

Nos. 20-4017 and 20-4019

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

UNITED STATES OF AMERICA; U.S. DEPARTMENT OF STATE; ANTONY BLINKEN, in
his official capacity as U.S. Secretary of State; and IAN G. BROWLEE, in his
official capacity as Acting U.S. Assistant Secretary of State for Consular Affairs,
Defendants-Appellants,

and

THE AMERICAN SAMOA GOVERNMENT and THE HONORABLE AUMUA AMATA,
Intervenor Defendants-Appellants,

v.

JOHN FITISEMANU, PALE TULI, ROSAVITA TULI, and SOUTHERN UTAH PACIFIC
ISLANDER COALITION,

Plaintiffs-Appellees.

On Appeal from the United States District Court for the District of Utah,
Judge Clark Waddoups, No. 1:18-cv-00036-CW

**INTERVENOR DEFENDANTS-APPELLANTS'
BRIEF OPPOSING REHEARING EN BANC**

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September 15, 2021

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INTRODUCTION

This case arises out of Plaintiffs' efforts to re-litigate the issue of whether the federal courts should mandate U.S. citizenship for persons born in American Samoa, even though a similar group of U.S. nationals from American Samoa and another nonprofit organization previously litigated—and lost—a substantively identical case in the D.C. Circuit. *See Tuaua v. United States*, 788 F.3d 300 (D.C. Cir. 2015), *cert. denied* 136 S.Ct. 2461 (2016). Indeed, Plaintiffs in this case are represented by some of the same counsel who represented the *Tuaua* plaintiffs, they filed suit in Utah less than two years after the Supreme Court denied certiorari in *Tuaua*, and they asked the district court for the same relief that the plaintiffs had already sought (and failed to achieve) in *Tuaua*. After these Plaintiffs procured that unprecedented relief from the district court, a panel of this Court reversed, recognizing the problems with imposing U.S. citizenship on the people of American Samoa over their objection.

The only material difference between this case and *Tuaua* is that the views of the American Samoan people are stronger and clearer in this Court. After the panel reversed the district court in this case, the *Fono* (the bicameral legislature of American Samoa) passed a concurrent resolution expressing its support for the panel's decision. *See* S. Con. Res. No. 37-3, 37th Leg., 2d Reg. Sess. (Am. Sam. 2021) (attached hereto as Exhibit A). This resolution passed *unanimously*, without a single dissenting vote in either house of the American Samoa legislature. It

expresses the united views of the democratically elected government of American Samoa regarding the panel's decision in *Fitisemanu*: the people of American Samoa are categorically opposed to having federal courts change their citizenship status.

The majority opinion (authored by Judge Lucero and joined in large part by Chief Judge Tymkovich) determined that “neither constitutional text nor Supreme Court precedent demands the district court’s interpretation of the Citizenship Clause of the Fourteenth Amendment.” *Fitisemanu v. United States*, 1 F.4th 862, 864 (10th Cir. 2021). Because the geographic scope of the Citizenship Clause is ambiguous, it does not apply to American Samoa, an unincorporated territory, “by its own terms.” *Id.* at 875. Moreover, the panel decision noted that “consistent historical practice” supports a “narrow interpretation” of the geographic scope of the Citizenship Clause. *Id.* at 877. Specifically, “Congress has always wielded plenary authority over the citizenship status of unincorporated territories,” and “[r]esidents of Puerto Rico, Guam, the Northern Mariana Islands, and the U.S. Virgin Islands each enjoy birthright citizenship by an act of Congress.” *Id.* The panel decision thus “leave[s] the citizenship status of American Samoans in the hands of Congress.” *Id.*; *see also id.* at 883 (Tymkovich, C.J., concurring).

The panel decision is eminently correct and does not warrant further review. Rehearing en banc generally “is not favored and ordinarily will not be ordered.” Fed. R. App. P. 35(a). In this Circuit in particular, en banc review is an

“[e]xtraordinary procedure” that is especially “disfavored” because of “the fact that, before any published panel opinion issues, it is generally circulated to the full court and every judge on the court is given an opportunity to comment.” 10th Cir. R. 35.1(A). The panel decision correctly determines that, as it has been for every other U.S. territory, the question whether to extend U.S. citizenship to the people of American Samoa is a question for Congress, not the courts. That conclusion is consistent with more than a century of consistent historical practice, and it does not warrant further judicial review.

BACKGROUND

American Samoa is an unincorporated U.S. territory in the South Pacific Ocean with a unique cultural, historical, and political heritage. In 1900, American Samoa’s tribal leaders voluntarily ceded sovereignty of the Samoan Islands to the United States. *See* Cession of Tutuila & Aunu’u, Tutuila Samoa-U.S., Apr. 17, 1900, *available at* <https://bit.ly/2yYwMN7>. Unlike all other U.S. territories, “American Samoa has never been conquered, never been taken as a prize of war, and never been annexed against the will of [its] people.” *See* Statement of Hon. Eni F.H. Faleomavaega before the United Nations Special Comm. on Decolonization (C-24) at the Caribbean Reg’l Seminar to Review the Political, Econ. & Soc. Conditions in the Small Island Non-Self-Governing Territories (May 23, 2001), *available at* <https://bit.ly/2WkwfyE>. Since it voluntarily became a U.S. territory in 1900,

American Samoa has been a predominantly self-governing territory and has worked together with the United States to curate a unique relationship between the U.S. Government and American Samoa.

The United States has always considered each territory individually and, as a result of this approach, the relationship between the United States and each of its territories has changed over time in response to the will of the people inhabiting them. Over time, “Congress has conferred American citizenship on the peoples of all other inhabited unincorporated territories—Puerto Rico, Guam, the U.S. Virgin Islands, and others—but not the people of American Samoa.” *Fitisemanu*, 1 F.4th at 865. That means that people born in American Samoa are U.S. nationals, not U.S. citizens. They “owe[] permanent allegiance to the United States,” 8 U.S.C. § 1101(a)(22), may work and travel freely in the United States, and “receive certain advantages in the naturalization process” (e.g., may apply for citizenship without satisfying permanent-residency requirements). *Fitisemanu*, 1 F.4th at 865.

In July 2012, five U.S. nationals from American Samoa and a nonprofit organization filed a complaint for declaratory and injunctive relief in the U.S. District Court for the District of Columbia, asking the court to declare “that persons born in American Samoa are citizens of the United States by virtue of the Citizenship Clause.” See Compl. for Declaratory & Injunctive Relief ¶ 9, *Tuaua v. United States*, 951 F.Supp.2d 88 (D.D.C. 2013) (No. 1:12-cv-01143), 2012 WL 2848713. The

Tuaua plaintiffs were unsuccessful in the district court and, on appeal, a 3-0 panel of the U.S. Court of Appeals for the District of Columbia affirmed, declining to impose birthright citizenship on American Samoans over the objections of its democratically elected government. The D.C. Circuit explained that “to impose citizenship by judicial fiat” would require the court to “override the democratic prerogatives of the American Samoan people themselves,” and accordingly held that “[t]he imposition of citizenship on the American Samoan territory is impractical and anomalous at a . . . fundamental level.” *Tuaua*, 788 F.3d at 302, 310. The Supreme Court denied certiorari on June 13, 2016. *See Tuaua v. United States*, 136 S.Ct. 2461 (2016) (U.S. No. 15-981).

