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ENTREPRENEURSHIP

## Congress of the United States

House of Representatives

Washington, DC 20515-5200

## COMMITTEE ON NATURAL RESOURCES

SUBCOMMITTEE ON

INDIGENOUS PEOPLES OF THE UNITED STATES

SUBCOMMITTEE ON

WATER, OCEANS, AND WILDLIFE

## COMMITTEE ON VETERANS' AFFAIRS

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SUBCOMMITTEE ON

OVERSIGHT AND INVESTIGATIONS

March 1, 2021

The Hon. Stacey Plaskett  
2404 Rayburn House Office Building  
Washington, DC 20515

Dear Stacey,

Can you imagine how you would feel if some federal court determined that the U.S. acquisition of the Virgin Islands was somehow flawed and ruled that it should be returned to Denmark? Well then, you can appreciate how Samoans would feel if a federal court ruled that Samoans, who are U.S. nationals by birth, were made U.S. citizens without their consent. In both cases, it is a matter of our dearly held shared belief in the principle of self-determination. Unfortunately, if a case currently before the Federal Appeals Court in Denver were to uphold a lower court ruling that would confer upon Samoans U.S. citizenship by judicial fiat, that is precisely what would happen, setting a precedent with unknown consequences for all of us.

Were the decision only to affect nationals residing in any of the states or other territories it would be a different matter but something that would affect the political status of those of us calling American Samoa our home would be terribly unfair and just plain wrong, which is why the American Samoa Government and I together have intervened formally with the court in opposition to the plaintiff.

You see, what is good for the other territories is not necessarily good for American Samoa. American Samoa is unique among the territories because the United States did not acquire sovereignty through purchase from or conquest of an Asian or European power. When our chiefs ceded Eastern Samoa to the United States, we did so with the written commitment from Washington that our culture and land tenure system would be preserved and that the U.S. Constitution would not fully apply. Uniquely we also control our own borders, customs and immigration. Finally, we again stand out alone among the territories by having a population that consists primarily of indigenous people. I know you understand all this, but judges and others not familiar with the territories think we must have a second-class status because we are nationals not citizens.

To the contrary, Americans Samoans believe we have a superior status because we have the flexibility to either loosen or strengthen our relationship with the U.S. and would do so only through a process of self-determination. However, because not all Samoans living in the states might see it that way, I am introducing legislation that would cure that problem for the plaintiffs in the Denver case as well as any other national in the states who would like an expedited process to become a U.S. Citizen. Because not all nationals living in the states want to change their status, the bill would keep conversion to citizenship voluntary.

We all can agree that there is some unfortunate language in the century-old Insular Cases based on attitudes of the day, but as the saying goes, let's not throw out the baby with the

bathwater, at least in the case of American Samoa. Please know that I stand with you shoulder to shoulder on any change you wish to make with regard to USVI's relationship with the U.S., but I do ask that it not be applied across the board to all territories.

Article IV Section 3 clause ii of the U.S. Constitution gives Congress responsibility for disposition of the territories. I do not believe we should cede that authority to the judicial branch but will support you if you do, so long as it does not involve American Samoa. Whatever the outcome of the court case, it surely will be appealed further. I ask you to not support this case and ensure that Congress not the Court can utilize its constitutionally prescribed territorial powers to ensure that the self-determination, land tenure, and border control rights of the people of American Samoa are fully protected until such time as our people ask for change.

Please find attached a copy of a draft bill I intend to submit for consideration by the House. Before introducing it, I would solicit your comments so that I am not inadvertently affecting USVI and intend to ask you to be an original cosponsor.

Sincerely,



Aumua Amata Coleman Radewagen  
Member of Congress

Attachment: