

Decolonization education debated

By Arvin Temkar

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A member of the Governor's Commission for Decolonization expressed concern yesterday that promoting discussion in high schools about the proposed plebiscite might derail the commission's intention to hold a Chamorro-only vote.

Joe Garrido, chair of the commission's task force on free association, was skeptical of a Guam Legislature high school intern's suggestion to educate the youth on political status options by rallying high school students.

Holding discussions in high schools could create a "potential situation" in which students ineligible to vote may become upset and force the commission to hold a more inclusive plebiscite, he said.

Speaker Judith Won Pat said it was important to educate everyone on the matter, so ineligible voters would understand why they are excluded.

Legal challenge

Yesterday's meeting of the decolonization committee comes amid a legal challenge to the proposed plebiscite, which claims that limiting the vote to "native inhabitants" is unconstitutional. The Office of the Attorney General of Guam is working to have the lawsuit dismissed, arguing the plebiscite will not have the effect, immediate or otherwise, of actually altering the island's future political status with the United States, according to Pacific Daily News files.

Peter Jang, a senior at St. John's School and an intern at Won Pat's office, is coordinator of the "I Decide ..." forum, an event tentatively scheduled for March that will "include our youth in the academic discourse." Jang, who is not a native inhabitant under plebiscite rules, is ineligible to vote — a fact pointed out by Garrido after Jang's explanation of his plan to educate students. Jang said he is aware.



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At yesterday's meeting the decolonization committee recommended setting the date of the plebiscite to November 2014, during the general election. The date is conditional on whether the registry of Chamorro voters is complete, and how successful an education campaign has been, said Edward Alvarez, executive director of the decolonization commission.

Alvarez has already started the work of educating the population, including the youth. He said he's reached out to high school students and veterans, and is working on formulating a broader education plan. The right of native inhabitants to vote is provided for in an agreement between the United States and the United Nations, and the plebiscite is not meant to be offensive to the ineligible population, he said.

The lawsuit, which was filed in November 2011, has had no effect on the commission's work, he said.

\$280,000 waits to be paid as child support

By Brett Kelman

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About \$280,000 in overdue tax refund payments is in limbo at the Office of the Attorney General because contact information for parents is out of date.

The office issued a press release yesterday urging custodial parents to provide the Child Support Enforcement Division with their latest addresses and phone numbers as soon as possible.

"So much money is just sitting there waiting to reach a child in need," Attorney General Leonardo Rapadas said in a press release.

"For them not to have it because there is no address to send the check to should not be an excuse. Let's work together to ensure our children get what they deserve and need."

\$2.8 million

In total, the AG's office collected about \$2.8 million in garnished tax refunds in December, when

WHOM TO CALL

▲ To contact the Child Support division of the Office of the Attorney General, call 475-3360.

GovGuam paid out about \$200 million in refunds to local residents.

About 3,000 non-custodial parents, who owed an average of \$17,000 each in child support, didn't get their tax refund checks.

Of the \$2.8 million, about \$1 million has been paid out, the press release said. The rest is on hold because either the AG's office is still reviewing third-party claims, or the claims are under review as part of another public welfare program, the press release states.

Payout

The AG's office wasn't the only GovGuam agency that collected when refunds were paid out. According to Pacific daily News files, Guam Memorial Hospital stood to collect about \$6.4 million in garnished refunds.



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LOCAL NEWS

Power out Monday in Barrigada area

The Guam Power Authority has scheduled a four-hour power outage from 9 a.m. to 1 p.m. on Monday.

day that will effect customers at North Sabana, Barrigada Heights, the Skilled Nursing Unit, Duty Free Warehouse, Mid-Pac Warehouse and other customers within the area. Power crews are relocating

concrete poles, lines, equipment and hardware. For more information, call 632-4298.

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More arguments filed in plebiscite suit

By Brett Kelman

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A man who is suing to stop a Chamorro-only plebiscite vote has filed new arguments opposing the government of Guam's effort to toss his lawsuit out of federal court.

