, whose word is law.
Quoting from Governor Graham at the meeting of the annual
Fono held in November, 1927, we see the attitude which he
held toward the Fono. The question of education had been

1. Fuller treatment of the Samoan political and social
system is reserved for treatment in connection with the
proposed Organic Act. Just enough is set forth at this time
to understand the method of selecting the members of the
Central Fono.
discussed at great length, but without any definite agree­
ment having been reached. Finally, the Governor made the
following statement:

"The purpose of this Fono is for the Samoan
people to give their advice to the government
and it is the duty of the government to take this
advice into thorough consideration and act on it
whenever possible to do so, bearing in mind that
the Governor is acting for the whole Samoan
people." 1

This Fono, which meets once a year, is made up of
the district governors, county chiefs, district judges, and
ten matais (chiefs) selected from each of the three districts.
The governor sends out to each district meeting a list of
those matters to be considered by the central Fono. Then
each district sends in its decision to the governor in regard
to the question which he has presented, along with any other
matters which the Fono may wish to bring up. The central
Fono discusses the matters, but as we have already seen, the
word of the governor is the supreme and absolute law of the
land.

1. "Joint Hearings before the Committee on Territories and
Insular Possessions, United States Senate and the Committee on
Insular Affairs, House of Representatives. Seventieth Congress
January 17, 20 and 21, 1928."
The judicial system consists of village and district courts, and a high court. The village court consists of one native magistrate and has jurisdiction over all civil cases between natives, not exceeding $10.00, and over minor criminal cases. Provision is made for appeal to the district court. The district court is comprised of a native district judge and the American judge (judge of the high court). In case of a difference of opinion, the opinion of the American judge prevails. This court has jurisdiction over all civil cases between natives and foreigners, and between natives when the amount exceeds the sum of $10.00. It also has jurisdiction over civil cases between foreigners when the amount involved is less than $250.00. Criminal cases between natives where the fine is over $10.00 or imprisonment with hard labor for one month, except charges of treason or murder, for crimes and offenses committed by foreigners when the punishment which may be inflicted does not exceed a fine of $250.00 or imprisonment with hard labor for over six months, are under the jurisdiction of this court. Provision is made so that anyone dissatisfied may appeal to the high court. The high court consists of the Secretary of Native Affairs as chief justice, and two of the native district judges. It has jurisdiction over all civil suits concerning real property.
acts as an appellate court, tries cases involving magistrates and officials, treason or murder, and all major civil and criminal cases.

The Supreme Law and Authority

The orders of each governor or commandant have contained the following clause:

"While your position as commandant will invest you with authority over the islands in the group embraced within the limits of the naval station, you will at all times exercise care to conciliate and cultivate friendly relations with the natives." 1

In order to promulgate a law or order, all the governor has to do is to post such a law at a government or other public place. Up until 1920 these laws were printed only in English.

The supreme law of American Samoa is "The Regulations and Orders" promulgated from time to time by the various governors, who come new to the situation, and then leave at the end of approximately eighteen months. 2.

2. The various governors have made rules and regulations from time to time, repealed or changed others, until few remain in their original form. In 1917 at the order of Commander J.M. Boyer, the regulations and orders then in force were codified by Judge A. Stronach. This codification was printed only in the English language. In 1921, when W. Evans was governor, the laws were codified by Judge A. M. Noble, and printed in both the Samoan and English languages. This Codification was brought up to date in 1930 for the use of the American Samoan Commission. Except as contrary to the provisions of the Organic Act, these orders and regulations are to remain in force.
The laws of the United States and the common law of England are considered in force, 'subject nevertheless', to the rules and regulations of the governors. To the extent to which the customs of American Samoa are not in conflict with the laws, the people are free to carry on as usual. Commander Tilly submitted a copy of his regulations to the Department of the Navy. The Department did not formally approve the laws, but stated that it found nothing objectionable. This was in 1900. In 1902 the Navy Department informed the Commandant that:

"The Department does not consider it necessary to give formal approval to the Station Regulations that have been issued from time to time, preferring to indicate such as need amendment. This will be necessary until such time as Congress sees fit to legislate for the islands." 1.

In the same year, Captain U. Sebree, who succeeded Captain Tilly, recommended that Congress give some legal status to the islands. He felt that he was ruling the islands without any legal right to do so. He was performing his duties as governor without any authority except as Commandant of the Naval Station. In 1905 the Commandant was given a title as "Governor of Tutuila", but he was told that this means all of Samoa east of the 171° meridian. In 1912 a new commission was issued the Governor which made him "Governor of American Samoa."

The Relationship of the Government with the Samoan People.

People Content at First

That the people were satisfied with the administration of the islands is indicated by a letter, signed by eighteen of the highest chiefs of the islands in 1908, and sent to the President. This petition stated that the form of government was satisfactory and that it permitted the people to govern themselves in accordance with their customs. They further petitioned:

"That the system of Administration of the Islands which was introduced upon the annexation to the United States of America be continued until such time as a majority of the Samoan people can understand and realize the system of government in vogue in the United States of America." 1.