Not satisfied with that decision, three different U.S. nationals from American Samoa and another nonprofit organization (represented by some of the same counsel who represented the *Tuaua* plaintiffs) filed the underlying complaint for declaratory and injunctive relief in March 2018, asking the U.S. District Court for the District of Utah to revisit the very same question that *Tuaua* addressed, to forge an unprecedented path, and to declare that the Citizenship Clause of the Fourteenth Amendment applies to all persons born in American Samoa. *See generally* Compl. for Declaratory & Injunctive Relief, *Fitisemanu v. United States*, 426 F.Supp.3d 1155 (D. Utah 2019) (No. 1:18-cv-36), 2018 WL 1602865. The district court obliged. In a memorandum decision and order granting Plaintiffs’ motion for

summary judgment and denying the U.S. Government's and Intervenors' motions to dismiss, the district court broke new ground and held for the first time—over the objections of American Samoa's democratically elected representatives, despite the territory's unique cultural and historical circumstances, and contrary to every other court to have considered the issue—that the Citizenship Clause of the Fourteenth Amendment extends birthright citizenship to all persons born in American Samoa. *See generally Fitisemanu*, 426 F.Supp.3d 1155.

On appeal, a divided panel of this Court (Chief Judge Tymkovich and Judges Lucero and Bacharach) reversed. The majority opinion (authored by Judge Lucero and joined in large part by Chief Judge Tymkovich) held that “the Citizenship Clause leaves its geographic scope ambiguous,” and declined to extend birthright citizenship to American Samoa, recognizing “that Congress plays the preeminent role in the determination of citizenship in unincorporated territorial lands, and that the courts play but a subordinate role in the process.” *Fitisemanu*, 1 F.4th at 864–65, 875. The panel decision thus “leave[s] the citizenship status of American Samoans in the hands of Congress.” *Id.* at 877; *see also id.* at 883 (Tymkovich, C.J., concurring). Judge Bacharach dissented. He disagreed with the majority's analysis of the Citizenship Clause, contended that the Citizenship Clause “unambiguously applies to natives of American Samoa,” and would have held in the alternative that, even if the geographic scope of the Citizenship Clause were ambiguous, it would

still apply because the right to citizenship is fundamental and its application in American Samoa would be neither impracticable nor anomalous. *See id.* at 883–907 (Bacharach, J., dissenting). And while Judge Bacharach acknowledged that his reasoning would create a circuit split, he expressed his view that each of the six other circuits’ contrary opinions were wrongly decided. *Id.* at 907.

Plaintiffs filed their petition for rehearing en banc on July 30, 2021, ECF No. 10847365, and this Court directed Appellants to file a response, ECF No. 10847619.

ARGUMENT

I. The Panel Decision Correctly Applies Supreme Court Precedent, and also Is Consistent with Decisions from the D.C. Circuit and At Least Four Other Circuits.

The Supreme Court has consistently and repeatedly admonished that “questions of extraterritoriality turn on objective factors and practical concerns, not formalism,” and courts considering whether a particular provision of the Constitution applies to a particular U.S. territory must consider whether its application “would be ‘impracticable and anomalous,’” considering the “particular circumstances” of the territory. *Boumediene v. Bush*, 553 U.S. 723, 759, 764 (2008) (quoting *Reid v. Covert*, 354 U.S. 1, 74–75 (1957)); *see also, e.g., Downes v. Bidwell*, 182 U.S. 244, 293 (1901) (White, J., concurring) (“[T]he determination of what particular provision of the Constitution is applicable . . . involves an inquiry into the situation of the territory and its relations to the United States.”). The panel decision

faithfully followed the Supreme Court’s instructions in reaching its conclusion that the text of the Citizenship Clause is ambiguous and that “[c]onsistent historical practice suggests this textual ambiguity be resolved so as to leave the citizenship status of American Samoans in the hands of Congress.” *Fitisemanu*, 1 F.4th at 877; *see also id.* at at 883 (Tymkovich, C.J., concurring).

Plaintiffs’ petition insists that the panel contravenes Supreme Court precedent by wrongly “extending” the *Insular Cases* and “refusing to apply” *United States v. Wong Kim Ark*, 169 U.S. 649 (1898). *See* Pet. for Reh’g En Banc (“Pet.”) at 1–4, 7–13. Neither contention is true, nor warrants rehearing en banc.

First, Plaintiffs make much of the Supreme Court’s case-specific decision not to “extend” the *Insular Cases* in *Financial Oversight and Management Board for Puerto Rico v. Aurelius Investment, LLC*, 140 S.Ct. 1649 (2020), asserting in their petition for rehearing that the Supreme Court “admonished in *Aurelius* that the *Insular Cases* should not be extended to issues they did not reach.” Pet. at 7 (citing *Aurelius*, 140 S.Ct. at 1665). Plaintiffs go so far as to claim that the panel decision in this case is “directly contrary to the Supreme Court’s holding in *Aurelius*.” *Id.* at 8. That is a bold mischaracterization of *Aurelius* that seeks to manufacture conflict where there is none. The holding of *Aurelius* is “that the Constitution’s Appointments Clause applies to the appointment of officers of the United States with powers and duties in and in relation to Puerto Rico, but that the congressionally

mandated process for selecting members of the Financial Oversight and Management Board for Puerto Rico does not violate that Clause.” 140 S.Ct. at 1665. That holding has nothing to do with this case, nor with the *Insular Cases*.

Indeed, the Supreme Court *expressly declined* to “consider the request by some of the parties that we overrule the much-criticized ‘Insular Cases’ and their progeny,” simply stating: “Those cases did not reach this issue, and whatever their continued validity we will not extend them in these cases.” *Id.* In other words, the Supreme Court merely concluded that the *Insular Cases* “did not reach” the question before it, and so determined that there was no need to “extend” them in that case because its disposition did not turn on those cases. *Id.*

The Supreme Court thus expressly did not overrule the *Insular Cases*, and it certainly did not announce (implicitly or explicitly) any kind of categorical rule against “extending” the *Insular Cases* or applying them in other cases as appropriate. Moreover, in a subsequent decision issued the same Term as *Aurelius*, the Supreme Court reaffirmed that “the Court has ruled that, under some circumstances, foreign citizens in the U.S. Territories—or in ‘a territory’ under the ‘indefinite’ and ‘complete and total control’ and ‘within the constant jurisdiction’ of the United States—may possess certain constitutional rights,” but that “the Court has not allowed foreign citizens outside the United States or such U.S. territory to assert rights under the U.S. Constitution,” citing *Downes* in an accompanying footnote

regarding the “extraterritorial application of organic law.” *See Agency for Int’l Dev. v. All. for Open Soc’y Int’l, Inc.*, 140 S.Ct. 2082, 2086–87 & n.* (2020). *Aurelius* thus is not the silver bullet Plaintiffs’ petition would have it be. And, as the panel decision explains, the *Insular Cases* are “plainly relevant” here, in a case involving Plaintiffs’ request to extend a constitutional provision to an unincorporated territory. *See Fitisemanu*, 1 F.4th at 869–71, 873–74.

