

# Editorial

## Suing Uncle Sam

COMPACT-impact funds are insufficient, the federal government withholds payments for our hospital needs, and once again we are hearing talk of filing suit against Washington to get what we think we are owed. That's been tried before regarding the Compact-impact money, with mixed results.

The court process is expensive and time-consuming, but Gov. Eddie Calvo was said to be ready to go to court against Uncle Sam if the garnishment of money owed to Guam Memorial Hospital was not released. He called the action of withholding Medicare funds "unconscionable," and said he would take them to court. Fortunately, the funds were released.

But there's always that notion – that we can go to court and sue to get what we think we have coming.

The problem with that is there is no agreement between our local leaders and the feds over what we are owed. We think we are owed hundreds of millions in uncompensated Compact-impact funds, but we do get some of the Compact-impact money each year, so we're not being stiffed entirely. Plus, under our unique territorial relationship with Washington, we get to keep 100 percent of the federal taxes paid here, and even get a big check in Section 30 funds representing the taxes paid into the national treasury by military and other federal personnel stationed here.

There's the problem. We have trouble drumming up much sympathy in Congress after lawmakers get the real picture: "How much does Guam contribute to the national treasury?" they'll ask. Uh, nothing, actually. Not a dime.

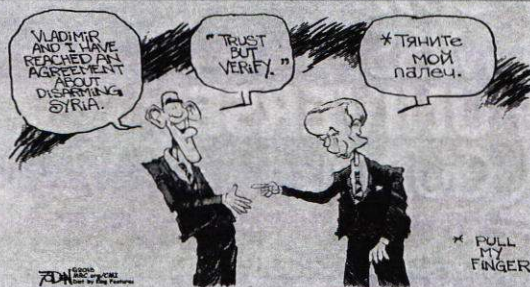
There are governors in some of the states who would give their left arm for such a deal. We collect taxes at the same federal rate as is collected elsewhere, but the money stays here – all of it. In addition, we receive grant money and things such as highway funds that go far beyond what is collected.

The result is we here on Guam have some of the lowest tax rates of anywhere in the country. Our low property taxes are legendary. We have no territorial income tax. We have no sales tax. Our gross receipts tax is only 4 percent, compared with 8 to 10 percent in many parts of the mainland for similar use or excise taxes.

Little wonder, then, that senators and members of the House of Representatives kind of look at each other askance when we ask for more money. You have plenty of money, they say. What do you do with it all?

Well, we may hire some lawyers with some of it, and sue you. That will show Washington we mean business.

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Sen. Ben Pangelinan

### • ben's Pen: The Whole Truth Be Told



## The perpetuity of Chamorro homelands

THE 2nd Marianas History Conference, "One Archipelago. Many Stories: Integrating Our Narratives," was held Aug. 30 and 31 at the University of Guam. It was a well-attended conference with a good, diverse and inspiring mix of presenters and attendees. The conference did what a history conference should do, inspire us to remember those events that have gone before us and create new ways of interpreting so that we are better able to hold true to the values that really matter.

I had the opportunity and pleasure to present on my experiences over the years, most particularly dealing with the Chamorro Land Trust.

There is a familiar Native American quote that we've come to know: "We do not inherit the Earth from our Ancestors, we borrow it from our Children." The phrase we have here is similar. We're not too sure about borrowing, but we know what belongs and where we belong. On land, I would characterize our beliefs as, "The Land does not belong to us. We belong to the Land."

It is that soul and that spirit, that *anti*, that gave birth to the Chamorro Land Trust here on Guam, through a man named Paul J. Bordallo, a former senator who authored the Chamorro Land Trust Act. The legislation was enacted in 1975, and mandated all public lands, not specifically designated for public use within three (3) years, would be deeded to the Trust for distribution among indigenous people of Guam through 99-year leases.

The intention of the Trust was to make sure that the lands are held in perpetuity for the Chamorro people, in order that every Chamorro, no matter where he or she is on this planet, can come back to this place called Guam, and through land, be rooted here. That really was the concept behind the Chamorro Land Trust. Without the Trust, Chamorros are and will continue to be the landless in their own homelands.

For close to 20 years the law lay dormant. And what we saw happening during that time was purposeful inaction. In the 1990s Nasion Chamoru, through the leadership of former Sen. Angel Santos and Ed Benavente, again highlighted the landlessness of the Chamorros, the injustice of the land takings by not only the military, but the government of Guam itself, and they began to inform the public of the old Chamorro Land Trust law.