Period of Unrest in 1920-21

There is little evidence of active discontent in American Samoa until 1920. Perhaps the people were not wholly satisfied; such would be indicated by the trouble which started in that year. It is not likely, however, that any such discontent would occur without any cause other than the influence of two naval officers.

The Boucher-Hail-Green Affair

Lieutenant Creed H. Boucher, Commander Arthur C. Hall and Arthur A. Green were the men concerned. Boucher was one of the first to look into the condition, he told the chiefs that Samoa was not a part of the United States. The Samoan has little care or regard for property, but standing or title means much to him. He desired recognition by the United States and it had not been given him. That affairs were not always run with perfect honesty, and efficiency, was evidenced by documents taken from the official records. One of the causes of discontent was that the Samoans were ill informed as to just what the laws were. They were printed only in English, yet the people, who for the most part, could not read English, were supposed to know and observe them. A "committee" consisting of the majority of the chiefs assembled in Pago Pago and attempted to run the government. This "committee" had no idea what it wanted to do and therefore accomplished nothing. It was later disbanded by Governor Evans. Governor Terhune, who was then in charge, failed to handle the situation in a satisfactory manner. A commission under Captain Waldo Evans was ordered to proceed to Samoa and hold a court of inquiry. It arrived November 5, 1920. Governor Terhune committed suicide two days before the arrival of the commission. The
commission investigated the financial and legal conditions and reported them honest, but stated that the governor had lacked in tact and firmness. The commission recommended that Green be deported. This was done. Boucher was dismissed from the Navy and Kail was detached from all duty at the Naval Station. Whether or not the administration had been "honest" is open to doubt, but that point is not so important as the fact that the people were aroused from their apathy.

The Ripley Case

In August, 1921, Samuel Ripley, a part Samoan, but then a resident of the United States and a citizen, arrived in Pago Pago. Ripley had come on business purposes and to visit his relatives. While in the United States he had been active in the Samoan cause. Upon arrival, he was informed that the Governor wished to see him and to know the purpose of his visit. Evidently his answer did not satisfy the Governor, Waldo Evans, for Ripley was refused permission to remain in American Samoa. He was taken back onto the boat and eventually landed in San Francisco. Later he brought suit against Evans, but the case which was tried in Chicago, was dismissed because of lack of jurisdiction, since Samoa was not a part of the United States. Ripley, however, continued his agitation and perhaps helped to bring the attention of the United States to the situation in Samoa. One of the
things brought out in the course of the trial was the arbitrary power of the Governor. In 1923, a murder was committed. There were no legal representatives, no jury, and no opportunity for appeal. The man was hanged the day following the trial. Obviously this was a travesty of the American ideal of justice. The following were the apparent principal causes of the discontent in 1920, and to a great extent have persisted up to the present time:

1. Discovery of the fact by the Samoan chiefs that Samoa was not a part of the United States and that the Samoans were not American citizens.

2. Promulgation of laws only in English, which was unintelligible to most of the Samoans.

3. The arbitrary power of the governor, who possessed supreme and absolute authority.

4. Interference with Samoan customs, such as the matai system, and malangas.

5. Agitation on the part of different non-Samoans and high-handed treatment of those individuals.

The Mau

As an outgrowth of these affairs there sprang into existence an organization, with rather an indefinite membership, known as the "Mau", or the "Samoan Cause". The stated purpose was to gain recognition by the United States. It
was thought that the Samoan people would automatically become American citizens upon being annexed by the United States, and that this would end their difficulties. There had been certain other desires, but they were really subsidiary to this principal one. The Mau became a sort of secret organization, for the Governor proclaimed a law against "disloyal" utterances, meaning, of course, any utterances unfavorable to the Naval Government. This law was enforced with varying degrees of strictness. Governor Evans seemed to think strong-handed methods necessary. Needless to say, he aroused severe opposition among the natives. Several chiefs were imprisoned for secretly assembling and discussing their problems. While there was no great outburst of feeling or any particularly noteworthy happening between 1921 and 1930, there was an undercurrent of feeling in Samoa, and people in Hawaii and the United States were beginning to take an interest in the Samoan question.

The Lenroot Resolutions

The proclamations of the President and the orders of the Secretary of the Navy were the only recognitions that were ever accorded the islands of American Samoa until February 20, 1929, with the exception of an act of Congress approved March 4, 1925, which extended the sovereignty of the United States over Swain's Island and made it a part of American
Samoa. This island, with a population of 99 people, had never been claimed or ceded, although it fell within that area over which we were allowed to exercise control as provided for in joint agreement of 1900.

In the preamble to the treaty of cession of Tutuila by the chiefs of that island, we find the following words:

"The chiefs are desirous of granting unto the said government of the United States full power and authority to enact proper legislation for, and to control the said islands."