The plaintiff's legal arguments state that GovGuam has presented its own plebiscite as "meaningless," and compares the Chamorro Registry to hypothetical discrimination in the American south.

In November, a class action lawsuit was filed on behalf of Guam resident Arnold Davis and others in the District Court of Guam. Davis was barred from registering for the political status plebiscite because he is neither legally nor ethnically Chamorro.

The registry requires plebiscite voters to be "native inhabitants of

Guam," which means their bloodline can be traced back to an island resident who was made an American citizen by the Organic Act of 1950.

In December, Attorney General Leonardo Rapadas argued that Davis' lawsuit was flawed because the plebiscite vote doesn't have any direct result on the future of Guam's political status. Therefore, the denial of Davis' vote has no legally cognizable "impact," Rapadas wrote.

In his response, Davis states that the plebiscite is not meaningless, and even if it was, that is not justification to allow racial discrimination.

"Defendants seek a safe harbor by arguing that the plebiscite is meaningless, that it is no more than a public opinion poll, without effect," Davis argues. "Of course, if

that were true, those advocating for the plebiscite could save the government substantial time, significant expense and the trouble of this lawsuit by conducting a private opinion poll of Chamorros and publicize the results. It is precisely the imprimatur of the government conducting this election and transmitting the results as a sovereign to another sovereign

that gives the plebiscite results weight."

Davis argues that the registry still is racially discriminatory even if the voter requirement is not based on ethnic lines but rather on legal terms that just happen to parallel ethnic lines.

Otherwise, GovGuam's reasoning could justify actions that are "unquestionably illegal," Davis said.

As an example, Davis argues that GovGuam's logic could hypothetically be used by the Alabama Legislature to ascertain how state residents felt about affirmative action, but only counting the opinions of those whose ancestors attended the University of Alabama when it was founded in 1831.

"Naturally, nearly all the citizens eligible to register for this non-binding election will be of one race, but Alabama could emphasize the statutory silence in that regard," Davis argues. "After the election, government resources would be used to compile and transmit the results to the federal government. Yet no further action is contemplated on this hypothetical law, and everyone thereafter is free to ignore the results."

Davis' lawsuit continues in federal court. A summons has been issued but no court hearing has been scheduled.

LOCAL NEWS

Man charged in ukulele assault

A man who allegedly bashed his cousin in the face with a ukulele has been charged with misdemeanor family violence and assault after being arrested by police. Anson Joseph allegedly told police he struck the woman with the wooden instrument because he was angry, according to Superior Court of Guam documents. The alleged attack occurred about 7:30 p.m. Dec. 16 in a Dededo apartment, court documents state.

Guitar allegedly used to smash window

A man who allegedly smashed the window of a Sinajana home with a guitar has been arrested on suspicion of misdemeanor criminal mischief. John M. Quidachay, 34, allegedly smashed the window after an argument with his girlfriend around 2 a.m. yesterday. Quidachay allegedly admitted breaking the window, Superior Court of Guam documents state.

Pacific Daily News

New Year's weekend sends police on more disturbance calls

By Brett Kelman

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Guam police responded to an above average number of disturbance calls over the long weekend, but reports of gunfire and home-made cannons were lower than expected.

Between 6 p.m. Friday and 6 a.m. Tuesday, police received about 97 disturbance calls but only 21 reports of gunshots and 11 reports of home-made cannon fire, police spokesman Officer A.J. Balajadia said in a press release.

Normally, on New Year's holidays, GPD gets more reports of gunfire and cannons, Balajadia said.

"It would seem not as many people reported this year," Balajadia wrote in an email. "This may be due to the community (becoming used) to it. ... It's illegal and it should be reported."

Guam has struggled with New Year's Eve gunfire for years, and in 2009 a young girl was wounded after a stray bullet struck her head, but the problem continues.

Balajadia said the number of disturbance calls increased to above average numbers but it was expected because of the holiday weekend.

Violent crimes were not abnormally high, although police did respond to five assault reports and one aggravated assault report — involving a suspect who allegedly wounded a man with a cleaver.

