

Philippine-Chamorro Land Trust

Pacific Daily News

Nieves M. Flores Memorial Library

©2012 Guam Publications, Inc. A GANNETT COMPANY

VOL. 44 NO. 189 HAGĀTNA, GUAM, AUGUST 8, 2012

HAGA ADAL, IT'S WEDNESDAY

guampdn.com

Guam PDN.com
Pacific Daily News
GUAM'S ONLINE SOURCE

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

Do you think the Guam Museum should be built at Skinner Plaza?

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

109 days
since roadwork began at the Agaña Bridge

■ Southbound lanes have been shifted to the center median area adjacent to the northbound lanes.

Two lanes closed
Route 4 Route 8

Hagātna ROAD CLOSURES

■ All lanes are set to open again by July 2013. The overall project is set to be completed by December 2013.

Boys' Life London
Jojo Santo Tomas

HOOP DREAMS
Jojo checks out the U.S. Men's basketball team.

SEE STORY, **PAGE 32**

2012 London OLYMPICS

Calvo defends Land Trust

Governor calls investigation 'an insult to ... Guam'

"The Department of Justice should be spending time on other investigations. There are crimes going on in the nation that they should be focusing on."

— Gov. Eddie Calvo



Calvo

By Arvin Temkar
aktemkar@guampdn.com
and Jerick Sablan
Pacific Daily News
jpsablan@guampdn.com
A U.S. Department of Justice investigation into possible housing discrimination at the

In Your Voice
Post your comment on www.guampdn.com

Chamorro Land Trust is "an insult to the people of Guam," Gov. Eddie Calvo said yesterday.

The Justice Department's Civil Rights Division is in-

vestigating whether the government of Guam's land use policies and practices discriminate by race or national origin, in violation of the Fair Housing Act.

Calvo said many people during and after World War

▲ See **Land Trust**, Page 4

30 honored for ultimate sacrifice



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

Medal: Emma Aguon, left, looks over I Milāyan i Mās Takhilo' na Sakrifisiu, or, Medal of Ultimate Sacrifice, as Lois Sablan reads a legislative resolution yesterday at the Guam Legislature. They received the medal and resolution on behalf of their uncle, the late Pedro T. Sablan, who was killed as he helped the U.S. military flush out remaining Japanese soldiers during the liberation of Guam, the women said. Thirty families accepted medals in yesterday's ceremony.

▲ For more photos, go to www.GuamPDN.com

SEE STORY, **PAGE 2**

Half of Manila flooded

MANILA (AP) — Relentless rains submerged half of the sprawling Philippine capital, triggered a landslide that killed nine people and sent emergency crews scrambling Tuesday to rescue tens of thousands of residents who called media outlets pleading for help.

The deluge, the worst since 2009



/GuamPDN

when hundreds died in rampaging flash floods, was set off by the seasonal monsoon that overflowed major dams and rivers in Manila and surrounding provinces.

The capital and other parts of the country already were saturated from last week's Typhoon Saola, which battered Manila and the north for several days before blowing away Friday. That storm was responsible for at least 53 deaths.

▲ See **Philippines**, Page 4

Rainfall drenches island

By Oyaol Ngirairiki

Pacific Daily News
oangirairiki@guampdn.com

It was a stormy night for most parts of the island yesterday but the heavy downfall isn't expected to continue today.

Officials are encouraging island residents, however, to drive with caution today — especially as more cars are expected on the streets with some private schools having started their school year and public schools opening their doors to parents and students for orientations and registration.

The National Weather Service Guam office last night issued an urban and small stream flood advisory as rains fell, thunder erupted and lightning lit the skies. Meteorologists expected the thunderstorm to bring 2 to 3 inches of rain by about 10 p.m. yesterday.

Meteorologist Mike Middlebrooke with the National Weather Service office on Guam said last night's thunderstorms aren't expected to continue today. However, rain

WEATHER UPDATES

▲ For weather updates go to GuamPDN.com.

▲ Sign up for weather text alerts at guampdn.com/sms

▲ See **Weather**, Page 4



In Your Voice
Post your comment on www.guampdn.com

BLOWOUT **RAV4** **Blowout Prices!** **AK**

Nieves M. Flores Memorial Library

All subscriptions must be prepaid.