Angel demonstrated that the power is in the hands of our people. He galvanized the people on street corners passing out fliers. They were broadcasted in the news, where man'amko' would hear and see Nasion Chamoru members explain

what laws they wanted implemented. They were nonviolent, non-threatening and popular with our elders and the youth; they walked the streets, the malls, and grocery stores in a petition campaign that culminated in numerous signatures asking the governor to appoint board members to the Chamorro Land Trust. Angel Santos took the governor to court and in June 1992 a Superior Court decision ruled to uphold the validity of the Chamorro Land Trust Act and ordered then-Gov. Ada to appoint the commission members.

The Chamorro Land Trust Act allows the economies of the 21st century to work with the development of property today, but it also maintains one basic feature – it will always be available to a Chamorro, defined in statute as any person who became a U.S. citizen by virtue of the authority and enactment of the Organic Act of Guam or descendants of such person. I know it is working because I've visited many of the first generation of Chamorro Land Trust recipients. You will see them building homes and raising their families with the intention that generations to come will benefit from their efforts today.

Like indigenous people around the world, our ancestors before us had a relationship with land that, today, is beyond what we could ever explain in words. All too many of us have forgotten those values, and thus, have exploited our relationship with the land. But I believe there are still a good number of us who maintain and fight to keep that connection – we care for the land, and in turn, the land sustains our families, our lives. What we need is to reinvigorate that connection to the land that was very much alive during all periods of Chamorro history.

We must counter any threats to the land by galvanizing the people to stand and defend, *prutehi yan defendi i tano*. History has shown us that the larger and louder our group is, the more probable that political leaders will listen. I have witnessed that they do listen. These historical actions are not lost forever – they are incited through our memory of what has been threatened and what has been done to counter those threats. It is in this way of remembering that the coming together is possible. And when we hold on to some of those most basic truths – that there is the bond between indigenous people and indigenous land that does not and will not go unchallenged – then the struggle is just and those that come after us will follow our way.

Mantiñi i tano' yata sosteni i taotao; Hold on to the land and we can ensure we sustain our people. Si Yu'us Ma'ase'

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Guam Publisher: Amler C. Younis  
Editor-in-Chief: Jon A. Anderson

215 Rojas Street Suite 204 P.O. Box 500231  
Tamuning, Guam 96913 Saipan, MP  
Tel. (671) 649-1924/4678 Tel. (670) 234-9797/9272  
Fax: (671) 648-2007 Fax: (670) 234-9721  
E-mail: editor@mvguam.com E-mail: admin@mvariety.com

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# DeSoto closed-door jury deliberations to resume

By Gina Tabonares-Reilly  
gina@mvguam.com  
Variety News Staff

AFTER a long Liberation Day weekend, 10 women and two men will return to closed-door deliberations inside the courtroom of Superior Court of Guam Judge Anita Sukola to determine the fate of murder suspect Chad Ryan DeSoto.

DeSoto is facing three counts of aggravated murder for the deaths of three Japanese tourists and 11 counts of attempted murder for seriously wounding 11 others on the night of Feb. 12, 2013 in Tumon.

The jury started its deliberations Friday weighing evidence and testimony to determine whether the 22-year-old defendant is innocent by reason of insanity.

Jury instructions state "a person is not criminally responsible for conduct if at the time of such conduct, as a

result of mental illness, disease or defect, he lacked substantial capacity to know or understand what he was doing, or to know or understand that his conduct was wrongful, or to control his actions."

The defense claimed that DeSoto falls under the three elements and should not be criminally responsible.

Under Guam law, conviction of murder has a maximum of a life sentence. However, if the defendant is acquitted because of mental illness or disease, the court may order an evaluation of his condition and may initiate further government action against him.

The trial that started July 15 is expected to end this week with the jury's verdict.



Media pool photo

► Chad Ryan DeSoto is facing three counts of aggravated murder.



Through the years, the Office of Sen. Ben Pangelinan has been opening its doors to the community to encourage eligible members of the community to sign up for the Guam Decolonization Registry. senbenp.com photo

## Guam Decolonization Registry still open

By Louella Losinlo  
louella@mvguam.com  
Variety News Staff

DURING the 70th Guam Liberation Day Parade, the Office of Sen. Ben Pangelinan opened its doors to the community just as it had in previous years to encourage eligible members of the community to sign up for the Guam Decolonization Registry.

Lisa Dames, chief of staff, said the staff hopes to continue the initiative, for which the late senator had been strongly advocating over the past years.

"This will be the last one that we will do for Liberation Day but we hope to continue the senator's work," she said, adding that the

staff is committed to sustaining the initiative.

