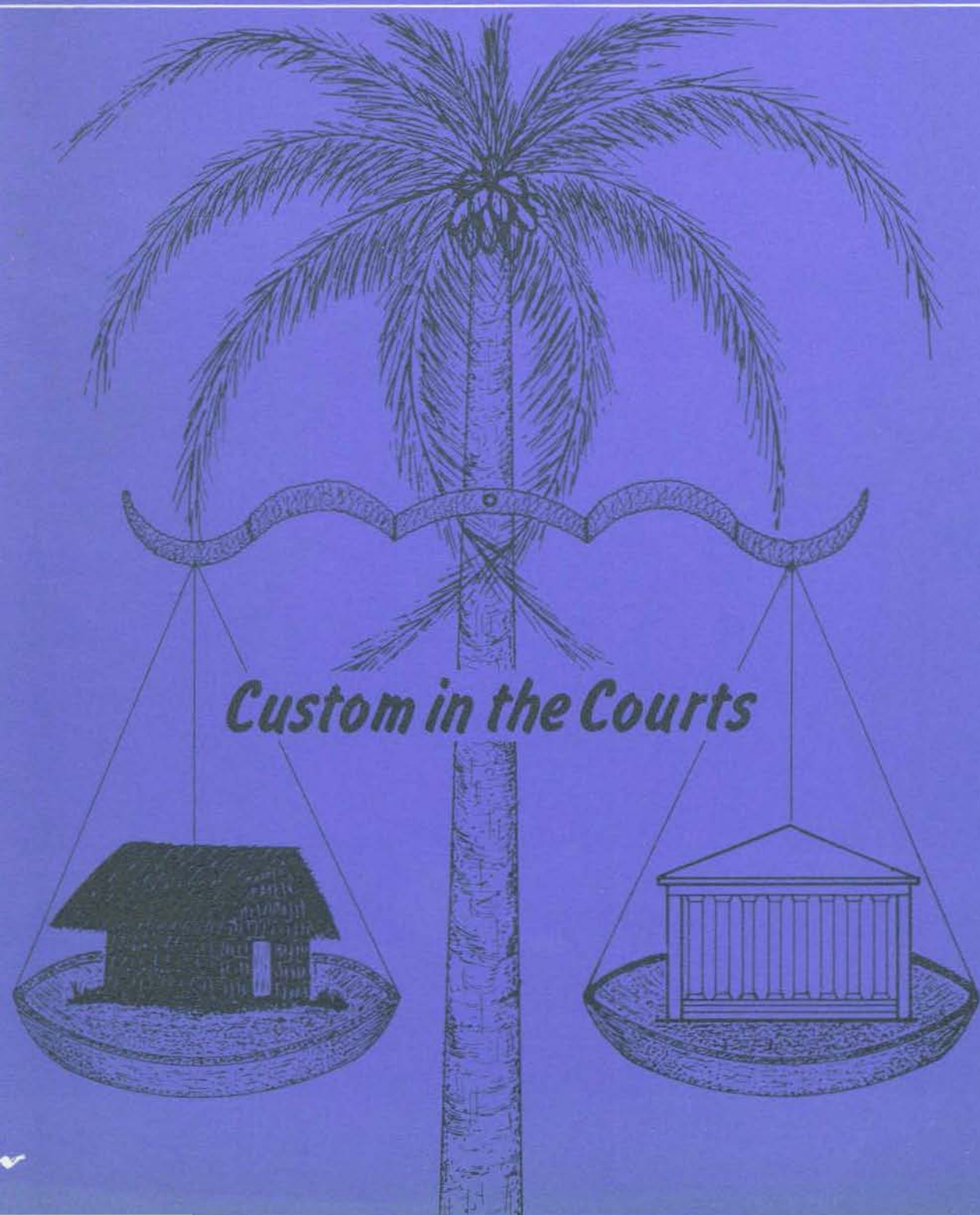


MicronesianReporter

THIRD QUARTER 1972



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CREDITS:

COVER: Illustration and design by Nicolas C. Guerrero

PHOTOGRAPHS: Pages 2, 3, 5-8, Johannes Ngiraibuch;
page 19, US Navy; pages 20-23, back cover,
Michael Littler; page 24, Palau Museum;
pages 28-32, Jon Anderson; page 33, 34,
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ILLUSTRATIONS: Pages 9, 14, from Trust Territory Master Plans;
pages 12, 15-18, Nicolas C. Guerrero; pages
25-27, paintings by Rechucher Charlie
Gibbons; pages 36, 37, 40, 41, Harvey Helfand.

MicronesianReporter

The Journal of Micronesia/Third Quarter 1972/Volume XX, Number 3

PUBLISHER: The Public Information Office, Trust Territory of the Pacific Islands, Edward E. Johnston, High Commissioner.

EDITOR: Jim Manke, Chief, Public Information Division—Department of Public Affairs, Strik Yoma, Director

STAFF ARTIST: Nicolas C. Guerrero. STAFF PHOTOGRAPHER: Johannes Ngiraibuch.

Micronesian Reporter is published quarterly by the Public Information Office, Trust Territory of the Pacific Islands, Saipan, Mariana Islands 96950. Subscriptions \$2.50 per year, \$4.00 air mail, payable in advance. Check or money order should be made payable to Trust Territory Treasurer and sent to the Circulation Department, Micronesian Reporter. The funds for printing this publication approved by Director of the Budget on July 29, 1966. Printed in the Territory of Guam, U.S.A. by the Navy Publications and Printing Office. Stories and photographs are welcome; stories in manuscript form, photos 8 x 10 prints or undeveloped film. Send contributions to the editor.

Who's Who

...in this issue of the Reporter

This Quarter's Worth

The Third Branch

Activities of the Judiciary rarely come to the attention of the public at large except in those occasional trials that create a special interest, or perhaps when a prominent judge retires, or perhaps at the scattered ceremonies which mark the observance of Law Day each May.

The Courts are administered by the Chief Justice of the High Court on Saipan, with whom the *Reporter* discussed trial proceedings, crime and punishment problems, and the relationship of this third branch of the government to the other two branches.

The Interview touches briefly on the question of custom in the courts, and this subject is explored in more detail in a subsequent article written by a former Trust Territory Attorney General.

Times Change

In this twentieth year of the *Micronesian Reporter* and its predecessor publication, *Micronesian Monthly*, we have been reprinting articles from past issues of the magazine. This quarter, there are excerpts from three issues published ten years ago. They add up to remarkable

reminders of how quickly times change, and give one pause to think about what things might be like ten years from now.

Our RERUN feature begins on page 33 with the news that Trust Territory Headquarters is moving from Guam to Saipan. We recall on page 34 that the first *bona fide* tourists made their visit to the Trust Territory ten years ago. And the six stars on a field of blue were first raised over Micronesian islands in 1962, according to another article.

This year, the tourism office for the Trust Territory says that 33,000 people will visit Micronesia. As for establishing a capitol for Micronesia and waving the six-starred flag, the Marianas District has moved decisively to disengage itself from the other five districts when the Trusteeship Agreement is eventually terminated. And that will mean moving the capitol again, and changes in the flag.

Credibility Department

In a letter subsequent to that with which he submitted this quarter's article on the first encounter between Americans and Palauans, Dirk Ballendorf wrote that to be absolutely truthful, the crewmembers of the *Mentor* were not the first Americans to come to Palau. In 1791, Ballendorf says, an American by the name of Amasa Delano from Duxbury, Massachusetts, arrived in Palau aboard a British ship. Delano became a great friend of the Abba Thule (Ibedul—Chief of Palau) and assisted him in suppressing some rebels.

Of such footnotes are scholars made, and by such admissions do we keep our record, and Ballendorf's, clean. —J.M.

Robert A. Hefner served as Deputy Attorney General and as Attorney General during a tour of a little more than two years in the Trust Territory. When he left Micronesia in early 1971, he returned to the practice of law with the firm he had left in Southern California.

Guadalupe C. Borja returned to her home in the Marianas last year after schooling and some work in Hawaii. She recently joined the Public Information Division at Headquarters as an Information Specialist.

Evelyn O. Littler is beginning her fourth year as a teacher of English and Journalism at Ulithi's Outer Islands High School. **Mike Littler**, Principal at OIHS, supplied the photographs to accompany his wife's narrative.

Hera Ware Owen is Director of the Palau Museum, one of the more fascinating places to visit in the Trust Territory. The Owens have been in Micronesia for many years, primarily in Palau, where her husband is the Trust Territory's Conservation Officer.

Jon A. Anderson represented the Public Information Division on a recent survey trip to Eniwetok Atoll, which is to be returned to the Trust Territory at the end of 1973. His impressions record another chapter in the process of returning displaced Marshallese to their home islands.

Dirk A. Ballendorf records the often tragic events of the first encounter between Americans and Palauans in his latest contribution to the *Reporter*. Ballendorf and **Harvey Helfand**, a San Francisco architect who supplied the illustrations for the story, both were in the Peace Corps in Micronesia, and each has been published in this magazine before.

INTERVIEW:

Chief Justice Harold W. Burnett

The Trust Territory Judiciary is an almost entirely Micronesian branch of the government with the exception of a few staff members of the High Court and the Community Court Judges at Kwajalein who are expatriates. Increasing efforts are being made to upgrade the capabilities of the District and Community Court judges, and as the Administrator of the Courts, Chief Justice Harold W. Burnett, says in the interview which follows, it is not inconceivable that there would be a Micronesian High Court Justice in the not too distant future.

In its own quiet way, the Judiciary continues to support further education for potential lawyers and Judiciary staff. A student on a Judiciary scholarship is starting his third year at UCLA Law School; a girl continues her studies in court reporting, and other young ladies will soon be undertaking similar training; two district court judges recently went to Reno, Nevada, to attend a summer session at the College for Juvenile Court Judges; law courses from La Salle Extension University are being taken by judges and other court employees.

Chief Justice Burnett has been with the High Court since 1968, when he was appointed an Associate Justice with his residence in Ponape District. A little more than a year and a half ago, he moved to Saipan to become Chief Justice when Robert K. Shoecraft resigned. Burnett was no stranger to Micronesia; before moving to the Trust Territory, he had been an attorney on Guam since 1952, working primarily with the Attorney General's office there. The interview touches on many aspects of the Judiciary's work in the Territory, including the frustrations which the Courts encounter in meting out justice to offenders against the laws in the constantly changing societies in which Micronesians must live.

REPORTER: What is your precise responsibility with respect to trials that come before the High Court? Do you have a certain area of the Trust Territory for which you are responsible, certain types of cases that you hear?

BURNETT: As a starting point, the jurisdiction of the High Court is concurrent with all of the other courts in the Trust Territory. In other words, we can, on the trial level, take jurisdiction in any case which is brought before the court. Generally speaking, we do not; our jurisdiction is usually exercised in criminal felonies which call for a penalty in excess of five years in prison (anything below that is in the District Court), and in civil matters, involving a claim in excess of \$1,000. In addition to that, all land matters and maritime or admiralty matters are within the exclusive jurisdiction of the Trial Division of the High Court.



REPORTER: There have been some complaints that persons tried before the High Court are at the end of the line—that there is no appeal from High Court decisions. Is this true? If not, what avenues are open to a litigant?

BURNETT: It is true that there is no appeal beyond the Appellate Division of the High Court. Section 357, Title 6 of the Trust Territory Code provides that until the Congress of the United States provides otherwise, decisions of the High Court Appellate Division are final.

There has been, of course, a considerable amount of discussion of possibilities of providing further appeal, particularly to tying the Court into the U.S. Ninth Circuit Court of Appeals.

And there has been, I believe, some legislation over the past several years introduced for that purpose. But to this point, and in view of the current state of flux politically of this area, I think it very unlikely that there will be any action taken by the U.S. Congress to tie the Court in for appeals to the U.S. Court system.

REPORTER: How frequently are cases actually appealed to the Appellate Division?

BURNETT: We sit essentially on my assignment, and we have not scheduled any regularly assigned periods of time within which we do hear appeals. It depends essentially upon the load, how many cases might be awaiting hearing, how many cases might be all briefed and ready for argument, and so on. As a general rule, we would like to hear oral argument in the district within which the appeal arose—where the trial is held. And, of course, this can present problems because, knowing the logistics of the Trust Territory, we can see that it can be a problem in pulling together a three-man panel and making the circuit. Last year we did make one such round and we heard every case that was ready for argument, in Truk, Ponape and the Marshalls; and at that time there were over twenty cases ready. At this time the number is considerably less.

REPORTER: We have heard, most recently from Truk District, that there is a considerable backlog of cases. Is this so, and what would cause this?

BURNETT: I think I would comment on that only to the point where I would say that I think it's correct—that it may very well be, not only in Truk District, but in a number of other districts as well. I think it's quite a valid complaint. There is quite a combination of reasons for this. I'm really not sure I could go into any exposition of what I think the reasons are at this time.

REPORTER: Could one of the reasons be a lack of judicial personnel, either at the clerical level or a lack of judges?

BURNETT: I would like very much to see at least one additional High Court Judge. To that end, in the last budget which I prepared, I did take up with the Joint Budget Committee of the Congress the question of adding a fourth judge, and I obtained their concurrence. Now I think that certainly this would make a great deal of difference. At this time there are three of us on the Court. Theoretically we

divide the trial responsibility three ways, and that is perhaps as it should be. But I find that much of my time is taken up with generally administrative matters, some of which are on-going and common, and some of which are not. At least this has been my experience over the last year, so that I have not been able to devote as much time to the job as I would really like to do—that is, at the trial level.

REPORTER: Has the Congress of Micronesia generally been receptive to the problems of the Judiciary, not only in budgetary terms, but also in other respects?

BURNETT: I think that they have been extremely responsive, and are prepared to be and have been extremely helpful. I have, since becoming Chief Justice, maintained with the Judiciary Committees, for example, a fairly close working relationship just in terms of discussing general problems. I'm satisfied that they're prepared to be very helpful and certainly have been on the occasions when we have met in the past.

REPORTER: Moving to another area, a few moments ago you referred to the uncertain political situation in Micronesia. Would you care to speculate on how a change in political status would affect the Judiciary?

BURNETT: It's almost impossible for me to say how it would affect the Judiciary because the answer to that is going to come, I think, out of the manner in which the political status question is resolved. Now, when I spoke of uncertainty, it was within the context of saying that I thought it very unlikely that the U.S. Congress was going to provide for any further avenue of appeal until there had been a resolution of this question of political status. In other words, how is Micronesia going to exist in the future in relation to the United States and with the thought that any further steps that the Congress might take would very likely be held in abeyance until there had been a determination on that basic



question. Now, I really do not know, and I'm not sure that I can hazard a guess, what sort of changes might take place with respect to the Judiciary. I suspect that before there is a political change in the relationship that the people of Micronesia themselves are going to determine what the framework of their government should be—whether they are going to want to continue through their constitution the framework of government that we have provided here, with an Executive, Legislative and Judiciary and so on; whether they want in their constitution to continue some of the same basic provisions that whoever first adopted this Code included in the first twelve sections of the Code, lifted out of the Bill of Rights of the United States Constitution; whether through the Constitution of Micronesia they're going to want to continue the organization of the courts—the Community, the District, the High Court—or maybe they would want something else; whether they want a Chief Justice to administer the courts; whether it's going to be a parliamentary sort of thing; whether there's a Minister for Justice who has that responsibility. I think that that has to wait for a decision by the people, as to whether they want to follow what we have provided or to adopt something else.

REPORTER: Assuming the system is continued roughly the way it is currently, do you see a continuing need for American-trained judges?

BURNETT: I think certainly there will be, especially if you were to assume the continuation of the same basic pattern. You say "American-trained"—this doesn't necessarily mean that I am going to be here for ten years or fifteen years—but we have at the moment I don't recall just how many Micronesian American-trained lawyers who are already here and who are working now. We have a very substantial number more who are at varying stages in law school. So certainly there is going to be at least a place for the American-trained lawyer. Our whole pattern of education, the whole social pattern, has been tied to the American-trained lawyer.

REPORTER: So American *training* is the principal concern rather than Americans. Without getting into specific individuals, do you see the day soon when there might be a Micronesian Associate Justice on the High Court?

BURNETT: It's conceivable, certainly. We have some extremely capable Micronesian graduates of American law schools who are working in different areas of the Trust Territory. Without speaking in terms of any personal identification at all, I would say that any one of them at some point would be perfectly capable of taking a place on the High Court. I would like, and I would prefer, to see them have a period of exposure to the general practice of law and possibly a period of time on one of the lower court levels such as the District Court, before stepping into the High Court. I think that there is nothing worse that can happen to a young professional than to be put in a position which is going to expose him to problems which may be beyond the level of his experience. But I would like to think that every graduate Micronesian lawyer is in a sense a potential judge, depending upon how his interests and his inclinations might lead him.

REPORTER: Is there any body which reviews the performance of Judges on the Trust Territory High Court? In other words, who could determine if a Justice ought to be removed for not performing his job adequately?

BURNETT: Well, with respect to the others on the Court, the first responsibility to make that determination is mine. With respect to myself, I would assume that the determination would be made either by Deputy Assistant Secretary of the Interior Carpenter or the Solicitor of the Department of the Interior.

REPORTER: I don't mean to belabor a seemingly negative line of questioning, but let me ask you about some recent complaints about the performances of your Associate Justices. There have been resolutions from some District Legislatures asking for the removal of these men. What is your response to these resolutions, and why do you think these complaints have arisen?

BURNETT: Well, to answer the first part of your question when you speak of these resolutions, the first one was from the District Legislature in Palau. My response to the Legislature was that a Judge is never removed for a decision, however "wrong" it might be. There has always been an avenue for judicial redress through appellate procedures for judicial "error." The fact that any number of people might disagree with the conclusion of the Judge would not warrant removal on that basis. Now, you referred to another resolution—this would be the one coming out of the Marshalls District—which I have received formally only in the past few days. I had been informed earlier that such a resolution was before the Legislature and that it had been acted upon, but I had not received it. My response was, in effect, a request of the Speaker of the Marshall Islands *Nitijela* for an opportunity to determine exactly what the problem might be in that district. I provided him with a copy of a Special Rule of Civil Procedure which I adopted for land matters within the Marshalls

District. This Rule of Procedure would require parties to specifically identify questions of custom, their position thereon, and would further require the trial court to make a specific finding as to custom. There hasn't as yet been a sufficient opportunity to determine whether this has assisted in identifying exactly what the problem is. Since adoption of that resolution I have received a copy of a letter, addressed to the Speaker of the *Nitijela*, which encloses a petition signed by a large number of Marshallese, protesting the Legislature's action, and stating their support for the Associate Justice who is resident there. Now as to why these things may come about, why these problems might exist in the districts, there may be reasons that I probably could not identify. But I would think that on balance, I would be a little bit surprised if these things did not happen and if we did not have such responses. We're talking about legislative bodies that in terms of freedom of their own expression are relatively new. They're of fairly recent origin. It's been only within a matter of very recent years that even the Congress of Micronesia has been given a true legislative voice. As for the District Legislatures, I would say probably there is even less reason to expect them to fully understand what we mean when we talk about separate and independent branches of government. I would be very surprised in such a context if we did not have legislative bodies saying, "We don't like the decision that this judge has made, so let's get rid of him." I think that we have to look quite a long way further down the trail of political development before we can ever reach a point where there is full recognition on the part of all three branches that while we are inter-dependent, we are nevertheless in our own spheres—we are completely independent.

(Editor's note: The interview was conducted before the recent Congress of Micronesia Senate Resolution was passed requesting the removal of an Associate Justice of the High Court.)



REPORTER: We hear from time to time about the conflict between the American system of law and the traditional law or customary law. Is there in fact such a conflict?

BURNETT: I don't think that there is quite as much conflict as might appear to one who looks at these two concepts or systems without ever seeing them in operation. We have in the Court two different directives. We have the directive by law that we must to the extent that is possible to do so, in solving problems, recognize local custom. This we must do in each of the districts in whatever context it may arise, whether in a context of judging criminal activity or civil relationships. We also have the limitation which is put on that to the effect that customary law, must give way to the written statutory law. Much of what we have in statutory law goes back to the day when there wasn't a true legislative body in Micronesia; the Congress of Micronesia, when it came into existence, did so as an advisory body. So the provisions that I'm talking about were inserted at the time when the Executive branch of this government held not only administrative but legislative powers as well. (I might say, incidentally, there has been no substantial change in judicial procedures since the Congress developed full legislative authority.) In the field of civil law as opposed to criminal decisions in the Court, we're talking essentially about matters relating to land rights, land conflicts; and I think I could very safely say that the

customary law as it has developed, the custom of the people and the varying forms of land tenure as they have developed in each of the districts, will govern. Only rarely will a provision of "American law" enter into or interfere with the ordinary sort of disposition, and where it does, I think it is safe to say that it will do so only for one of two reasons: that either there has been a specific statutory enactment—for example, the statute of limitations—or, second, if there is an area of conflict which develops for which the custom for one reason or another does not provide an answer. Now so far as criminal law is concerned, I would say that this is probably taken over almost exclusively by the written law, by the statutory prohibitions against certain conduct. And so the consideration of custom, as the Court applies it, would come into play only with respect to a varying degree of culpability. In other words, often we are concerned with whether an individual has acted reasonably or as a reasonable man under the circumstances. Now certainly the custom of a place where the individual was born and where he was raised and in which he has acted is going to play a part in determining the degree of culpability of that individual, in determining how a reasonable man might act under similar circumstances. I would say that we have to take the individual in the setting in which we find him and determine the reasonableness of his actions in that setting.

REPORTER: We have heard the suggestion that penalties for "hard" crimes seem to be relatively light, even to the point where the Judiciary is "coddling criminals." Is this a justifiable criticism?

BURNETT: It may be a justifiable criticism in some instances. Generally speaking, I think it's an extremely short-sighted criticism. I have heard the complaints. Before I came on the Court I was on the prosecution side and I may have even voiced the same complaints at that time. The "coddling criminals" complaint is really in two parts. First there is the thought, held by many, that the courts are too concerned with the rights of the individual. In this we are bound by the Bill of Rights, aside from the basic premise that no one of us is safe if these basic freedoms are not protected. Next there is the feeling that sentences may not be severe enough. I can understand that many might firmly believe this. But I think we have to consider what it is we are trying to do. I think we have to consider whether it is possible to say, "This man has transgressed against us, and he should be put away forever and ever. Amen." I think that we have to recognize that, at least in American jurisdictions, we have put away the idea of saying that somebody is going to be locked up without an opportunity to get out on the street again. Even if we sentence a man to life imprisonment, he is going to be eligible for parole in, say, ten years. So I think we have to determine what it is we're trying to do. Do we want to say



that if we find a man guilty and the penalty might be as much as ten years, must he receive the maximum? Remember, from my experience with trying crimes in the Trust Territory, we're not talking about people of my age. There is maybe one in fifty who is as old as I am. We're talking about people ordinarily in their early twenties at the latest. Now do we want to say every time one of these people gets himself into trouble we're going to lock him up for the sole purpose of punishing him? You can't do that. You have to recognize that anybody you put away is going to be out on the street in a period of time. I think you've got to consider whether you're going to be able to make any sort of a mark on him. I would prefer to say that you must exercise a measure of discretion in trying to determine whether there is any opportunity to put this man back into the society, and make him a functioning part of society. I have never seen a vicious dog that you could beat Christianity into. I have seen some that by attempting to solve their problems and by removing them from free intercourse with society you could make a pretty good animal out of. Now that's probably a pretty bad simile, but those who talk about "coddling criminals" are talking about criminals in the same sense as if they were talking about animals, and I think it's wrong.