LOCAL NEWS

Man arrested on drug, gun charges

A 39-year-old man was arrested July 29 on gun and drug charges. Peter John Patronos, 39, of Barrigada was pulled over at 11 p.m., said Sgt. Ray Fernandez, Guam Police Department spokesman. Police found a rifle, drug paraphernalia and crystal methamphetamine, otherwise known as ice, Fernandez said. Patronos, who works for Guam Waterworks Authority, was arrested on charges of possession of a controlled substance, possession of a firearm without identification or firearms registration, and official misconduct. He was booked and released.

3 men wanted in attempted robbery

Police are looking for three men who attempted to rob Seafood Best Store along Route 16 in Harmon July 31, said Sgt. Ray Fernandez, Guam Police Department spokesman. One of the men had a gun and demanded money from the owner's son, Fernandez said, but fled without the money. The men were described as being between 5 feet 7 inches and 5 feet 8 inches tall. One was described as having a slim build, and the others as having medium builds, Fernandez said.

Tourist reports her purse was snatched

Police are looking for a man who snatched a Japanese tourist's purse around 9:30 p.m. July 31, near the Sherwood Resort Hotel in Tumon, said Sgt. Ray Fernandez, Guam Police Department spokesman. The victim received cuts and bruises. The suspect is described as being 5 feet 8 inches tall, with a mustache or beard and dark hair in a ponytail, police said.

Harmon power outage tomorrow

There will be a power outage from 9 a.m. to 3 p.m. tomorrow in Harmon, affecting Guam Hardwood, Caronell, Elegant Cleaning, Montessori, JK Tiles and other customers, according to the Guam Power Authority. There also will be 30-minute power interruptions beginning at 9 a.m. and 3 p.m. affecting Bank of Guam, Hegao Street, Guam Business Center, Napa, Pacific Textile, Shell station and other customers.

Pacific Daily News

Clearing the record

We care about accuracy. If you would like to clear the record, call the Pacific Daily News at 477-9711, ext. 414.

▲ Tipping fee collection figures encompassed Aug. 1, 1999, to Jan. 31, 2000. Other information appeared in a table on Page 3 of the July 31 Pacific Daily News.

▲ Bob Kelley is chairman of the Emergency Communications Task Force. Other information was provided on Page 3 of the Aug. 1 Pacific Daily News.

Organic Act remembered

By Dionesis Tamondong
Pacific Daily News

Thousands of people stepped back into the 1950s yesterday during pre-show festivities commemorating the signing of the Organic Act of Guam.

People filled the University of Guam field house in Mangilao as they lined up to buy burgers, hot dogs and sodas for 10 cents, while some women in poodle skirts laughed as they took pictures in front of an Elvis statue.

The 50th Anniversary of the Organic Act of Guam celebration was held yesterday in honor of the document that gave Guam's people U.S. citizenship and civil government. The Organic Act was drafted by the U.S. Congress and signed into law Aug. 1, 1950, by President Harry S. Truman.

For John Taitano San Agustin and his wife, Bennet, yesterday's event was just like old times.

"Back in the 1950s, I was cleaning pots for 50 cents an hour. Fifty cents meant a lot back in those days," San Agustin said.

The Tamuning resident said he was thrilled to see hamburgers, popcorn and soda being sold for 10 cents.

"I remember buying hot dogs and drinks at these prices for (Bennet) while I was still courting her," he said, adding that they were married a year and one month after the signing of the Organic Act.

Browsing through old pictures and faded documents that lined the hallway, Teresita Unpingco said yesterday's ceremony touched her sense of patriotism and pride.

"U.S. citizenship is the greatest thing that the United States can give me and my people," the Agaña Heights resident said.

Unpingco said the legislation has allowed Guam and its people to progress to where residents are more "aware, assertive and determined" today in regards to shaping the future of the island.

"I am excited for the future of Guam," she said.



Ed. Crisostomo/Pacific Daily News

Above: A crowd gathers yesterday for a commemorative ceremony at the University of Guam field house in Mangilao for the 50th anniversary of the signing of the Organic Act of Guam.

Right: Carmen Davys looks at a large Guam seal yesterday at the University of Guam field house before a ceremony for the 50th anniversary of the signing Organic Act of Guam.

Below: Joe R. San Agustin, 64, pretends to fire a machine gun mounted on a military jeep yesterday at the University of Guam field house in Mangilao at festivities honoring the signing of the Organic Act of Guam.



