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GOVERNOR

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LIEUTENANT GOVERNOR

Serial No.: 218 – 21

March 19, 2021

The Honorable Ralph DLG. Torres
Governor
Commonwealth of the Northern Mariana Islands
Caller Box 10007
Saipan, MP 96950

Dear Governor Torres,

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 American 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.

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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

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(Original Signature of Member)

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 Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. WAIVER OF CERTAIN NATURALIZATION RE-**
4 **QUIREMENTS FOR UNITED STATES NATION-**
5 **ALS TO BECOME UNITED STATES CITIZENS.**

6 (a) FINDINGS.—The Congress finds the following:

1 (1) Both United States citizens and United
2 States nationals are persons who owe permanent al-
3 legiance to the United States.

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

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

10 (4) Many United States nationals desire to be-
11 come United States citizens.

12 (5) United States nationals attend United
13 States Department of Education curriculum-ap-
14 proved and regulated schools.

15 (6) United States nationals serving in the mili-
16 tary or other United States national civilians desir-
17 ing to obtain United States citizenship should be en-
18 titled to citizenship on an expedited basis without
19 having to move, having any further educational test-
20 ing required, or having any fee or cost assessed.

21 (b) NATURALIZATION OF CERTAIN UNITED STATES
22 NATIONALS.—Section 325 of the Immigration and Na-
23 tionality Act (8 U.S.C. 1436) is amended to read as fol-
24 lows:

1 **“SEC. 325. NATIONALS BUT NOT CITIZENS OF THE UNITED**
2 **STATES; RESIDENCE WITHIN OUTLYING POS-**
3 **SESSIONS.**

4 “(a) **ELIGIBILITY FOR NATURALIZATION.**—A person
5 not a citizen who owes permanent allegiance to the United
6 States, and who is otherwise qualified, may—

7 “(1) if the person becomes a resident of any
8 State, be naturalized upon compliance with the ap-
9 plicable requirements of this title, except that in ap-
10 plications for naturalization filed under the provi-
11 sions of this section, residence and physical presence
12 within the United States within the meaning of this
13 title shall include residence and physical presence
14 within any of the outlying possessions of the United
15 States; or

16 “(2) if the person has continuously resided in
17 any State or outlying possession of the United
18 States from birth to the date of approval of the ap-
19 plication, be naturalized upon compliance with the
20 applicable requirements of this title other than sec-
21 tions 312 and 337(a) and paragraphs (1) and (2) of
22 section 316(a).

23 “(b) **JURISDICTION.**—The Secretary shall provide
24 that applications, interviews, filings, oaths, ceremonies, or
25 other proceedings under this title, to the extent applicable,

1 are available in an outlying possession of the United
2 States with respect to—

3 “(1) any applicant for naturalization under sub-
4 section (a)(2);

5 “(2) any applicant for naturalization under sec-
6 tion 328 or 329 who is a resident of an outlying pos-
7 session of the United States; or

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

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

12 “(1) absence from any State or outlying posses-
13 sion of the United States for a continuous period of
14 more than 180 days shall break the continuity of
15 such residence, unless the person establishes to the
16 satisfaction of the Secretary of Homeland Security
17 that the person did not abandon such person’s resi-
18 dence during such period;

19 “(2) in conducting the investigation and exam-
20 ination of the person under sections 332(a) and 335,
21 the Secretary of Homeland Security may in the dis-
22 cretion of the Secretary waive a personal interview
23 of the person; and

24 “(3) the Secretary of Homeland Security, in the
25 discretion of the Secretary, may impose a reduced

1 fee for an application for naturalization under such
2 subsection compared to other applications for natu-
3 ralization, taking into account the relative costs of
4 processing an application for naturalization under
5 such subsection.”.

6 (c) CHILDREN OF UNITED STATES NATIONALS.—

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

9 “(5) The child—

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

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