REPORTER: You imply that there is some hope for rehabilitation in the cases of most criminals. Does the Trust Territory system provide adequately for this? Would you characterize the T.T. system as more corrective or punitive?

BURNETT: I'm not so sure I would call it either—it varies. I have seen some penal institutions—well, I shouldn't call them that; they're lock-ups, municipal lock-ups, really—and I have seen some that I think I would run screaming over the hill if I had to spend two nights in them. But they vary from one district to another, and I recognize at the same time that I've seen some pretty cheerful prisoners out walking along the side of

the road. But I don't think we've done a reasonable job of dealing with the problem of providing penal institutions, whether for adults or for children. We haven't provided anything for juveniles, and juveniles constitute one of the greatest parts of our problem. I don't think that we have done a reasonable job of dealing with penal institutions for adult criminals, either.

REPORTER: The Congress of Micronesia has considered this problem recently, passing a resolution urging separation of adult and juvenile offenders. Would you care to comment on that?

BURNETT: I think their position is certainly correct, and I have, incidentally, written both to Speaker Henry and President Kabua in response to the resolution very strongly endorsing it. There is already a provision in the law which says that juveniles, where restraint is necessary, should be separated from adult offenders. But separated how? Where do you put them? Our District Court Judges, who perform the functions of a Juvenile Court Judge principally—they are the ones who deal with the juvenile problem—I think they've got a horrible problem on their hands. They know what sort of jail there is in their municipality. They know that most of the jails are overcrowded already, and if they get a juvenile offender that they know should be restrained, should be given some sort of care and guidance, what do they do with him? There hasn't been a thing in the world provided for them. All they can do in the most extreme situations is to say to the sheriff, "I've got to give you this child, and be sure you do what the law says—keep him apart from adult offenders." So then what does the sheriff do? He doesn't have any place to put him. Certainly the Congress is right, absolutely right. It's the ideal thing in the case of a juvenile—and I think the time has come when we've got to talk not only about the juvenile offenders, but juveniles who are offended against.

There simply are no facilities for them, and with the manner in which our district centers have developed, the extended families are unable to care for these kids either. So what do you do?

REPORTER: Is there any opportunity for juveniles to be sent to other jurisdictions, for example to Hawaii or Guam?

BURNETT: This would have to be through some administrative effort. It is not something that the court could order.

REPORTER: Do you think that might be a good thing?

BURNETT: Well, I'm sure that there are cases of juveniles who might very well benefit from some such opportunity. So often the youngster who gets into trouble is getting into trouble because he is frustrated by environmental limitations put on his capabilities, his desires to learn; putting somebody like that in jail or locking him away in a back room in a penal institution isn't going to do any good. I think what we need—and I say "we," the entire Trust Territory, the entire Administering Authority—I think that we need to give a lot of thought to finding out whether we are wasting an awful lot of our best assets by not giving the kind of guidance that a neglected juvenile or a juvenile delinquent (very frequently they're the same thing) should have. How many of our kids, even our most well-behaved kids, get to go to high school; and how many of our best high school kids can put their high school training to advantage? I'm not surprised that we have a juvenile problem, not surprised at all.

REPORTER: Do I gather that the juvenile problem is of major proportions in the Trust Territory?

BURNETT: I think certainly that juveniles are not only a major problem, I think that they are far and away the greatest part of the problem. Now of course when I'm talking about juveniles I never know for sure whether we're

talking about 18-and-under, 21-and-under, or what. I think perhaps to say "juvenile" might be a little bit misleading. I'm talking about young people, with probably the majority being juveniles in the legal sense. Eighteen is the age of majority in the Trust Territory, but I think we're talking essentially about a criminal problem which is derived from, let's say, age twenty-five and under. We're talking about young people; we're talking about people we may see in court time and time again through their teens and their early twenties. They will possibly have their last offense at some point in their early twenties and you never hear of them again. Now this may be a phenomenon that is not unusual in a broad sense of criminal activity. Perhaps we're even wrong in talking about criminal activity except in the sense that it means a violation of some written law. I don't think we're talking about criminals in the sense of major crimes as we talk of them back in the United States. It is a problem of young people—people who perhaps thirty years ago would have been sufficiently under the control of their lineage or their clan or their extended family, or whatever you might call it, that this was all the restraint that was necessary. I think that we have probably done much particularly in our district centers to destroy that type of control, and we're trying to substitute a social control that is enforced through the police and through the courts. There is an understandable degree of frustration on the part of young people who are in a society which their elders cannot advise them about. I don't think there's any question at all that there has been, if not a breakdown, at least a weakening of the traditional control measures that did hold much of this activity in check.

REPORTER: If this is happening and will continue to happen in the future, then aren't we talking about a growing need for facilities and people for psychological, social work, and rehabilitation work?



BURNETT: Certainly we are, and I think that we're probably years behind in our thinking about doing so, years behind in our planning to do so. It isn't possible in my view, whether you're talking about Micronesia or a small town in the mid-west U.S., or a small town any place, to pump the kind of money into an economy or into a society that we have done here in recent years, without observing a marked dislocation of human values and a marked disruption of the social values that existed before we did that. We've moved into what was basically a subsistence economy and we have pumped in construction funds, we have created additional government jobs, we've pumped in government payrolls, and at the same time we have brought in Budweiser and Schlitz for the people to spend this new-found wealth on. We've provided a relative few of the young people with salaries, and said, "You don't have to live by the old values anymore. Here is *our* value; here is your bi-weekly paycheck." And then we wonder why it is that this same individual's classmates and playmates back in the village are a little frustrated because there aren't enough of these jobs and enough of these paychecks to go around. Now you probably have many other people who can talk about this subject much more knowledgeably than I, but certainly the Courts do get the end result of the kinds of frustrations that do develop. And we're expected to do something with them, and quite frankly I don't know what that is. We have no place to put them;

the police have no way to take care of them. The Courts exist to determine whether or not society's laws have been broken and to attempt to mete out a measure of punishment, but I would like to think that our function is not just to punish, but to look a little bit beyond punishment and say, "What can we do to assure ourselves that we won't see this boy in another two years standing in front of the bench." I think we've got to consider the fact that the end result of law enforcement is not and cannot be punishment as such.

REPORTER: From the bench you have an opportunity to observe lawyers on both the prosecution and defense sides. What do you think of the caliber of government attorneys? Do you feel, in other words, that Micronesians are getting quality advice and quality legal service?

BURNETT: I would say that in the main the people of the legal profession that I have had before me—talking about the District Attorneys who have prosecuted, Public Defenders who have defended, not only in this district but in others—I would say by and large they have been capable; and I would say that in the majority they have been conscious of the professional level at which they should function. The principal problem in Micronesia has been that there simply hasn't been enough of a legal profession working here. Now the Micronesian Legal Services program is still relatively new in terms of its impact and its appearances before the court. I'm hopeful they will be able to maintain a reasonable level of representation so that Micronesians who do need and on an increasing level are going to continue to need legal guidance as Micronesia continues to progress economically, politically and socially—I hope that Micronesian Legal Services is going to be able to fill a lot of this need for them. Now I must say, though, that in other districts—I think I can distinguish between the Marianas and the other districts in this respect—the

great majority of litigation, at least before the High Court, has been in the area of land rights. And most of the representation of litigants in these areas has been by Micronesian Trial Assistants. They are not trained in the law as such; they are not lawyers. But I would venture to say that in that field they're probably of more value to their clients than a graduate of the best law school in the United States, unless that law graduate from the United States is prepared to go back to school to learn what the local customary rights are—what is involved in determining a problem of land tenure in Truk or Palau, for example. The Trial Assistant is a member of the society, and he grows up with these things ingrained in him, so that he knows a whole lot more about his client's rights. In fact, in land matters American attorneys often must go to the Trial Assistants for consultation. But certainly when we talk about some of the legal rights which arise out of an evolving economic society such as Micronesia is increasingly becoming, then certainly there is a need for the more sophisticated level of legal training.



REPORTER: It's been said that the legal assistance program has been a barrier to capital improvements projects and developments of other kinds. As an attorney and as a member of the Judiciary, would you care to comment on the tendency of this kind of program to appear to be anti-government?

BURNETT: I've heard something of the same sort of complaint. I couldn't talk in specifics, because I haven't had the specifics put before me, but there again I would be surprised if this were not the response. Recognizing that many of these programs and capital improvements—and I suppose you're talking about easements and land acquisitions for various purposes—I would be very surprised if the people whose land was needed for a particular project did not have a feeling at one time or another that quite possibly they had been taken advantage of. This is true all over the United States, and it's the case, I think, everywhere. And in a situation such as this where we have an awakening political consciousness, we have at the same time an effort being made to provide full legal representation for the individual. I would be very surprised if there were not representation made by these individuals who have become aware of this system of ours which provides them the means of protesting. I would be very surprised if they did not protest, and if now and then they did not hold up a project which perhaps had been planned ahead of all of the last details, such as a place to put this project. And of course the question of land and the question of eminent domain is a particularly sensitive one here in Micronesia where land is in such short supply and where the concept of land is so different. In a collection of islands a very large number of which are subsistence islands, it isn't at all surprising that there would be this kind of resistance to giving up land which very well might mean food. I think many of the people think of land and food almost interchangeably.

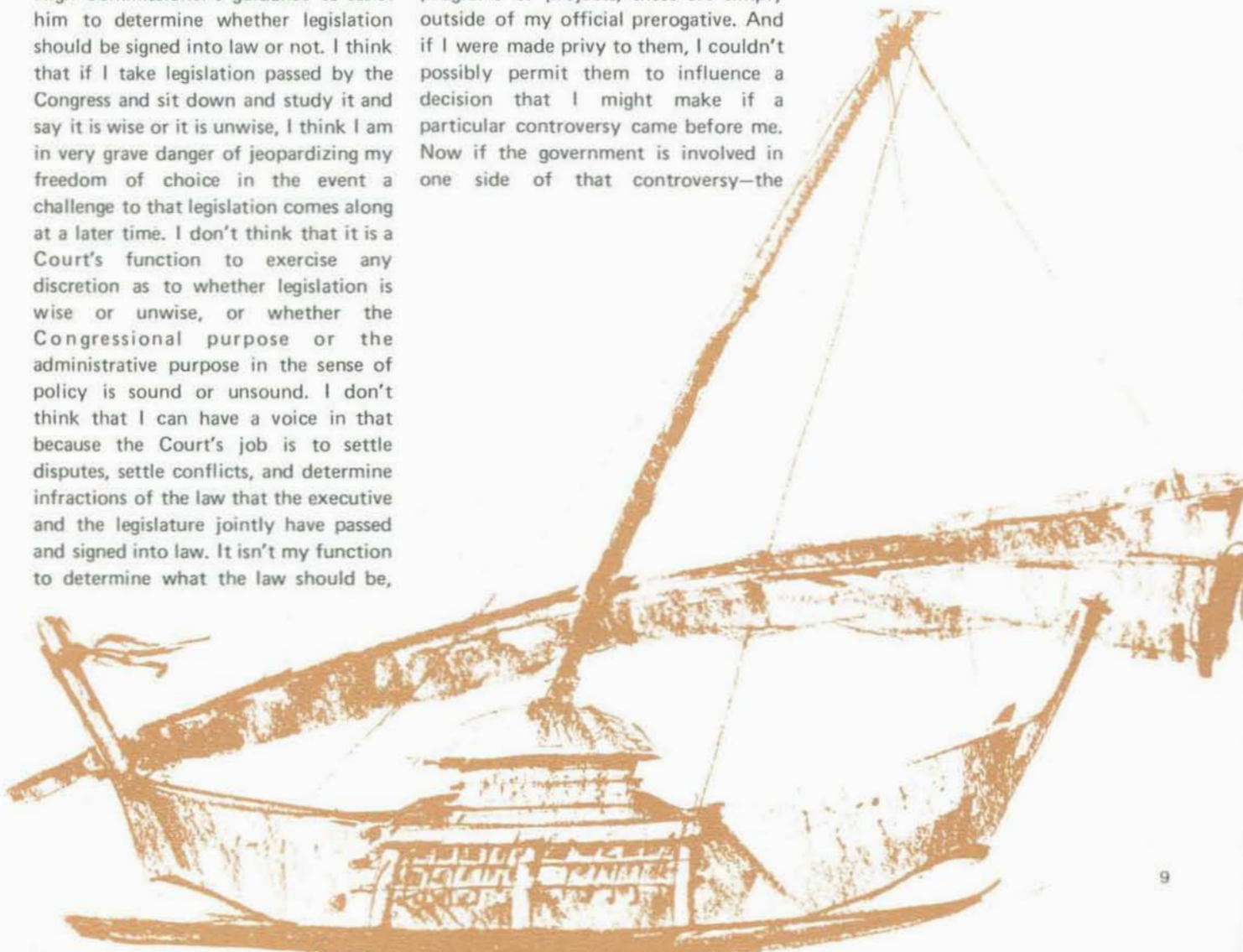
REPORTER: There was a suggestion not too long ago that the Judiciary has become isolated, and that as a result, Judicial decisions might not always properly weigh administrative policy of the Executive branch or legal intent of the Legislative branch. The suggestion is that the Judiciary might be brought

closer to the policy or law making process, and the implication of this to me is that there might be an attempt on the part of the other branches to influence judicial thinking. Would you care to comment on this?

BURNETT: Well, I'm not sure I want to be quoted on this, but I am satisfied that such suggestions have that aim in mind—the end, desirable or not, that the Judiciary should in some manner be more “responsive” to administrative will or legislative will; and I think that probably there is a very delicate balance that must be maintained in anything that any of us say on that subject. I have expressed myself before as being reluctant—even more than reluctant—I declined a request from the Department of Public Affairs to make recommendations on legislation for the High Commissioner's guidance to assist him to determine whether legislation should be signed into law or not. I think that if I take legislation passed by the Congress and sit down and study it and say it is wise or it is unwise, I think I am in very grave danger of jeopardizing my freedom of choice in the event a challenge to that legislation comes along at a later time. I don't think that it is a Court's function to exercise any discretion as to whether legislation is wise or unwise, or whether the Congressional purpose or the administrative purpose in the sense of policy is sound or unsound. I don't think that I can have a voice in that because the Court's job is to settle disputes, settle conflicts, and determine infractions of the law that the executive and the legislature jointly have passed and signed into law. It isn't my function to determine what the law should be,

and I think that I'm out of my ballpark if I say this law should be passed or this law should not. The only exception that I have made to that is with respect to legislation such as we were talking about—penal reform, juvenile delinquency reform, and those things which relate directly to matters that we do have a direct and immediate concern with. And beyond that the only exception that I have made was to recommend very strongly to the Congress that gun control legislation be enacted. To the best of my knowledge, that is the only exception that I have made. In the same sense I would say again that I don't have any place in the policy-making levels of the administration. The programs which they might undertake, whether these are social programs, capital improvement programs or projects, these are simply outside of my official prerogative. And if I were made privy to them, I couldn't possibly permit them to influence a decision that I might make if a particular controversy came before me. Now if the government is involved in one side of that controversy—the

administration or the Trust Territory government—and there are matters of policy determination which could play a part in the decision which I must make, that is the time for the government to tell me what underlies this decision—“This is why we feel that we should prevail,” and why I should decide for them. The only thing that I could accomplish by sitting in and being privy to high level administrative policy decisions would be to disqualify myself from participating in anything further. So what we're talking about is not an isolation of the Judiciary from the other two branches of the government, but what we're talking about is an objective independence. I don't think that a judge or a court which pretends in any way to be a part of the American system dares mingle the two. Ask Abe Fortas.



an interesting thing happened

When the United States commenced its obligation as administering authority under the Trusteeship Agreement with the United Nations, it was required to "give due recognition to the customs of the inhabitants in providing a system of law for the Territory" (Article 6, paragraph 1 of the Trusteeship Agreement). The Trusteeship Agreement also gave the United States wide latitude in applying to the Trust Territory such laws of the United States as it deemed appropriate to local conditions and requirements (Article 3, Trusteeship Agreement.) It is this seemingly simple direction that set in motion the constant dilemma of the United States, through the Trust Territory Government, to try and accommodate the customary law which exists in the various districts of Micronesia. The problem has been compounded by the fact that customs may vary from island to island and from time to time.

While the Executive Branch of the Trust Territory Government has been involved with the day by day administration of the Government and the Legislative Branch has exerted its effort to solve the many problems confronting it, the Judicial Branch has quietly but not without some consternation, faced the task of integrating the customary law and the concept of United States law in Micronesia.

It was conceded early by the Trust Territory Courts that by virtue of the Trusteeship Agreement, the administering authority has the responsibility for the maintenance of law and order within the Trust Territory. In a case originating in Ponape, the judge had to consider a custom which dictated that the only way to solve a dispute between two claimants to the position of a traditional chief was war. The court stated that when local custom, "fails to provide an acceptable solution for any given problem," it must be set aside and the common law of the United States be applied or one of the three branches of the Government provide a solution.

In the formation of the Trust Territory Code, cognizance of the direction in the Trusteeship Agreement is evidenced. It is stated there: "Due recognition shall be given to local customs in providing a system of law, and nothing in this chapter (the "Bill of Rights" of Micronesia) shall be construed to limit or invalidate any part of the existing customary law, except as otherwise provided by law." The Code also states that: "The customs of the inhabitants of the Trust Territory not in conflict with the laws of the Trust Territory shall be preserved. The recognized customary law of the various parts of the Trust Territory shall have the full force, in effect law, so far as customary law is not in conflict with the laws mentioned in . . . (the Code)." "Custom" has been defined by the Trust Territory courts as such a usage as by common consent and uniform practice so that it has become law of the place, or of the subject matter, to which it relates and is a law established by long usage.

The Trust Territory code further provides in sentencing criminals, due recognition is to be given to the customs of the inhabitants of the Trust Territory and that the penalty for any act which is made a crime solely by generally respected native custom, shall not exceed a fine of one hundred dollars, or six months imprisonment, or both.

These basic pronouncements of the recognition of customs have not solved the problem of the integration of customary law and the United States view as to what the law should be. An early Trust Territory reported court case indicated that *public policy* may forbid the enforcement of custom.

on the way to the courthouse

by Robert A. Hefner

The testing ground as to what is customary law has quite naturally been placed in the courts of the Trust Territory since it is here that disputes between parties must be resolved and it is here that one or perhaps both parties introduce the customary law to decide the case. The court must determine if there is a custom which is applicable, what that custom is, and whether it violates the broad guidelines set forth above, such as public policy and law and order. To accomplish this end, the Trust Territory Courts have indicated that if a local custom is firmly established and widely known, the court can take judicial notice of it. That is, the judge can, by his own knowledge, apply the local custom to the facts of the case. If the custom is not so established and there is a dispute as to the existence or effect of the local custom, custom becomes a mixed question of law and fact and the party relying upon it must prove it, to the satisfaction of the court. The court may also call its own expert witness to testify as to what the local custom is or a "Trial Assessor" may be used by the court to advise the court on customary law. Legend and lore has at times, as an unavoidable necessity, been delved into; but the courts will consider it with great reluctance and only as to general outlines over which there is very little dispute.

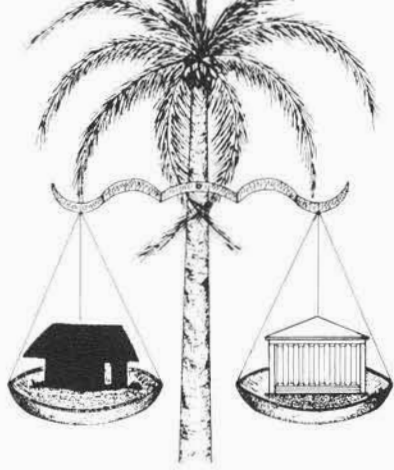
To illustrate the integration of customary law and the United States common law, a review of some court cases and legislative enactments is interesting and helpful.

In Yap, a son's father was murdered by another Yapese. Thereafter, the son willfully burned the murderer's house and was convicted of arson. The son argued that Yapese custom allows or requires the burning of the house as a right and duty for the revenge or retaliation for the murder and therefore the act was not unlawful. The court held that since a statutory punishment for murder was now provided for and was imposed upon the guilty party, the Yapese custom of revenge had been replaced and the custom was no longer law. Therefore the son was properly convicted of arson, another statutory law. The court also stated that since arson is a crime under the written law, it necessarily supercedes and replaces any applicable custom.

The Trust Territory Code specifically makes provisions for the recognition of local customs in the areas of annulments, divorce, adoption and marriage. However, one may submit a customary annulment, divorce or adoption to the High Court of the Trust Territory where there is a dispute as to the validity of same.

Under Trukese custom, any marriage may be dissolved by either spouse at any time at will without action by any court, magistrate, or other official. The divorce is completed by "throwing away" the other spouse. In one Truk case, the husband did this very thing, was charged with a crime of violating native custom, and was ordered to transfer a piece of land to his injured spouse. The court found that since the customary law allowed the "throwing away" of one spouse, no criminal act occurred and the husband was within his rights to do what he did.

It is interesting to note, that although a divorce may be easily obtained in Truk, the divorcing party may be obligated under customary law to pay damages for divorcing under the local custom.



A husband in Palau who decides he wants to change spouses can do so easily enough under Palauan customs but he had better be ready for the consequences. If he "casts off" his spouse by taking another woman as his wife, he can be obligated to pay money to her in several different ways. Custom provides that she is entitled to a property settlement in addition to "parting money." The amount and manner of the payment is accomplished, outside of the confines of the Trust Territory courts, by the traditional meeting of the families involved. The courts will enter the picture, however, to award child support and make other necessary orders to complete the divorce. Traditional Palauan custom provides that the wife who is cast off is entitled to all marital property except the personal items necessary to the man's welfare.

The inheritance of property of a deceased Micronesian is usually handled by customary law and the Trust Territory courts are seldom involved. However, in the Marianas District, one dispute reached the High Court and the judge was confronted with not one but two possible sources of custom—one from the Chamorro culture and the other from the Carolinian culture. An application of the Chamorro custom led the court to the conclusion that the property in question was "ancestor's land" and is inherited by the children of the deceased, is not allowed to go out of the line of descendants of the ancestor, and is not to be sold unless it is absolutely necessary and with the consent of all the adult children. Therefore, in the dispute between the decedent's second wife and his daughter, the latter was entitled to the property. The second wife did not acquire a right of dower or even a minimum right in the land. The court indicated that to solve disputes, the father should, at some time before death, call the family together and designate a division of all family lands among the children, or the children and his wife. The father's word is traditionally not disputed although he is expected to act fairly by Chamorro standards. This designation or division of family properties, even though usually oral, will be recognized by the courts.

Land disputes have produced a large number of court cases on customary law relating to tenure and ownership rights. Many of these cases have originated in the Marshall Islands District.

Throughout the years, the Marshallese have developed their own system of land tenure. Since land is scarce, it is essential that all members of the Marshallese society be provided for in some way and that certain land rights be given from birth to continue throughout the person's lifetime. The land is kept for a place to live and raise food. The income from the land is divided pursuant to custom between the *Iroij* (Paramount Chief), *Alab* (person in immediate charge of a parcel of land), and the *Dri Jerbal* (person possessing worker rights in the parcel of land).