As of April, the Guam Election Commission reported that the list had grown to 6,569 names.

The registry was created by law 14 years ago.

With the passage of another piece of legislation introduced by former Sen. Judith Guthertz, now P.L. 31-244, a mechanism was created to expand the registration process by identifying more registrars. The law also tasks the Decolonization Commission with developing a plan of action and an education campaign.

Maria Pangelinan, executive director of the election commission, recently reported that prior to receiving funding for

the registry in 2011, only 938 people had registered.

However, in August that same year, the commission received an additional 3,843 names from the Chamorro Land Trust.

According to the law, a lessee under the Chamorro Land Trust is listed automatically in the Guam Decolonization Registry.

Under Guam's plebiscite law, the self-determination exercise is restricted to "native inhabitants," defined as "those who became U.S. citizens by virtue of the 1950 Organic Act and their blood descendants."

The law sets a threshold of 70 percent of the eligible voters as a prerequisite for holding a plebiscite for self-determination.

### GUAM HOUSING AND URBAN RENEWAL AUTHORITY

Board of Commissioners Meeting  
10:00 A.M., Thursday, July 24, 2014

GHURA's Main Office, 2ND Floor, Conference Room,  
117 Bien Venida Avenue, Sinajana

#### Agenda:

- |  |                                     |
|--|-------------------------------------|
| I. I. ROLL CALL  | V. NEW BUSINESS                     |
| II. II. APPROVAL OF PREVIOUS BOARD MINUTES - June 30, 2014 | VI. GENERAL DISCUSSION/ANNOUNCEMENT |
| III. CORRESPONDENCE AND REPORTS                            | VII. ADJOURNMENT                    |
| IV. OLD BUSINESS   |                                     |

For special accommodation, contact Ms. Kathy Taitano  
Tel. No. 475-1322 or TTY #472-3701

A.B. WON PAT  
INTERNATIONAL AIRPORT AUTHORITY, GUAM

The Honorable  
EDWARD B. CALVO  
Governor

The Honorable  
RAYMOND S. TENORIO  
Lt. Governor

### IMPROVING our Infrastructure & ENHANCING GUAM's BUSINESS Investment Potential

#### INVITATION | Purchase & Delivery of for BID | Boom Lift and Trailer

IFB NO: GIAA-005-FY14

SUBMISSION | 2:00 pm - August 5, 2014  
DEADLINE: | GIAA Executive Office

PRE BID MEETING: | 10:00 am - July 25, 2014

The Antonio B. Won Pat Int'l. Airport Authority, Guam (GIAA) will receive sealed bids for project listed above. Bid documents may be obtained between 8:00 am - 5:00 pm Monday through Friday, excluding holidays from the 3rd floor GIAA Executive Office, Main Terminal and is available at [www.guaairport.com](http://www.guaairport.com). All bids must be accompanied by a bid security in the amount of 15% of the bid price. Bid security may be in the form of a bid bond, certified/cashier's checks made payable to the GIAA. A non-refundable fee of Twenty Five U.S. Dollars (\$25.00) will be charged for each printed packet or Ten U.S. Dollars (\$10.00) for an electronic file (pdf) on cd, payable in cash or certified/cashier's check payable to GIAA. The GIAA recommends that all prospective bidders, register contact information with GIAA by submitting the Acknowledgment of Receipt Form included in the bid packet and by writing to the Executive Manager or by visiting the GIAA Administration Office. GIAA shall not be liable for failure to provide notice(s) to any bidder who did not register contact information. The GIAA will affirmatively insure Small (Disadvantaged) Business Concerns will be afforded full consideration in contract awarding. GIAA also reserves the right to reject any and all bids and to waive any and all informalities, and to disregard all non-conforming or conditional bids. For additional information, contact the GIAA Procurement Office at (671) 646-0300-02 during the hours stated above.

CHARLES H. ADA II  
Executive Manager

PETER ROY MARTINEZ  
Deputy Executive Manager

PHS 804 BY: P.O. Box 8770, Tamuning, GU 96931  
Tel. (671) 646-0300 Fax: (671) 646-8873  
ATUNDRAT PUEITON BAYKON ARREN ENRANGSANGNAN GUAM/AN

### Enjoying the view



Julia Duenas Borja, 80, enjoys the 70th Guam Liberation Day Parade yesterday from the spot she won in the Marianas Variety-Guam Edition's Ultimate Liberation Parade Spot Giveaway. Photo courtesy of Candy Perez Concepcion

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