

A Grave Injustice: Liberating the Most Oppressed of American Society

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When a ruling power abused its right of governance, overreaching through unfair laws, taxes, and the denial of any meaningful representation in government, a social unrest stirred and the people became restless, thirsting for a freedom that they believed was theirs to begin with. For many Americans, this sounds very much like an account of what happened before the Revolutionary War that birthed the United States of America. During this time, the unfair treatment by the British forced many forward-thinking people to disavow tyrannical reign and come up with an entirely new method of government, one where all men, and eventually all citizens, were promised equal representation, voting rights, and the other rights given to all citizens of one of the greatest countries in the world. Citizens of the United States were taught that “America” stood for freedom, equality, and prosperity, a concept that for most has been true.

However, the U.S. has gone back on its founding values and has begun a tyrannical reign overseas, creating its own colonies under the guise of peace and safety and assuaging the colonists by granting them pseudo-citizenship. For the last two hundred years, the U.S. has held these people captive on their own soil, denying both the basic freedom and rights of a citizen of United States while plundering the land for its own benefit. These people of the U.S. colonies, affectionately dubbed “unincorporated territories” for the purpose of sugar-coating the issue for the masses, are undoubtedly among the most oppressed among American society. While lacking the legal and historical precedence, the push towards self-determination by Guam, a military colony, is an essential step towards restoring the sovereignty of the indigenous peoples who have been denied their rights for centuries, the question then becomes, where do they start?

Guam, the largest and southernmost of the Mariana Islands chain, has a unique and complex cultural history, one that often has ended in the displacement of the indigenous population. Located in the geographic region known as Micronesia, Guam is well known for its strategic military and economic position between Asia and the North American continent. Finding its origin long before the creation of its colonizers and rulers: Spain, Japan and the United States. The beginning of Guam's history as a military colony of the United States began with the ceding of Guam to the United States as a colony after the Spanish-American War in 1898 (Guam Visitors Bureau 2019).

The U.S. claimed that by colonizing Guam, it introduced Chamorros, the native peoples of the Mariana Islands, to democratic principles of government and the modern American lifestyle, a story that is mostly true. However, a naval regime made the indigenous population subjects of an oppressive, and surely not democratic US Naval administration. Guam also had a unique position in World War II, when Japan invaded the island shortly after the attack on Pearl Harbor in December 1941. For the next three years, Guam was the only US owned land occupied by Japanese forces until the Americans returned in 1944 to reclaim the island. This story often overlooks the fact that a large plurality of ships that were at Pearl Harbor, soldiers and their families, as well as several tonnage of ammunition, were stationed on Guam not a few months prior. The U.S, knowing an attack on the island was imminent, pulled the ships, leaving the island with only a handful of native guardsmen and small caliber rifles to defend itself against the full force of the Japanese Armada. It is important here to note that the Chamorro culture values highly, honor and the repayment of debt. This same culture repaid the Americans after the "liberation" of the island in 1944. Liberation in this context is a term that means

artillery flattening of several population dense areas, killing several thousand natives in the process, and the slow-acting advance that allowed the Japanese ample time to move the natives from their concentration camps to caves in which man, woman and child were gunned down, burned, or worse. In repayment of their salvation, the Chamorrus began honoring and thanking the American soldiers, something that the US Naval administration took full advantage of when purchasing all but thirty percent of Guam's 210 square miles for military (Hattori 1998, p. 7). These purchases were frequently met with resistance from the population who were reluctant to sell their ancestral homes and often at rates that make the Louisiana purchase look like a steep bargain where land was sold for almost 18 dollars a square mile in the Louisiana purchase whereas on Guam a square mile of land was sold for little more than a few dollars per same amount, both factoring in inflation. With only thirty percent of Guam's land in native holding, tensions arose as the people began to realize they had been cheated. Ironically, this realization of their treatment came as a result of American education in the mid 1960's. It is notable that these schools also enforced a strict English-only policy as well as the prevention of teaching of Chamorru language, culture and native Guam history, effectively starting the killing of a culture, the methods of which will have noticeable effects only decades later (Guam Visitors Bureau 2019).

Americanization was not always welcomed by the native peoples of Guam, in fact over the next few decades after Guam was acquired by the U.S., several protests occurred, voicing local discontent with the Naval Administration. Anne Perez Hattori (1998), a professor on Pacific History, wrote an article, compiling said history of Chamorru protest of the Naval Administration beginning as early as 1910. The history of these protests begin over the way

American's treated the native peoples, and culminate with the Guam Congress Walkout (p.7).

The Walkout occurred when a group of honorary advisors, the only locals who served in the governing process at the time, took a stand in 1949 after the U.S. Military vetoed several bills that sought to give the people of Guam U.S. citizenship. Up until the Guam Congress Walkout, most protests were small in scale and gained little to no ground. The "Guam Congress" voted to adjourn session and not reconvene until the U.S. Congress voted on an "Organic Act" bill, the name of a series of bills sent by the Guam Congress over the last five years (Hattori 1998, p. 3).