Guam businessman Dutch Van Dox dead at 80

Pacific Daily News

Longtime Guam businessman Dutch Van Dox died last week in Miami, Fla.

After several months of illness, Van Dox died at the age of 80.

In the early 1970s, Van Dox

moved from the Philippines to Guam. He was heavily involved in the community and became a well-known public figure, according to Pacific Daily News files.

Van Dox was an aviator, the owner of Far East Travel Agency and an

executive of Air Pacific and Fox Air. He also served as a Department of Vocational Rehabilitation board member and was chief of staff for former Sen. Don Parkinson, who made several successful bids for public office.

Van Dox also was a decorated Marine Corps veteran, who fought the Pacific campaign in World II, Pacific Daily News files state.

He is survived by his wife, Lucy, three daughters and four grandchildren. A memorial service is planned.



LOCAL

Local news editor: Greg Owens, ext. 414
 Assistant local news editors:
 Brenda Sommer, ext. 417/David V. Crisostomo ext. 407
 News tip hot line: Call 475-NEWS
 e-mail: news@pdnguam.com

NIEVES M. FLORES-MEMORIAL LIBRARY

LOCAL NEWS

Man arrested on drug, gun charges

A 39-year-old man was arrested July 29 on gun and drug charges. Peter John Patrones, 39, of Barrigada was pulled over at 11 p.m., said Sgt. Ray Fernandez, Guam Police Department spokesman. Police found a rifle, drug paraphernalia and crystal methamphetamine, otherwise known as ice, Fernandez said. Patrones, who works for Guam Waterworks Authority, was arrested on charges of possession of a controlled substance, possession of a firearm without identification or firearms registration; and official misconduct. He was booked and released.

3 men wanted in attempted robbery

Police are looking for three men who attempted to rob Seafood Best Store along Route 16 in Harmon July 31, said Sgt. Ray Fernandez, Guam Police Department spokesman. One of the men had a gun and demanded money from the owner's son, Fernandez said, but fled without the money. The men were described as being between 5 feet 7 inches and 5 feet 8 inches tall. One was described as having a slim build, and the others as having medium builds, Fernandez said.

Tourist reports her purse was snatched

Police are looking for a man who snatched a Japanese tourist's purse around 9:30 p.m. July 31, near the Sherwood Resort Hotel in Tumon, said Sgt. Ray Fernandez, Guam Police Department spokesman. The victim received cuts and bruises. The suspect is described as being 5 feet 8 inches tall, with a mustache or beard and dark hair in a ponytail, police said.

Harmon power outage tomorrow

There will be a power outage from 9 a.m. to 3 p.m. tomorrow in Harmon, affecting Guam Hardware, Caronel, Elegant Cleaning, Montessori, JK Tiles and other customers, according to the Guam Power Authority. There also will be 30-minute power interruptions beginning at 9 a.m. and 3 p.m. affecting Bank of Guam, Hegao Street, Guam Business Center, Napa, Pacific Textile, Shell station and other customers.

Pacific Daily News

Clearing the record

We care about accuracy. If you would like to clear the record, call the Pacific Daily News at 477-9711, ext. 414.

▲ Tipping fee collection figures encompassed Aug. 1, 1999, to Jan. 31, 2000. Other information appeared in a table on Page 3 of the July 31 Pacific Daily News.

▲ Bob Kelley is chairman of the Emergency Communications Task Force. Other information was provided on Page 3 of the Aug. 1 Pacific Daily News.

Organic Act remembered

By Dionesis Tamondong
Pacific Daily News

Thousands of people stepped back into the 1950s yesterday during pre-show festivities commemorating the signing of the Organic Act of Guam.

People filled the University of Guam field house in Mangilao as they lined up to buy burgers, hot dogs and sodas for 10 cents, while some women in poodle skirts laughed as they took pictures in front of an Elvis statue.

The 50th Anniversary of the Organic Act of Guam celebration was held yesterday in honor of the document that gave Guam's people U.S. citizenship and civil government. The Organic Act was drafted by the U.S. Congress and signed into law Aug. 1, 1950, by President Harry S. Truman.

For John Taitano San Agustin and his wife, Bennet, yesterday's event was just like old times.

