“Lemanu Asks Other Territories to Support American Samoa's Self-Determination.”

In a letter to other territorial governors, Governor Lemanu asked for their support in American Samoa's stance on self-determination, currently threatened in the federal lawsuit Fitusemanu vs. the United States. This case is pending before the 10th Circuit Court of Appeals.

Governor Lemanu's letter states in part, "We have indicated to the Court that it is American Samoa's preference to determine for ourselves the question of citizenship and leave it to Congress in consultation with us to determine such basic rights.

"Our forebears negotiated an agreement with the United States that protects our lands and customs that we have found satisfactory to date and, which we wish to continue until such time as the people who live here feel differently."

The matter remains an appropriate one for Congress to determine in consultation with the government and the people of American Samoa.

Governor Lemanu notes, "In an almost identical case, the D.C. Circuit Court of Appeals already ruled favorably for us on this same issue, and the Supreme Court declined to consider it further. Regrettably, the District Court that heard the Fitusemanu case ignored this precedent."

Governor Lemanu urged the Governors' support for self-determination and appreciated the territories' track record of cooperation and support for each other.

Note: A copy of Governor Lemanu's letter to the Governor of the Virgin Islands is attached. Letters to other governors are similar.
March 19, 2021

The Honorable Albert Bryan Jr.
Governor of the U.S. Virgin Islands
5047 (21-22) Kongens Gade,
St. Thomas, VI 00802-6487

Dear Governor Bryan,

As I am certain you are aware, several organizations and media outlets have been advocating national voting rights for territories. There is a case pending before the 10th Circuit Court of Appeals, Fitisemanu v. United States, which, as a precursor to national voting rights, would impose U.S. citizenship on America Samoa, where most of our people are U.S. Nationals. I am writing you today to advise you that the majority of our people prefer to maintain our status as Nationals and ask that you not support any efforts to impose citizenship on us by court fiat.

When approached by one group to support the plaintiffs in this court case, Guam Governor Leon Guerrero declined to insert herself in an issue that has nothing to do with Guam. I sincerely appeal to you to follow her example, because as she recognized, this is a fundamental issue of self-determination. My administration as well as that of my predecessor and our congresswoman as well as her predecessor have joined the federal government in opposing the Fitisemanu case being considered by the Denver court.

To be clear, that court case seeks to usurp the power of Congress and asks the court to unilaterally declare all U.S. Nationals to be U.S. Citizens regardless of where they reside or whether or not they have sought citizenship. In an almost identical case, the D.C. Circuit Court of Appeals already ruled favorably for us on this same issue, and the Supreme Court declined to consider it further. Regrettably, the District Court that heard the Fitisemanu case ignored this precedent.

If the 10th Circuit were to uphold the Utah District Court, it would set a precedent that would be dangerous to all the territories by diminishing the power of Congress—where we all are represented—to determine the status of territories as provided by the U.S. Constitution. Congress in the past has statutorily considered and passed legislation to grant citizenship to the other territories with input from those territories and has sought the views and consent of the people residing there, but that would not be the case here.
American Samoa asks only for that same consideration. We have indicated to the Court that it is American Samoa's preference to determine for ourselves the question of citizenship and leave it to Congress in consultation with us to determine such basic rights.

Our forebears negotiated an agreement with the United States that protects our lands and customs that we have found satisfactory to date and which we wish to continue until such time as the people who live here feel differently.

Therefore, I once again ask you to rebuff any entreaties for you to support "equality" for territorial voters if it violates our passionate devotion to self-determination. I believe that the issues confronting Nationals in Utah can best be resolved by passage of H.R. 1941, which would expedite reclassification of national to citizen to anyone who chooses it, and I am pleased that many of the territorial Members of the U.S. House of Representatives have already cosponsored our congresswoman's bill. Thank you for your consideration.

Sincerely,

LEMANU P. S. MAUGA

cc: Honorable Talauega E. V. Ale, Lieutenant Governor
    Honorable Uifaatali Amata Radewagen, Member of Congress
    Tuimavave T. Laupola, Chief of Staff

Attachment
117TH CONGRESS  
1ST SESSION  

H.R. ____

To amend the Immigration and Nationality Act to waive certain naturalization requirements for United States nationals, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. RADEWAGEN introduced the following bill; which was referred to the Committee on ________

A BILL

To amend the Immigration and Nationality Act to waive certain naturalization requirements for United States nationals, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 SECTION 1. WAIVER OF CERTAIN NATURALIZATION REQUIREMENTS FOR UNITED STATES NATIONALS TO BECOME UNITED STATES CITIZENS.

3 (a) FINDINGS.—The Congress finds the following:
(1) Both United States citizens and United States nationals are persons who owe permanent allegiance to the United States.

(2) United States nationals serve in the United States Armed Services at a very high per capita rate.

(3) Commissioned military officers and certain security clearances require United States nationals to become United States citizens.

(4) Many United States nationals desire to become United States citizens.


(6) United States nationals serving in the military or other United States national civilians desiring to obtain United States citizenship should be entitled to citizenship on an expedited basis without having to move, having any further educational testing required, or having any fee or cost assessed.

(b) NATURALIZATION OF CERTAIN UNITED STATES NATIONALS.—Section 325 of the Immigration and Nationality Act (8 U.S.C. 1436) is amended to read as follows:
"SEC. 325. NATIONALS BUT NOT CITIZENS OF THE UNITED STATES; RESIDENCE WITHIN OUTLYING POSSESSIONS.

(a) Eligibility for Naturalization.—A person not a citizen who owes permanent allegiance to the United States, and who is otherwise qualified, may—

"(1) if the person becomes a resident of any State, be naturalized upon compliance with the applicable requirements of this title, except that in applications for naturalization filed under the provisions of this section, residence and physical presence within the United States within the meaning of this title shall include residence and physical presence within any of the outlying possessions of the United States; or

"(2) if the person has continuously resided in any State or outlying possession of the United States from birth to the date of approval of the application, be naturalized upon compliance with the applicable requirements of this title other than sections 312 and 337(a) and paragraphs (1) and (2) of section 316(a).

"(b) Jurisdiction.—The Secretary shall provide that applications, interviews, filings, oaths, ceremonies, or other proceedings under this title, to the extent applicable,
are available in an outlying possession of the United States with respect to—

“(1) any applicant for naturalization under subsection (a)(2);

“(2) any applicant for naturalization under section 328 or 329 who is a resident of an outlying possession of the United States; or

“(3) any child described in section 322(a)(5)(B) for whom an application is made under section 322.

“(c) CONSTRUCTION.—In determining eligibility for naturalization under subsection (a)(2)—

“(1) absence from any State or outlying possession of the United States for a continuous period of more than 180 days shall break the continuity of such residence, unless the person establishes to the satisfaction of the Secretary of Homeland Security that the person did not abandon such person’s residence during such period;

“(2) in conducting the investigation and examination of the person under sections 332(a) and 335, the Secretary of Homeland Security may in the discretion of the Secretary waive a personal interview of the person; and

“(3) the Secretary of Homeland Security, in the discretion of the Secretary, may impose a reduced
fee for an application for naturalization under such
subsection compared to other applications for natu-
ralization, taking into account the relative costs of
processing an application for naturalization under
such subsection.”.

(c) CHILDREN OF UNITED STATES NATIONALS.—

Section 322(a)(5) of the Immigration and Nationality Act
(8 U.S.C. 1433(a)(5)) is amended to read as follows:

“(5) The child—

“(A) is temporarily present in the United
States pursuant to a lawful admission, and is
maintaining such lawful status; or

“(B) is present and resides in an outlying
possession of the United States”.