This Organic Act, laid out a series of requests that sought to give the people of Guam U.S. citizenship, voting rights, and an institutionalized non-naval government with equal branches which integrate into the U.S. governmental structure. When the U.S. press heard about this from one of the congressmen, the news went national and the outrage shook even the highest echelons of government. The President at the time (Harry S. Truman) even resolved to the people of Guam that action would be taken. This promise would be fulfilled just one year later when President Truman signs the Organic Act in 1950. This document provides that all inhabitants of the island other than stationed military personnel are made U.S. citizens and establishes Guam as a "unincorporated territory" of the United States (Viernes 2018, p. 1).

While Hattori primarily discuss the history of political and social dissent of the Chamorro people, her analysis of the proud culture and unfair treatment of and against the Chamorro's are important motivators to look at when trying to understand why it is important that a shift away from the political and social status quo occurs. This political dissent can be divided using major events, one of which is the Guam Congressional Walkout, the other important event Hattori discusses is the Angel Santos incident. Angel Santos, a now famous Chamorro activist in

protest of occupation climbed the walls to the Andersen Airforce Base and spat on one of the guards in the name of Chamorro sovereignty. His motivations which stemmed from the proud spirit of the Chamorro, sparked in many a Chamorro heart a fire that would be seen today. She compares the two events, labeling the Congressional Walkout as a political protest while the Santos incident is a social one (Hattori 1998 p. 4). It is important to note that this article was written shortly before Guam's centennial anniversary of American colonization, meaning that the issue was important in the year 1989.

American-centric education's effect on the Chamorro has had disastrous consequences. Most Chamorro's by the end of the 20<sup>th</sup> century will only be able to sparsely speak their native-tongue, and by the beginning of the 21<sup>st</sup> century, children who were not put in classes specifically dedicated to the language will only be able to recognize some phrases that are integral to the tourist-centric economy or used in everyday life. As a result of this loss of culture, many Chamorro's are pushing back against their colonizer, the United States. Protests against military expansion have been on the rise since 2010 when the U.S. announced the move of approximately eight-thousand military members and their families to the island from Japan, a move that the Japanese government endorsed because they were dealing with soldiers running rampant and raping women in metropolitan Japan. As recently as 2017, Guam has seen protests against the military, for example a group of protestors were arrested and charged after blocking traffic out of the Andersen Airforce Base for hours. The public has demonstrated quite clearly that they are no longer satisfied with the status quo.

A colony of only 167,000 people and no standing military can do little in a military rebellion against the world's superpower, whose total military number ten times more than the

island's total population. So where can the people of Guam find refuge in their struggle against an oppressive government? If the U.S. fails to allow without restriction Guam's push for self-determination, to put it simply, the government is violating international human rights. U.N. Resolution 1514 (XV) of 14 December 1960, specifically states, "all peoples have an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory" and, "Immediate steps shall be taken, in Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire" (United Nations 1960, 1514 (XV)). A problem arises with the U.N. resolution that have not yet been resolved as a result of vague definition that has left several matters up for debate. The definition of "peoples of those territories" is one of those matters that is still under contention. Is it the interpretation of the resolution that all peoples currently under the jurisdiction of the U.S. as a result of them being on Guam that make up the "peoples" of the territory, or is it the native "peoples" who have been denied their right of independence throughout history? In order to establish that the "peoples" who were denied their right to self-determination were mostly the ethnic Chamorro, Guam must rely upon the promise made by Congress and President Truman in 1950, the Organic Act, which had endowed U.S. citizenship to all "native inhabitants" of the island. These native inhabitants were not even defined as the indigenous peoples, the Chamorro, those people that were on the island at the time of Spanish Colonization, but any people who were made a citizen as a result of the Organic Act. This means that with the exception of garrisoned military members, and certain family members, everyone on the island at the time was considered a "native inhabitant." This

population at the time was also very Chamorro. For the purposes of this argument, the term “peoples” when referring to the U.N resolution and “native inhabitants” the people made citizens by virtue of the organic act are the same.

In order for the people of Guam, more importantly the indigenous population of Chamorros, to be viewed as a credible force for self-determination, Chamorros must find a unified voice, a unified identity. Mary Cruz (2012), a member on Guam’s Commission on Decolonization, in her article “(Re)Searching Identity: Being Chamorro in an American Society” analyses the formation of the long-lost Chamorro Identity (p. 73). While this identity is not integral to the success of self-determination, it is important for the success of the island in its own push for self-determination. She explains that it the concept of the American Patriot is imbedded in many Chamorro’s hearts. She also concludes the conflict as one that stems from decades of American indoctrination and that most Chamorro’s still recognize their cultural heritage (Cruz 2012, p. 20). This conflict, while a problem, is not an inherent barrier for self-determination. The United Nations only requires that the people be allowed to execute their “freely expressed will and desire.” These words in combination with the Organic Act’s definition of native inhabitants pose a problem to those who have immigrated to Guam and now call it home. These Guam citizens, who are now no longer able vote in U.S. mainland elections, must pay Federal taxes, create a legal conflict that is currently up for debate in the 9<sup>th</sup> Circuit Court of Appeals (Davis v. Guam, 2018).

