Beyond the States: U.S. Territories
A Transdisciplinary Survey of Underrepresented Insular Areas

Paul Druschke, Institute of Geography (E-Mail: paul.druschke@tu-dresden.de)

Territorial Government of the United States

1776 – 1789 Pre-Constitutional Government: Congress tasked to administer boundaries to ceded lands, mainly the Northwest Territory and the west of Virginia.
1789 – 1835 1st Period: Expansion westward based on Northwest Ordinance and treaties with France, England and Spain doubles states and quadruples land possession.
1836 – 1899 2nd Period: Uniformity in organizing legislation, e.g. with generalized rather than individual provisions. Guano Islands Act (1856) sparks overseas expansion.
1900 – Now 3rd and 4th Period: Increasing annexation of inhabited islands; most guano island claims forfeit; slower organization and incorporation of new possessions.

Territories

The United States uses a binary classification model to describe the legal status of its Territories. That status defines, among other issues, the degree of self-government of a Territory as well as its powers in the governing structures of the United States. Territories can either be unorganized or organized, and unincorporated or incorporated. They may also have a special Commonwealth Status.

As of now, there are five permanently inhabited and nine uninhabited Territories as well as two disputed islands. They are home to 3.5 million inhabitants on a land area of about 4,000 sq mi (10,000 sq km).

(Un-)Organized
Throughout history, a Territory is labeled organized once Congress has passed an organic act. Such an act typically defines the borders, provides for temporary civil government, and establishes specific provisions. It represents the highest level of self-government.

(Un-)Incorporated
Supreme Court decisions in 1907 settled import duty issues brought up by merchants when it was unclear, whether Territories are foreign or domestic entities. Congress decides on the incorporation status based on conceivable statehood considerations.

Commonwealth Status
Puerto Rico and the Northern Mariana Islands have a so-called commonwealth status. The term itself is ambiguous and has no precise legal definition. Some states on the mainland use historical reasons for denominating themselves as a commonwealth without any exceptional legal position coming with it. For Territories, such status increases the level of self-government and with that local autonomy.

Implications

Territories do not belong to any of the United States' states and, in contrast to them, are not part of the Union on an equal footing. While their residents carry the United States passport, they are not granted all the constitutional rights normally associated with it, e.g. voting for the President.

Delegates from the Territories also have less power in the Capitol and must therefore rely on other states to represent them. A lack of representation can also be seen in the public conscience, e.g. with less people favoring hurricane disaster relief funds for Territories than for states.

Although the US government does not call their Territories colonies anymore, they are often seen as such by locals and officials who are criticizing the dependence from their sovereign.

Social & Economic Issues: Guam

On Guam, outstanding numbers in both military enlistment rates and expenditure for and through the military bases on the island meet above-average poverty, above-average unemployment, and an above-average suicide rate of the inhabitants of a Territory struggling with rising debt.

As Territories do not have full control over their fiscal expenditure, the limitations experienced under the hegemony of the United States directly infringe the inhabitants' quality of life. It seems that it is not a question of the existence of financial resources, but rather a question of the allocation of financial resources between the budgetary sectors.

The inability to sustain the island's population using endemic resources may provide leverage for Congress concerning its evolving political affiliation with Guam.

Political Issues: Puerto Rico

Puerto Rico continues to be a victim of its political relationship with the United States. The people of Puerto Rico achieved some progress throughout the 20th century, but since the commonwealth status was established, no major changes toward the achievement of self-determination occurred.

The results of plebiscites and general elections indicate the public's wish for change, yet its direction (revising the terms of the commonwealth status, pursuing statehood, or declaring their independence from the US) remains unclear.

Economic as well as fiscal dependency from the United States and internal conflicts construct barriers which would first have to be overcome before the next big step toward true self-government could be initiated.

References


Figures (Left to Right):
Fig. 1: Guam Island by Saladinowski from The Noun Project.
Fig. 2: Northern Mariana Islands by Zholia from The Noun Project.
Fig. 3: American Samoa by Daily Holness from The Noun Project.
Fig. 4: Puerto Rico by Daily Holness from The Noun Project.
Fig. 5: US Virgin Islands by Loudasian Design Co. from The Noun Project.


Literature:


The United States uses a binary classification model to describe the legal status of its Territories. That status defines, among other issues, the degree of self-government of a Territory as well as its powers in the governing structures of the United States. Territories can either be unorganized or organized, and unincorporated or incorporated. They may also have a special Commonwealth Status.

As of now, there are five permanently inhabited and nine uninhabited Territories as well as two disputed islands. They are home to 3.5 million inhabitants on a land area of about 4,000 sq mi (10,000 sq km).

(Un-)Organized
Throughout history, a Territory is labeled organized once Congress has passed an organic act. Such an act typically defines the borders, provides for temporary civil government, and establishes specific provisions. It represents the highest level of self-government.

(Un-)Incorporated
Supreme Court decisions in 1907 settled import duty issues brought up by merchants when it was unclear, whether Territories are foreign or domestic entities. Congress decides on the incorporation status based on conceivable statehood considerations.

Commonwealth Status
Puerto Rico and the Northern Mariana Islands have a so-called commonwealth status. The term itself is ambiguous and has no precise legal definition. Some states on the mainland use historical reasons for denominating themselves as a commonwealth without any exceptional legal position coming with it. For Territories, such status increases the level of self-government and with that local autonomy.

Congress is not able to alter these agreements, yet there are cases in which legislation passed by a Territory with commonwealth status is invalidated by the mainland on constitutional grounds.

Implications

Territories do not belong to any of the United States' states and, in contrast to them, are not part of the Union on an equal footing. While their residents carry the United States passport, they are not granted all the constitutional rights normally associated with it, e.g. voting for the President.

Delegates from the Territories also have less power in the Capitol and must therefore rely on other states to represent them. A lack of representation can also be seen in the public conscience, e.g. with less people favoring hurricane disaster relief funds for Territories than for states.

Although the US government does not call their Territories colonies anymore, they are often seen as such by locals and officials who are criticizing the dependence from their sovereign.

Social & Economic Issues: Guam

On Guam, outstanding numbers in both military enlistment rates and expenditure for and through the military bases on the island meet above-average poverty, above-average unemployment, and an above-average suicide rate of the inhabitants of a Territory struggling with rising debt.

As Territories do not have full control over their fiscal expenditure, the limitations experienced under the hegemony of the United States directly infringe the inhabitants’ quality of life. It seems that it is not a question of the existence of financial resources, but rather a question of the allocation of financial resources between the budgetary sectors.

The inability to sustain the island’s population using endemic resources may provide leverage for Congress concerning its evolving political affiliation with Guam.

Political Issues: Puerto Rico

Puerto Rico continues to be a victim of its political relationship with the United States. The people of Puerto Rico achieved some progress throughout the 20th century, but since the commonwealth status was established, no major changes toward the achievement of self-determination occurred.

The results of plebiscites and general elections indicate the public’s wish for change, yet its direction (revising the terms of the commonwealth status, pursuing statehood, or declaring their independence from the US) remains unclear.

Economic as well as fiscal dependency from the United States and internal conflicts construct barriers which would first have to be overcome before the next big step toward true self-government could be initiated.