Senator Lenroot, who had introduced a bill which proposed a civil government for American Samoa, said:

"There has never been any legislation for the government of these islands, and our rule there has been an absolute dictatorship. Since 1900 the government has been administered by a naval officer who has exercised supreme executive, legislative, and judicial power. From his decisions there is no appeal. He holds the power of life and death in his hands. Such dictatorship as now exists, benevolent despotism though it may be, is utterly at variance with all of our history, of which no American can be proud." 1.

1. Quoted from "Hearings Before American Samoan Commission" Exhibit No. 28, page 310.
Treaty Ceding Islands Ratified and a Commission of Investigation Appointed.

The Samoan Commission

Men in Hawaii became interested in the Samoan situation. The presented their views to the officials in Washington. Hearings were held before the Senate Committee on Territories and Insular Possessions and the House Committee on Insular Affairs in January, 1928, but Congress adjourned and no further action was taken at the time. However, Congress had been aroused from its apathetic attitude toward the islands. The islands had never been formally accepted, so on February 20, 1929, Public Resolution No. 89, of the Seventieth Congress, was approved, accepting the islands and providing for a commission to investigate conditions there and to draw up an Organic Act. The resolution of the seventieth Congress was amended to increase the number of chiefs to three and to provide that they should be high chiefs. 1. The commission was made up of very able men. The chairman, Senator Hiram Bingham of Connecticut, was born in Hawaii, and is interested in Polynesian affairs; Senator Robinson, Representative Beedy, Representative William, and High Chiefs

1. Page 1 of the appendix.
Ilauga, Tufele, and Magalei were the other members of the commission. They were ably advised by Albert F. Judd, an attorney residing in Honolulu. Mr. Judd was particularly concerned that the commission should approach the questions with a full understanding of the Samoan customs and traditions. The commission proceeded to Samoa in the autumn of 1930. Hearings were held both in Hawaii and Samoa. No one was denied the privilege of testifying before the commission. Nearly a hundred different individuals, chiefs, commoners, half-casts and whites availed themselves of the opportunity.

Bills were introduced into the Senate and House in the early part of 1931. These bills, which provided for an Organic Act for American Samoa, passed the Senate, but failed to come before the House. In the House Committee, certain objections were voiced to the bill, amendments were proposed, but it will probably come before Congress at the next session and be passed, fundamentally unchanged. The principle recommendations were as follows:

1. "That American Samoa be governed under an organic act."

2. "That full American citizenship be granted to the inhabitants of Tutuila-Manua as of February 20, 1929 and to their children; and also to those inhabitants of Tutuila-Manua who were then residing on the mainland of the United States or in the Territory of Hawaii. This latter class of inhabitants of Tutuila-Manua shall, in order to record their citizenship, file an application in a district court of the United States to show their desire to become citizens."
3. "That there be two kinds of citizenship: American citizenship and Samoan citizenship. In addition to the first recommendations, the commission will recommend that the legislative power in Tutuila-Manua, namely, the fono shall determine the qualifications necessary for Samoan citizenship, but that the fono, in exercising this power, shall not deny Samoan citizenship to any person of full or part Polynesian blood otherwise qualified."

4. "That land in Tutuila-Manua may be acquired by purchase or inheritance, but only by citizens of Tutuila-Manua or by the government."

5. "That the legislative power in Tutuila-Manua be the fono as it is now constituted, with an appeal to the President of the United States should the governor use the veto and the fono pass any measure by two-thirds vote over the governor's veto. The legislative power of the fono shall extend to all rightful subjects of legislation not inconsistent with the organic act of American Samoa and the laws of Congress."

6. "That the governor of American Samoa be appointed by the President of the United States with the approval of the Senate. That the President be free to appoint a civilian or an active or reserve officer of the Navy or of the Army. The length of the term of office of the governor shall be determined by the President's pleasure and his satisfaction with the governor's conduct."

7. "The present laws, rules, and regulations for the government of American Samoa will continue in force until the organic act is passed by the Congress. We recommend that except as changed by the organic act, these laws continue in force until amended or repealed by the legislative power of American Samoa or by the Congress of the United States."

8. "Due to the necessity of maintaining the revenue of the island government, no recommendation will be made for the lowering or abolition of customs duties."

9. "American Samoa will be described as consisting of the islands named in the cession by the chiefs of Tutuila in 1900 and by the chiefs of Manua in 1904, together with Swains Island. The island government of American Samoa will not be extended to Swains Island,"
for the recommendation of the commission is that Swains Island be governed as though it were a part of the naval station at Pagatoga."

10. "The commission will recommend that in all important cases an appeal will lie to the United States district court for the District of Hawaii, a judge of which shall come to Samoa from time to time when necessary to hear cases."

11. "The commission will recommend that a bill of rights be written into the organic act of Samoa covering substantially the following points:

No law shall be enacted respecting an establishment of religion; or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

No person shall be deprived of life, liberty, or property without due process of law, nor shall private property be taken for public use without just compensation; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb nor shall be compelled in any criminal case to be a witness against himself. In all criminal prosecution, the accused shall have the right to a speedy and public trial, to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist in American Samoa.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety shall require it. No ex post facto law
No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

No law shall be made or enforced which shall abridge the privileges or immunities of the citizens of American Samoa.