Arnold “Dave” Davis is currently suing the government of Guam for attempting to hold a plebiscite that requires being on a registry who only accepts those who were made U.S. citizens as a result of the Organic Act, to say the “native inhabitants” or their descendants. His



claim is that the plebiscite vote “violates the right to vote on the ground of race as a result of the 14<sup>th</sup> and 15<sup>th</sup> amendment” (Arnold v. Guam, 2018), which was argued by his attorneys in the Guam Supreme Court. The question arises, if the “peoples” must have their “freely expressed will and desire” must they follow the rules of their colonizer, the same institutional government that denied them their rights in the first place? If one would suggest that the restriction on the peoples freedom is a result of illegal government very much like that of the fruit of the poisonous tree, a doctrine that disqualifies evidence on the grounds of its source or obtaining methods, the Government of Guam which is trying to represent the will of the native inhabitants of the island, does not need to follow the American Constitution or any ruling that comes as a result of the interpretation of any American law.

So what options are available to the people of Guam when the choice arises? There are three options available, not including the status quo, which really isn’t an option for change. The task that bequeaths me is one that has yet to be accomplished in over 45 years of education by a government-funded program that also has the backing of experts and activists in the field. The first status option is the U.S.-centric one: statehood. Statehood would allow for full integration into the United States. This would mean that the Government of Guam would “fully integrate into a state structure and be subject to Federal laws as well as other Federal jurisdiction” (Weare 2017, p. 8). Guam would be completely subject to the Federal system however; statehood would allow for Constitutional Protections and rights as well as the full access to defend the state and person in the court system. This would mean that all people born on Guam after statehood verification can pay taxes under the Federal rules (which they already do), vote in state and national elections, be entitled to representatives proportional to

the population as well as two senators. Statehood would grant the island full sovereignty over state land (with few exceptions) as well as enforce its borders. It will allow the island to receive Federal aid during states of emergencies. This status also validates the military's occupation of land on Guam, a problem that many locals will have. For the culture-centric activists this is the worst option as it most likely results with the surrendering of Chamorru culture and the assimilation into the American one.

Free Association is the next status recognized by the United Nations as a result of self-determination. This status is not very well known, and it is the most flexible of the options. This status is essentially a restrictive alliance with the nation(s) of Guam's choice. This status would allow Guam to negotiate everything with the Nation of its choosing, including trade, defense, and land negotiations, while still retaining its culture. The nation, considering Guam's past and current attitudes would probably end up being the United States for the sake of convenience, but the negotiation is not restricted to just the United States (Weare 2017 p. 13). Some negotiations may even occur between Guam and countries like Japan, China, and Korea. For those who want a continued relationship between Guam and the United States (or any country) and not wanting to sacrifice culture or sovereignty in the process, this is the preferred status option. The final option that is available is independence.

An independent Guam would have full autonomy of the island's affairs. This status option gives the government of Guam full control over everything including land, education, infrastructure, defense, and trade. This status, while the most volatile and difficult to attain, would guarantee the most freedom for the people as the current social structure would very much ensure the new government structure would very closely mimic that of the U.S. and the

rights would also be similar or the same. This status option also brings into view the problems with U.S. Military base/ land holdings on the island. The island would have to choose to allow or disallow the current land holdings or to revoke the privilege. This in turn would create international conflict as the U.S. is forced to decide to keep the bases against the wishes of a sovereign nation in defiance of international law or remove the bases and losing its precious military foothold in the Asia-Pacific Region. This alone prompts concerns by the U.S. seeing as its defensive umbrella shrinks by a considerable amount. This loss of power by the U.S. is bound to prompt fierce resistance by the U.S. if Guam considers independence as its option of choice. This status also offers the most resistance internally as there is a plurality of Chamorro's that consider themselves Americans.

So where do I fall on this issue? As a Chamorro, I am forced to deal with a complicated decision. Do I lend my support to safety at the sake of freedom, or do I support freedom at the sake of safety? Well this question cannot yet even be answered. Until the United States of America apologizes for abandoning its own principles in ruling my island without consent, until the United States of America ceases its interference into Guam's push for self-determination and rights the grave injustice of denying my people their right to express freely our "will and desires," until the United States of America stops violating international mandate to decolonize and allow for places like Guam, Puerto Rico, the U.S. Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, and the Midway and Palmyra Atolls to decide for ourselves how we want to be governed, I cannot answer the simple question of whether I value safety or freedom because I have neither. In my native tongue, one that I sparsely know, "Ti hu

aksepta este I che'cho' mañki y ya ti bai hu famatkilu pot este na pinadesi" or "I cannot and will not stand for this theft, and I will not stand by as others continue to suffer this ordeal."

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