Second, and beyond their manufactured conflict with *Aurelius*, Plaintiffs are equally wrong in asserting that the panel decision contravenes Supreme Court and Tenth Circuit precedent by “refusing to apply *Wong Kim Ark*.” Pet. at 9–13. The panel decision thoroughly explains its decision between applying the *Insular Cases*, which it describes as “a string of Supreme Court decisions issued at the turn of the twentieth century that addressed how the Constitution applies to unincorporated territories,” and applying *Wong Kim Ark*, “a case in which the Supreme Court considered the Citizenship Clause’s guarantee of birthright citizenship to those born in the United States.” *Fitisemanu*, 1 F.4th at 869; *see also id.* at 869–75. Ultimately, the Court concluded that the *Insular Cases* “provide the more relevant, workable, and, as applied here, just standard” for several reasons, including that: (1) “the *Insular Cases* were written with the type of issue presented by this case in mind, whereas *Wong Kim Ark* was not;” (2) “the district court overread the weight accorded English common law by *Wong Kim Ark*;” and (3) “the *Insular Cases* permit this court

to respect the wishes of the American Samoan people, whereas *Wong Kim Ark* would support the imposition of citizenship on unwilling recipients.” *Id.* at 873.

Plaintiffs’ insistence that the panel decision contravenes Supreme Court precedent by refusing to apply *Wong Kim Ark* is fatally undermined by the fact that the *Tuaua* plaintiffs (represented by some of the same counsel as Plaintiffs in this case) made *the exact same arguments* in their petition for writ of certiorari, which the Supreme Court denied. *See generally* Pet. for a Writ of Cert., *Tuaua v. United States*, 136 S.Ct. 2461 (2016) (No. 15-981), 2016 WL 386730. For example, the *Tuaua* petition lamented that the D.C. Circuit had purportedly “disregarded” *Wong Kim Ark* and other “relevant precedents” and had “relied instead on the Insular Cases, a series of decisions that concerned neither the Citizenship Clause nor American Samoa.” *Id.* at 3–4. The petition specifically argued that the D.C. Circuit’s decision “failed to heed [the Supreme Court’s] case law construing the [Citizenship] Clause, arbitrarily confining [the Supreme Court’s] decision in *Wong Kim Ark* to its facts.” *Id.* at 19; *see also id.* (“Instead of faithfully applying this Court’s relevant precedent, the court below erroneously looked to—and unjustifiably expanded—the Insular Cases’ territorial-incorporation doctrine, which is inapposite here. Even if the Insular Cases could be read to support the decision below, they themselves are inconsistent with the Constitution and should be modified or overruled.”); *id.* at 24–33 (similar). The Supreme Court tacitly rejected

all of these arguments when it denied certiorari five years ago. Plaintiffs do not cite any recent authority that might support a different result this time around. *See* Pet. at 9–13.

Finally, and further underscoring that reconsideration of the panel’s decision is unwarranted, the panel decision is in good company. It aligns the Tenth Circuit not only with the D.C. Circuit’s decision in *Tuaua*, but also with decisions from the Second, Third, Fifth, and Ninth Circuits, which have all held that the Citizenship Clause of the Fourteenth Amendment does not automatically confer U.S. citizenship on persons born in U.S. territories. *See Nolos v. Holder*, 611 F.3d 279, 282–84 (5th Cir. 2010); *Lacap v. INS*, 138 F.3d 518, 518–19 (3d Cir. 1998); *Valmonte v. INS*, 136 F.3d 914, 915–21 (2d Cir. 1998); *Rabang v. INS*, 35 F.3d 1449, 1450–54 (9th Cir. 1994). Further review could only inject needless uncertainty into a presently uniform judicial landscape if the panel’s sound conclusions were revisited.

II. The Panel Decision Correctly Leaves to Congress and the Political Process a Singular Question of Exceptional Importance to American Samoa and the American Samoan People.

Intervenors agree with Plaintiffs that this case raises an exceptionally important question. Indeed, as the democratically elected representatives of the American Samoan people, the American Samoa Government and the Honorable Aumua Amata are acutely aware of exactly how important the question of U.S. citizenship of persons born in American Samoa is to the American Samoan people.

But that narrow question is of singular importance to American Samoa and American Samoa alone, and the panel decision correctly “leave[s] the citizenship status of American Samoans in the hands of Congress,” *Fitisemanu*, 1 F.4th at 877; *see also id.* at 883 (Tymkovich, C.J., concurring), as it has been in every other case in which persons born in overseas territories have been granted birthright citizenship, *see id.* at 865 (majority opinion); *see also* 48 U.S.C. § 1421 and 8 U.S.C. § 1407 (Guam); Jones-Shafroth Act, Pub. L. 64-368, 39 Stat. 951 (1917) (Puerto Rico); Act of Mar. 24, 1976, Pub. L. 94-241, 90 Stat. 266 (1976) (Commonwealth of the Northern Mariana Islands); 8 U.S.C. § 1406 (U.S. Virgin Islands); *cf.* 8 U.S.C. § 1403 (Panama Canal Zone). It is thus up to Congress, the American Samoa Government, and the American Samoan people to decide whether to pursue U.S. citizenship, “with its concomitant rights, obligations, and implications for cultural identity.” *Tuaua*, 788 F.3d at 311.

Specifically, the panel decision correctly recognizes “that Congress plays the preeminent role in the determination of citizenship in unincorporated territorial lands, and that the courts play but a subordinate role in the process.” *Fitisemanu*, 1 F.4th at 864. And it acknowledges that “the political branches rather than the courts are best positioned to consider the wishes of the American Samoan people,” and “[t]hose wishes . . . are best acted upon by Congress, as has been the consistent historical practice.” *Id.* at 880 n.26; *see also id.* at 883 (Tymkovich, C.J.,

concurring). While Plaintiffs and their *amici* insist that rehearing is necessary to avoid “absurd results” involving other U.S. territories, *see* Pet. at 18, the fact is that the panel decision correctly *avoids* the obvious absurdity that would result from singling out American Samoa for differential treatment after more than a century of consistent historical practice in which Congress has worked in cooperation with U.S. territories to determine the citizenship status of unincorporated territorial inhabitants through the democratic political process. *See Fitisemanu*, 1 F.4th at 883 (Tymkovich, C.J., concurring); *id.* at 864–65, 877 (majority opinion); *cf. Jackman v. Rosenbaum Co.*, 260 U.S. 22, 31 (1922) (Holmes, J.) (“If a thing has been practiced for two hundred years by common consent, it will need a strong case for the Fourteenth Amendment to affect it.”).

At bottom, the panel decision correctly recognizes that the “settled understanding and practice over the past century is that Congress has the authority to decide the citizenship status of unincorporated territorial inhabitants.” *Fitisemanu*, 1 F.4th at 883 (Tymkovich, C.J., concurring); *see also id.* at 864–65, 877 (majority opinion fully agreeing with the concurrence in relevant part). The political process is able and best situated to account for the varying interests at issue when considering whether to extend birthright citizenship on all American Samoans. While the individual Plaintiffs may certainly decide to seek U.S. citizenship through other avenues, American Samoa has invited Plaintiffs to participate in the existing

governmental processes: In the aftermath of the panel decision, the Legislature of American Samoa passed a concurrent resolution expressing unanimous support for the panel decision. *See* Exhibit A. That resolution “invites those representing special interests supporting the lawyers in the *Fitisemanu* case to visit American Samoa to meet with our elected and traditional leaders, visit with the people in our villages, and if convinced the people want U.S. citizenship to be conferred by the U.S. Congress, work within the existing governmental processes to hold a referendum on the subject.” *Id.*

* * *

In sum, the panel decision is fully consistent with Supreme Court precedent and with more than a century of consistent historical practice. There is no reason for further judicial review.

CONCLUSION

The Court should not order rehearing en banc.

