

Name Rectification in Insular Areas of the United States

Introduction

Why is Guam called Guam?

Guam is an insular area of the United States. In addition to “Guam,” other possible choices for the name of the island were “Chamorro” (a native race of people), “Latte” (a unique type of stones found on the island, often used as a local symbol), “Magellan” (in recognition of first recorded visit by a western explorer to the island in 1521), “Taotaomoa” (the name of ancestral Chamorro spirits), “Umatac” (the name of a famous harbor on the island), and others.

The final decision regarding the name of the island was made by the people of Guam in consultation with members of the US Congress. This is codified in TITLE 48 of the United States code regarding “Territories and Insular Possessions.”

48 USC 1421 Territory included under name Guam

The territory ceded to the United States in accordance with the provisions of the Treaty of Peace between the United States and Spain, signed at Paris, December 10, 1898, and proclaimed April 11, 1899, and known as the island of Guam in the Marianas Islands, shall continue to be known as Guam.

This is further clarified in the first part of the following Section:

48 USC 1421a. Unincorporated territory; capital; powers of government

Guam is declared to be an unincorporated territory of the United States and the capital and seat of government thereof shall be located at the city of Agana, Guam. The government of Guam shall have the powers set forth in this chapter, shall have power to sue by such name, and, with the consent of the legislature evidenced by enacted law, may be sued upon any contract entered into with respect to, or any tort committed incident to, the exercise by the government of Guam of any of its lawful powers.

The Situation of Taiwan

Hence, in order for Taiwan to obtain “name rectification” it is necessary to first be declared as “unincorporated territory under USMG,” which will clarify Taiwan’s status as an insular area of the United States.

We would expect the US Congress to enact the following provisions.

Territory included under name Taiwan

The territory historically known as “Formosa and the Pescadores,” over which Japan renounced all right, title, and claim, and which continues to be held by the United States as “principal occupying power,” in accordance with the provisions of the Treaty of Peace between the United States and Japan, signed at San Francisco, September 8, 1952, and entered into force April 28, 1952, shall be known as Taiwan.

Unincorporated territory; capital; organic law

Taiwan is declared to be an unincorporated territory of the United States under United States Military Government, and the capital and seat of government thereof shall be located at the city of Taipei, Taiwan. The Taiwan Relations Act shall remain in effect. The Taiwan governing authorities are hereby authorized to call a constitutional convention, and to draft a new constitution for Taiwan within five years. Procedures for active liaison with the United States Congress during this “constitution organization period” will be promulgated after consultations with the Taiwan governing authorities.

CONCLUSION: In this way the goals of “name-rectification” and “drafting of a new constitution” can be successfully accomplished.