This customary system received a judicial shock when the Trust Territory Government condemned and took possession of certain islands in the Marshall Islands District. The courts were confronted with the problem of distributing the proceeds and recognizing the fact that the people who worked the land no longer could live on the land taken by the Government. Obviously condemnation and the distribution of the money from condemnation proceedings was not specifically determined by the customs which originated many years ago. In a fairly recent Marshall Islands case, the court held that although traditionally land matters are left to the judgment of the *Iroij*, condemnation proceedings introduced a new subject and concept and consent of the other owners of land rights, must be obtained before distribution can be made. The court stated that "Under Marshallese custom, questions of magnitude to the community, here involving payment for the indefinite use rights to two *watos* (parcels of land) from whence approximately 100 people had been removed, should have been settled in a public meeting." Thus a recognition of traditional and customary laws was given but at the time a new and unexpected factor entered the picture, an application of more equitable and reasonable rules was required. The court stated that new forms of government were being superimposed on top of the *Iroij* system, and that therefore, Marshallese custom must be kept viable so that all may share in the progress of the islands and the *Iroij* must consult with and obtain the consent of all of the people under him in the distribution of the condemnation proceeds. Since the court concluded further meetings and consultations would not lead to an agreement, the court would and did issue a judgment for the distribution of the proceeds based on the traditional division of the profits from the copra produced on the land taken.

In other areas of the law, express recognition of customs is given. This includes the establishment of the court system itself. In the Trust Territory, there are three basic levels of courts. The High Court, which consists of three United States trained lawyers who are appointed to the judgeships by the Secretary of Interior; the District Court, which has Micronesian judges who have no formal legal training; and the Community Court, which has limited jurisdiction and which has a local leader as a judge. As a general statement, it can be said that though the High Court and the District Court apply the customary law in the manner described above, the Community Court can be regarded more as a "customary court." The Rules of Court, which are promulgated by the Chief Justice of the Trust Territory, specify that Community Courts need only follow such parts of the Rules of Court which specifically mention the Community Court, and in other matters the Community Court Judge "may use his own best judgment as to procedure, if such custom or judgment is not inconsistent with law and does not militate against a just determination of the issues." There, the Community Court is a basic informal court run largely as the local judge deems best, but with limited authority in sentencing for crimes. There has been a recent effort in the Congress of Micronesia to increase the maximum fine and penal sentence for Community Courts. The Attorney General's office opposed the Bill because of the informal nature of the Court, the lack of legal training of the judges, and the fear that the rights of defendants may be put in jeopardy by an overzealous judge. However, there does seem to be pressure to place in the Community Court more power and to localize the dispensation of justice within the municipality or area where the matter creating the litigation occurred. It is undoubtedly true that on the remote outer islands, the simple customary approach to resolving differences, civil or criminal, has been and will be for some time the accepted procedure, and the District Court and High Court will rarely be involved. In those cases where a disgruntled litigant feels he was not treated fairly, he may have his case reviewed by the High Court.

Since the Congress of Micronesia came into being, legislation in all areas of the law has been proposed. At times the legislation which is considered and sometimes passed by both houses of Congress is apparently based on what the customary law is but which conflicts with the law as expressed in the Trust Territory Code.

The Yap delegation has been instrumental in proposing legislation which would extend the territorial waters up to one hundred miles rather than the three-mile limit now in the Trust Territory Code.

This legislation has consistently been opposed by the Executive branch as being unrealistic and in conflict with the standards established for most international commerce. In discussing the reasons for extending the territorial limits, it was indicated that some members of Congress felt that the owner of land on an island owned beyond the water line as far as he could see and therefore, this should be indicated by some extension of territorial limits in statutory form.

In the legislation for the control of drugs, an allowance has been made for the customary use, sale, or possession of betel nuts, betel leaf, or *sakau* (*kava*). The use of these drugs, though perhaps used in some districts more than others, is exempted from prosecution since they are a part and parcel of the everyday life of a sizeable number of Micronesians.

Recently, for the first time, there was enacted into law an Income Tax for the Trust Territory. The exact impact of this law, as applied to the Micronesian citizens, is hard to predict at this time. However, the customary manner of the tenants of land paying a portion of the proceeds from the land to the paramount chiefs will receive a review and analysis from a third party, the Trust Territory Government, which cannot help but disturb and disrupt to some extent the traditional relationship that has existed for some time.

A revision of the Trust Territory Code was accomplished just recently, and the new code became effective January 1, 1971. In the many hours of discussing the revision and reprinting of the Code, the Legislative and the Executive branches had to cooperate and correlate their thoughts and efforts. At all times, the prevailing thought was to preserve as much as possible the simplicity of the old Code. In approaching the task of the revision, the staff of the Attorney General's office proposed many new code provisions found in most United States codes. It was the feeling and opinion of the Legislative branch that by and large the existing Code had been satisfactory in the past, and Micronesia was not ready yet for the further wholesale application of United States statutory law. The Congress wanted to reserve the right to appraise each new addition to the Code with full deliberation and adopt only new code provisions when they felt Micronesia was ready for the new legislation. Consequently, there has been no rush to embrace any more United States common law than what exists in the Code, except on a piecemeal basis. An "independence of law" has resulted, leaving the prerogative of what laws should be enacted up to the Congress of Micronesia. At all times the Congress of Micronesia is careful to assess and consider any

applicable custom which may have a bearing on any proposed legislation. There still exists the right of veto by the Executive branch of legislation passed by the Congress, but the matter of initiating legislation and maintaining as much as possible the body of law which should apply to the Trust Territory is left to the Congress of Micronesia.

In conclusion, from the various statements in the Trusteeship Agreement and the provisions in the Trust Territory Code and Court decisions, it can be generally stated that customary law is considered and applied in annulment, divorce, adoption and marriage cases. For cases dealing with land matters, a recognition of new and unusual circumstances affecting the traditional land rights of the parties will be considered and customary law will be made more viable or changed to meet the current situation. In relation to crimes, it is

fairly clear that in crimes committed under the statutory law, custom will not excuse, or be a reason for, the defendant to avoid penalty. Law and order and the application of the general criminal law of the United States seems to prevail over customary law when concerned with crimes of violence.

In those cases where there is no specific statutory law or where the application of the custom would not be repugnant to the sense of fair play and justice, as construed by the courts of the Trust Territory, then custom will be applied and followed.

The law in any jurisdiction should be viable and applicable. In the Trust Territory the very nature of the direction to recognize customs has assured Micronesians that to a large extent there will be an application of their customs and unwritten, but established, laws which have guided their society for many years.



American Territories - A Survey

by Guadalupe C. Borja

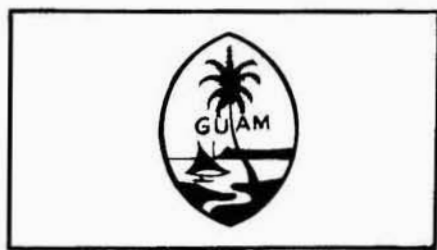
The Mariana Islands District Legislature created a Political Status Commission in May, 1972, to study the alternatives available to the people of the district for establishing a permanent relationship with the United States. The Commission was established because the majority of the people of the Mariana Islands desire a different political status from that of the other five districts of the Trust Territory. While the peoples of the other island groups, the Carolines and the Marshalls, as expressed by the Congress of Micronesia's Joint Committee on Future Status, desire to be a free associated state with the United States, or possibly to become an independent Micronesia, the people of the Marianas have clearly expressed their wish to become a permanent part of the United States.

In this article I will discuss what being a U.S. territory may mean for the Marianas. So that we can have a better idea of what these islands might be like if we choose United States territorial association, let us make a brief survey of existing U.S. territories—Guam, Puerto Rico, the Virgin Islands, and American Samoa—and observe the government, economy and society of each of these island dependencies. The American policies that were established in these U.S. territories might be the same policies used in governing the Marianas; they will probably be similar.

Guam was ceded to the U.S. by Spain in 1898 after the Spanish-American War. The rest of the Marianas were sold to Germany. After approximately fifty years of U.S. Navy rule, a civilian government was established on Guam and the island became an organized, unincorporated territory administered under the Department of the Interior by the signing of the Organic Act of Guam in 1950. The people of Guam were given a measure of self government, and executive, legislative and judicial branches of the government were established. Also, Guamanians became American citizens under the Act.

The U.S. President appointed all Guam governors until 1970 when Carlos

G. Camacho became the island's first elected Governor. The Chief Executive of Guam has the authority to enforce all laws of Guam and the U.S. laws that apply to Guam. With the advice and consent of the Legislature, he appoints the heads of all departments of the Government of Guam, and is required to give preference to qualified Guamanians.



In the Legislative Branch, the elected unicameral Guam Legislature is empowered to pass tax laws and appropriations for the fiscal operations of the government. In addition, it has the power to legislate on all matters to which U.S. Federal law does not apply. Appropriations from the U.S. Congress, however, do not come under the Legislature's jurisdiction; Washington, D.C., administers these Federal grants.

Although Guam residents pay income taxes to the Government of Guam at the same rates and under the same conditions as the Federal Income Tax, all revenues collected remain in the island's treasury and are expended by the Government of Guam. Other taxes Guamanians pay include those levied on items such as liquor, gasoline, real property, gross receipts, and so forth.

Guam's Judiciary consists of the District Court of Guam, the Island Court, and the Police Court. All major criminal cases and all civil cases where amounts more than \$2,000 are involved are under the jurisdiction of the U.S. Federal District Court. Appeals may be presented to the U.S. Court of Appeals for the Ninth Circuit and to the Supreme Court of the United States. In minor criminal cases and in civil cases where amounts less than \$2,000 are involved, the Island Court has jurisdiction.

The Territory of Guam includes some of the most important military bases in the Pacific, and the bases contribute significantly to the wage economy for civilian residents. By the evidence of high retail sales, tonnage clearances at Guam's Commercial Port, private and commercial construction, bank clearances and the like, the economic condition of the island is stable. Tourism contributes to the civilian economy as the island's fastest growing industry.

What facts stand out in the Guam-U.S. relationship? Although Guam is a U.S. territory, and is therefore affected by laws passed by the U.S. Congress, the Guam delegate to the Congress, to be elected for the first time this November, will have no vote. He will represent the Territory in committee hearings and in the House of Representatives on all legislative matters.

Guam cannot become a U.S. State under existing provisions of the law. Although the U.S. Congress in the beginning did not intend it, being an "unincorporated territory" has come to mean that the U.S. has not committed it to eventual statehood as it had with the former incorporated U.S. territories of Hawaii and Alaska. The political framework within which Guam works, therefore, is a rigid one.

(Some definitions: An *incorporated* territory is an area which the Congress has "incorporated" into the United States by making all provisions of the U.S. Constitution applicable to it. An *unincorporated* territory is one to which the Constitution has not been expressly and fully extended. An unincorporated territory may be *organized*, i.e., a territory for which the Congress has provided organic acts which serve the same purpose as do the constitutions of the U.S. States; or it may be *unorganized*, i.e., a territory for which organic legislation has not been enacted. Guam and the Virgin Islands are organized, but unincorporated. American Samoa is both unorganized and unincorporated.)

Although Guamanians are American citizens, those whose official

residence is Guam cannot vote for U.S. President. This applies to native Guamanians as well as other Americans whose residence is on Guam.

Like Guam, Puerto Rico was ceded to the U.S. by Spain after the Spanish-American War in 1898. Unlike Guam, Puerto Rico has had two organic acts and an additional law establishing the territory's political system. For two years, Puerto Rico was an unincorporated U.S. Territory with a military government. Then in 1900, civil government was established by the Foraker Organic Act. Washington, D.C., continued a tight control over the administration, however, with the U.S. President appointing the Governor, members of the upper house of the Legislature, and members of the Puerto Rican Supreme Court. Under the Foraker Act, American citizenship was not extended to Puerto Ricans.



The Jones Act of 1917 was Puerto Rico's second Organic Act; it gave the Territory more legislative powers in her internal affairs, but the executive and judicial branches were still largely administered by the U.S. Federal government. American citizenship was finally extended to the people of Puerto Rico, as well as the American Constitutional protections under the Bill of Rights. For the first time, members of both houses of the Puerto Rican Legislature were elected by the people. However, the Governor, the Attorney General, the Commissioner of Education, and the Auditor were still appointed by the U.S. President, as were members of the Puerto Rican Supreme Court.

Given the impetus of Public Law 600 of 1950 (introduced in the U.S. Congress by the Puerto Rican Resident Commissioner), which authorized the people of Puerto Rico "to organize a government pursuant to a constitution of their own adoption," the Territory

became a U.S. Commonwealth in 1952 through the following process. A draft Constitution was presented to the U.S. Congress for approval. After Congressional approval, the draft was submitted to Puerto Rican voters in a referendum before it became effective. The Constitution was proclaimed by the Governor in 1952, and the Commonwealth of Puerto Rico was born.

Even prior to the adoption of the new Constitution, since 1949, Puerto Ricans had been electing their own Governor. In that year, too, the elected Governor for the first time appointed the members of his cabinet, with the consent of the Puerto Rican Senate. Since 1900, Puerto Rico has elected a Resident Commissioner to represent the people in the U.S. Congress with a voice, but no vote.

In addition to legislating on matters in areas where U.S. Federal Law does not apply in Puerto Rico, the two house Legislature appropriates tax money collected in the Commonwealth. Residents of the Commonwealth do not pay Federal income taxes to the government as do those of other territories. They do pay income taxes on income derived from outside Puerto Rico; they also pay excise taxes on merchandise purchased from the mainland U.S. Appropriations of Federal grants for programs of education, health, public works, etc., (which the Commonwealth receives in a proportion similar to the fifty States) are administered, as on Guam, by Washington, D.C.

The Judiciary is administered by the Puerto Rican Supreme Court, whose Justices are appointed by the Governor, with the consent of the Senate. Appeals from the Puerto Rican Supreme Court formerly went to the U.S. Court of Appeals; since 1961 they have gone directly to the U.S. Supreme Court as they do from the highest State courts.

Except in the matter of taxes, the U.S. Federal government has in Puerto Rico the same authority as in a State of the Union. Puerto Rican young men are drafted into the U.S. armed forces. The Constitution of the Commonwealth provides that Puerto Rico shall not enact laws violating the Federal Constitution.

Although the island's economy was based on agriculture in the beginning years under the U.S., plans were begun in 1950 to industrialize the Territory. The government provided incentives to attract U.S. mainland industries—incentives such as exemption from payment of taxes to the government for periods ranging from ten to seventeen years. The plans were successful; manufacturing is the basis of the Puerto Rican economy today. These industries include clothing and machinery manufacture, chemical and pharmaceutical production, and assembly of scientific instruments. Minimum wages are determined by special committees in each individual industry; the committees advise the U.S. Department of Labor on these matters. Although the wages are generally lower than the Federal minimum wage, adjustments are made each year.

By 1965, more Puerto Rican wage earners were working in manufacturing than in agriculture. Income from manufacturing was four times greater than income from agriculture by 1968. The government, however, wants agriculture to play a bigger role in the Puerto Rican economy, so development programs are conducted to aid farmers to raise better crops of sugar cane, coffee, and tobacco, and better herds of beef and dairy cattle. But slums are unfortunately part of Puerto Rico today, a result of the movement of people from the farm areas to the industrial towns.

Today, Puerto Rico is dependent on the United States; her economy relies on the Territory's trade with the United States. In 1970, Commonwealth shipments to the mainland U.S. totaled \$1.5-billion dollars. The million or so tourists who visit the island each year are mostly mainlanders; they spend more than \$200-million dollars annually.

What other facts stand out in the Puerto Rico-U.S. relationship? Although Puerto Rico is a U.S. Commonwealth and is affected by the Federal government as a State is, except in the matter of taxes, the Puerto Rican delegate to Congress, the Resident Commissioner, has only a voice—no vote—in U.S. Congress proceedings. In addition, here, as with Guam, all of the

Americans resident in Puerto Rico—native Puerto Ricans as well as other citizens—cannot vote for U.S. President.

American Samoa, an unorganized, unincorporated U.S. Territory, is administered by the U.S. Department of the Interior. The Territory's 28,000 residents are American nationals—not citizens—and they live on the seven islands that make up the administrative unit.



There were two “friendship and commerce” agreements between the Samoan islands’ chiefs and U.S. Navy commanders between 1842 and 1899. The U.S. needed a coaling station in the South Pacific, and the Samoans filled that need. By the Convention of 1899, Germany and Great Britain agreed to drop all claims to those islands east of 171 degrees west of Greenwich. The U.S., in turn, gave up claims to the two islands which today make up the independent state of Western Samoa to Germany. By deeds of cession negotiated with island chiefs in 1900, the U.S. Navy established American authority in what is now American Samoa. The Territory remained under Navy administration until 1951, when the Interior Department took over. A Cession Agreement provided that Samoan chiefs could continue to govern as long as they did not violate U.S. laws.

A Polynesian people, the Samoans maintain the *aiga*, the family, as the main social unit extending through generations. Chiefs, or *matai*, head *aigas*, and may number several thousand in one *aiga*. A communal economy exists in American Samoa with the *matai* responsible for the control of family land and property. Over 96 percent of the land in the Territory is owned by *aigas*.

The Territorial government of American Samoa includes executive, legislative and judicial branches. The Secretary of the Interior appoints the Governor, who administers departments

in agriculture, public works, legal affairs, public safety, medical services and port administration. Local income taxes and Federal grants support the governmental structure. As on Guam, the U.S. Federal income tax rates have been adopted, but as a Territorial tax—the money stays in the Samoan treasury.

The two-house Legislature, created by the American Samoan Constitution in 1960, consists of Chiefs in the Senate and members elected at large in the House of Representatives. In the Judiciary, the Chief Justice and an Associate Justice of the High Court of American Samoa are appointed by the Secretary of the Interior. Four Samoan Associate Justices assist the Chief Justice.

The Territory's economy is based mainly on the Government of American Samoa, which is the largest employer. Next largest are tuna canneries and can manufacturing plants. Tourism is rapidly becoming an important part of the economy, too.

What facts stand out in the American Samoa-U.S. relationship? American Samoa has no delegate to the U.S. Congress. However, an American Samoan is elected by the people as a delegate-at-large to sit in an office in Washington, D.C., as an official representative of the Territory. The people hope the day will come when a delegate will be able to sit in the U.S. Congress. Furthermore, American Samoans cannot vote in U.S. Presidential elections, unless they apply for U.S. citizenship and become residents of one of the 50 States.

As an unincorporated territory of the U.S., American Samoan aspirations toward statehood are limited. As previously stated, U.S. policy has been not to commit an unincorporated territory to eventual statehood as it did with its incorporated territories which have become the 49th and 50th States.

A second U.S. Territory in the Caribbean Sea, the U.S. Virgin Islands are also administered by the Department of the Interior. There are several islands in the group, but only three have any population of significant size. The Virgin Islands total population is about 62,000.

The group was first visited by Columbus, who named the beautiful islands after the 11,000 martyred virgins of St. Ursula in the Catholic tradition. In 1671, the three main islands were colonized by the Danish West India Company. African slaves were imported to work the sugar plantations in 1763. The islands prospered and became a famous port because of the liberal trading laws of the Danish government. The slaves were freed in 1848, and business and prosperity declined during the next fifty years.

The United States had wanted to buy the Virgin Islands from Denmark since 1865, but the U.S. Senate would not ratify the appropriate agreement. When World War I came, the U.S. feared a German seizure which would give the enemy U-boats a base in the Caribbean; the purchase was finally made for \$25-million dollars and the islands were placed under Navy administration.

Under an executive order from the White House, administration was transferred from the Navy to the Department of the Interior in 1931 and the Territory's first civilian Governor was appointed. A Revised Organic Act of 1954 gave the Territory a substantial degree of self-government when it authorized the establishment of distinct executive, legislative and judicial branches of the government.



The Governor was appointed until 1970, and he is now elected by the people. Heads of the executive departments are appointed by the Governor with the advice and consent of the Legislature. Fifteen Senators are elected at large to the unicameral Legislature.

The U.S. District Court Judge and the U.S. District Attorney are appointed by the President. Serious violations of the local criminal code, as well as crimes under Federal law, come under the jurisdiction of the District Court. The Municipal Courts, whose judges are

appointed by the Governor, have jurisdiction over minor violations and traffic offenses under local law.

The government of the Virgin Islands is financed through local income taxes, Federal excise taxes and Federal grants. Although Federal income tax rates apply, all revenues collected remain in the islands' treasury and are expended for the administration of the Territory. The excise taxes are those collected on the U.S. mainland on imported Virgin Islands products; they are returned to the Territory as matching funds. Federal grants and appropriations are for the Territory's employment services, public assistance, health and diseases services, wildlife and libraries.

Tourism is the Territory's most important industry, with rum distillation another major contributor to the economy. The government wants the economy to include a broader industrial and agricultural base, however, and has instituted incentives to encourage industrial development—incentives such as tax exemptions and subsidy benefits. Private investors in hotels, industrial firms and housing projects receive tax exemptions for up to sixteen years. The same investors may receive a return of 75 percent of their income taxes as subsidies.

What facts stand out in the Virgin Islands-U.S. relationship? Here, too, we find that although the people of the Territory have been American citizens for many years, they are denied the vote in U.S. Presidential elections. Furthermore, only in 1970 were the people allowed to elect their own Governor; and only this year will they be allowed to elect a delegate to Congress, though he will still be only a voice and not a vote. Again, we find the Territory's political future limited as the Virgin Islands are an unincorporated U.S. Territory.

In May, 1970, the Congress of Micronesia's status negotiators met with a U.S. delegation to bargain on the future political status of the Trust Territory. The U.S. proposed that Micronesia become a Commonwealth under U.S. territorial administration, and the proposal was rejected out of hand by the Micronesian committee in

its subsequent report on the meetings. For purposes of this article, let's look briefly at the U.S. proposal.

Under the U.S. plan, Micronesia would permanently join the political family of the United States as a Commonwealth. The policies on which the governments of the four territories we have just reviewed are based closely resemble the policies which would be established for a Micronesian Commonwealth.

For example, the proposal states that the provisions of the Constitution of Micronesia would not be contrary to the provisions of the American Constitution. The Congress of Micronesia would have full legislative power as long as it did not pass laws inconsistent with the U.S. Constitution, U.S. laws, or U.S. treaties. The United States would decide which Federal statutes would apply in Micronesia and which would not.

Micronesians would not be U.S. citizens (as the people of Puerto Rico are in the U.S. *Commonwealth* of Puerto Rico), but would be classed as U.S. nationals (like the American Samoans); Micronesians could apply for U.S. citizenship by first establishing residence in one of the fifty States.

Federal income tax laws would apply in our islands, and all revenues collected would remain in the Micronesian treasury to finance the government of the Commonwealth of Micronesia. Federal grants would be appropriated by the U.S. Congress for specific purposes. Micronesia would be allowed to have a non-voting delegate to the U.S. Congress—only a voice, not a vote.

Micronesian goods would have free access into the U.S., and American goods would continue to have free access into Micronesia.

And, finally, the proposal states that foreign affairs and defense of the proposed Commonwealth of Micronesia would be the responsibility of the United States.

