

Congresswoman Amata's Remarks for the Constitutional Convention
September 1, 2022
Self-Government and Self-Determination

Sixty-two years ago, my father stood before our very first constitutional convention as chairman to guide our people to self-government. It was the most important exercise in self-determination since we became part of the American political family since we raised the U.S. flag in 1900.

Each year on April 17 we proudly observe the first raising of that flag and now we also proudly celebrate October 17, the day our first constitution took effect in 1960. The occasion was so important that the Secretary of the Interior himself traveled here to sign the document presented to him by Governor Coleman.

Over the years, our people further strengthened our self-government by creating a governorship which since 1977 has been elected by our people. For many years, we have had an all-Samoan judiciary, and, while the high court judges are still appointed by the Secretary of the Interior, that has been by our choice.

We enjoy such a complete measure of self-government that a succession of governors has requested that the United Nations remove American Samoa from its list of non-self-governing territories. Our right of self-government is fully realized by choosing to continue our way of life and relations with the U.S. under the flag of the nation we love. Everyone in this room knows the old story of the matai who refused to make his land available for military use during the Great Pacific War. When the negotiators reported their failure to the commanding Admiral in Hawaii, he invited the chief to come up to Honolulu for further discussions. With the chief in front of the admiral's desk and a giant wall map behind him, he gestured to the left and said "see that great land mass? That's Asia. Then he gestured to the right and said "see that great land mass? That's North America. Then he bent over and pointed to a little speck and said "See that tiny dot? That's American Samoa. To that, the chief arose from his chair, adjusted his glasses, peered at the map and said "Who drew this map?"

Well, just as the chief had his own sense of where American Samoa stood in the greater scheme of things, so too do we Samoans have our own sense of what self-government is. It matters not how the United Nations defines it. After all, does

the budgetary support we receive from the Department of the Interior and other domestic agencies make us any less self-governing than other Pacific Islands that receive budgetary assistance from outside countries in the form of foreign aid?

The United States declared itself self-governing in 1776, but it took England five years of brutal warfare to accept America's independence. Fortunately, our self-government has been spoken and written into existence by words and documents of freedom and justice, not by warfare and bloodshed that too often has been the price of liberty.

Both in the past and sadly in the present, too many have died seeking the right to self-determination we have secured under our unique constitution, and through our unique partnership with the United States.

Over the course of these next days, we once again gather to consider what changes in our constitution may be necessary as we continue our political development.

While self-government is in the eye of the beholder, the concept of self-determination is a sacred concept to which we all agree and to which the United States formally has subscribed under the Charter of the United Nations, pledging that its territories will have the right to determine their own future consistent with international principles.

While our self-government remains intact, regrettably our ability to determine our future relationship with the United States is under attack by those who would abrogate our right to self-determination by taking away the rights of the United States Congress to approve any change and place them into the hands of federal judges who have never been here and can't even imagine who we are or how we value our way of life.

The fact that the U.N. affirms our right to further self-determination does not mean we have been denied the right of self-government we have exercised. Rather, it means we have consented to our current status until we are ready to consent in an act of self-determination to change our status.

That is why it must be said that in 2022, the most immediate and present danger to government by consent is the idea the federal judges could know better than our people and leaders and take away our right to change our political status without self-determination.

A court edict ending our current status as proud Americans with U.S. nationality under federal law would take away our freedom as the proud people of an unincorporated territory with a right to self-determination.

Those who insist we have second-class status by not having automatic U.S. citizenship are entirely wrong. We have no fewer rights than any citizens in other territories. Yes, as citizens, they can automatically vote and hold certain jobs when they move to the states but nationals in American Samoa can do the same by establishing residency in the states and requesting to be reclassified as citizens.

Simply by requesting reclassification as citizens, nationals from American Samoa have the same full and equal rights of citizenship in any state.

This week, in Washington the President and U.S. Department of Justice again filed legal papers in the *Fitisemanu* case, rejecting calls to condemn the *Insular Cases*. The Supreme Court will decide whether to review the case again, but so far, the courts have now agreed with Biden that the people of American Samoa will exercise self-determination to decide their future status, and Congress will decide the outcome effort the U.S. not the courts.

I was in Taiwan earlier this month and in separate private meetings with both the president and the foreign minister where we discussed Taiwan's relationship with People's Republic of China, I was struck by their emphasis on self-determination. All Taiwan is seeking is the right to determine their own future without interference from Beijing. That is no different than the understanding we have had with Washington but is now under threat from the courts.

For us, it all comes down to the truth that self-government and self-determination are part of God's plan for us. These twin doctrines of freedom and democracy exist under both law and tradition that is recognized by law for American Samoa. These are the pillars that hold up the temple of liberty and justice in American Samoa.

In closing, I just want to take a moment to talk about process. Any amendments to our Constitution adopted here will be transmitted to the Governor to be submitted to the voters in a referendum. Amendments approved by the voters will be sent to the Secretary of the Interior who under current law must submit any changes to Congress for approval. Keep in mind once Congress approves amendments our whole constitution becomes federal law and as such could be challenged in federal court, just as our status as nationals is under threat. We have the option of asking Congress to repeal the law and revert to the previous arrangement of approval by the secretary of Interior, amending the law just to prohibit unilateral changes by the federal government, or leave the law as it is. This body may want to recommend a course of action in its transmittal to the Governor. As your representative in Congress, I will be guided by your wishes and introduce any changes needed in the laws.

In that spirit may God bless us and guide us in the work of this convention now before us.

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