"Back in the 1950s, I was cleaning pots for 50 cents an hour. Fifty cents meant a lot back in those days," San Agustin said.

The Tamuning resident said he was thrilled to see hamburgers, popcorn and soda being sold for 10 cents.

"I remember buying hot dogs and drinks at these prices for (Bennet) while I was still courting her," he said, adding that they were married a year and one month after the signing of the Organic Act.

Browsing through old pictures and faded documents that lined the hallway, Teresita Unpingco said yesterday's ceremony touched her sense of patriotism and pride.

"U.S. citizenship is the greatest thing that the United States can give me and my people," the Agana Heights resident said.

Unpingco said the legislation has allowed Guam and its people to progress to where residents are more "aware, assertive and determined" today in regards to shaping the future of the island.

"I am excited for the future of Guam," she said.

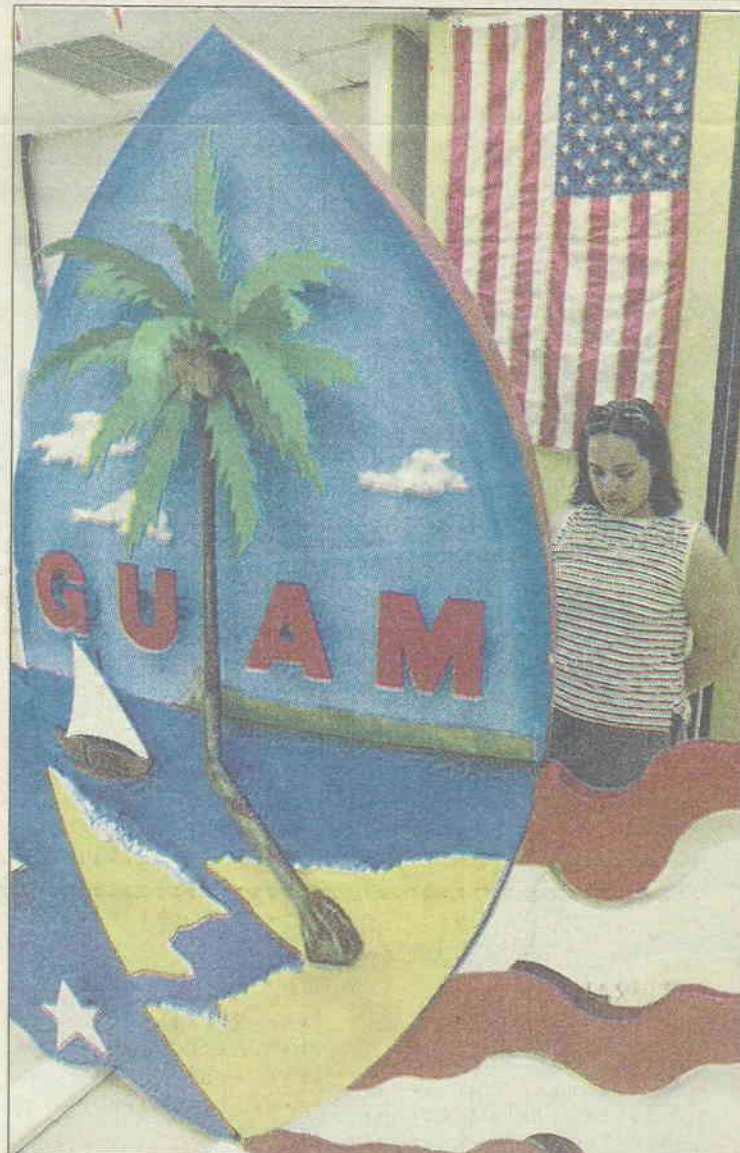


Ed Crisostomo/Pacific Daily News

Above: A crowd gathers yesterday for a commemorative ceremony at the University of Guam field house in Mangilao for the 50th anniversary of the signing of the Organic Act of Guam.

Right: Carmen Davis, 23, looks at a large Guam seal yesterday at the University of Guam field house before a ceremony for the 50th anniversary of the signing Organic Act of Guam.

Below: Joe R. San Agustin, 64, pretends to fire a machine gun mounted on a military jeep yesterday at the University of Guam field house in Mangilao at festivities honoring the signing of the Organic Act of Guam.



Guam businessman Dutch Van Dox dead at 80

Pacific Daily News

Longtime Guam businessman Dutch Van Dox died last week in Miami, Fla.