Respectfully submitted,

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The American Samoa Government and the Honorable Aumua Amata
September 15, 2021

CERTIFICATE OF COMPLIANCE

Pursuant to Tenth Circuit Rule 32 and Rules 32(a)(7)(B) and 35(b) of the Federal Rules of Appellate Procedure, I hereby certify that the textual portion of the foregoing brief (exclusive of the tables of contents and authorities and certificates of compliance and service, but including footnotes) contains 3,564 words as determined by the word counting feature of Microsoft Word 2016.

Pursuant to Tenth Circuit Rule 25.3, I also hereby certify that an electronic file of this brief has been submitted to the Clerk via the Court's CM/ECF system. The file has been scanned for viruses and is virus-free.

September 15, 2021

/s/ Michael F. Williams, P.C.
Michael F. Williams, P.C.

CERTIFICATE OF SERVICE

In accordance with Tenth Circuit Rule 25.4 and Federal Rule of Appellate Procedure 25(c)(2), I hereby certify that on September 15, 2021, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Tenth Circuit by using the CM/ECF system. I certify that all participants are registered CM/ECF users and will be served via the CM/ECF system.

September 15, 2021

/s/ Michael F. Williams, P.C.

Michael F. Williams, P.C.

EXHIBIT A



LEGISLATURE OF AMERICAN SAMOA
American Samoa Government

CERTIFICATION

Senate Chamber, 2021
July 20, 2021

I certify that Senate Concurrent Resolution No. 37-3 passed on this date in the Senate during its Second Regular Session of the Thirty-seventh Legislature of American Samoa.

A handwritten signature in cursive script, appearing to read "Leo'o V. Ma'o".

MR. LEO'O V. MA'O
Secretary of the Senate

House Chamber
August 6, 2021

I certify that Senate Concurrent Resolution No. 37-3 passed on this date in the House of Representatives during its Second Regular Session of the Thirty-seventh Legislature of American Samoa.

A handwritten signature in cursive script, appearing to read "Vaitu Malinuu Maluia".
A small, stylized handwritten mark or signature to the left of the name.

MR. VAITU MULINUU MALUIA
Chief Clerk, House of Representatives

**THE THIRTY-SEVENTH LEGISLATURE
SECOND REGULAR SESSION**

S.C.R. NO. 37-3

SENATE CONCURRENT RESOLUTION

A SENATE CONCURRENT RESOLUTION EXPRESSING THE SUPPORT OF THE LEGISLATURE OF AMERICAN SAMOA, FOR ITSELF AND ON BEHALF OF THE PEOPLE OF THE TERRITORY OF AMERICAN SAMOA, OF THE FEDERAL COURT OF APPEALS COURT RULING IN RESPECTING THE RIGHT OF THE AMERICAN SAMOAN PEOPLE TO RETAIN OUR CURRENT STATUTORY BIRTHRIGHT STATUS AS U.S. NATIONALS AND THE RIGHT OF VOLUNTARY BASIS OF THE RECLASSIFICATION OF U.S. NATIONALS WISHING TO BECOME U.S. CITIZENS”

WHEREAS, *on June 15, 2021, the Federal Court of Appeals for the 10th Judicial Circuit reversed a controversial ruling by a Federal District Court judge in the case of Fitisemanu v. United States, thereby confirming the U.S. Congress properly has conferred statutory birthright U.S. nationality on persons born in American Samoa; and*

WHEREAS, *this new Federal Court of Appeals court ruling reversing a lower court decision in Fitisemanu v. U.S. purporting to end U.S. national status now allows to stand current Federal territorial law and policy respecting the right of the American Samoan people to retain our current statutory birthright status as U.S. nationals, and*

WHEREAS, *in addition to statutory procedures for individuals born in American Samoa to attain reclassification as U.S. citizens, if desired in the future we retain the right to petition Congress through local self-government and self-determination for a change in our legal and political status to that of statutory birthright U.S. as defined by Congress in Federal statutes citizenship; and*

WHEREAS, *contrary to the false narrative of the Fitisemanu case, our birthright U.S. national status is not a form of “second class citizenship” for American Samoans; and*

WHEREAS, *the U.S. nationality that comes for our people only from birth in American Samoa is what first and foremost defines the current political status of our islands, as a defined territory with local self-government recognized under the sovereignty and law of the United States; and*

WHEREAS, *the Court of Appeals rejection of the Fitisemanu lawsuit demonstrates that the question of whether judicially mandated United States citizenship under the 14th Amendment for persons born in American Samoa is constitutionally required or allowed does not revolve around racially offensive statements made by Supreme Court Justices over 120 years ago in a territorial taxation case; and*

WHEREAS, *judicial recognition of how a Federal court mandated change in the legal and political status of Americans born in American Samoa might impact the Samoan way of life in the territory is not of material relevance to judicial determination that Congress properly may confer statutory U.S. national and/or citizenship status on persons born in an unincorporated territory; and*

WHEREAS, *matters of local self-government, law, custom and culture that are within the sphere of local self-determination rather than material relevance to Federal judicial disposition of the Fitisemanu lawsuit include the issues of continuity in law and custom regarding our internal land tenure system, the matai system of traditional governance, alienation of land in American Samoa, selection of Senators to the local Legislature, local control of customs and immigration system, and history of proposed but not adopted U.S. citizenship initiatives after Deed of Cession and acquisition of U.S. national status; and*

WHEREAS, *the Deed of Cession in effect from April 17, 1900, provides that “(t)he Government of the United States of America shall respect and protect the individual rights of all people dwelling in Tutuila to their lands and other property” and*

WHEREAS, *the Deed of Cession provides that “the enactment of legislation and the General Control shall remain firm with the United States of America”; and*

WHEREAS, *the United States Constitution under Article IV, Section 3, Clause 2 states that “(t)he Congress (emphasis added] shall have power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States”; and*

WHEREAS, *the ruling in the Fitisemanu case at the trial level and reversal of the trial court by the U.S. Court of Appeals does not alone define, determine or change the status of Americans in other territories where statutory birthright U.S. nationality and citizenship has been conferred under Federal territorial laws; and*

WHEREAS, the *Fitisemanu* lawsuit does not address Federal statutes on Medicare, Medicaid, Supplemental Security Income (SSI) nor any other pending issue of federal territorial relations within the authority of Congress, and is solely concerned with self determination on the matter of whether U.S. national status should continue under current Federal territorial law, which Americans in American Samoa at any time with a reasonable expectation of success may seek to change by petitioning Congress; and

WHEREAS, the power to make rules and regulations for U.S. territories involves political questions reserved to the U.S. Congress as the legislative branch of the United States Government, and as such not within the judicial power of the Federal courts unless jurisdiction is established in a case and controversy under federal law; and

WHEREAS, before being reversed by the U.S. Court of Appeals the ruling of the Federal District Court in Utah portending judicial imposition of 14th Amendment birthright U.S. citizenship on persons born in American Samoa raised fundamental issues concerning the principle of self-determination under international law recognized by the United States; and

WHEREAS, the first paragraph of Article 1 of the U.N. Charter states: "All peoples have the right of self-determination" and "(b)y virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development;" and

WHEREAS, in 1946 the U.N. General Assembly adopted Resolution 66-1, recognizing U.S. inclusion of American Samoa in its enumeration of non-self-governing territories administered by the U.S. government, subject to the obligation of reporting to the U.N. in accordance with Art. 1, Art. 55 and Article 73 of the U.N. Charter on progress toward full self-government, consistent with government by consent confirmed in General Assembly resolutions regarding the principles of self-determination and decolonization as applicable in and relevant to American Samoa; and