Excessive bail shall not be required, nor excessive fines be imposed, nor cruel and unusual punishments inflicted.

Hiram Bingham
Joe T. Robinson
Carroll L. Beedy
Guinn Williams
Mauga
Tufele
Maglei.

On board U.S.S. Omaha, October 7, 1930.

"In conclusion, the seven commissioners charge me to say to you that these changes which I have read to you will be recommended by the commission and I am directed to say that it must be clearly understood by you within the sound of my voice and by all other inhabitants of Tutuila-Manua that none of those changes will or can take effect until they are made law for Tutuila-Manua by Congress. It is the duty of all to obey the present laws of American Samoa until those laws are changed."

"The four commissioners who now will proceed to the mainland of the United States on the Omaha thank you again for your courteous reception and to each of you we say Tofa. Usa." 1.

The Samoan Political and Social System.

An Anthropological Approach Necessary

It is not within the sphere of this paper, nor does the author possess sufficient training or information to present

1. Quoted from "Hearings before the American Samoan Commission", Page 263-70.
a complete survey of the anthropological aspects of the Samoan people. Nevertheless, only as the problem is approached from the anthropological point of view, and as certain customs and traditions are understood, is one able to intelligently understand the problems involved in the establishing of a government for American Samoa. It is evident from an examination of the investigation conducted by the Samoan commission, that they were fully cognizant of the necessity of such an approach. So before we proceed to an examination of the proposed Organic Act, which would establish a civilian government for American Samoa, it is necessary that we understand the fundamental structure of Samoan society and certain other problems peculiar to the Samoan situation.

The Family The Unit of Society

The basic unit of Samoan social relationship is the family. But this family is considerably larger than is the family unit which usually lives under one roof in the European system. The family consists of from ten to sixty people. A son may bring his wife to live in the family, or vice versa. Cousins may live together in the same family as may relatives of the newly acquired wife or husband.
The Matai System

The head of this family is the chief or matai. This matai is not necessarily the oldest member of the family, for the succession to the title is not necessarily hereditary, but depends on the following factors: 1.

1. Personal qualifications for the position.

2. Presence of a claim;
   a. Through direct descent.
   b. Through adoption as the son of the chief holding the title.

3. Nomination.
   a. By expressed will of holder
   b. In absence of an expressed will, by the family after consideration of his personal qualifications for leadership, and his claims through descent.

The matai convenes the family group for the consideration of its common problems. Land and property are held in common, and while the title to property resides in the chief, he cannot dispose of it without the family consent. Any food raised, or anything procured by any member of the family, belongs not to the individual, but to the whole family. Even personal property does not exist, except in the case of heirlooms. As explained to me by a young Samoan, if his

1. According to Dr. Buck of the Bishop Museum of Honolulu, quoted from the "Hearings before the American Samoan Commission." Pages 72 and 73.
brothers happened to have some money, or a new lava lava, and he wanted them, he was perfectly within his rights in taking possession. Naturally, individual competitive enterprise is not encouraged under such a system. In the course of time new family branches arose, and these selected their own matais. For the purpose of leadership and cooperation, these families agreed that one of the matais should be the leader. This chief took the title of matai sili of the whole family, and when the various matais assembled, the matai sili took precedence in the drinking of kava and occupied the main post in the council house. As we shall see later, the amount of power possessed by a matai still depends upon the origin of the matai title. By alliance, ambition of individual chiefs and other factors, fine grades of chiefs have arisen:

1. Tupu - Usually referred to as king, but really a district chief, for Samoa has never had a king.

2. Alo Ali'i - Very high rank, which was probably created to commemorate some important alliance between different powerful families or villages, or between different powerful family branches residing in different villages.

3. Tama-ainga - Usually appointed from the ranks of the Sa'o, and are village leaders.

4. Sa'o - Higher grade than matai and probably
includes the matai sili. Usually two or more sa'o in each village, which coincides with the fact that there are two or more families in the same village.

5. Ali'i and Matai. Ali'i probably conveys the idea of a slightly higher status than that of the ordinary matai and probably at one time was confined to the family head or matai.

The Talking Chiefs

In addition to these chiefs are the talking chiefs, or tulafales. Titles of talking chiefs are usually associated with that of matai titles, for the original situation was that a chief could not talk for himself, but had to have the talking chief speak for him. To some extent this custom has broken down. The talking chiefs are the councilors of the high chiefs and of the family, and have charge of the distribution of food at important gatherings, as well as the right to receive fine mats at various ceremonies. An elaborate system of ceremonial has grown up around the chieftainship, and the talking chiefs have often gained powerful and almost indispensable positions. As was stated previously, a title does not become important because of the individual who holds it, but an individual becomes important because of the title he holds. A fixed order of precedence in the drinking of kava,
and in the seating arrangement in the Fono, goes with each title. So a village or district is high or low, according to the title which it holds. An individual was allowed to hold the title as long as he satisfied the requirements of the group which he represented, but when he failed to meet those requirements, the group could take the title from him and put someone else in his place.