After several months of illness, Van Dox died at the age of 80.

In the early 1970s, Van Dox

moved from the Philippines to Guam. He was heavily involved in the community and became a well-known public figure, according to Pacific Daily News files.

Van Dox was an aviator, the owner of Far East Travel Agency and an

executive of Air Pacific and Fox Air. He also served as a Department of Vocational Rehabilitation board member and was chief of staff for former Sen. Don Parkinson, who made several successful bids for public office.

Van Dox also was a decorated Marine Corps veteran, who fought in the Pacific campaign in World War II, Pacific Daily News files state.

He is survived by his wife, Nancy, three daughters and four stepchildren. A memorial service is pending.

THE ORGANIC ACT OF GUAM

An Act to provide a civil government for Guam, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That:

This Act may be cited as the "Organic Act of Guam".

Sec. 2 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.

Sec. 3 Guam is hereby 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 Agaña, Guam. The government of Guam shall have the powers set forth in this Act and shall have power to sue by such name. The government of Guam shall consist of three branches, executive, legislative, and judicial, and its relations with the federal Government shall be under the general administrative supervision of the head of such civilian department or agency of the Government of the United States as the President may direct.

CITIZENSHIP

SEC. 4 (a) Chapter II of the Nationality Act of 1940, as amended, is hereby further amended by adding at the end thereof the following new section:

"Sec. 206 (a) The following persons, and their children born after April 11, 1899, are hereby declared to be citizens of the United States, if they are residing on the date of enactment of this section on the island of Guam or other territory over which the United States exercises rights of sovereignty:

"(1) All inhabitants of the island of Guam on April 11, 1899, including those temporarily absent from the island on that date, who were Spanish subjects, who after that date continued to reside in Guam or other territory over which the United States exercise sovereignty, and who have taken no affirmative steps to preserve or acquire foreign nationality.

"(2) All persons born in the island of Guam who resided in Guam on April 11, 1899 including those temporarily absent from the island on that date, who after that date continued to reside in Guam, or other territory over which the United States exercises sovereignty, and who have taken no affirmative steps to preserve or acquire foreign nationality.

"(b) All persons born in the island of Guam on or after April 11, 1899 (whether before or after the date of enactment of this section), subject to the jurisdiction of the United States are hereby declared to be citizens of the United States: Provided, That in the case of any person born before the date of enactment of this section, he has taken no affirmative steps to preserve or acquire foreign nationality.

"(c) any person hereinbefore described who is a citizen or national of a country other than the United States and desires to retain his present political status shall make, within two years of the date of enactment of this section, a declaration under oath of such desire, said declaration to be in form and executed in the manner prescribed by regulations. From and after the making of such a declaration any such person shall be held not to be a national of the United States by virtue of this Act.

"(d) The Commissioner of Immigration and Naturalization, with the approval of the Attorney General, is hereby authorized and empowered to make and prescribe such rules and regulations not in conflict with this act as he may deem necessary and proper.

"(e) Section 404(c) of this Act shall not apply to persons who acquired citizenship under this section."

(b) Subsection (a) of section 303 of the Nationality Act of 1940, as amended (8 U.S.C., sec. 703), is hereby amended by adding the following new subparagraph:

"(5) Guamanian persons and persons Guamanian descent."

BILL OF RIGHTS

Sec. 5 (a) No law shall be enacted in Guam respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of their grievances.

(b) No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

(c) The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant for arrest or search shall be issued but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.

(d) No person shall be subject for the same offense to be twice put in jeopardy of punishment; nor shall he be compelled in any criminal case to be a witness against himself.

(e) No person shall be deprived of life, liberty, or property without due process of law.

(f) Private property shall not be taken for public use without just compensation.

(g) In all criminal prosecutions the accused shall have the right to a speedy and public trial; to be informed of the nature and cause of the accusation and to have a copy thereof; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

(h) Excessive bail shall not be required, nor

excessive fines imposed, nor cruel and unusual punishments inflicted.

(i) Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist in Guam.

(j) No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall be enacted.

(k) No person shall be imprisoned for debt.

(l) The privilege of the writ of habeas corpus shall not be suspended, unless, when in cases of rebellion or invasion or imminent danger thereof, the public safety shall require it.