WHEREAS, the United States of America acceded to the U.N. Charter and annually submits information to the U.N. Secretary General on constitutional, political and socio-economic developments in American Samoa pursuant to Article 73(e) of the Charter; and

WHEREAS, the people of American Samoa have not yet of their own free will exercised their inherent right of self-determination on the question of a fully self-governing political status in the future; and

WHEREAS, *the United States District Court for the District of Columbia on June 26, 2013, rejected judicial imposition of birthright U.S. citizenship on U.S. nationals born in American Samoa in the case of Tuaua v. United States, affirmed unanimously by the United States Circuit Court of Appeals for the District of Columbia on June 5, 2015; and*

WHEREAS, *the full U.S. Circuit Court of Appeals for the District of Columbia on October 2, 2015, denied a petition to rehear the Tuaua case; and the Supreme Court of the United States on June 13, 2016; rejected application for further judicial review of the Tuaua ruling; and*

WHEREAS, *special interest lobbyists and lawyers associated with the failed Tuaua case enlisted another group of persons with American Samoan heritage who were enlisted to file in a different Federal Circuit another lawsuit with the same purpose and legal premise as the Tuaua suit, and on March 27, 2018, the Fitiseanu v. U.S. lawsuit was filed on behalf of plaintiffs so enlisted in the U.S. District Court at Salt Lake City, Utah; and*

WHEREAS, *the murder of George Floyd on May 25, 2020, brought to culmination a national movement demanding racial justice in America, in conjunction with which lobbyists and lawyers representing plaintiffs in the Fitiseanu case gave added emphasis to arguments in Congress and before the Federal courts that the Insular Cases beginning with the 1901 ruling of the U.S. Supreme Court in Downes v. Bidwell should not be relied on as valid U.S. Federal court decisional law and jurisprudence, due to racial bias expressed by Justice Brown and Justice White in the Downes ruling opinions; and*

WHEREAS, *several members of the U.S. House of Representatives on March 10, 2021, sent a letter to the United States Attorney General asking the Department of Justice to end reliance in the modern era on the law of the Insular Cases as a basis for defending the U.S. in lawsuits currently pending in Federal courts, which would include and potentially prove decisive in the Fitiseanu case on the constitutional status of American Samoa, and yet the pendency of Fitiseanu was not disclosed in the March 10 letter to the U.S. Attorney General along with three other pending statutory policy cases on Medicare and SSI cited in that letter; and*

WHEREAS, on March 26, 2021, H. Res. 279 was introduced in the U.S. House of Representatives citing alleged discriminatory racism in the decisional law of the Insular Cases as justification for setting them aside as defense of U.S. law and policy toward its territories in "all present and future" lawsuits involving "application of the U.S. Constitution in the territories," which would include the *Fitisemanu* case; and

WHEREAS, on May 12, 2021, the U.S. House Committee on Natural Resources held a hearing on the Insular Cases at which representatives of the special interest lobbyists and lawyers for plaintiffs in the *Fitisemanu* case testified in favor of H. Res. 279; and

WHEREAS, on June 7, 2021, the Department of Justice filed a brief with the Supreme Court confirming reliance on the Insular Cases as a defense for U.S. policy towards Puerto Rico and other unincorporated territories, and on the same day President Biden issued a statement supporting as legally necessary and proper the Justice Department decision to file its brief relying on the Insular Cases currently pending and future territorial cases, which includes the *Fitisemanu* case; and

WHEREAS, on June 7, 2021, U.S. House Resources Committee Chairman Raul Grijalva issued a statement acknowledging the Justice Department action, the President's support for it, and pledged to work with Congressional Committees to find legislative solutions to inequitable treatment and less than equal status of territories under federal territorial law; and

WHEREAS, on June 15, 2021, the United States Court of Appeals for the 10th Circuit ruled consistent with reliance on the Insular Cases in reversing the lower court ruling in the *Fitisemanu* case, a District Court opinion which would have imposed 14th Amendment birthright U.S. citizenship on U.S. nationals in American Samoa without regard to our right to self-determination; and

WHEREAS, the special interest group "Equally American" on its website states that it is "bringing together the voices of the nearly 4 million Americans who live in U.S. territories (Puerto Rico, Guam, the U.S. Virgin Islands, American Samoa, the Northern Mariana Islands)," which is demonstrably false in the case of American Samoa, the body politic of which has acted through its local constitutional process to oppose the lawsuits and lobbying by "Equally American" to treat all territories as one body politic, also falsely defined as a single racial and ethnic community in denial of our cultural and ethnic diversity.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE TERRITORY OF AMERICAN SAMOA, THE HOUSE OF REPRESENTATIVES CONCURRING:

*THAT, the Legislature of American Samoa in its second regular session of 2021 on July 12, hereby unanimously **EXPRESSES** concern that rule of law and informed democratic self-determination in American Samoa are undermined by disinformation narratives advanced by special interest lobbyists and lawyers for plaintiffs in Fitiseanu; and*

***BE IT FURTHER RESOLVED,** that the calls for special interest lobbyists and lawyers for plaintiffs in the Fitiseanu case to renounce misrepresentation that “Equally American” and any affiliate thereof speaks for or represents the people of American Samoa as a body politic established under U.S. and territorial law; and*

***BE IT FURTHER RESOLVED,** that the calls for “Equally American” and its affiliates to cease disingenuously distorting in the Federal courts and in national media the history and meaning of Federal jurisprudence and statutory law defining the status and rights of Americans born in the territories, so that inequality and inequities inherent in the less than fully self-governing status of territories can be addressed through informed democratic self-determination on legally valid political status options, according to the diverse aspirations of the people in each territory; and*

***BE IT FURTHER RESOLVED,** that the Legislature of American Samoa requests the plaintiffs in the Fitiseanu v. United States case to reconsider and elect to proceed no further in efforts to gain a Federal court decision that threatens American Samoa's right to self-determination, by imposing U.S. citizenship as currently conferred under the 14th Amendment in the States on persons born and living in American Samoa without consent of the governed; and*

***BE IT FURTHER RESOLVED,** that it urges all intervenors and amicus curiae on behalf of the plaintiffs in Fitiseanu v U.S. to withdraw their support obtained through misinformation for the efforts to impose U.S. citizenship on our people without our consent through judicial fiat in the Fitiseanu case; and*

***BE IT FURTHER RESOLVED,** that the Legislature of American Samoa invites those representing special interests supporting the lawyers in the Fitiseanu case to visit American Samoa to meet with our elected and traditional leaders, visit with the people in our villages, and if convinced the people want U.S. citizenship to be conferred by the U.S. Congress, work within the existing governmental processes to hold a referendum on the subject; and*

BE IT FURTHER RESOLVED, that the Legislature of American Samoa, for itself and on behalf of the people of the Territory of American Samoa, support the legislation offered by our duly elected Member of Congress further to facilitate on an individual, voluntary basis the reclassification of U.S. nationals wishing to become U.S. citizens. Adopted on this day of July at Fagotogo, American Samoa in the year of our Lord Two Thousand twenty-one.