The Fono

The village Fono is perhaps the most important of all of the Fonos because it is the largest unit wherein all the matais have common interests. The village Fono has charge of all undertakings concerning the whole village, such as the building of a chief's house, or a village guest house, fishing expeditions, malangas, or celebrations at the birth, marriage, or death of important individuals. It also has charge of all relations with other villages. A vote is never taken in a Fono gathering; a question is debated until there is a unanimous opinion held. This has sometimes resulted in a delay with which the American officials have not always had the patience and foresight to deal.

The Changing Customs

It has been the ideal of the American administration
to maintain as far as possible, the customs and culture of the Samoan people. Nevertheless, in several instances this ideal has not been realized. An example is that of the interference with matai titles. The government has insisted that all matai titles should be registered, and in cases where there has been disagreement as to who should hold the title, the administration has interfered. While this was probably done in all good faith, it was an interference with the Samoan way of doing things. Moreover, when a title is once registered, in place of a given group having power to itself decide whether a certain individual has a right to continue to hold a title, it becomes an affair of the central government.

The basic communal system of ownership will probably change as it comes into contact with the western capitalistic system. The individual Samoans in the employ of the government, earning their own salaries, are not likely to continue to give them to the matais to be divided among the different members of the family, or to be used for the family welfare. So it seems that any laws in regard to American Samoa or any government set up in her behalf, should provide safeguards against any detrimental exploitation of Samoa, and at the same time contain within itself the possibility of development and change to meet changing conditions. The Samoan people should
be granted full power and be encouraged to take the initiative in governing and developing their own country.

The Proposed Organic Law.

Let us now examine the proposed bill which provided that the islands:

"Be not erected into an organized Territory at the present time but be given a provincial status as a body politic under the name of 'American Samoa' with its own bill of rights and not the United States Constitution as its guaranty of personal liberties, and with the continuation of its present organization of government changed only in two important matters." 1.

In October, 1930, a complete "Codification of the Regulations and Orders for the Government of American Samoa", was printed for the use of the American Samoan Commission. Except as changed by the act, the laws are still to remain in force, subject to change, however, by the local legislative authority, or by Congress.

Two Principal Changes

In two very fundamental aspects, the present organization is to be changed. First, the governor is to be divested of his legislative and judicial power, except the

initiative and the veto; and second, the powerful office of native affairs is to be abolished. The divesting of the governor of his legislative authority, and placing it in the Fono, would in effect change the government of American Samoa from one by arbitrary order to one of law. The annual meeting of the Fono, which we have described elsewhere, would continue, but it would become the supreme legislative authority. The governor would have the right to propose legislation and to veto bills passed, but in case the Fono passed vetoed bills by a two-thirds vote of all members of the Fono, it would become law if approved by the President of the United States. This change is one almost universally requested by the natives who testified before the Samoan commission. It was also urged that the office of native affairs be abolished. In fact there had been previous proposals to abolish this office and substitute others, but Congress had failed to make the necessary appropriations. There are two reasons why the office of the Secretary of Native Affairs should be abolished:

1. The responsibilities and duties are more than one man can efficiently and intelligently attend to.

2. In the course of his administrative duties, cases arise over which he has judicial authority as American judge. Necessarily, he is not able to approach the case without having already pretty well made up his mind concerning it.
The Chief Justice and Attorney General

In place of the office of native affairs is to be the chief justice, who will have charge of all the judicial functions of the former office, and an attorney general to perform the other duties of administration, prosecution, and to assume the duties of governor during his absence or disability. The salary of the governor is to be $10,000.00 and that of each of the other two officers $6,000.00, all of which is to be paid by the United States. Allowances are also made for travel and leave of absence for these officers, and for a private secretary to the governor, and an interpreter.

Qualifications and Terms of Office of the Governor, Attorney General and Chief Justice

The governor, attorney general and chief justice are to be appointed by the President, with the advice and consent of the Senate. The first two hold office at the pleasure of the President, and the chief justice for a term of four years. Whereas the governor is at present invested with his office by virtue of his position as commandant, this is no longer to be the case. He may, under the proposed act, be a civilian, or an active or retired officer of the Army or Navy.
Restrictions Upon the Power of the Fono

Certain restrictions are to be imposed upon the membership and powers of the Fono in the best interests of the whole people. All members have to be citizens of American Samoa, and no person who has been divested of his civil rights, or is insane, may be a member. Franchises can be granted only with congressional approval; private charters cannot be granted but companies can be formed for certain purposes. Divorces cannot be granted unless the applicant has resided in American Samoa at least one year preceding the application. There are rules against lotteries, regulations of the use of public money, and of the creation of any public debt.