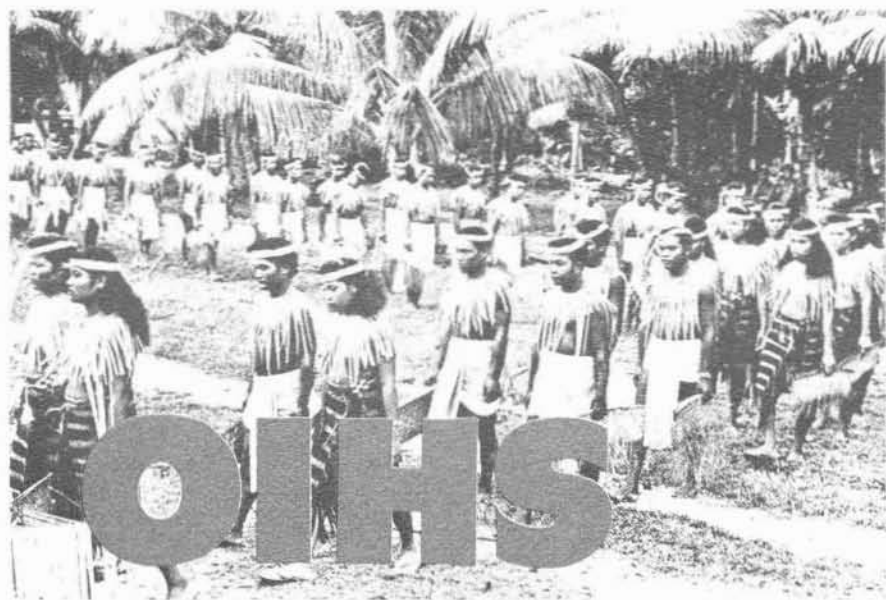
While the Congress status committee rejected the proposal, the Mariana Islands District Legislature demonstrated support for the Commonwealth plan by passing resolutions to that effect in August, 1970 (Resolution 11-1970 and

12-1970). This same legislature created the Marianas Political Status Commission, and logic would indicate that its mandate to the Commission ("... to make such studies as it may deem necessary concerning the issue of the future political status of the Mariana Islands District leading toward a close political relationship with the United States ... (and) ... to conduct discussions and negotiations with the United States Government on the future political status of the Mariana Islands District ...") would direct the Commission to negotiate a status if not identical to this Commonwealth proposal, then at least a governmental arrangement similar to it.

This writer's impressions from the first meetings of the Marianas Status Commission, held September 7-8, 1972, are that the Commission has neither accepted nor rejected the Commonwealth proposal as presented in 1970, but instead intends to ask the United States what kind of status will be offered by the United States to effect a permanent relationship between the U.S. and the Marianas.

And here is where some difficult questions must be asked. Are the people of the Marianas going to be subject to American laws and not be able to send a voting delegate to the U.S. Congress where those laws are made? Will the people of the Marianas be governed as American nationals, and not as first-class citizens of the United States—as another minority in the huge American nation? How much will we be required to submit to controls in which we have no say in exchange for the projected economic development benefits of which our elected representatives have spoken? The Status Commission, and indeed all of the people of the Marianas, must now begin to think about these things in light of the course which, in reality, has already been charted toward permanent association with the United States.





Graduation Day at OIHS

by Evelyn O. Littler

A tiny island must be a nearly ideal place for a controlled educational situation because of its isolation from "distracting" influences. There are no bars, no public theaters, no weekend rock dances. There is only a school and what it can provide.

Less than half a square mile in area, Falalop Island in Ulithi Atoll of Yap District is home for 350 students from September to mid-June. There, Outer Islands High School students study, work, and play for the duration of their secondary education, a minimum of six years. (OIHS is actually a junior-senior high school, with grades seven through twelve.)

It was to this active, self-contained school that my husband and I came in September of 1969 as principal and English teacher, respectively. We were fresh from stateside educational situations, with many unspoken questions about a boarding school so far out in the Pacific. We are still discovering answers.

One of two high schools in Yap District--the other is Yap High School in the district center 100 miles away--Outer Islands High School draws its lively student body from islands outside Yap proper. These range from Ulithi to the island of Satawal, which borders Truk District over 500 miles to the east. A total of thirteen elementary schools contribute their sixth grade graduates to the high school.

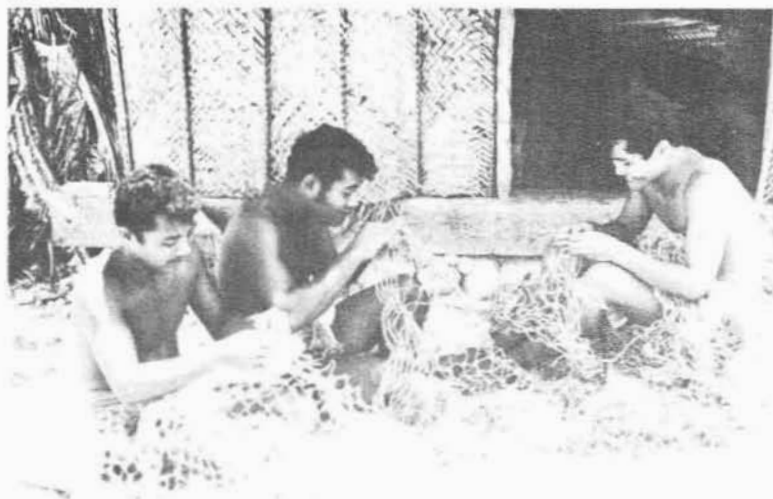
Students arrive in September and leave in June on special "student runs" of field trip ships. Depending upon the ship, school starts from a few days to a full month after the first students arrive on campus.

The school began in 1963 as an intermediate school on Asor, a smaller island nearby. Prior to that, the few male outer island students who left their islands went to Yap for post-elementary education. In 1965, the Coast Guard Loran Station on Falalop was abandoned, and the buildings were turned over to Outer Islands High School, headed by founder James D. Boykin.

A district administrative attempt to consolidate the school with Yap in 1968 brought immediate rejection of the idea by outer island chiefs, and let officials know that the outer islands did not intend to relinquish their school. The subject was dropped.

Successive years have seen additional buildings and facilities built on the campus as numbers have swelled and Coast Guard buildings have deteriorated. In 1971, a major master plan for the campus was drawn up by Headquarters Planning Division, plotting new classrooms, dormitories, a cafeteria and library. Major water and power projects, as well as maintenance of school buildings, necessitates a Ulithi Public Works department.

However, location, structures, and facilities are not really the story of Outer Islands High School--the students are. Handsome, energetic, and friendly, these young people are what makes OIHS a special place for those of us fortunate to work there. Basically unsophisticated, OIHS students still find joy in simple activities and pleasures, and their enthusiasm is contagious. They don't yet suffer from the type of boredom and restlessness which plagues their counterparts in other areas.



Fishing nets of coconut fiber are patiently woven during leisure time at school.

A senior Micronesian Civics student takes the part of Lazarus Salii in a presentation of the proceedings from the Hana status talks.



OIHS may well be the last high school in the Trust Territory where students wear their practical traditional island dress. Male students, who range in age from 10 to 38 years, dress in bright loincloths of green, red, blue, or white cotton. Girls wear *lava-lavas* woven of fiber or cotton thread. Only some Ulithi girls wear blouses. Also, as education reaches younger students, more and more pre-pubescent girls in grass skirts leave their home islands for the Ulithi school. Students of both sexes may carry baskets woven of pandanus or coconut leaf.

Boys and girls alike love flowers, and barely give any plant a chance to bloom before picking the blossoms to put in their hair. Until recently, the campus had no flowering plants, but beautification projects have now added plumeria, periwinkles and spider lilies to help provide decorations for flower-happy students. Ulithi students who are able to visit their home islands on free weekends often carry baskets of spicy pink plumeria blossoms back to their classmates and teachers. At these times, Monday morning classes can be especially fragrant and beautiful.

Three basic languages are spoken at OIHS, all unrelated to Yapese, and also quite different from each other. Numerous island dialects add to the variety. Satawalese is spoken on Satawal; Woleaian is the basic language for all islands between Satawal and Ulithi; Ulithian is spoken in Ulithi Atoll and Fais. Language problems faced by new students are gradually being solved as better-trained Micronesian teachers and Peace Corps Volunteers teach English in the elementary schools. OIHS intensifies the early teaching of English by scheduling seventh and eighth graders for four classes of English each day. Older high school students have two English classes per day. For the most part, however, English remains a classroom language because students quickly learn the other island languages. Most learn Ulithian for use at school.

Recent improvements in curriculum have de-emphasized traditional stateside courses in favor of offerings more relevant to young Micronesians. U.S. and World History have become electives, while Geography of the Pacific and Micronesian Civics have been designated requirements. An additional Micronesian social studies course developed in the Trust Territory will be added to the 1972-73 curriculum on a pilot basis.

An Island Skills class was introduced during the last school year, and made a requirement for seventh and eighth graders. It is one of those courses which is successful only if the right teacher is available. OIHS has the fortunate experience of having just the man in Pedro Yamalmai of Ulithi. A conscientious, spirited worker with abilities and skills that many Micronesians have already lost, Yamalmai has instructed his young students in rope-making, net-making, island legends and navigation. Outer island chiefs have approved of the class to the extent of asking for similar classes in the elementary schools. A related course for girls has yet to be developed.

Vocational Education has also grown in importance at OIHS as it has gained in priority throughout the Trust Territory. In 1971, a majority of tenth, eleventh and twelfth graders at OIHS chose vocational over academic placement for course work. Within a year, two ex-Seabees have been hired as construction trades teachers; a skilled Ulithian small engine repair instructor is back from a year of teacher training at Micronesian Occupational Center; another Ulithian construction teacher has begun a year at MOC.

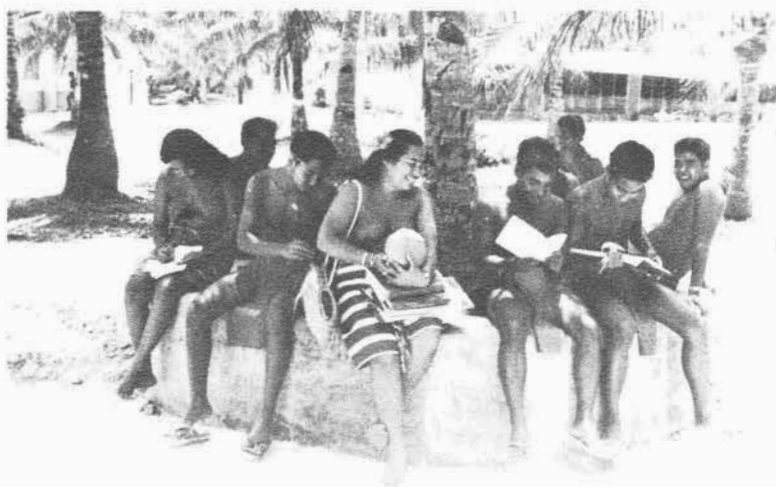
Home Economics has been a part of the curriculum for two years on a very general basis. A new classroom with facilities and materials should help. But there are still problems with developing a meaningful course to help the many girls who return to their home islands, where there are no electricity or running water. Although all Ulithi sixth grade girl graduates attend the high school, the outer islands send only about one-sixth of their girls. Some islands have yet to send any girls to Ulithi. At OIHS, boys outnumber girls 275 to 75.

In the early days of OIHS, students constructed buildings, stevedored ships, cooked and fished for the school, and did other jobs not normally expected of students. They still do.

Work is just one of the necessities of keeping an isolated school in operation, and the students are the work force. A favorite student term for themselves is "Manpower," and the past projects have taken a lot of it. Students have dug a 56-foot by 24-foot by 8-foot water catchment by hand, then mixed and poured the cement for it. In 1970, a major water project required a 3,700-foot trench that was 3-feet deep and 3-feet wide. "Manpower" in the form of brawny students with picks, shovels, and lots of muscle, bisected the campus for the water pipe to be laid. In some places, even girls shoveled loose dirt from the trench.

All recent school buildings have been built by student labor, sometimes under contract to a construction company, but often for free. Falalop villagers have always been very generous in supplying sand and gravel for school projects. The situation was explained to High Commissioner Johnston when he visited OIHS in 1970, and a plea was made for materials for a much-needed two-classroom building. A year later, the materials arrived, and construction trades classes poured the concrete pad, erected the building and did the finishing work by year's end.

Native materials were used for the most recent projects of two thatched men's dormitories and a boat house. Although students seem to prefer tin and concrete because it is modern, they agree that the thatched structures are unmatched for coolness. Each of the 350 students was required to contribute ten woven thatches for the boat house, and at least twenty for each of the dormitories. As was expected, the girls ended up doing most of the weaving, but they had help from mothers, aunts, and grandmothers who happened to be on the island at the time.



Relaxation with homework and drinking coconuts on a concrete sit-around built by construction trades students.

The mandolin is a favorite of a few strummers, along with the guitar and ukulele.





Coconut fiber hammocks—a place to rest beside a dormitory. Another student—built thatched dorm in the background.

Island Skills instructor Pedro Yamalmai shows OIHS boys how to make rope from coconut fiber.



OIHS students clean their own classrooms and campus under the supervision of their student council leaders. However, they are paid for some of the work they do for the government. Ship stevedoring is the biggest project and is done by the men and boys of the upper three grades. There is no dock on Falalop, so goods and supplies are loaded from the field trip ship into large motorboats for transportation to the beach. The use of the Yap District LCU has simplified stevedoring in many ways, although the large number of OIHS stevedores has been able to surmount almost any problem. Anticipation of new movies once motivated the student stevedores to unload 75 tons of cargo in 2 1/2 hours. Loading the same cargo had taken three days with men and machines in the district center.

The labor money for the water catchment, trench and stevedoring goes into the OIHS Student Body Fund. It is added to sizeable profits made by the student store, which is a major retail outlet on the island. The fund in turn buys and rents movies, and purchases popcorn and hot dogs for special parties. But most importantly, the fund is used to provide scholarships for graduating seniors each year. Graduates in the 1972 class received over \$2,500 in financial assistance from their student fund.

Cooking meals often turns out to be a student project, also. Four outer island men are hired as cooks, although none has had any training. Limited kitchen facilities—such as small kerosene burners and an

outdoor wood-burning oven—naturally put some restrictions on the daily meal preparation for 350. Students have always been expected to help bake bread, fry doughnuts, and cook fresh fish, to supplement the basic government issue of rice and canned fish or meat.

Remodeling of the Coast Guard galley and the installation of two electric ranges has eased the cooking problems somewhat, as has the help of six seniors as half-time cooks, aided by junior class “apprentices.” But students still seem to enjoy their meals the most when large catches of student-caught fish are divided by island groups and cooked over open fires scattered around campus.

Leisure time is also an important aspect of OIHS life. It is again a credit to the students that they do not sit back expecting others to entertain them. Boys fish for fun as well as for food. They go with spears or nets, or troll from one of the school boats. The girls spend hours patiently weaving floral *marmars* for friends and relatives to wear on their heads or around their necks. “Making flowers” is considered one of the nicest things a girl can do, and the time she spends doing it is never considered wasted.

Organized activities are also welcomed by the students, however. Prior to 1971, evening study had restricted club activities. Only Future Teachers of Micronesia had been started, and nearly everyone wanted to join. When night study was abandoned, students were able to participate in new clubs for art, drama, debate, choir, science, activities, and Girl and Boy Scouts. Boy Scouts, with over 120 members, and FTM with 40 have been the largest groups.

Athletic activities are often mass affairs, with 50 people playing one game of volleyball and twice that many running barefoot over a rocky soccer

field. Softball, ping-pong, and tether ball are also popular. Organized tournaments are held throughout the school year.

Movies are a sure crowd-pleaser, even ancient school-owned features such as "A Christmas Carol" and "Treasure Island." Both must hold some sort of record for number of times shown. In the past year, student council members used student funds to purchase eight budget westerns selected by students for future entertainment of themselves and villagers alike. Americans who are accustomed to cushioned seats in an air conditioned theater are impressed by the outdoor seats on the ground in front of a large wooden screen. All this and moonlight, too.

The highlight of the OIHS school year is always graduation. Preparation begins months in advance as students practice dancing, send out invitations, and invite speakers. Regardless of the location, the event has great drawing power for administrative, educational, religious, political and military leaders of Micronesia. A special "graduation run" ship transports guests from Yap for the day to join military and civilian visitors who have flown in on one or two Navy planes, and a Guam charter plane. Guests at a recent ceremony included a Bishop, several traditional chiefs, a Rear Admiral, congressmen, and representatives from Headquarters.

Ceremonies are held in an outdoor stone amphitheater built into a seawall by students. Regardless of the weather--as past guests will testify--the show goes on. Somehow the impressive spirit of the students cannot be dampened even by a pouring rain.

Solemn seniors march slowly to their places, wearing traditional costumes. The girls wear identical *lava-lavas* and each senior man is dressed in a double or triple-colored *thu* to match those of his classmates. They carry special baskets woven each year for graduates, and special *marmars* on neck and head.

A feast of native foods prepared entirely by students follows the ceremonies. Food for the day is provided by both the school and generous Ulithians. Traditional dances by students follow the feast, although they always seem to be interrupted by the departure of planes and ships which must be away from the island before dark. Graduation night then means a long night of movies rented especially for the occasion. Half the audience is usually asleep before the last movie starts.

It would be wrong to project the image of a truly traditional culture still in effect at OIHS. Times and life are changing, although at a slower pace than elsewhere in Micronesia. Where once a student's belongings were his cloth, *zoris*, Catholic medal, and sleeping mat, now he will wear a watch, own a sheet and a pillow, and may carry a briefcase. He will also have a bright Sears suitcase and a camera, plus either a transistor radio or tape recorder. Some nights and during rainy weather, he will show up wearing American clothes, although he hasn't yet started wearing them to class.

Time to leave—a school boat makes the short trip to a waiting field trip ship at school year's end.

The changes have come about for the usual reasons: more frequent travel to Yap during the summer; exposure to tourists and movies; living around American government employees who sell their own brand of westernization. The influence of outer islanders who return after attending other schools cannot be discounted, either.

Traditional dances and songs contain an increasing number of American words, and the rock band has also made its appearance. Four guitars, a ukelele or mandolin, and a singer take the name of "Island Joy," "Coconut Band," or "The Swingers." The selections are adapted western and rock music. And American dancing has also become popular for some, primarily boys and a few Ulithi girls. Outer island girls are prevented by culture from participating.

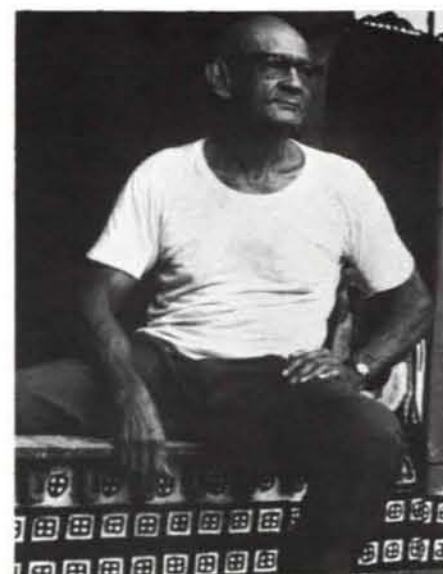
Being a part of the staff at OIHS is often awesome because of the tremendous obligation inherent in such a situation. Being totally responsible for young people so far from home for so long a time can and should be frightening for people who care. Here are island people who love their children, yet consider education important enough to send their youngsters hundreds of miles on a ship to school. They miss the joy of watching those young ones grow and discover not only their own world but the ever-changing world of the 20th century.

But we as teachers are the privileged ones to be able to share the lives of these young people. And it is this privilege and challenge which results in the high retention rate of teachers at OIHS. Several Micronesians who were part-time students and part-time teachers in the beginning years are still on the staff; others who graduated have returned. Peace Corps Volunteers stay to become contract teachers, while contract Americans renew their contracts after two years, four years, and even six years. It just happens to be an experience with real working and living.



The Art of Charlie Gibbons

by Hera Ware Owen



Rechucher Charlie Gibbons

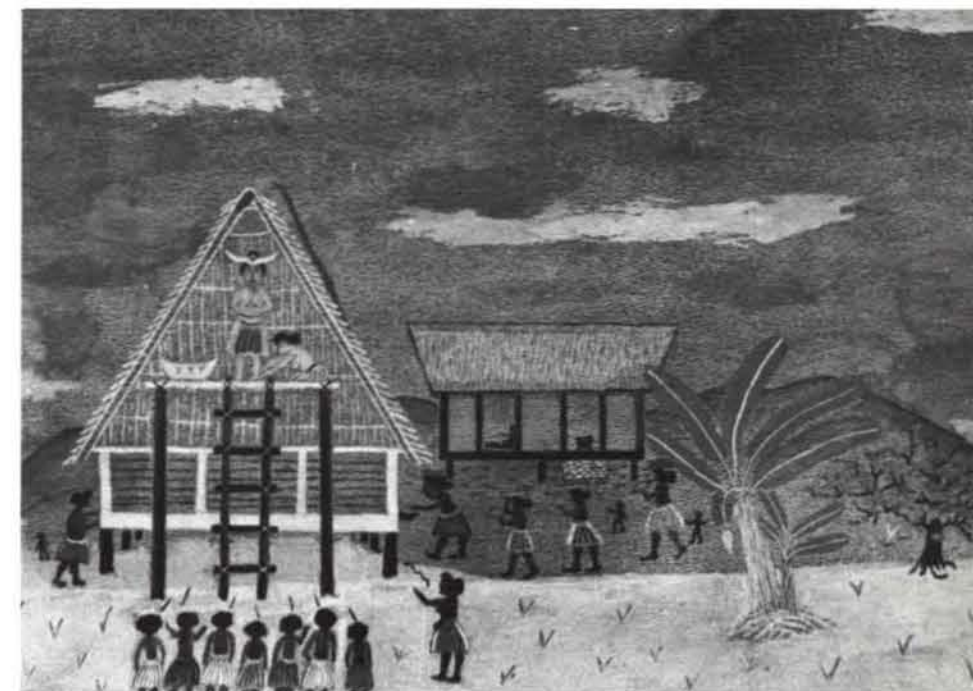
During World War II Palauans were evacuated to Babelthup, so he settled in his mother's village in Ngarard municipality and was chief of the hamlet of Ulimang. At the cessation of the war the United States military government employed him as an interpreter and subsequently, when the Navy civil administration was established, he worked in the island affairs department, until he left to become judge for Palau district court for 11 years. After this he joined the staff of the Palau Museum where he has remained for the past 13 years.

Gibbons has provided professional assistance to visiting scientists at various times. When living in Ponape he made botanical collections for the German naturalist Dr. Kersting. He served as informant to Dr. Homer Barnett, anthropologist, and Dr. Roland Force, director of the Bishop Museum in Honolulu. Even as a nine year old boy he accompanied his father when he worked with the ethnographers, the Kramers.

In this varied background there was no training in art, not even in carving which is a common craft in Palau. Yet after World War II he carved storyboards, a popular craft item, which he did with the ease of a steady hand. Since wielding the adz for carving requires more effort than his body strength will presently allow, he has turned to watercoloring. His watercolors are a personal documentation of life in the Palau of the recent and not-so recent past. Based on personal identification or first hand information they are revealing of a way of life disappearing or modified in a rapidly changing society. He has devised his own techniques of presentation, at times reminiscent of drawings on the *bai*, men's meeting house, and its gables and beams. His attention to detail is remarkable and can be likened to other artists classified as untutored, self-taught, naive or primitivistic, which include such well-known artists as the French Rousseau and the American Grandma Moses.

In 1971 Gibbons had a one-man show at the Henry Art Gallery in Seattle, Washington. He also participated and was a winner in the Micronesian Art Fest. His work will appear on exhibit at the Bishop Museum in Honolulu as well as at the University of Guam Art Gallery in the near future.