TUAOLO MANAIA FRUEAN
President of the Senate



SAVALI TALAVOU ALE
Speaker, House of Representatives

**NOFOA'IGA TOLUSEFULU-FITU
FONO TELE LONA LUA**

I.M.F.M.M. NU-3

I'UGAFONO MALILIE FA'ATASI MAOTA MAUALUGA

O SE I'UGAFONO MALILIE FA'ATASI A LE MAOTA MAUALUGA E FA'AILOA AI LE LAGOLAGOSUA A LE FONOFAITULAFONO MA FAI AI FOI IA MA SUI O TAGATA O LE TERITORI O AMERIKA SAMOA, I LE FA'AIUGA A LE FA'AMASINOGA APILI A LE MALO TELE E FA'ATATAU I LE AIĀ O TAGATA AMERIKA SAMOA E TAOFI AI PEA LO LATOU TULAGA O NESIONALE O LE IUNAITE SETETE E ALA I LE MEA NA FANAU AI, ATOA FOI MA LE AIĀ I LUGA O LE FAITALIA O LE TAGATA LAVA IA E TOE FAATULAGA AI NESIONALE O LE IUNATE SETETE E AVEA MA SITISENI O AMERIKA.

TALUAI, o Iuni 15, 2021, na suia ai e le Faamasinoga Apili a le Feterale mo le Faamasinoga lona 10, se faaiuga sa fefālōa'i ai a le Faamasino o le Faamasinoga Faaitumalo a le Feterale i le mataupu a Fitisemanu faasaga i le Iunaite Setete, ma ua faamaonia ai le talafeagai lelei o le tuuina mai e le Konekeresi a le Iunaite Setete o le aiā faatulafonoina o le nesionale mo latou sa soifua mai i Amerika Samoa; ma

TALUAI, o le faaiuga fou leni a le Faamasinoga Apili a le Feterale ua toe suia ai nei le faaiuga a se faamasinoga maualalo i le mataupu a Fitisemanu faasaga i le Iunaite Setete sa faapea mai ai ia faamuta le fa'aaoga o le tulaga nesionale, a o lea la ua toe fa'aauau ai pea i le faaiuga leni le tulafono faateritori a le Malo Tele e fa'aalologia ai le aiā o tagata Amerika Samoa e faatumau pea le aiā o loo i ai mo nesionale; ma

TALUAI, e le gata i tauhumaga e uia mo i latou na fananau i Amerika Samoa e mafai ona toe faavasega ai e avea ma sitiseni o le Iunaite Setete, pe afai e mana'o ai i le lumanai o loo i ai foi ma le aiā e talosaga ai i le Konekeresi e ala i le faigamalo iinei ma se finagalo foi mo se suiga i lo tatou tulaga faaletulafono ma mea tau upufai o malo mo se aiā faaletulafono e faapea na soifua (fanau) i le Iunaite Setete e pei ona faauigaina ai e le Konekeresi i tulafono a le Feterale mo sitiseni; ma

TALUAI, e ese mai ai i le faaupuga sesē o le mataupu a Fitisemanu, o lo tatou aiā o nesionale o le Iunaite Setete, e le o se "tulaga maualalo o ni sitiseni" mo Amerika Samoa; ma

TALUAI, o le nesionale o le Iunaite Setete ua ta'ua ai na o tatou tagata, e mafua ona sa fanau i Amerika Samoa, ma o lena e muamua lava i le faauigaina o le tulaga tau upufai (polikiki) o tatou motu, o se teritori o loo pulea lava e ia lona malo e pei ona faailoaina i lalo o le pule ma le tulafono a le Iunaite Setete; ma

TALUAI, o le teena e le Faamasinoga Apili o le tagi a Fitiseanu ua fa'aalia ai o le fesiligia pe mata o le sitiseni e pei ona faatulafono e le Iunaite Setete i lalo o le Suiga 14 mo tagata na soifua (fanana'u) i Amerika Samoa e manaomia pe faatagaina i le faavae, e le aafia ai ni faaupuga lē manuia ma faailoga lanu na faia e Faamasino o le Faamasinoga Aupito Maua'uga ua silia i le 120 tausaga ua mavae i se mataupu tau lafoga a teritori; ma

TALUAI, o le faailoaina e le faamasinoga o se suiga e tuuina mai i le tulaga faaletulafono ma le itu tau upufai o tagata Amerika na soifua mai Amerika Samoa e ono aafia ai le soifua faasamoa i le teritori, e lē o se faafinauga talafeagai lea i faaiuga faa-faamasinoga e faapea e ono aumai e le Konekeresi le tulaga o le nesionale o le U.S. ma/poo le sitiseni foi ia i latou na fanana'u i se teritori e lei tuufaatasia lelei (unincorporated); ma

TALUAI, o mataupu o le pulea e tatou o lo tatou malo i totonu, o tulafono, o tū ma aganuu o loo i totonu o le li'o o le ta'u lea nai lo le talafeagai ai ma faiga faa-le-faamasinoga a le Feterale i le tagi a Fitiseanu, e aafia ai mataupu i le fa'aanu o le tulafono ma aganuu e faatatau i fanua, o le pulega a matai, tuueseina o fanua/elele i Amerika Samoa, filifilia o Senatoa i le fonofaitulafono, pulea o le tiute ma femalaga'iga, ma le talafaasolopito i le tau faatūina o mataupu tau sitiseni ina ua mavae le Feagaiga o le Tuuina atu ma le maua ai o le tulaga faama'i; ma

TALUAI, o le Feagaiga o le Tuuina atu na aloa'ia ia Aperila 17, 1900, o loo aiaia ai e faapea, "o le a fa'aalolomia ma puipua e le Malo o le Iunaite Setete aiā o tagata taitoatasi uma e mau i Tutuila ma o latou fanua ma isi meatotino"; ma

TALUAI, o le Feagaiga o le Tuuina atu o loo aiaia ai e faapea, "o le faagaioia o tulafono ma le Pulega aoao tetele o le a tumau lea i le Iunaite Setete o Amerika"; ma

TALUAI, o le Faavae o le Iunaite Setete i lalo o le Vaega IV, Maga 3, i le Vaega 2 o loo faapea mai, "o le Konekeresi o le a i ai le malosi e faagaioi ai ma faia Aiaiga ma Tulafono galue e faatatau i le Teritori poc isi Meatotino a le Iunaite Setete"; ma

