



## 37<sup>th</sup> LEGISLATURE OF AMERICAN SAMOA HOUSE OF REPRESENTATIVES

Hon. Savali Talavou Ale  
Speaker

Su'a Alexander Eli Jennings  
Swains Island Delegate

July 28, 2021

Hon. Lemanu P. Mauga  
Governor of American Samoa  
A.P. Lutali Executive Building  
Utulei, American Samoa

Hon. Tuaolo M. Fruean  
President of the Senate  
Legislature of American Samoa  
Fagatogo, American Samoa

Hon. Savali T. Ale  
Speaker of the House  
Legislature of American Samoa  
Utulei, American Samoa

**Subject: Swains Island's Request for Assistance**

*Malo ni tau Afioga,*

*Mua na kave te fakafetai ma te vikiga i te Aliko mo tona aloha ma te agalelei kua aulia mai ai tenei taeao. Tatalo hoki ke maua pea e tau afioga te malosi o te tino kae maihe te agaga. Tulona tau afioga, ke kavatu he talohaga vaivai a Olosega mamao (Swains Island) mo he fesoasoani mai te malo, ma te fakaaloalo lahi lele.*

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I have been informed by the Manager of the American Rescue Plan Coordinator that Swains Island does not qualify for any of the American Rescue Act Funding. So far out of the estimated \$1.4 Billion slated for American Samoa, Swains may receive \$3,000.

Swains Island first became a Territory of the United States in August **1856** under the **Guano Act** and went on to be very prosperous in the copra trade. Then at the request of the U.S. Navy and the U.S. State Department, along with the support of President Calvin Coolidge, Swains Island was made a part of American Samoa by an **Act of Congress** on **May 1925**. Swains Island immediately contributed to the newly formed government with tax revenues from the copra. Swains became a greater economic factor by bringing in over 200 miles (or several hundred thousand square miles) of ocean to the U.S. Exclusive Economic Zone (**EEZ**) that has fed the canneries for nearly 70 years.

Unfortunately, the collapse of the copra industry in the 1960s not only devastated Swains Island's economy, but it exposed its **Political Status** with American Samoa as a destructive force incapacitating a U.S. Territory to near annihilation. Secondly, the Tuna Industry continues to show evidence of decline and unsustainable future. Despite our contributions to the American Samoa economy for nearly 100 years, as well as the dedication of many of our men and women who served honorably and sacrificed their lives in the United States Armed Forces, Swains Island received no compensation for the depletion of its ocean resources, and no assistance for basic human needs to sustain life.

We are unable to live on our lands and have no resource to combat the effects of Climate Change that is impacting every island in the Pacific. No resource to protect against illegal entry by foreign fishing vessels or government. Despite annual budget allocations for **Swains Island Transportation**, there's not been a trip to Swains Island for 4 years after numerous attempts and requests.

It is arguable that this territorial government has practiced a policy of relocation, de-population, civic abandonment, and disenfranchisement (exclusion, alienation) that is in effect compulsory (enforced) rather than consensual, and that is not consistent with due process and government by consent of the governed under the federal and territorial constitutions.

## Political Inconsistencies:

- The U.S. government repeatedly and formally recognized and confirmed (including the 2011 letter from DOI) the right of Swain Island to a legal and political status, as well as public governance by the federal and territorial governments, on an equal basis with the islands of Tutuila, Manu'a and Aunu'u.
- **American Samoan ancestry:** means lineal descendants of the inhabitants of Tutuila and **Swains Islands** whose permanent place of residence was American Samoa on 17 April 1900, and the inhabitants of Manu'a Islands whose permanent place of residence was American Samoa on 16 July 1904. (*American Samoa Code Annotated ASCA: Chapter 02 - General Provisions 41.0202 Definitions.*)
- Swains Island has a Delegate in the American Samoa House of Representatives with all the powers of a Representative, **except the right to vote**, like other U.S. Territory Delegates to the U.S. House of Representatives
- Like other U.S. Territory Delegates to Congress, the Swains Island Delegate to the American Samoa Legislature can introduce Bills/Resolutions, Chair Committees, vote in Committees, but cannot vote in the chamber for the final passage of Legislation.
- The Swains Island Delegate to an American Samoa Constitution Convention, can vote for changes to the Constitution of American Samoa, but a Swains Island Delegate to the American Samoa Legislature cannot vote on Legislation.
- Like other U.S. Territories with Delegates to Washington without a Senator, Swains Island has no Senate Seat in the Fono.
- All Territories with Delegates to Congress are exempted from taxation without representation. Swains Island has been paying taxes, without representation and depleting its Resources for nearly 100 years.
- It seems Swains Island has become a Territory of American Samoa, and no longer of the United States. Yet, the U.S. State Department Foreign Affairs Manual (FAM) still recognizes Swains Island as a Territory of the United States.

**Swains Island Request:**

- Request Representation in any Constitution or Political Status Review.
- Request for at least 2 trips a month to Swains like Manu'a and allow for the repatriation of island residents.

**Swains Island is Requesting \$10 million from the American Rescue Plan Act for the following infrastructure development and to provide employment for Swains Island Residents. Also an additional \$3 Million annual budget to maintain essential services for the people.**

- **Landing Craft:** A Landing craft is needed to safely transport equipment and material to Swains Island because of the lack of wharf or dock.
- **Safe Wharf/Dock/Ramp/Channel:** The channel needs to be widened and dredged for safety. Also, a dock or ramp needs to be installed.
- **Airport:** Land and/or Sea (lagoon)
- **Communication/Internet**
- **Water Purification System**
- **Sustainable Renewable Power**

Thank you for your consideration, and I look forward to your favorable response and deliberations.

Ma le ava tele e tatau ai,



Su'a Alexander Eli Jennings

Swains Island Delegate