Charlie Gibbons is a ranking chief of Koror, holding the title Rechucher (sometimes simply spelled Reuer) which in days gone by meant he was in charge of warfaring operations. Rechucher continues to paint of life in Palau and he alone is graphically assembling a unique history of Palau.



First Child Ceremony: Ngasech

Palauan Hunting with a Blow Gun



Charlie Gibbons' father, William Gibbons, was an enterprising, industrious and capable man. Late in the 1800's his Palauan home was the first to have such conventional furnishings as tables and chairs. It was the introduction of a new idea to island living. As Gibbons' name would indicate, there is English in his ancestry. The first Gibbons in Palau was James, a West Indian sailor, who left his stewardship on a trading schooner to make his home in Palau about 1850. Charlie is his grandson, now 78 years old.

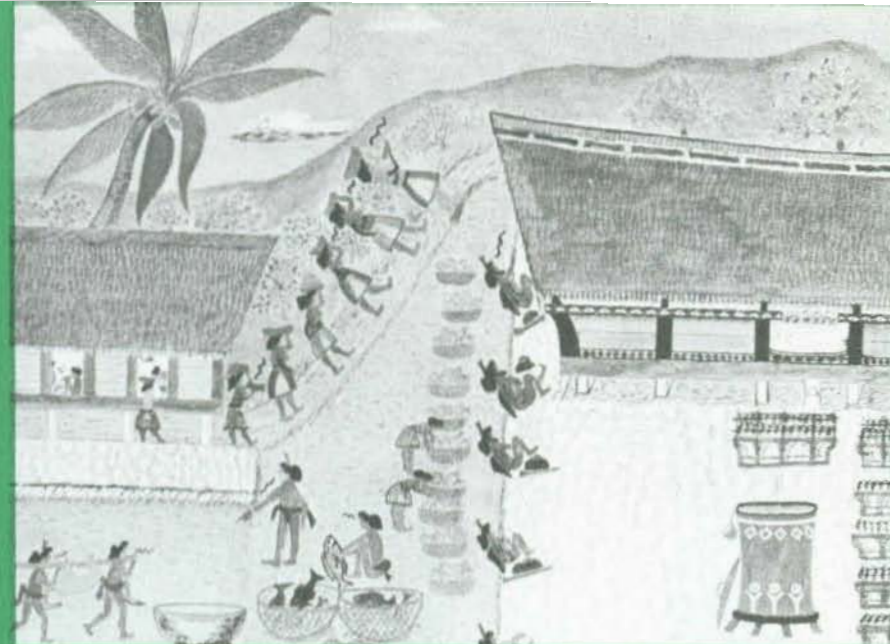
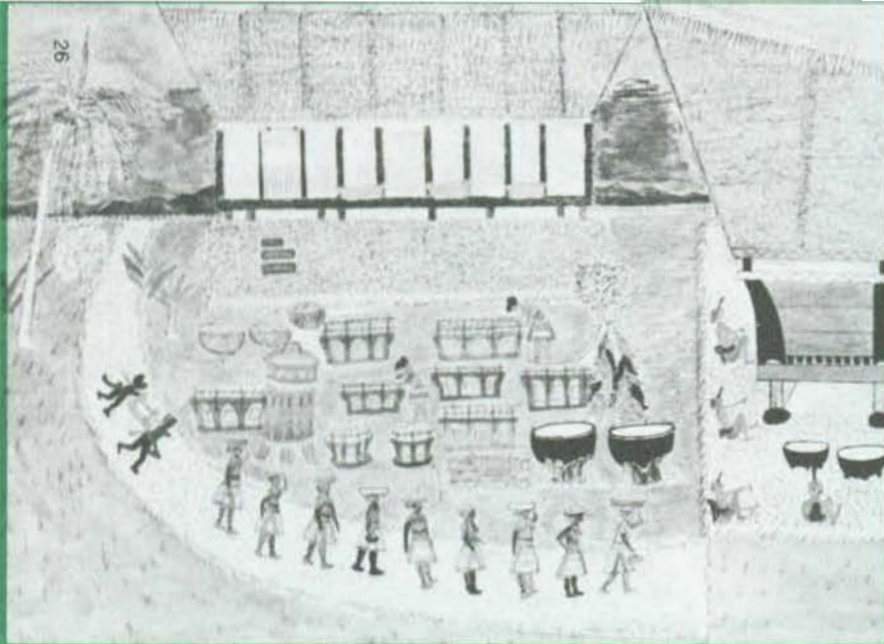
These were the beginnings of a distinguished family. The traditional Palauan home fashioned of native woods with a *nipa* thatch roof contained grandfather James' homemade table, desk and chair, in addition to two imported tables and five rattan chairs imported from Hong Kong by Charlie's father. What a strange contrast this was to the customary barren interiors of Palauan homes.

Gracing the table was a Chinese embroidered linen cloth on which sat a vase of Palauan flowers -- hibiscus, the lily-like *robosos* and *rur*. This is the white, scented trumpet flower or *bikkia* which clings artfully to the craggy sides of the limestone islands. Palauans have a sentimental attachment to the trumpet flower as it is a reminder of the path of migration from Angaur and Peleliu islands in the south through the jungle wilderness of limestone islands north of Babelthup island. Quite appropriately, *rur* was also Charlie's mother's name.

On the table lay a Bible and assorted other books; it might well be thought of as the first library in Palau. It was at one of these tables that Charlie first learned the English alphabet, as his father diligently drew the little boy's hand clutching the slate pencil, over the slate board. This was the beginning of Gibbons' formal education; both the grandfather and father were proud of their English-Jamaican ancestry and insisted that their children learn English. The daily reading of the Bible contributed largely to this.

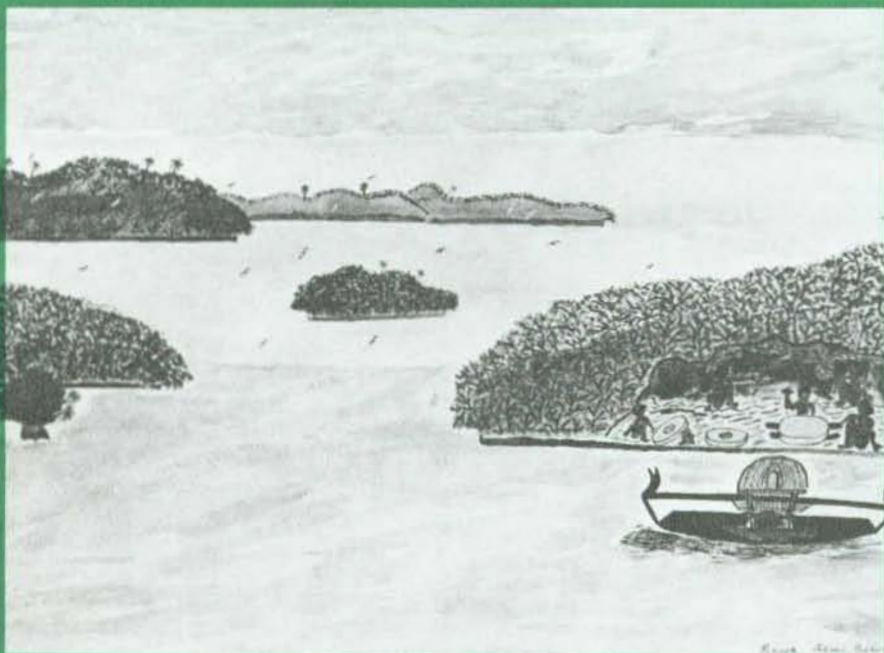
The father was a self-educated man whose creative mind expressed itself in many ways. He invented an ingenious "machine" with a wooden propeller and wheel to sail his boat, the first wooden boat of western design constructed here. His services were much in demand. Quite automatically, because of his facility with the English language, he became an agent for the numerous trading ships that stopped in Palau to pick up copra, tortoise shell and trepang. At one time he was an able informant to the German ethnographers, Dr. and Mrs. Augustin Kramer, who made an extensive study of Palauan culture. An eminently religious man, he eventually became the founder of the Seventh Day Adventist mission in Palau. When the German government expanded its administration and added a governor in Palau to their staff, William Gibbons was chosen for this post.

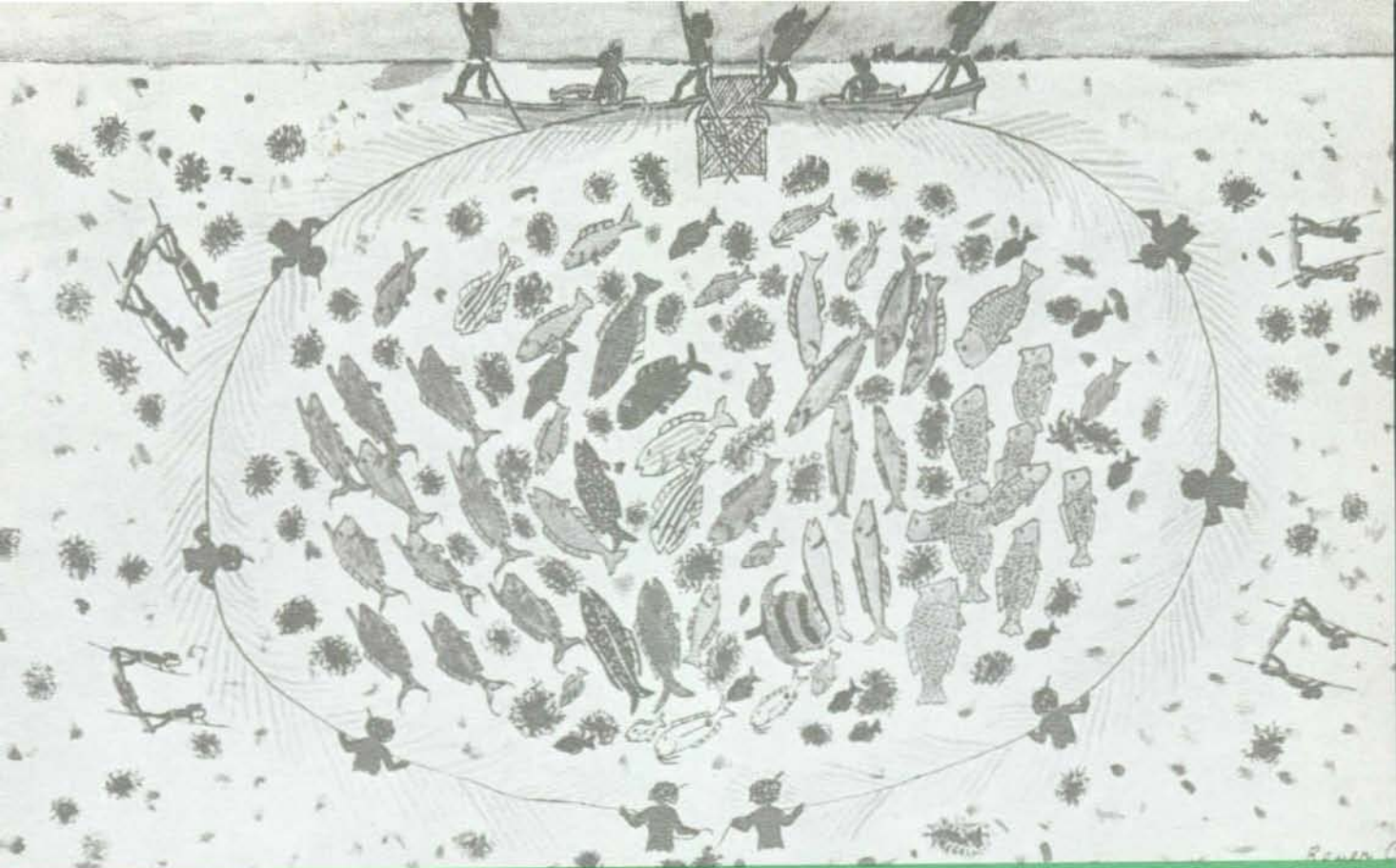
With this family background it was easier for Charlie to accept the discipline of the German mission schools which he attended for five years. He also attended the only public school of those times in Saipan, where, curiously enough, he learned practical nursing and typing. When he was 17 he worked with his Uncle Walter, a blacksmith in Yap. And furthermore, while in Yap he was employed in setting up the underwater cable system extending to Guam, Manado (Celebes), and Shanghai. Young Charlie had proved his worth to the administration and became an assistant to the German governor and also accompanied him to Ponape when word came of the serious dissension there which finally ended in an uprising. So he remained in Ponape for seven years and then returned to Palau. Here he served in the Japanese constabulary and worked in several government agriculture stations.



In the two pictures above, preparations are underway for a Palauan feast—the mut—with women bringing fish, breadfruit, taro, and other foods to the bar. The men carry the pig.

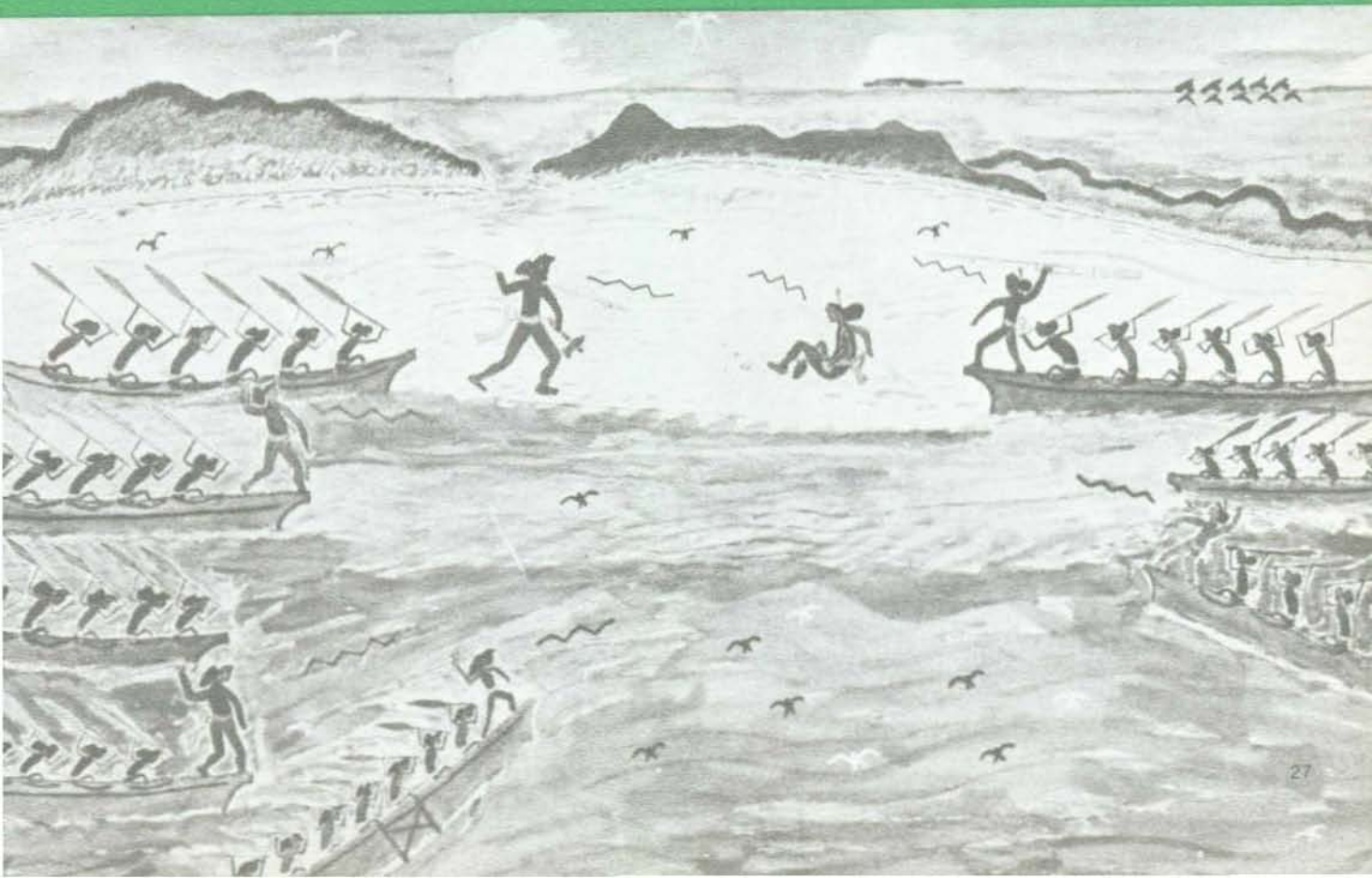
Below, left, Quarrying stone money for Yap among Palau's Rock Islands; at right, a woman grates coconut, while a man twists coconut fiber into rope.





In a picture entitled Fishing in Palau, Gibbons paints vivid descriptions of a score of fish found in Palauan waters.

Warring in Palau. The originals of all of the works reproduced here are approximately 20 inches by 24 inches.



Return to Eniwetok

Impressions by Jon A. Anderson

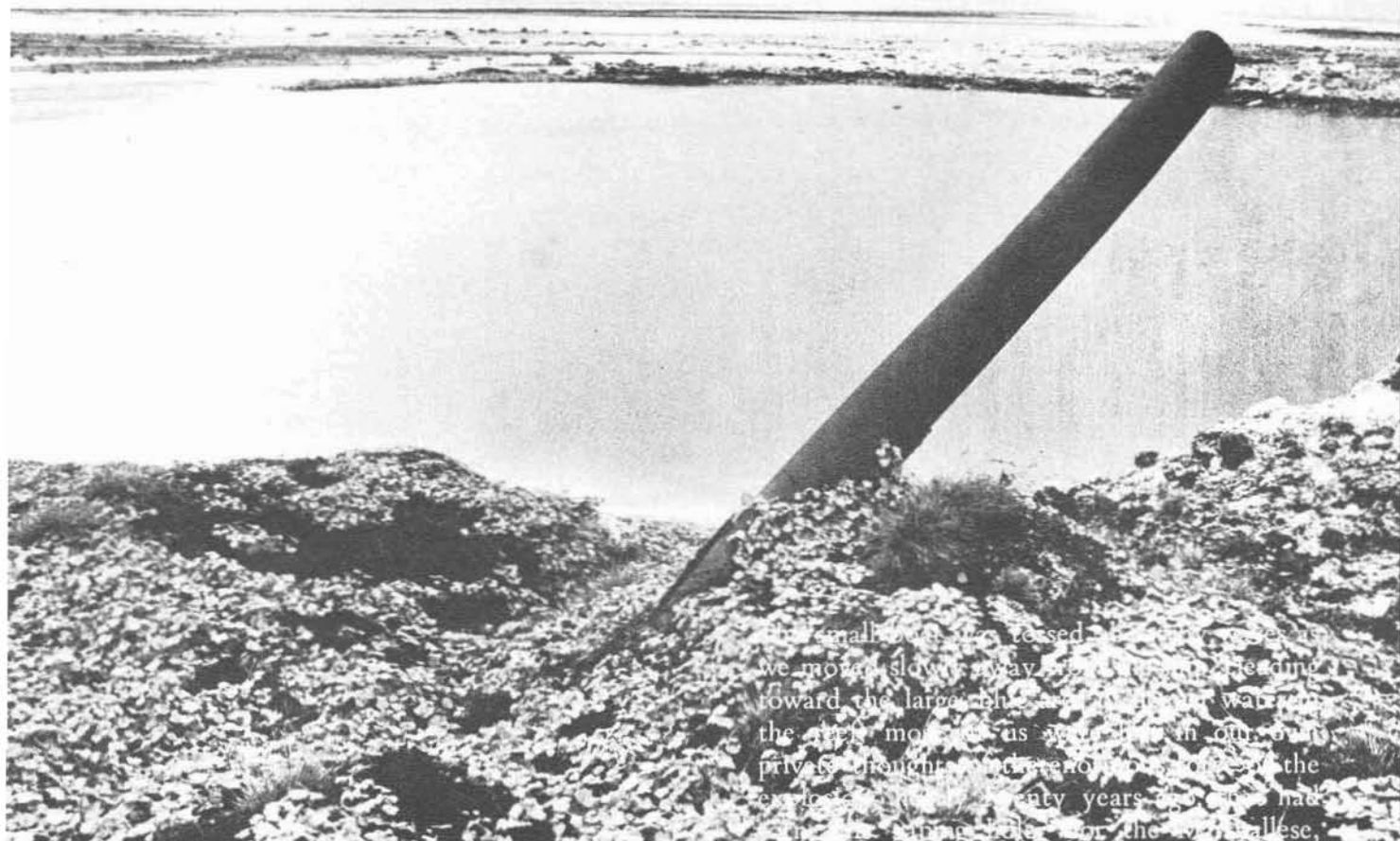


Above, going ashore at Parry from the Militobi. At right, liaison between the people and the administration, Deputy High Commissioner Peter T. Coleman.



The return to Eniwetok was perhaps not as dramatic as the Return to Bikini. The second time around for anything is never quite as significant. But in May of this year, when seven leaders of the displaced peoples of Eniwetok returned from Ujelang to set foot on the islands of their atoll for the first time after more than 25 years of exile, there was a drama, a certain poignancy that displayed itself in their reactions to the event. They were happy, yet also sad at seeing what had been done to their islands; pleased at the opportunity to return, yet unhappy in the knowledge that it will be many months before they and their people can return to stay.

Much work must be done before that can happen. The purpose of this survey trip was to begin making plans for the "rehabilitation," that ostentatious word we apply to the effort to restore a ravaged landscape to something like its former state or make it better if we can. By the end of 1973, the U.S. will be finished with Eniwetok, and will be ready to cast her off, another relic of the Atomic Age. In reality, the U.S. was finished with Eniwetok years ago. The atoll has been virtually deserted for years. But one last testing program is taking place now. When it is completed the military "need" for the atoll will be ended. The need of the Eniwetokese for their atoll, undiminished despite years of enforced absence, can then again be fulfilled.



The small boat was tossed about as we moved slowly away from the reef, heading toward the larger ship. The pipe was the only thing that stood out in our view, a stark reminder of the enormity of the explosion. Twenty years ago, it had been a simple pipe for the Japanese,

particularly, the moment held special meaning. Although they had seen the massive craters from the air, they had insisted on being taken directly over them on the surface of the water. Only in this way could the reality of their loss register completely. Here, in the reef at Eniwetok, two small islands that had once been part of the heritage and legacy of these people were gone—disintegrated entirely into a huge, mushroom cloud that in 1954 marked man's first explosion of a hydrogen device.

Land is important to the Micronesian, probably more important than any American can comprehend. And certainly in the Marshalls, where land is so scarce, this importance is the more profound. The loss of two islands, and part of a third, cannot be explained or compensated for. It must simply be endured, and the expressions on the faces of the people from Ujelang showed the pain of that endurance.

Never mind that the islands had never been inhabited, or that they supplied only a small amount of food. They were pieces of land, and land, any land, is precious.



Top, at Ground Zero, a nearly perfect circle where a bomb exploded, and a pipe that once ran to the test device now protrudes, the rest of it disintegrated. Above, over the exact spot where Elugelab once stood—Mike Crater. Ishmael John and, left, Col. Lou Circeo.



There was a feeling that the Eniwetokese did not understand—that despite the technical explanation, the more lasting impression on them was being made by the tractors, as they chewed away at the island. It was left to the legal assistance attorneys to ask the questions, and they did. The Eniwetokese have legal representation now, and that is probably good. No one can deal with the U.S. without an attorney to represent him nowadays—not even an American. But the lawyers will be a thorn in the sides of those responsible for the PACE project, and there will undoubtedly be delays as a result.