The Judicial System but Slightly Altered

The judicial system is to remain for the most part unchanged, except that the attorney general is to conduct all important prosecutions, and that the chief justice is to be the center of the judicial system. The jury system is not to be introduced at present, but the Fono may decide this matter in the future. The American judge may sit in the district courts and then preside over the upper court in case of appeal, but is no longer compelled to preside over the district court. In case of appeal from the upper
court, the case is to be referred to the United States district court for Hawaii, which is to sit in American Samoa for the hearing of such cases.

Samoan Citizenship, Immigration and Land Laws

One of the most important matters to be decided by the commission in framing the Organic Act was the question of Samoan citizenship, for a person not eligible to Samoan citizenship would necessarily be placed at a disadvantage in regard to many things, especially the right of ownership of land. In regard to land ownership, we find the following provisions:

Paragraph 1. "The word 'native' in this regulation shall mean and include aboriginal natives of the island of Samoa, and the word 'non-native' shall mean and include any other person. The term 'native land' shall mean and include land owned by a native."

Paragraph 2. "From and after the coming into force of this regulation, the alienation of native lands within the limits of American Samoa to a non-native is prohibited."

The purpose of this act was commendable, for it prevented the alienation of native lands. With the exception of a few free-hold titles granted previous to 1900, there is no land held in fee simple by non-natives. But the term non-native discriminates against a person of part Samoan

blood, for he is not allowed to own land. This is a discrimination not applied in any other part of Polynesia, and as a whole those testifying before the commission favored its abolition. The discrimination, however, is not so severe as one might at first suppose, for, as long as a part Samoan cares to live within the family, he suffers little or no discrimination, for private ownership, as we have seen, has been of little importance in American Samoa. So the commission proposed that there be created a dual citizenship according to the following terms: first, that the inhabitants of American Samoa on February 20, 1929, and their children born subsequently, be made citizens of the United States, provisions being made for the preserving of their new status by natives residing elsewhere; second, that there be created a citizenship for American Samoa among the American citizens of Samoa, in which there shall be no discrimination against any person of full or part Polynesian blood. Five years residence is necessary to citizenship and Samoan citizenship may not be granted to anyone not already an American citizen, but beyond these, the Samoan people may make whatever provisions they desire. According to these provisions any Polynesian, whether Samoan or not, could not be discriminated against. One of the reasons for the use of the term "Polynesian", rather than Samoan, was that several
Polynesians from the island of Niue, live in American Samoa in intimate relationship with the Samoans. Because of this term there will be no possibility of unfair treatment. Objections were raised in the House Committee that because of this provision, and because the immigration laws of the United States are not to apply to American Samoa, that there is the possibility of people from other nations, especially western Samoa, gaining entrance into the United States through American Samoa. The reason for not applying the immigration laws of the United States is that there has been and should continue to be, free travel between American and British Samoa. This objection could probably be met by the inauguration of a system of passes between the two groups of islands. Anyway, there is little danger of a wholesale influx of Samoans into the United States. These laws leave the question of citizenship up to the Samoan people. It is possible that they might sometime extend Samoan citizenship to American citizens without any Polynesian blood; therefore, a clause prohibiting this could wisely be inserted. No land can be owned freehold or leased for a period exceeding twenty years except by a citizen of American Samoa.
Making of Treaties

Because in the past there have been treaties made with western Samoa, a provision was placed in the Organic Act forbidding the Government of American Samoa to enter into treaties, alliances, or confederations.

Shipping Laws not Extended to American Samoa

According to the provisions of the Berlin convention of 1899, the three powers were to enjoy equal trade privileges in the islands. 1. In accordance with the convention the maritime shipping laws of the United States restricting to American vessels the right to transport merchandise or passengers between ports of the United States, are not applicable to foreign vessels engaged in trade between the islands of American Samoa, or between those islands and the United States. This agreement of the convention, however, has been violated by both the United States and the New Zealand Government. Acting in accordance with article 22, of the treaty of Versailles, New Zealand extended its tariff regulations to Western Samoa, thus inaugurating the preferential system. In 1930, Sears, Roebuck & Company protested to the State Department against paying a 15% ad valorem rate on goods entering American Samoa

1. Refer to the Berlin Treaty on page 11.
or else that American goods be allowed to enter western Samoa at the same rate. In reply, Secretary of State Stimson said:

"When this government protested against the discriminatory tariff of western Samoa, the government of New Zealand replied that the extension of the coastwise shipping laws to American Samoa under the American Merchant Marine Act of 1920 constituted a violation of the above quoted language from the Treaty of 1899." 1.

With the ceasing of this discriminatory practice by the United States, we will at least be in a position to discuss the question of discriminatory tariff imposed by New Zealand. It is possible that New Zealand would contend that the Treaty of Versailles, which allows a Class "C" mandate to be administered as an integral part of the mandatory power, really takes precedence over the Berlin convention.

