

United States v. Zhou Liang (9th Cir. 2000)

Zhou Liang was engineer of the *Yuan Yun 6802*, which was attempting to smuggle 103 Chinese individuals into Guam.

The vessel was seized by the U.S. Coast Guard when it was 1,000 yards from the coast of Guam, and the vessel was then taken to Tinian, in the CNMI.

What is the proper venue for the crime of smuggling?

Court rules that Guam is the only proper venue, “because Zhou committed no crime in the CNMI.”

Government of Guam v. United States (9th
Cir. 1999)

Guam sought a return of 24,000 acres of dry and submerged lands.

Guam's statutory arguments are rejected.

And Guam's arguments based on *aboriginal title* are also rejected –

Court “assumes, without deciding, that the doctrine of aboriginal title applies to the native inhabitants of Guam.”

But then concludes that only tribes and tribal members can claim such aboriginal title, that the Government of Guam cannot act as trustee for the native people of Guam, and only the United States could play that role.

Leon Guerrero v. Clinton (9th Cir. 1998)

Guam, CNMI, and Hawai`i all sued to require the Office of Insular Affairs to issue annual reports, as required by the Compact of Free Association Act of 1985.

The island governments wanted these reports, because they wanted information about the number of immigrants from the Micronesian freely associated states into their jurisdictions and the impact of these immigrants on their social welfare infrastructure.

[The compacts of free association allow the free movement of Micronesians into the United States, but declare the intent of Congress that this process not “cause any adverse consequences for the United States territories and commonwealths or the State of Hawaii.” The annual reporting requirement was enacted to “further the Congressional objective of avoiding adverse consequences.”]

A report was issued in 1989, but no other reports were issued until 1996. In 1995 and 1996, Congress appropriated aid to Guam and the CNMI for Compact costs.

Leon Guerrero v. Clinton (9th Cir. 1998)

The Director argued

* that the governments lacked *standing* to compel him to comply with the statutory reporting requirement,

* that “their only *concrete interest* is the failure of Congress to act sympathetically to redress the Compact’s adverse consequences,”

* that this “interest is neither *fairly traceable* to the Director’s conduct nor *redressable* by the relief requested.”

The governments responded that “they’ve shown *nonspeculative injury to their concrete interests* [because] the 1996 report shows the presence of diseases and adverse effects on law enforcement as a result of Compact immigration.”

Guam argued in addition that “the people of Guam...have special third-party standing as disenfranchised United States citizens and pursuant to Article 73(a) of the Charter of the United Nations.”