On the beaches of Eniwetok, debris of the Atomic Age. At right, Ted Mitchell, Director of Micronesian Legal Services, providing legal counsel to the people of the Atoll.

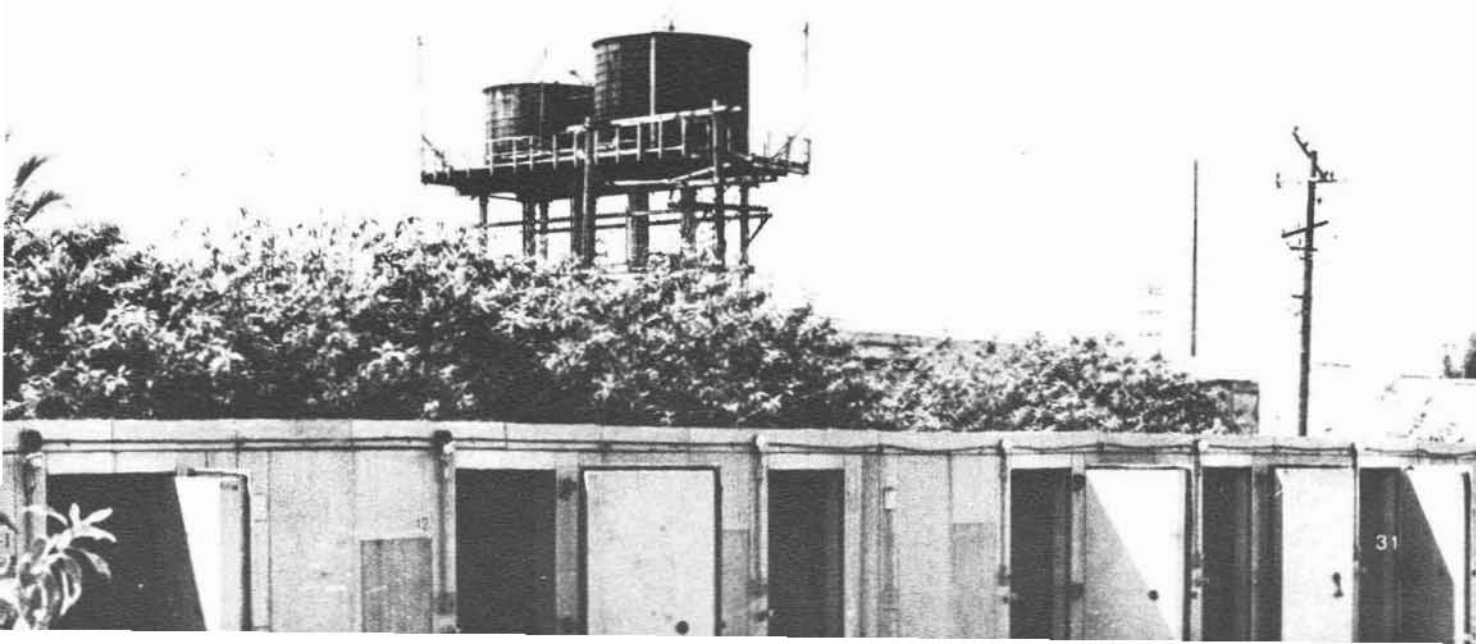




"They used to serve the best meals in the Pacific here," said Maynard Neas as we strolled through a shell of a building that was once the mess hall. Neas was DistAd Marshalls then, and he was a visitor to Eniwetok during the nuclear testing period. He remembered, as we walked around Parry Island.

Thousands of men used to be stationed on Parry. Their buildings, their equipment, the dormitories where they slept, the bathrooms where they washed, even the chapel where they worshipped are all still there, as though waiting for the return of the men. But no one has lived on Parry since 1958. It is a ghost town. In one building we found some huge electrical transformers, still in their shipping crates, unused but stenciled "abandoned." A trailer-mounted pump of some sort was the solitary object in another big building. In a third, hundreds of bags of cement were stacked up, the entire mass congealed into a solid rock. The value of the equipment and supplies abandoned staggers the imagination.

Parry will have to be rehabilitated. It is overgrown mostly with scrub brush. The stands of coconuts that once grew there are gone, with only the few trees that were planted for ornamental purposes remaining. Acres of concrete cover the ground, and hundreds of buildings, large and small, occupy valuable agricultural space. The Eniwetokese were bewildered as they hiked over the island. Their familiar landmarks were gone. The island had been transformed into a strange place. Only the fish in the shallow reef waters were familiar, offering the promise that things may someday be as they were before.



RERUN

from Micronesian Reporter March-April 1962

Big things were happening in the Trust Territory a decade ago—things which have a strange relevance to events of 1972, as the negotiations on the future status of the Trust Territory intensify. Herewith, a sampling from the pages of the Micronesian Reporter in 1962.

Headquarters is moving.

Saipan is to be the new Trust Territory Headquarters home.

Already, the process of change-over is underway. Various administrative personnel have visited Saipan in order to plan the office and housing assignments, and some already have made the transfer. The complete move is scheduled to be completed before July 1, 1962.

The proposed transfer of the Saipan District from the Secretary of the Navy to the Secretary of the Interior was announced jointly on January 12, 1962, by Trust Territory High Commissioner M.W. Goding and Rear Admiral John S. Coye, Jr., Commander Naval Forces Marianas. Simultaneously, the High Commissioner made the announcement that the island of Saipan has been designated as the first provisional capital of the Trust Territory of the Pacific Islands.

Incorporation of the Rota District into a joint district with Saipan effective July 1, also has been announced by the High Commissioner, and the new district - containing 14 islands and some 150 acres of land - has been designated the Mariana Islands District. (One major island of the Marianas - Guam - remains outside the U.N. Trusteeship area. Guam is a United States territory.)

The re-establishment of civilian administration for the Saipan District followed a careful review of the over-all administration of the Trust Territory by the Navy and Interior Departments, the joint announcement of High Commissioner Goding and Rear Admiral Coye stated.

The unifying of administrative responsibility for the Trust Territory is in accordance with a statement given the Trusteeship Council of the United Nations in June, 1962, it was pointed out. At that time High Commissioner Goding stated:



Saipan Planning Committee—Gerald C. Vittetoe, H. Raymond Uehara, Deputy High Commissioner Jose A. Benítez, and John E. deYoung.

"The United States Delegation has also been glad to hear the views of the Visiting Mission and members of the Council with respect to the desirability of unifying the administration of the entire Territory under the High Commissioner. As we have already stated to the Council, this matter has been receiving most careful attention at the highest level of our Government. All are agreed in principle that the administration of the Territory should be unified. The detailed steps for bringing about this unified administration are now in the process of being worked out."

The Saipan District of the Trust Territory has been administered by the U.S. Navy since January 1, 1953. Under Naval supervision, the 8,500 native inhabitants have become largely self-sufficient, exporting beef and agricultural products. During the most recent inspection of the district by members of the U.N. Trusteeship Council in March 1961, the Navy was praised for its economic, educational and health programs for the inhabitants.

The historic step, transferring the administrative headquarters of the Trust Territory to a location within its borders, is in keeping with the desires of the Administration to advance the political development of Micronesia, High Commissioner Goding said.

"The designation of a provisional capital within the Territory," he stated, "will facilitate the growth of self-government and will allow the people of Micronesia, through the principle of self-determination, to select in the future a permanent seat for their government."

FIRST BONA FIDE TRUST TERRITORY TOURISTS

from Micronesian Reporter May-June 1962

WHEN THEY LEFT DALLAS, Texas, on January 15, 1962, Mr. and Mrs. Robert H. Parham had no thought of touring the Trust Territory - but, as it developed, they did a thorough job of visiting the islands of Micronesia - and thereby became the first bona fide Trust Territory tourists.

Although before World War II visitors from Japan may have visited the area as tourists, since the war transportation and housing facilities within the Trust Territory have been so limited that general tourism has not been feasible.

As, gradually, travel and housing facilities improve it is anticipated that increasingly tourists may be accommodated, and in fact some day in the future, the islands of Micronesia may become a popular resort for visitors seeking locales off the long-beaten path.

Be that as it may, one group of tourists - the Parhams to be exact - have had their tour - and these brief remarks which they made at TT Headquarters in Guam give some idea of their reaction.

"Each place is beautiful beyond anticipation - and each is different.

"Our visit in Micronesia has opened utterly new worlds to us.

"We think that all the people - including the U.S. personnel and all the Micronesians - are wonderful. They were kind, generous and hospitable to us. There is no way to ever repay them for their kindness."

The Texans left their home town of Dallas in weather 8° above zero. The contrast in climate - the soft, refreshing breezes constantly blowing in the Trust Territory during their seven weeks of travel there (the very nicest part of the year is January and February, many people say) - contributed to the enjoyment of their trip into Micronesia.

Just before leaving Dallas, the Parhams met a friend (Mrs. Eugene Link), who told them about the Trust Territory, and, in fact, mentioned that her cousin (Capt. E.A. O'Neill II), was skipper of one of the Trust Territory ships (GUNNERS KNOT). From that time on, the Parhams set their sights on the islands of Micronesia.

Arriving in Honolulu, they went to the Pacific Far East Lines, and here learned that this steamship company also operates the Pacific Micronesian Line - the small fleet of Trust Territory ships, one of which is the GUNNERS KNOT with Capt. O'Neill as captain.



Handicraft shown on a table in the office of Deputy High Commissioner Jose A. Benitez, explaining a Palauan storyboard to Mr. and Mrs. Robert H. Parham.

The Texans then secured the necessary bookings and clearances - and soon were on their way, arriving in Guam on February 19, 1962. Here they were assisted by Dean H. Bush, manager of the Pacific Micronesian Line, in arranging onward passage.

After arrival in Guam and before leaving for Truk on February 27, Mr. Parham was able to visit Angaur and Ulithi, making the trip by Coast Guard plane. This part of the tour Mrs. Parham missed. Arriving at Truk by plane, they met Capt. O'Neill and caught the GUNNERS KNOT en route to Ponape. They described their routine thus: "We lived on the ship and spent our days inshore."

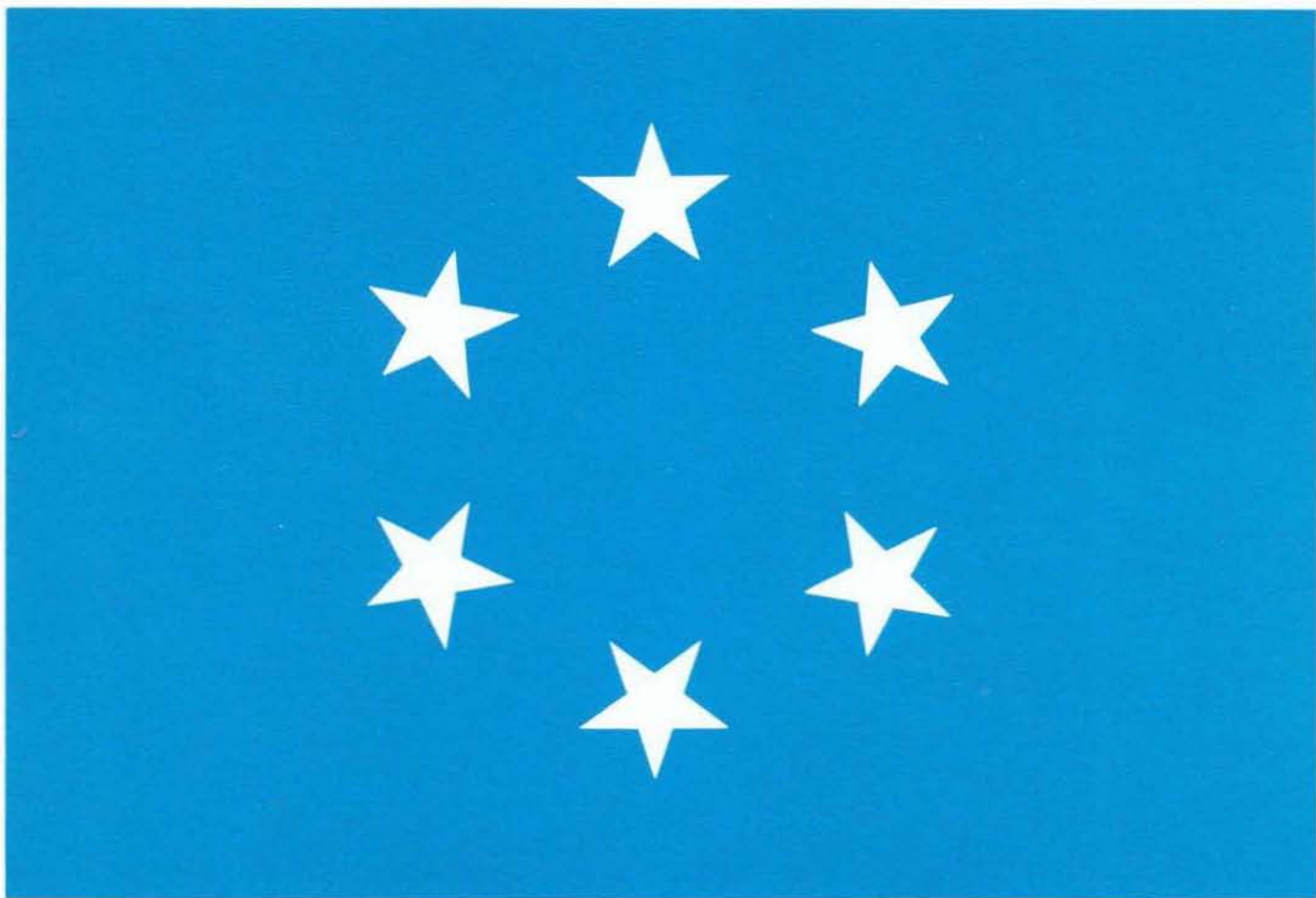
Islands visited in the course of the GUNNERS KNOT voyage included Ponape, Pingelap, Majuro, and Eniwetok. Later the Parhams made stops at Rota, Saipan, Yap and Koror before their final departure from Guam on Friday, April 20.

Mr. Parham grew up in the newspaper business. His family published the Norman, Oklahoma, Transcript. He has worked for the United Press in Oklahoma City and other places, and served as a UP bureau manager, later was on the UP executive staff. He also has been a contributor to the Saturday Evening Post. During World War II, Mr. Parham was a colonel in the Air Force. Later, he was associated with the General Electric Company in New York, but left there in 1951 for Texas where he is presently engaged in the real estate business. Mrs. Parham is a native Texan; her husband, an Oklahoman.

The Parhams continued their travels upon leaving Guam, proceeding to Saigon, Hong Kong, Manila, Taipei, Tokyo, then Honolulu, and back home to Dallas, but the greatest and most memorable part of their entire journey, they declared, would always be that portion spent in Micronesia.

PEACE, FREEDOM AND LOYALTY

from Micronesian Reporter September-October 1962

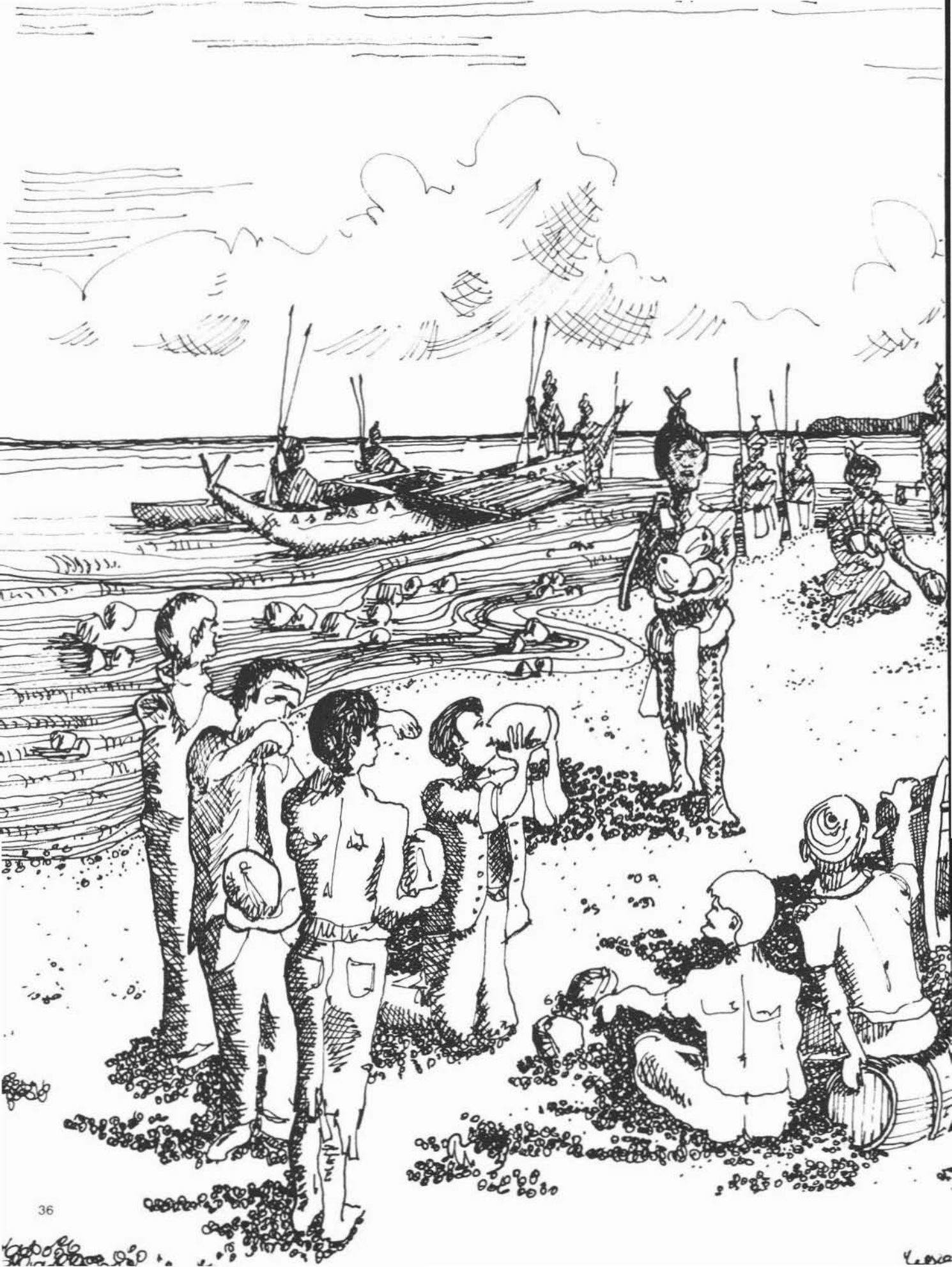


This is the winning flag design: circle of six white stars on a field of blue. A very simple design it is, but the interpretations behind the constellation of white stars and the background of blue field are profoundly meaningful. Indeed, the selection of the flag was based primarily upon these two essential qualities: simplicity of its design and beauty of its meaning. Representing the six districts of the Trust Territory, the white stars also stand for peace; the blue background symbolizes freedom and loyalty.

The original design of the first flag of Micronesia is credited to Gonzalo Santos of Saipan, Marianas District, who is currently working at the Headquarters Communications Office as principal clerk. (It might be interesting to note that Gonzalo himself received the news dispatched from Koror, Palau, announcing his

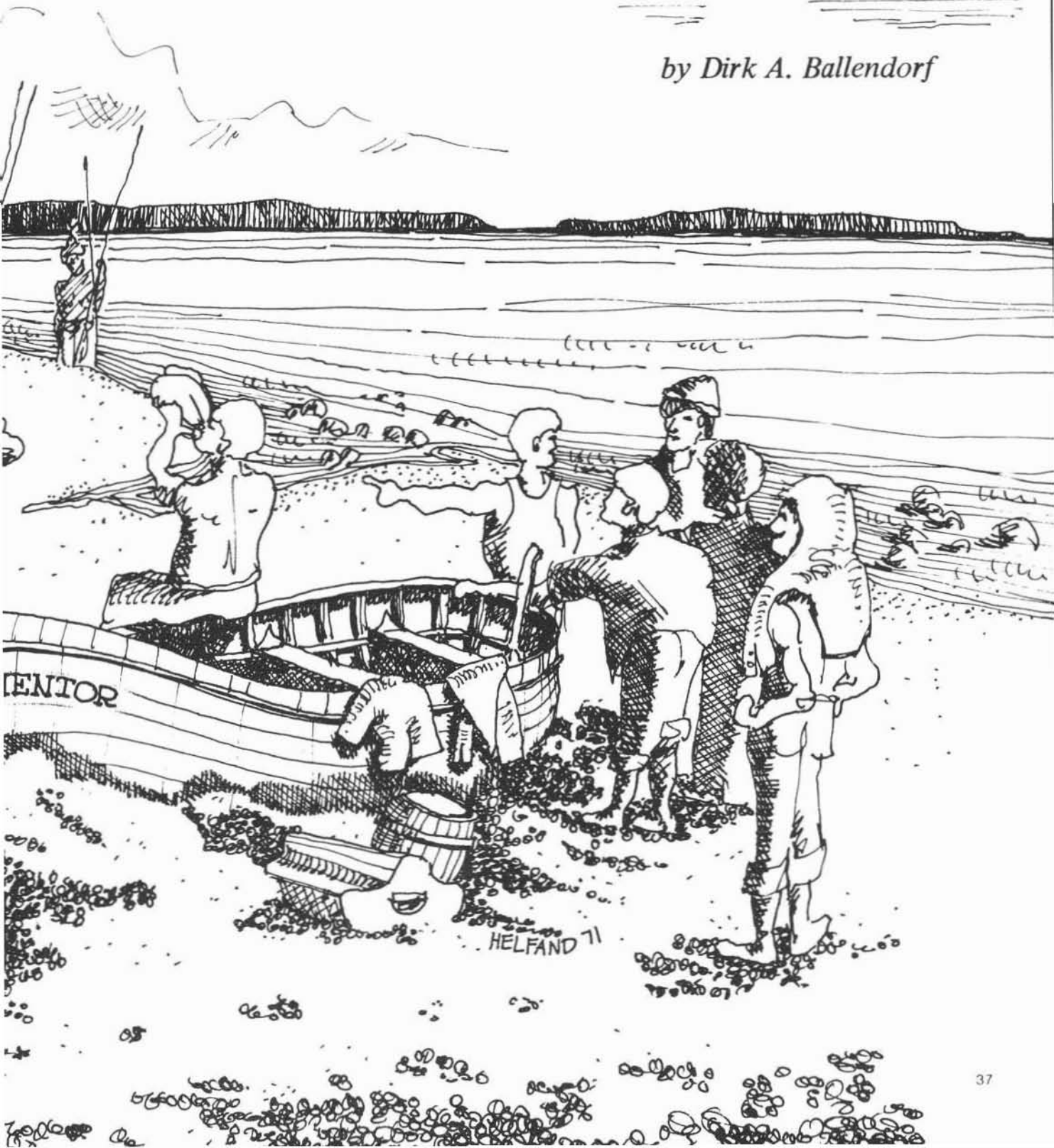
winning the Territory-wide flag contest.) Born in Yap Islands, 22-year-old Santos moved to Saipan after the war when the Chamorros of Yap were transferred to Tinian Island in the Marianas. He attended George Washington High School and graduated in 1958.

In a brief ceremony held at Headquarters in Saipan, High Commissioner M.W. Goding and Chairman of Council of Micronesia Dwight Heine presented the grand prize of \$250 in check to Mr. Santos. Also, during the same ceremony, a consolation prize of \$50 was awarded by the High Commissioner to Enja Enos of the Marshalls, a student at the Jaluit Elementary School whose entry was somewhat similar to the winning design. Chairman Dwight Heine received the prize in place of student Enos.