American Tariff Laws Not Applicable

Thus in order to maintain the provisions of the Berlin Treaty, and also as a method of raising revenues, the tariff laws of the United States are not to extend to American Samoa. However, merchandise and articles which are the growth, production, or manufacture of American Samoa, coming

into the United States from there, are to be entered at the several ports of entry free of duty.

**Fiscal Matters**

The Income tax laws of the United States are not to be applicable to American Samoa unless made so by a specific act of Congress. On the other hand, all laws of the United States carrying general appropriations are to be extended to the islands. For the present at least, Samoa is to be a poor financial proposition. However, the United States has never paid anything for the use of Pago Pago harbor, which is one of the best in the south seas, so perhaps there can be little just complaint on the score of finance.

**Conclusion**

In this new proposed government of American Samoa, two essentials of good administration are provided for: first, the people are to be protected against their own political inexperience, and exploitation by outside interests; second, as they become more capable of ruling themselves, greater responsibility can be given them without any serious delay, and without any fundamental change in the political organization.

A fundamental structure of government and a code of
laws is provided in the present government and codified laws of American Samoa, and will probably be altered but little for a considerable time. Certain restrictions are to be placed on the Fono as we have stated, but for the most part it has a free hand, subject to veto by the governor, however. But, unlike the present arrangement, by a two-thirds majority of all members, the Fono may appeal to the President. By making it illegal to discriminate against any person of part Polynesian blood, and by a bill of rights, the people are protected. According to the proposed laws, only Polynesians will be citizens, with the opportunity of land ownership and other privileges. The Organic Law also protects the people against outside exploitation by placing restrictions on the granting of charters to private companies. But under the Naval administration, the people of Samoa, except in the case of part Samoans, enjoyed most of these rights and privileges. It is in regard to the opportunity provided for self-reliance and initiative on the part of the Samoans that the proposed Organic Act is really important. Heretofore, the governor and the American officials have really taken the initial steps in most changes. The Fono has really catered to the will of the American officers, partly because these officers have been men of greater education and experience, and partly because the Samoans have not wished to incur their ill will. The
governor is still to have the right to propose legislation, but the Fono will have to act upon it before it becomes law. Orders can no longer be superimposed from above.

Those who testified before the American Samoan commission recognized and expressed their appreciation of the help of the American officials and the work done by the Naval Department, particularly in regard to health work, and the handling of the copra crop. They also realized that the continued assistance of the officials would be necessary for some time to come. As the Samoans gradually gain in education and experience, they will be able to assume corresponding responsibilities.

So for a long time to come, the United States Government will have to carefully guard its Samoan ward, but it must do this so that when this ward becomes of age it will be able to take its place within the American family of self-governing people.
APPENDIX.

Public Resolution No. 89 70th Congress.

(J. Res. 110)

JOINT RESOLUTION To provide for accepting, ratifying, and confirming the cessions of certain islands of the Samoan group to the United States, and for other purposes.

Whereas certain chiefs of the islands of Tutuila and Manua and certain other islands of the Samoan group lying between the thirteenth and fifteenth degrees of latitude south of the Equator and between the one hundred and sixty-seventh and one hundred and seventy-first degrees of longitude west of Greenwich, herein referred to as the islands of eastern Samoa, having in due form agreed to cede absolutely and without reserve to the United States of America all rights of sovereignty of whatsoever kind in and over these islands of the Samoan group by their acts dated April 10, 1900, and July 16, 1904: Therefore be it Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) said cessions are accepted, ratified, and confirmed, as of April 10, 1900, and July 16, 1904, respectively.

(b) The existing laws of the United States relative to public lands shall not apply to such lands in the said islands of eastern Samoa; but the Congress of the United States shall enact special laws for their management and disposition: Provided, That all revenue from or proceeds of the same, except as regards such part thereof as may be used or occupied for the civil, military, or naval purposes of the United States or may be assigned for the use of the local government, shall be used solely for the benefit of the inhabitants of said islands of eastern Samoa for educational and other public purposes.

(c) Until Congress shall provide for the government of such islands, all civil, judicial, and military powers shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall
direct; and the President shall have power to remove said officers and fill the vacancies so occasioned.

(d) The President shall appoint six commissioners, two of whom shall be members of the Senate, two of whom shall be members of the House of Representatives, and two of whom shall be chiefs of the said islands of eastern Samoa, who shall, as soon as reasonably practicable, recommend to Congress such legislation concerning the islands of eastern Samoa as they shall deem necessary or proper.

(e) The sum of $25,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be expended at the discretion of the President of the United States of America, for the purpose of carrying this joint resolution into effect.

Approved, February 20, 1929.

Public Resolution No. 3 71st Congress.

(3. J. Res. 36).

JOINT RESOLUTION To amend Public Resolution Numbered 89, Seventieth Congress, second session, approved February 20, 1929, entitled "Joint resolution to provide for accepting, ratifying, and confirming the cessions of certain islands of the Samoan group to the United States, and for other purposes."

