

Arnold H. Leibowitz, *Defining Status: A Comprehensive Analysis of United States Territorial Relations*. Dordrecht, Boston, London: Martinus Nijhoff Publishers, 1989; distributed by Kluwer Academic Publishers, Hingham, Mass. Pp. xxii, 757, bibliography, index. US\$189.00.

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This book is without doubt the most thorough and incisive critique of United States federal-territorial relations written to date. In fact, its very comprehensiveness is daunting to those, such as the present reviewers, whose interest is focused on Oceania. Leibowitz's analysis addresses a major and abiding problem of the American polity, namely that the United States now finds itself, somewhat to its own astonishment, as the largest overseas colonial power in the world.

The American insular empire encompasses not only the four "old-line" possessions in the Caribbean (Puerto Rico and the Virgin Islands) and the Pacific (Guam and American Samoa), but also the four nonsovereign--but largely self-governing-- island groups in Micronesia: the Northern Marianas, Palau, the Federated States of Micronesia, and the Marshalls. Despite worldwide decolonization elsewhere, these eight island entities remain in a kind of neocolonial limbo in which their final political statuses are still very much in question.

Arnold Leibowitz is exceptionally well qualified to write on U.S. territorial issues. A constitutional lawyer with extensive legal experience in

the Pacific and Caribbean territories on both the U.S. federal and the local territorial sides, he writes with perception and authority. He begins his analysis with a review of the legal basis of federal American authority over its island territories. This authority is founded on the territorial clause of the U.S. Constitution and on the early national experience in transforming frontier areas into U.S. states. Leibowitz summarizes the legal history that established current U.S. territorial doctrine, and he details the separate politico-legal evolutions of all eight U.S. territories.

The *Insular Cases* of 1901, and the U.S.-U.N. trusteeship agreement in 1947 (which established the Trust Territory of the Pacific Islands in Micronesia, excluding Guam), placed all the American-controlled islands of the Pacific except Hawaii outside U.S. constitutional protections. None of these islands was intended by Washington, D.C., to become a U.S. state. None was treated in the same manner as the American frontier territories on the mainland. Consequently there have been considerable ambiguities and numerous anomalies in U.S. policies toward America's Pacific colonies. One strength of Leibowitz's book is his cogent explication of the issues and legal factors in the many arguments between Washington and the territories over policies.

Under the U.N. agreement, the trusteeship islands were to be brought to self-governance. But for decades they remained under a benevolent but inert American paternalism that satisfied U.S. defense interests but not local developmental needs. Even the development of Guam, made permanent part of the United States in 1950 and its inhabitants given U.S. citizenship, was subordinate to U.S. national security interests well into the 1960s. In the Pacific only American Samoa, Leibowitz notes, was largely satisfied with its status as an unincorporated territory.

Leibowitz describes how and why the peoples of these islands became politically aware and progressively more astute in the 1960s and 1970s, demanding and obtaining more control over their own destinies. As consequence, by the 1980s American Micronesia had fragmented into five separate entities, each negotiating its own future with Washington. Although American officials professed adherence to anticolonialism, it was largely the Micronesians themselves who took the initiative in bringing about the compacts of free association in the Marshalls and the Federated States of Micronesia, both of which now govern themselves, and in the case of the Northern Marianas, which became an unincorporated U.S. territory under the mantle of a commonwealth.

The gradual liberalization of U.S. territorial policies in the Pacific

did not jeopardize American defense goals as some military officials feared, but liberalization did facilitate enormously Micronesia's political development, except in two cases. One of the exceptions is Palau, which remains locked in the trusteeship status due mostly to Washington's inflexibility over obsolescent Cold War defense issues. The Palau problem has deteriorated to the point where the United States has now reinstated in Koror a district administrator, the old colonial position of the trusteeship period under a different title, to override the local government whenever Washington wishes to do so.

The other exception is Guam's quest for a commonwealth status similar to that of the Northern Marianas. Guam's quest is at a near standstill, but the lack of progress in its case is caused largely by the refusal--or inability--of Guamanian leaders to negotiate realistically. Ironically, Guam--the oldest U.S. colony in the Pacific--is therefore the least developed in terms of political status. As Leibowitz correctly notes, "The result is growing mistrust and personal rancor between federal officials and those on Guam with each demeaning the other's efforts."

Leibowitz's book carries forward, but with considerably more legal material, the political history of American Micronesia begun by observers such as Norman Meller (*The Congress of Micronesia*, 1969), Roger Gale (*The Americanization of Micronesia*, 1979), and Timothy Maga (*Defending Paradise: The United States and Guam, 1898-1950*, 1988). In addition to its rich substantive content, the book is extensively documented with footnotes and bibliographic sources. Students, scholars, island government officials, and citizens of the territories will all find Leibowitz's analysis definitive and immensely helpful in understanding the evolution of American policies toward acceptance of local self-governance in the U.S. insular territories.

Of even greater value, however, is the advice Leibowitz provides on what policies should be considered by all parties to resolve the many territorial problems that remain. It is hoped every official who has anything to do with U.S. territorial matters will consult this book, especially officials in Agana, in Koror, and in Washington.