Americans/Palauans—Their First Encounter

by Dirk A. Ballendorf



Americans/Palauans—Their First Encounter

Every island group in Micronesia has its stories about foreign visitors of the past. All of them are interesting; some are quite exciting. Each district has its own special story about a particularly memorable or significant visit by foreigners of years gone by. In the Marshalls there's the story of the crewmen of the whaleship *Globe*, who, in 1823, mutinied and tried to establish a kingdom on Mili. The venture ended in disaster when the outraged Marshallese rebelled and killed all but two of the mutineers. In Yap there's the story of D.D. O'Keefe, the self-styled American adventurer and scoundrel, who came in 1883 as the captain of a Chinese junk. He proclaimed himself king after establishing a position of copra trade dominance by supplying stone money to the Yapese from Palau in exchange for his business monopoly. By the time the Germans arrived in 1899, O'Keefe claimed to personally own over half of Yap. The Germans finally seized his holdings and ousted him. "His Majesty" was lost at sea in Micronesian waters in 1901. In Palau there's the story of Captain Henry Wilson who arrived aboard the *Antelope* in 1783. Sailing from Hong Kong, the ship was wrecked on the reef below Koror. The Palauans and the *Antelope's* crew worked together to build a new ship which carried Wilson back to civilization. The visit to Palau was especially famous because Captain Wilson took the Koror chief's son, Lee Boo, back to England with him. Unfortunately Lee Boo died in London some months afterwards of smallpox.

But some years after Wilson there was another visit by foreigners to Palau which was equally interesting and exciting. And it was important because the visitors were the first Americans known to have stayed for very long there. It is the story of the whaleship *Mentor* and her ill-fated crew, who arrived at Babelthup in 1831.

The story begins, as did so many in those days, at the Massachusetts whaling port of New Bedford. In July of 1831 the *Mentor* made way with her captain, Edward C. Barnard, and twenty-one crewmen: Thomas M. Colesworthy, Peter O'Connor, Benjamin F. Haskell, David Jenkins, Jacob Fisher, Peter Andrews, John Mayo, Horatio Davis, Bartlet Rollins, William Jones, Thomas Taylor, Lewis Bergoin, Charles C. Bouket, Calvin Alden, Milton Hulet, William Sedon, James Meder, James Blackmore, Benjamin Nute, and Horace Holden. Most of these men were youngsters.

The *Mentor* sailed down through the Atlantic and looked for whales off the coast of Africa. Her success there being minimal, she plied towards Java and further eastward to Timor and Morotai. Whaling was still generally poor, and, after spending a little time in the East Indies area, the *Mentor* set out for the Spanish port of Guam to reprovision herself. Enroute, at about an hour before midnight, on the 21st of May, 1832, the *Mentor* struck Ngaruangel Reef in the Palau Islands. Tremendous confusion followed as the ship was dashed again and again on the coral rocks. The first mate, Thomas Colesworthy, assumed command momentarily and ordered a boat lowered into the dark waters. Ten men scrambled in altogether. They were advised by the others against leaving under such blind and uncertain conditions, but this advice went unheeded. They cast off and vanished forever.

The eleven men remaining aboard cut down both masts in an effort to restore some stability to the swaying *Mentor*. This accomplished, Captain Barnard ordered another boat lowered. This time he got in along with Bouket, Sedon, and Jones. As a safety precaution Barnard tied a rope around his waist with the other end made fast to the remains of the masthead. The other seven men watched skeptically. Suddenly a giant wave came up and smashed the boat. The four men were plunged into the sea. Bouket, an excellent swimmer, made it to the lee side of the *Mentor* and climbed back aboard. Sedon, who had never completely let go of the *Mentor's* lines, managed to pull himself back up. Captain Barnard, who drifted with the line around his waist was pulled in by the seven men still on the *Mentor's* deck. Jones was lost.

Getting themselves together, the ten men now decided to try to stay aboard the *Mentor* until daybreak at least. When the light finally came it was possible to see a small patch of land about two miles distant. Beyond this, on the horizon, could also be seen another small island to the east about twenty or thirty miles off. The last whaleboat on the *Mentor* was made ready with some small provisions, and the group set out for the small dry patch on the reef.

After resting for a time on the exposed patch of reef, the men decided that they would set out to sea and await the arrival of some passing ship in hopes of being saved. But since night was by now again coming on, they thought that the start of such a journey would wait until the next morning.

As the whalers awoke the next day they were confronted by a canoe full of Palauans which stood off the reef within gunshot range. In an attempt to be friendly the Americans beckoned the Palauans to come ashore. This they did directly and presented the crewmen with coconuts for refreshment. As far as is known, this is the first recorded contact between Americans and Palauans. Horace Holden, a member of the group of stranded whalers, related his impressions of this first meeting some years afterward:

Their appearance excited my astonishment, and I was filled with horror at the sight of beings apparently human, and yet almost destitute of the ordinary marks of humanity. They were entirely naked. Each one was armed with a spear and a tomahawk; some had battle-axes. They were fantastically tattooed on different parts of their bodies. Their hair, naturally coarse and black, like that of the Indians of America, was very long and hung loosely over their shoulders, giving them a singular and frightful appearance. Their teeth were entirely black; rendered so by chewing... (betelnut.)

These Palauans were apparently inhabitants of Kayangel Atoll, which was part of the land which could be seen about twenty or thirty miles distant on the horizon. Their kindness to the whalers however, was short-lived and not without particular design. No sooner had the coconuts been presented than the natives began to steal everything they could get their hands on which belonged to the Americans. Since they were greatly outnumbered, the whalers fled rather than try to fight. In haste they set out in their whaleboat with the remaining provisions they could save. To their surprise, the Palauans, instead of chasing them paddled instead toward the wrecked *Mentor*. The Americans began to pull for the distant land which was Kayangel Atoll. Not long later they noticed the natives in pursuit, and, as their canoe drew near the whaleboat, the crewmen noticed that the natives had taken the few remaining muskets which had been left aboard the *Mentor*. That was what the Palauans had been after all along. But instead of engaging the whalers, the natives rapidly pushed past them. By and by, many more canoes appeared on the scene. One canoe stayed

close to the whalers and offered to give them a tow-line. The Americans shortly accepted and were towed for quite a while towards Kayangel. But when they got within a distance of about five or six miles the canoe dropped its sail, and a couple of natives who had been riding with the Americans in their whaleboat, jumped overboard with the small keg of gunpowder which was stowed aboard. Again the whalers were robbed and exasperated! With all their might they pulled away towards the open sea. The Palauans gave hot pursuit.

But the whaleboat tacked into the wind and this slowed the native canoes. Occasionally the whalers threw some clothing overboard, and this further caused the canoes to slow down to pick it up. After a several hour race, the natives gave up and the tired Americans breathed a long sigh of relief. On the horizon they saw more land, this time about forty miles distant they estimated. As night fell, the whaleboat drifted toward this land, which was in fact Babelthup Island.

The following morning they found themselves in shoal water and pulled for a small island which appeared deserted. It was the island of Ngarekai off the northern tip of Babelthup. Once ashore they found fresh water and thanked God that they were all still alive. After quenching their thirst they made a meal of some of the small provisions remaining and pondered their next move.

It wasn't long before their discussion was interrupted by the appearance of a canoe with two Palauans in it. The craft came within a respectable distance and stood off. One of the natives soon held up a fish. The whalers were delighted and held up a crab they had caught. This mutual gesture of friendship caused the canoes to come in and land. Once ashore the whalers presented a jackknife to the natives. They were pleased with this and invited the whalers to follow them to Babelthup. After a short journey the entire group landed near the present site of Ngerechelong (then known as Arrocolon) village. Hosts of native canoes surrounded their landing. When the Americans got to the shore they were stripped of their clothes and taken to a place inland where it would be decided what to do with them. Palauans of all ages and sizes crowded round to get a glance at the strange visitors. Once inland, the Americans were made to stand on a platform situated between two *abais*, or Palauan longhouses. Here the chiefs deliberated upon what to do with the white men. The Palauan women played a large role in the discussions, and it seemed to the whalers that the women were, at times, pleading



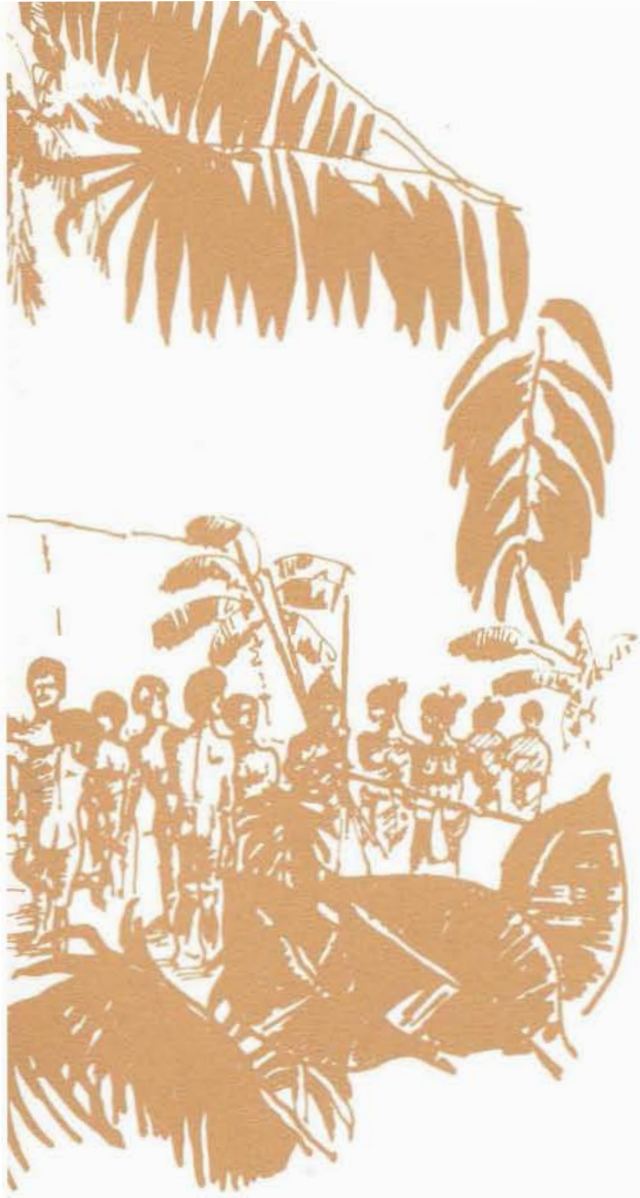
with the chiefs to spare their lives. Finally the deliberations were over, and, apparently, the decisions were favorable to letting the men live because a little food and drink was brought for the refreshment of the whalers.

After partaking of some nourishment the men were led along a path towards another village, where, it was learned afterwards, they were to meet with a native prophetess who would further comment upon their fate. When they arrived at the village they were seated beside another *abai* and given more food. This time it was quite an amount and greatly appreciated by the whalers:

It consisted of a hog's head boiled in seawater, highly seasoned with cayenne and aromatic herbs, a plentiful supply of yams, and a large bowl of sweetened water.

As the Americans began to eat their food, they were approached by an old man who walked with a firm step. They looked up and were astonished to discover that he was an Englishman! They stood up aghast at this strange fellow. He was about sixty years old and had long, grey hair, unlike that of the Palauans. His body was tattooed and his teeth were all gone, though his mouth was blackened by the use of betelnut. The man introduced himself as Charles Washington and he claimed to be the sixth chief of the island. He had lived on Babelthuap for some thirty years, having jumped ship from the British man-o-war, *Lion*, after having committed some minor offense for which he feared punishment. He seemed very content with his lot among the Palauans.

It was fortunate for the Americans to encounter him for Washington helped to get the whalers settled and adapted to life on Babelthuap. The whalers were provided with accommodations and food, and in the



days and weeks that followed, they began to relax in their new environment. They became tanned, wore the native clothing, learned the Palauan language, ate Palauan food, and, in some cases, took Palauan wives. But their acculturation in no way diminished their yearning to return to America.

Now at this time in Palau there was an on-going feud between the people of Babelthuap and the people of Koror. It had been the Koror people, who, some fifty years before, had helped Captain Wilson and his crew to construct a new ship to take them home to England. As time passed, through the island grapevines it became known to the people of Babelthuap, that the Koror inhabitants would be willing to assist the Americans in building another ship to take them away. This offer, together with the fact that the whalers were anxious to leave, caused the

Palauans to offer to help in the construction of a new vessel. The Americans were gratified at this offer and took to the task eagerly.

An arrangement was reached between the Americans and Palauans that, in exchange for help with the boat construction, the whalers would return some day to give muskets and powder to the Palauans. And, in order to cement the agreement, three of the whalers—Meder, Alden, and Davis—would remain in Palau until the other Americans could return and fulfill their promise. Also, three Palauans would accompany the Americans on their voyage. This agreement reached, the work got underway, and the assistance which had been offered by the Koror people was rejected.

From the beginning the project had serious difficulties. Tools were lacking as well as the proper fittings for a western vessel. The first attempt ended after a keel was laid and extreme difficulties were encountered with bending wood for further construction. Finally it was decided that it would be better to use a native design. Hence construction was planned for a large canoe. The largest tree was selected, and it took several days to cut it down with the improper tools available. When the tree was finally felled it was discovered that it was rotten inside and also that it had cracked severely when falling. The Palauans were discouraged, but, at the urging of the whalers, pushed on. Another tree was selected, and this time it proved satisfactory.

After weeks of work the canoe was ready. Also, in the meantime, the small whaleboat which the Americans had used to originally come ashore, was reasonably restored and made ready for the trip. The Palauans produced a compass which had been left by the English some years before. Although damaged, it still worked.

On the 27th of October, 1832, after having some difficulty with leaks in the canoe, they set out on their uncertain voyage. There was, understandably, some sorrow on both sides. The Americans had become very appreciative of the Palauans, and in many respects, were sorry to leave. For their part, the Palauans too, had formed lasting friendships. Hence this first encounter between Americans and Palauans was one of overall mutual respect and admiration.

The voyage and experiences which followed, however, were singular and forever memorable. Without proper navigational equipment and instruments, and without experience in sailing Palauan waters, the voyage was very hazardous. Together with this, after a short time out, the group encountered a disastrous storm. The canoe foundered and the entire group of ten men had to be accommodated in the whaleboat. Adding to this inconvenience, the whaleboat's rudder and mast were swept away in the storm. After the storm passed the men accounted for their losses and saw that they had about four coconuts per person. If they couldn't reach some land, they would starve to death. The group drifted helplessly for nine days and nights. On the tenth day, as they settled down to a state of confirmed despair, they spotted an island on the horizon! They exerted all remaining strength to reach it, and when they were about six miles off they saw a fleet of some eighteen canoes approaching them. Their hopes were raised.

But their hopes were immediately dashed. When the canoes reached the group they surrounded the whaleboat and viciously attacked the exhausted Americans and Palauans. In a few moments the whaleboat was completely wrecked and the men were swimming helplessly in the water. The natives refused to let any of the men come aboard their canoes. When the men were clearly exhausted to the point of collapse, they were finally taken aboard the canoes and then made to row towards the shore. Between the strokes of their paddles the men wondered if the end of their lives was finally at hand.

Their reception ashore was little better than that which they had received on the water. They were all beaten and kicked about. And there were tremendous arguments among the natives as to whom the newcomers would "belong to." Finally they were all separated and held incognito.

The island upon which the misfortunes of the group had led them was known by the charts of the time as Lord North's Island. Today it is known as Tobi Island. Although it had been visited before that time by navigators, it was not known to have been inhabited and certainly no outsiders had ever stayed there for any length of time. The months which followed proved miserable for the Americans and Palauans alike. The comments which were made later about the people of Tobi, as gleaned from this awful experience, come down to us today as the first more or less definitive account of what Tobi and its people were like in the early nineteenth century. Again, Horace Holden recorded his impressions:

The inhabitants are in a state of entire barbarism and ignorance. The men wear a sort of girdle or belt made of the bark of a tree. This is girded round the loins so as to leave one end to hang loose behind, the other is brought forward and fastened to the belt in front. This is their only clothing. The females, after arriving at the age of womanhood, wear an apron made of the leaves of a plant, by them called *kurremung*, split into fine strips and plaited. This extends from the loins nearly to the knees. Some few wear rings upon their wrists made of white shells, and some had this kind of ornament made of turtle shell. In their ears, which were always bored, they sometimes wear a leaf, and small white shell called *keem* shell. The children go entirely naked. The complexion of these islanders is a light copper color; much lighter than the Malays or the Pelew (sic) islanders; which last however they resemble in the breadth of their faces, high cheek bones, and broad, flattened noses. They do not color their teeth by chewing anything . . . but their teeth are so strong that they can husk a cocoa-nut with them instantly.

Their principal food is the cocoa-nut. They occasionally succeed in procuring a fish, though the supply during our residence there was exceedingly small. . . . When anyone of them begins to fail for want of food, so that his death is pretty certain, they inhumanly turn him off from among them, to starve to death.

They have a religion and their god is called by them Yarris. . . . Their implements of war are spears and clubs, no bows and arrows. Their spears are made of the wood of cocoa-nut trees; the points of them are set with rows of shark's teeth; and being at the same time very heavy and from ten to twenty feet long, are very formidable weapons.

Their canoes are made of logs which drift to their island from other places; there being no trees there large enough for the purpose. They kindle their fires by rubbing two sticks together, and they cook their food by covering it with heated stones. . . . They reckon time by moons, except when speaking of two or three

days. They take pride in their hair and are particularly careful about it, washing it and cleansing it almost every day; they moisten it with juice pressed out of the cocoa-nut, which gives it a very glossy appearance, and it is frequently so long as to reach down to their waist.

Their language is different than those of any other island; we found that the three natives of the Pelew islands could not understand anything they said.

The capture of the whalers by the people of Tobi occurred on December 6, 1832. All of the men were held in strict captivity and were made to work cultivating taro and hauling rocks of coral. Then, on February 3, 1833, a ship appeared on the horizon, and the captives were elated. The people of Tobi, of course, went out to see every ship which came by in order to try and get ironware. Naturally, this time, the whalers wanted to accompany them out to the ship. The Tobi natives refused to permit it. There was fighting during which time all of the Americans and Palauans were severely beaten. However, two of their number--Captain Barnard and Bartlett Rollins--succeeded in going out to the ship with the natives. It is not clear how they actually managed this, but perhaps they finally convinced the natives that they could be of some assistance in obtaining iron from the ship's company. Not surprisingly, once Barnard and Rollins were able to get close to the ship in the native canoes, they effected their escape. The rest of the group who looked longingly from the shore believed that now the ship's company would fight for their release also and they bided their time with growing anxiety. The ship then came in quite close to the island. Holden describes the scene:

They were in sight about three hours; at one time they were so close that we could distinctly see the hands on board. . . .

But then, to the marrons' great frustration, the ship set her course and sailed off! Despair and frustration at this development caused the remaining members of the group ashore to fall down and weep.

When the Tobi natives returned to shore they had with them several iron hoops, but were fiercely angry that the Americans had escaped. They therefore set again to beating the remaining men. After this they were guarded even more closely and treated with even more cruelty. Holden described their attitudes:

We were given to understand that now our doom was fixed; that we should remain with them, and die the victims of our tormentors!

The days, weeks, and months which followed were all alike for the stranded seamen. A typical day went like this:

Generally we were aroused from our broken slumbers about sunrise and compelled to go to work; we were usually employed in cultivating a species of vegetable somewhat resembling a yam. This root is raised in beds of mud, which are prepared by digging out the sand, and filling the place with mould. The whole of this labor was performed with the hands. We were compelled, day after day, to stand in the mud from morning till night, and to turn up the mud with our hands. Frequently we were required to do this without a morsel of food till about noon, and sometimes we were left without anything to eat until night. At best we could get no more than a small piece of cocoa-nut, hardly a common-sized mouthful at a time, and if, either from exhaustion or from any other cause, we neglected to perform the required amount of labor, our pittance of food was withheld altogether.

As the months went on the men grew weaker and weaker, but were required to perform even more work in a variety of tasks:

We were employed for months in carrying in our arms and on our shoulders pieces of the coral rock, in order to form a sort of seawall, and this drudgery, considering that we were naked, under a burning sun, and reduced to nothing but skin and bones, was too severe to admit anything like an adequate description. Our flesh, or to speak more properly, our skin, was frequently so worn by the sharp corners of the rock, and scorched by the sun, as to resemble more that of the rhinoceros than of human beings.

With all the privations and sufferings of the group, still another trial awaited them. After some weeks of gruelling work, the people of Tobi decided that the foreigners should be tattooed. In spite of their pleadings against this, the men were forced to submit. This event was the first on record of any Americans being tattooed, and also the first case recorded of people being tattooed against their will in Micronesia:

We were in the first place securely bound down to the ground, and there held fast by our tormentors. They then proceeded to draw with a sharp stick the figures designed to be imprinted on our skin. This done, the skin was thickly punctured with a little instrument made of sharpened fish bones, and somewhat resembling a carpenter's adz in miniature, but having teeth instead of a smooth, sharp edge. This instrument was held within an inch or two of the flesh, and struck into it rapidly with a piece of wood, applied to it in such a manner as to cause it to rebound at every stroke. In this way our breasts and arms were prepared; and subsequently the ink, which was made of a vegetable found on the island called by them the *savaan*, was applied. The operation caused such an inflammation of our bodies, that only a portion could be done at one time; and as soon as the inflammation abated another portion was done, as fast as we could bear it, until our bodies were covered.

In addition to the tattooing, the Americans were also forced to pull the hair out of their bodies. As this was done on their faces it caused the subsequent growths to be even more coarse and stiff and hence more painful each time the plucking was done.

As the time passed and the men grew weaker, they could see, from time to time, ships pass on the horizon. But none ever came in close enough even for the natives to go out to them to seek ironware. Gradually their hopes of ever seeing civilization again faded away.

Then one day, after the men had been more than a year in captivity on Tobi, the natives became violent as well as cruel. They fell upon seaman Peter Andrews and mercilessly clubbed him to death. Since Andrews was alone at the time, the cause which provoked the Tobians to such action is not known. Holden was not far away and heard Andrews' final cries of pain. As he started out towards the sounds he saw several natives coming towards him dragging the lifeless body of Andrews behind them. He had been beaten to a pulp and his body was a disgusting sight. Suddenly Holden felt himself being struck from behind, and so he fled towards the hut of his native master. Over his shoulder he noticed that the natives disposed of Andrews' body by throwing it into the sea.

Coming to his hut Holden scampered inside and tried to hide in the rafters. He was closely followed but his life was spared by his master who returned in time to prevent the others from killing him. In the meantime other natives were after the other Americans and Palauans intending to end their lives with clubs.

Fortunately the others were also saved by their masters who hid them under some woven mats. It is unclear as to why the natives suddenly went berserk.

After suffering through several days of extreme fear and apprehension, the attitudes of the hostile natives changed and once again the foreigners found it possible to at least walk about and work among their captors. But conditions did not improve any. They worsened. Several days after the killing of Andrews, one of the Palauans died of starvation. His body, after the custom of the Tobi people, was placed in an old canoe and set adrift in the sea. Shortly after this another of the Palauans was caught stealing some coconuts, and was executed. The method of execution was to tie his hands behind him and set him adrift in a canoe.