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (d) of Public Resolution Numbered 89, Seventieth Congress, second session, approved February 20, 1929, entitled "Joint resolution to provide for accepting, ratifying, and confirming the cessions of certain islands of the Samoan group to the United States, and for other purposes," is hereby amended as follows: In line 1, strike out the word "six" and substitute therefor the word "seven"; in line 3, strike out the word "two" and substitute therefor the word "three"; and in line 3, between the words "chiefs" and "of," insert the words "or high chiefs," so that the said paragraph (d) will then read as follows:
"(d) The President shall appoint seven commissioners, two of whom shall be Members of the Senate, two of whom shall be Members of the House of Representatives, and three of whom shall be chiefs or high chiefs of the said islands of eastern Samoa, who shall, as soon as reasonably practicable, recommend to Congress such legislation concerning the islands of eastern Samoa as they shall deem necessary or proper."

Approved, May 22, 1929.
BIBLIOGRAPHY

UNITED STATES GOVERNMENT DOCUMENTS

"Joint Hearings Before The Committee on Territories and Insular Possessions - United States Senate, and the Committee on Insular Affairs - House of Representatives - Seventieth Congress."

"A Resolution Providing For The Appointment of A Joint Committee of Congress to Investigate Conditions in American Samoa."

January 17, 20, and 21, 1928


"Message From The President of the United States Transmitting The Report of the American Samoan Commission Appointed Pursuant to Public Resolution No. 89, Seventieth Congress, and Public Resolution No. 3, Seventy-first Congress" (contains the proposed Organic Act.)


"Hearings Before The Commission Appointed by the President of the United States in Accordance with Public Resolution No. 89, Seventieth Congress, and Public Resolution No. 3, Seventy-first Congress."


"Codification of the Regulations and Orders for the Government of American Samoa."
"Customs, Immigration and Harbor Regulations, American Samoa."

(Printed for the use of the American Samoan Commission)

Congressional Record
Volume 70 . . . . . . . Pages 3543 and 3411
Volume 72 . . . . . . . Pages 9145 - 9

Foreign Relations of the United States - 1888
Volume II, Pages 574, 75, 77, 78, 91, 94;
613, 627, 648, 651, 662, 675, 676; 704, 714
725, 728, 738, 743, 752, 780, 790, 798.

BOOKS AND PAMPHLETS

"A Government History of American Samoa" - October 1, 1926.

"This History of American Samoa is a Revision and
Expansion of the 46 page pamphlet entitled 'American Samoa -
A General Report by the Governor', printed in 1922, which
was a revision of reports made by Governor W. M. Crose in

Available at Government Printing Office at Washington.

Henderson, J. B. - "American Diplomatic Questions"
The Macmillan Company, N. Y. 1901

Mead, M. - "Coming of Age in Samoa"
W. Morrow & Company, N. Y. 1928
Mead, M. - "Social Organization of Manua"  
Bernice P. Bishop Museum - Bulletin 76 - 1930

Scholefield, G. H. - "The Pacific - Its Past and Future"  
Chapters IX and X.  
John Murray - London, 1919

Stevenson, R. L. - "A Footnote to History"  
C. Scribner's Sons, N. Y. 1892

Watson, R. M. - "History of Samoa"  
Whitcombe and Tombs, Ltd., London, 1918

Williamson, R. W. - "The Social and Political Systems of Central Polynesia" - 3 volumes  
Cambridge Press - Cambridge 1924

MAGAZINES AND NEWSPAPERS

"The Friend" A Magazine published by the Hawaiian Board of Missions.

November 1845  
April 2, 1849  
June 1, 1872  
January 1877  
May 1889  
February 1929

"Mid-Pacific Magazine"

Volume 2 1911  
" 14 1917  
" 15 1918  
" 7 1919
Caldwell, E. N. - "Samoa - American Samoa's Demand for Civil Government"
Current History - September, 1930

Condiffe, J. B. - "New Zealand's Troubles in Western Samoa"
Foreign Affairs - April, 1930

Powell, C. H. - "Insular Possession"
Survey - December 31, 1921

Ripley, S. - "Our Naval Autocracy in Samoa"
Nation - March 15, 1922

Blakeslee, G. H. - "Future of American Samoa"
Foreign Affairs - October, 1928

Ripley, S. - "Samoa, Shall We Navalize or Civilize It"
Nation - April 4, 1926

Slosson, E. E. - "Battle that Never Was Fought"
Independent - March 8, 1919

Stronach, A. - "White Judge in Tutuila"
Asia - April, 1921
Tilly, B. R. - "United States in Samoa"
Independent - August 2, 1900

"Samoa and the United States" - Documents
Nation - March 15, 1922
(International Relations Section)

"American Samoa and the Navy Department"
Nation - April 12, 1922
(International Relations Section - A letter by the Secy.
of the Navy Department to C. S. Hannum)

"The Terror in Western Samoa" - New Zealand Mandate
Nation - August 13, 1930

Greene, A. - Articles on the Trouble in Samoa
in 1921-22
Pacific Commercial Advertiser
Honolulu, December 7 and 8, 1920