REPORT STATISTICS

Here are some of the other report statistics from the long weekend:

Vehicle crashes	50
DUIs	5
Riot calls	2
Terrorizing	3
Criminal sexual conduct	2
Loud music	7

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HAGA ADAI, IT'S WEDNESDAY

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Don't forget to vote in today's Pacific Daily News poll. Today's question:

Do you think Guam's registration for political status voting is racially discriminating?

Results from yesterday's PDN poll are on **PAGE 2**

GMH CAPACITY

▲ GMH adult beds were at 90% of capacity and maternal child beds were at 85% of capacity as of 9 p.m. yesterday. Three patients were waiting for beds. If you are in need of hospital care, you are urged to seek it immediately. For updated information, call the GMH switchboard at 647-2939 and ask for the nursing supervisor.

This box will appear on Page 1 daily. It will appear red when patients are waiting for beds.



FOOD STAMPS RESTORED

All mistakenly deducted food stamp benefits have been restored, according to Public Health.

SEE STORY, **PAGE 4**

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Friday a GovGuam holiday

Calvo cites employee morale for executive order

TO THE POINT

▲ Gov. Eddie Calvo announces four-day holiday weekend for government of Guam employees.



Calvo

"I know this has been a rough year for the GovGuam family."

— Gov. Eddie Calvo

By Brett Kelman

Pacific Daily News
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GovGuam workers, prepare for your four-day weekend — Friday will be a holiday.

Yesterday, Gov. Eddie

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Calvo announced he's made Friday a government holiday through an executive order. The order is for this year only, said governor's spokesman Troy Torres.

"I know this has been a rough year for the GovGuam family," Calvo said in a statement. "We've curtailed millions of dollars in spending that meant a suspension of your pay raises and increments. We're reorganizing

▲ See **Holiday**, Page 3

Food donations sought



Rick Cruz/Pacific Daily News/rmcruz@guampdn.com

Food bags: Volunteers place donated food items into bags at the Salvation Army's Light-house Recovery Center in Tiyan, yesterday. Food bags will be given away to residents in need on Thanksgiving Day.



PHOTOS ONLINE

▲ For more photos of the Salvation Army food preparation, go to WWW.GUAMPDN.COM.

Tax refund checks to be picked up at malls

By Shaun Bevan

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Taxpayers will have the option to pick up their tax refund checks before they're mailed out.

Gov. Eddie Calvo announced yesterday that tax refund checks will be distributed "in the first days of December" at the Micronesia Mall, Guam Premier Outlets and Agana Shopping Center, but the exact dates have yet to be confirmed, according to a press release from the governor's office.

"We need to get this money to the people fast," Calvo stated in the release. "They've waited far too long."

About 91,000 tax refund checks are expected to be released from almost \$200 million the government of Guam borrowed from the bond market.

The government of Guam will receive the bond proceeds at the beginning of next month but because of weekend overlays during the first week of December, there could be a delay in mail deliveries, the press release stated.

Distribution of the checks most likely will occur during the first weekend of the month, the release stated.

The remaining refund checks will be mailed to taxpayers. More information on the distribution time and on which documents residents should bring with them will be announced later.

Chamorro-only vote challenged

TO THE POINT

▲ Nonprofit organization files lawsuit against Chamorro-only vote for plebiscite on Guam's political status.

By Erin Thompson

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As the government of Guam struggles to get a political status vote on track, one Guam resident has filed a lawsuit to overturn a law that allows only those defined as na-

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tive inhabitants to vote.

Retired Air Force officer Dave Davis, who has lived on the island since 1977, filed a suit in the District Court of Guam yesterday against the ter-

ritory of Guam, the Guam Election Commission, and election commissioners Alice M. Tajeron, Martha C. Ruth, Joseph F. Mesa, Johnny P. Taitano and Joshua F. Tenorio. Donald I. Weakly and Attorney General Leonardo Rapadas also were

▲ See **Vote**, Page 3

GREAT REBATE

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