In the space of three weeks thereafter two more of the group passed away. Milton Hulet died of starvation and was set adrift, and Charles C. Bouket was set adrift while still alive but very close to death from starvation. Benjamin Nute, Horace Holden, and a Palauan named Kobac, were all that were now left of the original eleven who came to Tobi.

Soon the three men were in such miserable condition that they prayed for death to come. Being at what they considered the end of their rope, they concluded that they had nothing to lose by making entreaties to the natives. They began a series of conversations with their captors using the little Tobi language they had been able to learn during their incarceration. Since their condition was so miserable, and their bodies so emaciated, and since their life with the Tobi people so incompatible—as well as for whatever other reasons—the Tobians decided to spare them further labor and even let them leave the island if the opportunity should arise before their deaths. Holden outlined the commitment:

With much difficulty we at length persuaded our masters to allow us to quit labor, and obtained from them a promise to be put aboard the first vessel that should come to the island.

But of course the men's grief did not end with this relieving agreement. The Tobians gave them to understand that since they were ceasing work they would also be given no more food. The men were literally turned out to die! Holden described their state after being relieved of all work obligations:

We crawled from place to place, subsisting upon leaves, and now and then begging the natives for a morsel of cocoa-nut. In this way we contrived to live for about two months. . . .

On the 27th of November, 1834, a ship appeared and came in close. Holden and Nute exerted their near-exhausted strength and persuaded the natives to make ready to meet the ship. They threw their bodies into a canoe, were paddled to the ship, and taken aboard. The ship was the British barque, *Britannia*, commanded by Captain Henry Short. After a stay of two years, six months, and six days, the last two Americans of the original party of eight who had departed Babelthuap, left Tobi Island.

Although the adventure and encounter ends here, the story does not. Horace Holden and Benjamin Nute were taken to Canton, China, which was the destination of the *Britannia*. They were cared for well and kindly by the captain and crew enroute, and once at Canton were hospitalized until their health was restored. After having recuperated sufficiently they took passage aboard the U.S. ship *Morrison*, bound for New York, and arrived there on May 5th, 1835. Shortly thereafter the two men were able to return to Boston and New Bedford.

But the Palauan, Kobac, was not rescued with the Americans by the *Britannia*. He was left at Tobi. His fate, however, was not sealed. During the same year, 1835, the American sloop *Vincennes*, was sent on a voyage to the Orient. The commander, Captain John H. Aulick, was ordered to stop at Babelthuap and Tobi to look into the business of the stranded seamen from the *Mentor*. The American authorities had been alerted to the situation by Captain Barnard, who, it will be remembered, had escaped from Tobi two months after his arrival there, and who had worked to get the others rescued ever since his return to civilization. The only reason for two years having intervened was the fact that no American naval vessel was scheduled to make a trip there until then.

On the 29th of November, 1835, the *Vincennes* arrived at Babelthuap and took off the two remaining Americans, Horatio Davis and James Medor. The other American who had remained on Babelthuap with them, Calvin Alden, had escaped some time before on a passing ship and was never heard from again. Captain Aulick honored the original promise of Captain Barnard to the Palauans to supply them with muskets and powder.

The *Vincennes* then pushed on toward Tobi and arrived there on December 9th. There they found Kobac, the Palauan, and the last remaining member of the original party to land there. He was returned to Babelthuap to join his people.

And so the more than two year odyssey drew to a close. Many "firsts" had been achieved. Americans and Palauans had lived together for the first time. And their association had been respectable and honorable. Both sides, through all trials and tribulations, kept their promises to one another. The Americans became intimately familiar with the Palauan culture and language, as well as that of Tobi. Kobac became the first Palauan known to have visited Tobi and live to tell his tale to his own people.

After their return to civilization, Horace Holden and Benjamin Nute wrote a small account of their experiences entitled, *Narrative of a Shipwreck*. . . . In it they described the island culture as they knew it and also included a vocabulary list of both the Palau and Tobian language in it. These were the first such vocabularies ever known for Tobi. The fact that the Americans were able to follow through and keep their promises to the Palauans set a good precedent which later proved to be of considerable help to many foreigners who followed those *Mentor* crewmen to the islands.

Horace Holden, being the main chronicler of the adventure, bears some further description. After he returned to America he was married, and, in 1837, with his wife and infant son, returned to the Pacific to live in Hawaii. There he attempted the culture of silk, and later raised sugar. In 1844 he went to Oregon and settled in the Willamette River valley near the city of Salem. There he raised apples and for more than fifty years followed the noble art of horticulture. He died in 1904 at the ripe old age of 93 and took with him to his grave the tattoos he had acquired at Tobi Island.

DISTRICT DIGEST

a quarterly review of news and events from the six districts

Marianas The Marianas District Legislature met in Special Session for seven days and passed legislation establishing the Marianas Status Commission, looking forward to negotiations with United States representatives later in the year... Francisco B. Kaipat, District Administrator's Representative on the northern island of Pagan, was killed in a shooting incident. Daniel P. Castro was appointed as his replacement... Students from Marianas High School participated in a "Youth Takes Over Tourism" Day, welcoming a cruise ship to Saipan, escorting her passengers on guided tours of the island, and working alongside hotel employees to get a taste of this increasingly important business... Jose D. Torres, the "Dr. Torres" after whom Saipan's hospital is named, retired from government service with nearly 60 years behind him under the German, Japanese and American administrations in Micronesia. He is 77 years old... Municipal elections for mayors and councilmen were held on Rota and Saipan, with the incumbent mayor elected on Rota and the election results challenged on Saipan when the losing Territorial Party candidate, Luis A. Benavente, charged there were sufficient irregularities to change the result. Later, the High Court dismissed the challenge, and incumbent Mayor Vicente D. Sablan was sworn in for another term... Rota went all out to celebrate Micronesia Day on July 12, even though a typhoon (Phyllis) was headed toward the Marianas. The storm eventually dissipated without doing any harm... Governor Carlos G. Camacho of Guam was a guest speaker at the 26th Liberation Day celebration on Saipan.

Ponape The quarter saw great things happening in Ponape, with much attention focused on developments in construction, economics and education... There were 492 tourist visitors to Ponape District for the three-month period as compared to 338 for the same three months last year... The Ginger House hotel was nearing completion, which means more hotel accommodations for the increasing numbers of tourists in Ponape... The Ponape Transportation Authority, working with a U.S. firm, began building the new Ponape dock, driving steel piles with a 15-ton vibrating pile driver that makes the piles sink into the reef like a knife going through butter... Ponape Islands Central School (PICS) got a new paint job in anticipation of the Congress of Micronesia Special Session... The great heartland of Nett Municipality is opening up as Seabees and the Ponape Transportation Authority work on the road to Awak. The Seabees have been working on a by-pass road around the Dausokele Bridge... A reefer barge arrived from Korea, under tow. The ship is 210 feet long and has a capacity of 600 tons, and district people are now programming this capacity into the district's fisheries development program... Ponape bars reopened, and drinking permits are being issued by the Ponape Alcoholic Beverages Control Board. Two Ponapean *sakau* bars opened in Kolonia, the first of their kind in the history of Ponape. *Sakau* has been considered a sacred drink, made with great ceremony at traditional gatherings on the island. This is expected to meet the demands of the people who love *sakau* but have had a hard time finding it in the district

center... Tropical storm Lola created great problems after it hit the district. There was extensive damage to houses, crops and trees on Pingelap and Mokil Atolls. Some damage was also reported on Ponape proper, with the biggest losses from crop revenue. Ponape Agriculture and Trade School (PATS) lost six acres of bananas alone. USDA food commodities were distributed to areas where the serious crop damage was reported, and also tin and wood to rebuild houses... Kalio Artui, the Nanmwarki of Sokehs Municipality, was lost at sea with two other men on July 14. The Nanmwarki was on a trip to Pakin Islands about 30 miles from Ponape in an 18-foot boat. Rescue teams searched with no success.

Truk Truk's District Legislature met in regular session during the quarter. DistAd Juan A. Sablan delivered his state-of-the-district message, noting the growing need for classrooms in Truk to meet increasing enrollments and the corresponding attention which needs to be given to scholarship support for students. The Legislature passed thirty-six bills during the session, and also passed a resolution asking the DistAd to call a special session later in the year... Twenty-eight police officers attended an upgrade program organized by the Trust Territory Public Safety Academy... Community College of Micronesia extension courses in general science and college algebra were carried out in Truk over the summer... A new Civic Action Team arrived for work on Moen, with the outgoing team hosted at a dinner by the district administration before they left... Truk celebrated Micronesia Day on Moen with track and

field events. Teams from Moen, Dublon, Fefan, the Upper Mortlocks (Nama, Losap, Pis-Losap), and Patta participated... The new Courthouse was dedicated, with High Commissioner Johnston, Chief Justice Harold W. Burnett, and former Chief Justice Edward P. Furber attending the ceremonies. Justice Furber was the principal speaker, and the District Administrator announced that the Courthouse is being named after Furber... Work has begun on a pre-reading vernacular program for the district's primary grades, to be used in conjunction with the new orthography studies in Trukese being compiled at the University of Hawaii... The district agriculture office has started a farmers training program under the Manpower Development and Training Act. Some twenty farmers are enrolled, most of them from Fefan.

Marshalls Construction is the byword in the Marshalls at the present time: at Wotje, with the completion of the master plan, a new Army Civic Action Team is completing the superdispensary at Wotje island in that atoll. The people of Wotje and the CATeam celebrated Micronesia Day as they watched the landing of two aircraft, one from Lagoon Aviation and the other from the Kwajalein Test Range. With the completion of rehabilitation work on the airstrip there, it was the first time a plane had landed on land at an outer island in the Marshalls for a long time... A lot of other construction by American International Constructors is underway: the Marshall Islands High School Vocational-Dormitory-Classroom building, the new District Courthouse, the new Majuro Airport and Water System, the Ebeye Hospital, and contracts are now out for Jaluit High School, Majuro air terminal, the Ebeye Sewage Treatment Plant and the Public Safety Building... A Public Works and Planning team, headed by Deputy High Commissioner Coleman and leaders of

the Ujelang Council, toured Eniwetok Atoll by plane and boat to make a detailed inspection of the islands there prior to the reversion of Eniwetok to the Trust Territory... The Marshalls **Nitijela** Budget Committee held hearings on the 1973 and 1974 budget plans for the District and heard for the first time from the Ebeye administration... New Peace Corps Volunteers for the Marshalls are training at RongRong, Majuro Atoll... A new district Police trainer has been hired with funds allocated by the **Nitijela**... Negotiations are in progress on a possible joint fishing venture between Marshalls businessmen and Del Monte... Transportation services to the Marshalls have improved with Air Nauru and Nauru Pacific Lines planes and ships calling regularly... The new Marshalls broadcast station is complete and awaiting erection of a tower and transmitter building... And finally your District Digest Reporter for this District will turn over this column to the new Director of Public Affairs and Public Information Officer, Tony DeBrum, in the next issue of the **Reporter**.

Palau Two Taiwanese fishing vessels were taken into custody for illegal entry into the waters of Kayangel Atoll. They were fishing for giant clams... The Palau Mariculture Demonstration Center has been involved in capturing and maintaining Rabbit Fish. Early results of the fish farming project show great promise, with the fish registering a tenfold increase in weight in six weeks... Fifty-seven students, five teachers, two parents and a school board member of the Alan-Gaanelay Elementary School of Yap visited Palau on an excursion trip... The Agriculture people announced that no more special permits will be written for importing monkeys from Angaur to any other part of Palau. This is because a lot of wild monkeys, including females with young, have been sighted on Koror recently... A Special

Election for legislator from Ngchesar Municipality was held, with Anastacio Ngiraiuelenguul running unopposed on election day... A Trust Territory-wide Conference of Community Development Officers was held at the Palau Continental Hotel. The conference discussed new grant-in-aid procedures, better utilization of Civic Action Team assistance, and training for CD staffers... WSZB radio is planning to locate interested individuals in each of Palau's municipalities to serve as news stringers. Any story submitted by a stringer and used on the air will net the reporter \$2.50.

Headquarters There is one less High Commissioner. With the reversion of Okinawa to Japan, the High Commissioner for the Ryukyus was retired. HiCom Johnston from the TT sent greetings to his outgoing counterpart on the occasion... The High Commissioner and Deputy Assistant Secretary of the Interior for Territorial Affairs, Stanley S. Carpenter, took part in meetings of the Pacific Islands Development Commission and the Pacific Conference of Legislators in Hawaii... The Education Department received grants of \$70,000, \$21,000 and \$15,000 to fund a bilingual education project, a science curriculum program and a vocational education teachers training project... The Congress status committee issued its report on the Koror status talks and subsequently travelled to Washington to begin another round of talks... The High Commissioner, Executive Officer Falcum, and Deputy Public Affairs Director Yoma, along with Senator Amaraich and Congressman Basilus all went to New York to appear before the U.N. Trusteeship Council... Mary Vance Trent arrived to replace John Dorrance as Political Advisor from the State Department... Also, Ben Greer, Chairman of the Micronesian Claims Settlement Commission, arrived on Saipan. Micronesian members of the

Commission were named: Jose Cabrera from the Marianas, and John Rulmal from Yap outer islands. TT Deputy Attorney General Bob Bowles resigned to accept a post with the Commission... A workshop for election personnel was held to prepare for the coming Congress of Micronesia elections in November... A canoe full of people from Puluwat sailed to Guam and Saipan using the traditional navigation techniques... The TT lost a good friend in Admiral Paul Pugh, who retired as ComNavMarianas... The Marine Resources Division moved to Saipan from Koror... David Sandbergen, serving as Trust Territory Director for the Territorial Economic Opportunity Office, died suddenly in his sleep... Under the new Advice and Consent law, the HiCom nominated five Micronesians and an American to high executive posts. The Congress approved the appointment of Strik Yoma to be Director of Public Affairs. He replaces Neiman Craley, who moves on to become the HiCom's Special Assistant for Legislative Affairs. Other appointments approved include those of Koichi Wong to be Deputy Director of Public Works and Mamoru Nakamura to be Deputy Attorney General. Two other nominations were not approved by the Congress... Former Navy Captain Joe

Beadles replaces retiring Paul Winsor as Director of Transportation and Communications... A half-million dollar loan fund has been established to provide money to individuals and small cooperatives engaged in commercial agriculture, marine resources and craft-related projects... The 19-year-old youth arrested in the case of the fire at the High Commissioner's residence was acquitted in a trial before the TT High Court... The Congress is publishing a new newsletter, to be issued from time to time and dealing with news of the Congress... Don Beck arrived on Saipan to replace Continental Airline's General Manager, Phil Yates... Copra Prices are down again for the third time in six months, due to a continuing decline of world copra prices.

District correspondents:

Headquarters, Patrick Mangar; Marianas, Manuel Sablan; Marshalls, Laurence Edwards; Ponape, Halvorsen Johnny; Yap Wilfred Gorongfel; Palau and Truk compiled from monthly reports.

Yap DistAd Aguigui and Acting Deputy DistAd Luke Tman joined their counterparts from the other districts for the semi-annual District Administrators' Conference in Palau... Visitors to Yap included Janice Johnson, James Wyatt, John DeYoung and Hugh Gallagher from the Interior Department. They were all on an orientation tour... Meetings were held involving the Yap Congressional delegation and local leaders to plan future political education programs for broadcast over WSZA... Preparations for the Fifth General Elections for members of the Congress of Micronesia, the Yap District Legislature and the Yap Islands Council were begun... A group of Alaw-Gaanelay students spent a week in Palau on a goodwill tour... The Yap Fishermen's Cooperative Association opened for business... The Yap Legislature met in regular session and requested and was granted a special session to finish their pressing legislative work. The sessions ran consecutively from June 19 through July 30... Negotiations on the extension of electrical power poles from Colonia to Gagil and Tomil were resumed... And the District Land Management Officer continued to work with the Legislature and others on planning for the proposed Yap hospital.

Status Update

As this issue of the *Micronesian Reporter* goes to the printer, the Congress of Micronesia's Joint Committee on Future Status goes to Hawaii. The Committee will meet with U.S. representatives for the sixth round of negotiations on the future political status of the Trust Territory in sessions to be conducted at Barbers Point Naval Air Station outside of Honolulu.

Since the last issue of this journal, a great deal has happened which relates to the status question:

—Following the status meetings at Koror (*Micronesian Reporter*, Second Quarter 1972), the Micronesian and U.S. delegations met in Washington, D.C., and began the detailed work of drafting a "Compact of Free Association." Three titles of the basic document were completed; they defined the proposed relationship between the United States and the Government of Micronesia in the areas of Internal Affairs, Foreign Affairs, and Defense.

—At the conclusion of the Washington round of talks, it was understood that the draft Compact would be presented to the Congress of Micronesia, meeting in Special Session, and that there would be early consideration of a proposal to establish a Constitutional Convention to begin working on the form of the internal Government of Micronesia.

—The Congress, meeting in Ponape District in mid-August, failed to act on the partially-completed Compact, and also took no action on measures which the status committee had considered crucial to the early and orderly termination of the Trusteeship Agreement and establishment of the new government—the Constitutional Convention bill, a bill to establish a Commission on National Unity, and a bill to create a Commission on Government Transition. Great opposition to the draft Compact was evidenced during the session, not only by several members of the Congress, but also by elected and other representatives from the various districts. Late in the session, sixteen members of the Congress—a clear majority of the membership, if the five Marianas Congressmen are not counted—submitted a letter to the Congress leadership formally stating their numerous objections to the Compact as it was then constituted. Furthermore, the Congress passed a joint resolution authorizing and directing the status committee to conduct negotiations with the United States regarding the establishment of Micronesia as an independent nation.

Now, as the sixth round of negotiations gets underway, the discussions between the United States representatives and those of the Congress of Micronesia will take place in a different perspective. Senator Lazarus Salii, Chairman of the Joint Committee, said, "We have no choice now but to take into account the growing sentiment for independence." He added that while he expects the work to proceed on the remaining titles of the draft Compact—titles dealing with finance, trade and commerce, nationality, and termination procedures—that work will be done with considerably less enthusiasm. The Joint Committee was to meet in executive session during the few days before the negotiations resumed to discuss how best to handle its new mandate to investigate the independence alternative.

The question of the Marianas District has yet to be formally resolved, although representatives of the people of that district continue to plan for separate negotiations on the status issue. At the Koror talks in April, the Marianas representatives asked the United States if it was prepared to negotiate a separate status for the Mariana Islands. The United States replied that it was prepared to do so.

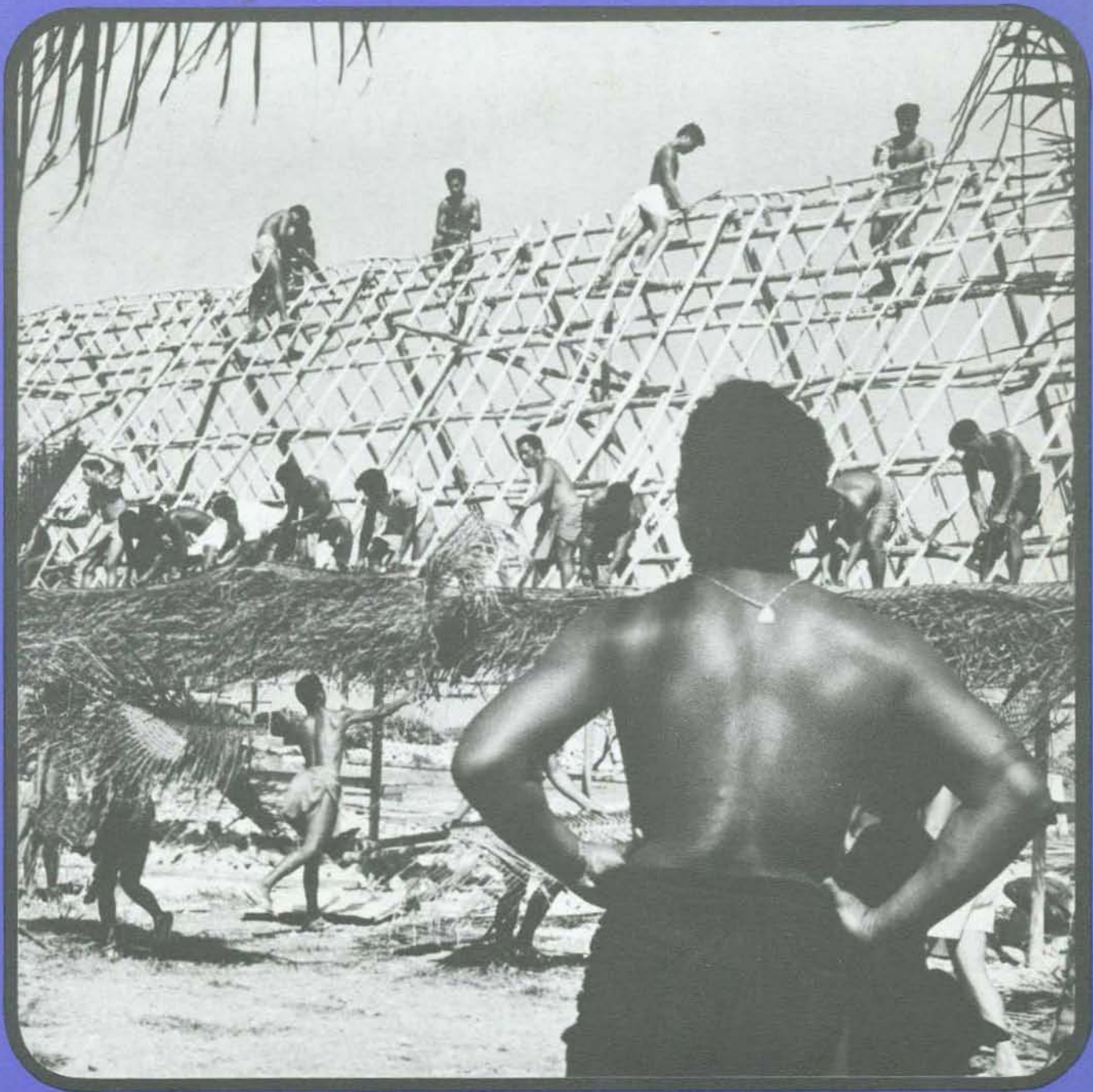
With that, the Mariana Islands District Legislature established a Status Commission to negotiate for a close and permanent relationship with the United States. (See article page 15.) But the Congress of Micronesia, at its Special Session, balked at formally recognizing the split; indeed, legal opinion seemed to support the idea that under the Trusteeship Agreement as now constituted, the Marianas could not legally be sent on its own way. The Congress hesitated to act, partly because it feared a bad precedent might be established.

At Koror, perhaps in anticipation of this thorny technicality, the United States made it clear that even with separate negotiations taking place, the Trusteeship Agreement would be terminated simultaneously for all six of the existing administrative districts.

Failure to act decisively on the status question came as a bitter disappointment to some members of the Congress, and particularly to Senator Salii, who has headed the negotiations with the United States over these many years. On the final day of the Ponape Special Session, when the decision *not* to decide on the status measures before the Congress had been made, Salii made his feelings known:

"... Why have we ignored our responsibilities to the people? Why have some of us made decisions behind closed doors, instead of here on the floor for the record, so that the people would know why? Why have we effectively killed each and every one of these measures on the grounds that there is no money to fund them, when we have in the same breath spent our valuable money on other, less important projects. Have we really fulfilled our solemn responsibilities? I submit that we have not ..."

And so the negotiations resume.



OIHS

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