- TALUAI,** o le faaiuga i le tagi a Fitiseanu i le faamasinoga ma le toe suia ai o le faaiuga e le Faamasinoga Apili e le o faauigaina ai na o lena, aumai se faatonuga pe suia ai foi le tulafono o tagata Amerika ma isi teritori i le feagai ai ma aiā faaletulafono o nesionale o le Iunaite Setete ma sitiseni ua uma ona i ai i lalo o tulafono faateritori a le Malo tele; ma
- TALUAI,** e le i aafia i le tagi a Fitiseanu tulaga o le Malo tele i le Medicare. Medicaid, Tupe maua o le Saogalemu, poo se isi lava mataupu o loo faatalia i le vā feagai ma teritori i totonu o le pulega a le Konekeresi, ae na o le itu lava i le pule i le mataupu pe mata e tatau ona fa'aauau pea o le tulaga o nesionale o le Iunaite Setete i lalo o tulafono faateritori a le Feterale, lea e mafai lava e tagata Amerika i Amerika Samoa ona saili mo se suiga i soo se taimi, e ala i se talosaga e tuuina atu i le Konekeresi; ma
- TALUAI,** o le malosī e fai ai aiaiga ma tulafono galue mo teritori o le I.S. (U.S.) e aafia ai fesili tau upufai o loo faapito lava lena mo le Konekeresi, ona o le lala faitulafono lena o le Malo o le I.S., ma talu ai lena tuutuuga, e lē i totonu o le pule faa-faamasinoga a le Feterale sei vagana ai ua faavae se pule faapena i se mataupu ma se fe'ese'eseaiga i lalo o le tulafono a le malo tele; ma
- TALUAI,** a o lei toe suia e le Faamasinoga Apili a le I.S. le faaiuga a le Faamasinoga Faaitumalo i Utah sa faaee ai aiā tau sitiseni o le I.S. i le Suiga 14 o loo aafia ai le mea na fanau ai mo i latou sa soifua i Amerika Samoa. Sa tulai mai ai ni mataupu faavae e aafia ai le pule i lalo o tulafono faalevāomalo e faailoaina e le I.S.; ma
- TALUAI,** o le parakalafa 1 o le Mataupu 1 o le Faavae o Malo Aufaatasi, o loo faapea mai, "O tagata uma lava e i ai le aiā e pulea ai i latou lava ma e ala mai foi i le aiā lava lena, e saoloto foi latou e faia lo latou lava tulaga tau upufai, ma saoloto foi e tuliloaina pea lo latou atina'e tau le tamaoaiga, manuia lautele, ma ana tū masani;" ma
- TALUAI,** o le 1946 sa pasia ai e le Fono Aoao a Malo Aufaatasi le Iugafono 66-1, e faailoa ai le aafia le avatua e le I.S. o Amerika Samoa i lana faitauga o teritori e le o pulea e latou i latou lava e vaaia e le malo o le I.S., e faalagolago i le lipotia atu i Malo Aufaatasi o le tulaga e faasolosolo pea i ai i le agai atu ina ia avea ma malo e pulea ia lava, e tusa ai ma le Vaega 1, Vaega 55 ma le Vaega 73 o le Faavae o Malo Aufaatasi e tusa ai ma malo ua malie mai e pei ona faamaonia i le iugafono a le Fono Aoao e faatatau i le tū ma'oti ma le toe faakoloneina e pei ona talafeagai ai ma tatau mo Amerika Samoa; ma

TALUAI, *na malie atu le I.S. i le Faavae o Malo Aafaatasi ma tuuina atu pea i tausaga uma lana lipoti i le Failautusi Aoao o Malo Aafaatasi e faatatau i le tulaga o le faavae, o le itu tau upufai ma atina'e o le soifua lelei ma le tamaoaiga o Amerika Samoa e tusa ai ma le Vaega 73(o) o le Faavae; ma*

TALUAI, *e oo mai nei e lei fu'aaogaina lava e tagata o Amerika Samoa, i lo latou lava finagalo malie, lo latou aiā mo le tu ma'oti, i le fesili o le tutoatasi o lona tulaga faaupufai i le lumanai; ma*

TALUAI, *o Iuni 26, 2013, na teena ai e le Faamasinoga Faaitumalo a le I.S. i le Itumalo o Columbia (D.C.) le faaeeina o le aiā o le sitiseni o le I.S. i Nesionale o le I.S. na fananau i Amerika Samoa i le mataupu i le tagi a Tuua faasaga i le I.S., ma sa faamausali atili ai lea faaiuga e le Faamasinoga Apili i DC i se palota fulisia ia Iuni 5, 2015; ma*

TALUAI, *o Oketopa 2, 2015 na teena ai e le Faamasinoga Apili a le I.S. i DC se tagi ina ia toe fofogaina le mataupu a Tuua; faapena foi ona teena e le Faamasinoga Apito Maualuga a le I.S. ia Iuni 13, 2016, se tagi ina ia toe iloilo atili le faaiuga na tuuina mai i lenei lava mataupu; ma*

TALUAI, *sa i ai ni tagata fuapitoo sa taumafai malosi, e aofia ai ma ni loia sa aafia i le tagi lea sa lē faamanuiaina a Tuua, ina ia faapotopoto nisi vaega o tagata e tupuga mai Amerika Samoa ina ia faaulu se isi tagi i se isi Faamasinoga a le Malo tele i le faamoemoe lava e tasi e pei o le uluai tagi, ma o Mati 27, 2018, sa faila ai le tagi a Fitisemanu e fai ai ma sui o tagata nei i le Faamasinoga Faaitumalo i le aai o Salt Lake i Utah; ma*

TALUAI, *o le fasiotia o George Floyd ia Me 25, 2020, na tupu mai ai se taumafaiga sa ta'ua ai le mana'omia o faamasinoga tonu mo lanu i Amerika, sa fesootai atu loa la ma le mataupu lenei e i latou sa taumafai malosi e una'ia le mataupu, ma loia o loo fai ma sui i le tagi a Fitisemanu ma sa faapoopo atu ai loa se isi mamafa i finauga i le Konekeresi ma Faamasinoga a le Feterale e faapea o Mataupu tau Atumotu e amata mai lava i le faaiuga i le 1901 a le Faamasinoga Maualuga a le I.S. i le mataupu i le vā o Downes ma Bidwell e lē tatau ona faalagolago i ai tulafono i le faia o faaiuga a le Faamasinoga ona o le faaitu'au i lanu e pei ona fauiloa e Faamasino Brown ma White i o lā manatu i le faaiuga i le mataupu lea a Downes; ma*

TALUAI, *o Mati 10, 2021, sa avatu ai tusi a ni Faipule o le Maota o Sui o le Konekeresi i le Loia Sili a le I.S. e talosaga ai le Matagaluega o Faamasinoga ina ia faamuta le faalagolago i le talutalu fou lenei i le tulafono i Mataupu tau Atumotu/Teritori e faavae i ai le puipua o le I.S. i*

tagi o loo faatali nei i Faamasinoga a le Malo tele, e faaono aofia ai ma atonu foi e fai ai ma faaiuga i le tagi a Fitisemanu i le tulaga faalefaavae o Amerika Samoa, ae lei faailoaina le itu lea i le tusi o Mati 10 i le Loia Sili a le I.S. faatasi ai ma isi foi mataupu e tolu o loo faatali e faatatau i le Medicare ma le Saogalemu (SSI) e pei ona ta'ua i le tusi lea; ma

TALUAI, *o Mati 26, 2021, sa faaulu ai le Iugafono 279 a le Maota o Sui o le I.S. o loo ta'ua ai tuuaiga o le faailoga lanu i le tulafono o le faia o faaiuga o Mataupu tau Atumotu e fai ma mafuaaga tatau e tuu ese ai mataupu ia e fai ma puipuiga o le tulafono ma faigatausisia a le I.S. faatatau i teritori i tagi "uma i le taimi nei ma le lumanai" e aafia ai le "fa'aaogaina o le Faavae o le I.S. i teritori" e mafai ona aofia ai ma le mataupu a Fitisemanu; ma*

TALUAI, *o Me 12, 2021, sa faia ai se iloiloga a le Komiti o le Maota o Sui a le I.S. o Alamanuia faanatura i Mataupu tau Atumotu/Teritori ma sa molimau ai sui o vaega faapitoa ma loia mo i latou i le itutagi i le mataupu a Fitisemanu, e lagolagoina ai le Iugafono 279 a le Maota o Sui; ma*

TALUAI, *o Iuni 7, 2021, na faila ai se faamatalaga a le Matagaluega o Faamasinoga i le Faamasinoga Mauuluga e faamaonia ai le faalagolago o Mataupu tau Atumotu e fai ma puipuiga mo faigatausisia a le I.S. fuasaga ia Puerto Rico ma isi teritori e lei tuufaatasia lelei (unincorporated), ma i le aso lava lea na tuuina mai ai se saunoaga a Peresetene Biden e lagolago ai le talafeagai faaletulafono ma ua tatau ai foi, le faaiuga a le Vaega o Faamasinoga e faila lana faamatalaga e faalagolago i Mataupu Tau Atumotu ma teritori o loo faatali nei ma nisi foi mataupu i le lumanai, e aofia ai ma le mataupu lea a Fitisemanu; ma*

TALUAI, *o Iuni 7 2021, sa tuuina mai ai se faamatalaga a le Taitai o le Komiti o Alamanuia a le Maota o Sui, Raul Grijalva, e faailoa ai le gaoioiga ua faia e le Vaega o Faamasinoga, o le lagolagosua mai a le Peresetene, ma folafola ai lona galulue faatasi ma Komiti a le Konekeresi e saili ni vaifofō mo faiga ma tulaga le tutusa mo teritori i lalo o tulafono faateritori a le feterale; ma*

TALUAI, *o Iuni 15, 2021, na tuuina mai ai se faaiuga a le Faamasinoga Apili o le Vaega lona 10 e ogatusa ma le faalagolago atu i Mataupu tau Atumotu/Teritori i le faalēaogaina o le iuga a le faamasinoga maualalo i le mataupu a Fitisemanu, o se manatu o le Faamasinoga Faaitumalo semanu e faaee ai le aiā o le sitiseni o le I.S. i le Suiga 14 i nesionale o le I.S. i Amerika Samoa e aunoa ma se amana'ia o tatou aiā mo le tuma'oti; ma*

TALUAI, o loo ta'ua e le vaega o aiā faapitoa e ta'ua o le "Amerika Tutusa" i le latou itulau o upega tafailagi e faapea, o le "aumaia faatasi o leo o le toetoe 4 miliona o tagata Amerika o loo nonofo i teritori o le I.S. (Puerto Rico, Guam, Virgin Islands, Amerika Samoa, Atu Mariana i Matu)," o se mea sese matilatila i le mataupu ia Amerika Samoa, o loo matua tetee i ai ona vaega tau upufai e ala i faiga faa-faavae ina ia tetee i tagi ma taumafaiga o loo faia e le "Amerika Tutusa" ina ia tutusa le faiga o teritori uma o se tino faapolikiki e tasi, ma o loo sese foi le faauigaina e faapea na pau lea o le vaega o tagata o loo faafitia ai faiga uma e aafia i tū ma aga faaleatunuu.

O LENEI, O LE MEA LEA, IA FA'AI'UGAFONOINA AI E LE MAOTA MAUALUGA O LE TERITORI O AMERIKA SAMOA, MALILIE FA'ATASI IAI MA LE MAOTAO SUI:

E FA'APEA, i lana fono tele lona lua i le 2021, ia Iulai 12, ua 'autasi ai le Fonofaitulafono a Amerika Samoa e FAAILOA lona atugaluga e faapea o le tulafono ma le faatemokarasi o le pule tuma'oti i Amerika Samoa ua faavaivaia lea ona o faamatalaga le sa'o o loo aumaia e vaega faapitoa ma loia foi mo le itutagi i le mataupu a Fitisemanu; ma

IA TOE FA'AI'UGAFONOINA FO'I, e faapea ia teena ma toe ave i tua e vaega faapitoa ma loia o loo lagolagoina le tagi a Fitisemanu a latou faamatalaga le sa'o e faapea o "Amerika Tutusa" ma nisi lava o loo latou galulue faatasi o loo fai ma sui o tagata o Amerika Samoa o se tino faapolokiki (upufai) ua faavaeina i lalo o tulafono a le I.S. ma le teritori; ma

IA TOE FA'AI'UGAFONOINA, e faapea, ia taofia le "Amerika Tutusa" ma i latou e galulue faatasi ai, mai le faaluafesasi i totonu o Faamasinoga a le Feterale ma vaega faasalalau o le talafaasolopito ma le uiga o le fa'aaogaina o le tomai faaletulafono e faauiga ai le tulaga o aiā o tagata Amerika na fananau i totonu o teritori, ina ia mafai ai ona faasaga tonu le iloiloina o mataupu o ni faiga le tutusa i teritori e lei atoatoa ona tuma'oti e faavae i luga o faiga faatemokarasi moni ma luga o tulafono e tusa ai ma le finagalo o tagata i teritori taitasi; ma

IA TOE FA'AI'UGAFONOINA, e faapea, e talosgaina e le Fonofaitulafono a Amerika Samoa itu tagi i le mataupu a Fitisemaniu faasaga i le I.S. e toe tagai ane ma filifili e taofia ana taumafaiga mo se iuga a le Faamasinoga a le Feterale e lamatia ai le aiā o Amerika Samoa e filifili ai sona tuma'oti, e ala i le faaee mai o le sitiseni a le I.S. e pei ona mafai ai i lalo o le Suiga 14 i Setete i tagata na soifua mai i Amerika Samoa ma alaala ai, e aunoa ma se maliega a le malo; ma

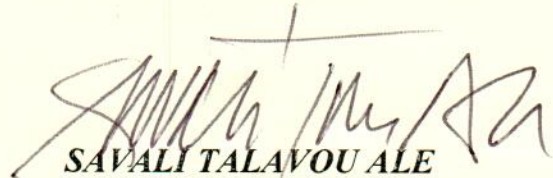
***IA TOE FA'AI'UGAFONOINA**, e faapea e fautuaina tagata uma e mafai ona fesoasoani atu ma fai ma sui o itu tagi i le mataupu lava lenei ina ia ave i tua le latou lagolagosua na mafua ona tuuina atu ona o le lē malamalama i le sa'o, i le mataupu o le faaee mai o le sitiseni Amerika i o tatou tagata e aunoa ma se maliega e ala mai faiga faa-faamasinoga; ma*

***IA TOE FA'AI'UGAFONOINA**, e faapea, e vala'auina e le Fonofaitulafono a Amerika Samoa i latou o loo fai ma sui o vaega faapitoa o loo lagolagoina loa i le mataupu lenei e asiiasi mai i Amerika Samoa e feiloa'i ma o tatou ta'ita'i faaleatumuu ma i latou foi ua filifilia e ala i palota, o i latou i afioaga, ma afai lava e liuliu ane ma e manana'o tagata i le sitiseni Amerika e tuuina mai e le Konekeresi, ia galulue i totonu o faiga ma taualumaga faalemalo o i ai nei e tuu le mataupu i le palota; ,ma*

***IA TOE FA'A'IUGAFONOINA**, e faapea, e lagolagoina e le Fonofaitulafono a Amerika Samoa ma fai ai foi ia ma sui o tagata o le Teritori, e lagolagoina le tulafono ua ofoina mai e lo tatou Faipule i le Konekeresi ina ia faatino, i le tulaga o le tagata lava ia, e malie atoatoa i ai, le toe faavasegaina o Nesionale o le I.S. e fia avea ma sitiseni o le I.S. Pasia i lenei aso o Iulai i Fagatogo, Amerika Samoa i le tausaga o lo tatou Alii 2021.*



TUAOLO MANAIA FRUEAN
Peresetene, Maota Maualuga



SAVALI TALAVOU ALE
Fofoga Fetalai, Maota o Sui