(m) No qualifications with respect to property, income, political opinion, or any other matter apart from citizenship, civil capacity, and residence shall be imposed upon any voter.

(n) No discrimination shall be made in Guam against any person on account of race, language, or religion, nor shall the equal protection of the laws be denied.

(o) No person shall be convicted of treason against the United States unless on the testimony of two witnesses to the same overt act, or on confession in open court.

(p) No public money or property shall ever be appropriated, supplied, donated, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution, or association, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such.

(q) The employment of children under the age of fourteen years in any occupation injurious to health or morals or hazardous to life or limb is hereby prohibited.

(r) There shall be compulsory education for all children, between the ages of six and sixteen years.

(s) No religious test shall ever be required as a qualification to any office or public trust under the government of Guam.

(6) No person who advocates, or who aids or belongs to any party, organization, or association which advocates, the overthrow by force or violence of the government of Guam or of the United States shall be qualified to hold any public office of trust or profit under the government of Guam.

THE EXECUTIVE

Section 6(a) The executive authority of the government of Guam shall be vested in an executive officer, whose title shall be "Governor of Guam," and shall be exercised under the supervision of the head of the department or agency referred to in section 3 of this Act. The Governor shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and shall hold his office for four years and until his successor is appointed and qualified. The Governor shall be a civilian or a retired officer of the armed forces of the United States. He shall reside in Guam during his incumbency.

(b) The Governor shall have general supervision and control of all executive agencies and instrumentalities of the government of Guam. He shall faithfully execute the laws of the United States applicable to Guam, and the laws of Guam. He may grant pardons and reprieves and remit fines and forfeitures for offenses against the local laws, and may grant respites for all offenses against the applicable laws of the United States until the decision of the President can be ascertained. He may veto any legislation as provided in this Act. He shall commission all officers that he may be authorized to appoint. He may call upon the commanders of the armed forces of the United States in Guam, or summon the posse comitatus, or call out the militia, to prevent or suppress violence, insurrection, or rebellion; and he may, in case of rebellion, invasion, or imminent danger thereof, when the public safety requires it, suspend the privilege of the writ of habeas corpus, or place Guam, or any part thereof, under martial law, until communication can be had with the President and the President's decision thereon communicated to the Governor. He shall annually, and at such other times as the President or the Congress may require, make official report of the transactions of the government of Guam to the head of the department or agency designated by the President under section 3 of this Act, and his said annual report shall be transmitted by such department or agency to the Congress. He shall perform such additional duties and functions as may, in pursuance of law, be delegated to him by the President, or by the department or agency. He shall have the power to issue executive regulations not in conflict with any applicable law. The Governor may submit such recommendations for the enactment of legislation to the legislature as he shall consider to be in the people's interest.

(c) The Governor shall coordinate and have general cognizance over all activities of a civil nature of the departments, bureaus, and offices of the Government of the United States in Guam.

Sec. 7. The President shall appoint a Secretary of Guam, who shall have all the powers of the Governor in the case of a vacancy in the office of Governor or the disability or temporary absence of the Governor. He shall have custody of the seal of Guam and shall countersign and affix such seal to all executive proclamations and all other executive documents. He shall record and preserve the laws enacted by the legislature. He shall promulgate all proclamations and orders of the Governor and all laws enacted by the legislature. He shall have all such executive powers and perform such other duties as may be prescribed by this Act or assigned to him by the Governor. He shall hold office for four years and until his successor is appointed

and has qualified.

Sec. 8. The head of the department or agency designated by the President under section 3 of this Act may from time to time designate the head of an executive department of the government of Guam or other person to act as Governor in case of a vacancy in the office, or the disability or temporary absence of both the Governor and the Secretary, and the person so designated shall have all the powers of the Governor for so long as such condition continues.

Sec. 9(a). The Governor shall, except as otherwise provided in this Act or the laws of Guam, appoint, by and with the advice and consent of the legislature, all heads of executive agencies and instrumentalities. In making appointments and promotions, preference shall be given to qualified persons of Guamanian ancestry. With a view to insuring the fullest participation by Guamanians in the government of Guam, opportunities for higher education and in-service training facilities shall be provided to qualified persons of Guamanian ancestry. The legislature shall establish a merit system and, as far as practicable, appointments and promotions shall be made in accordance with such merit system.

(b) The Governor may appoint or remove any officer whose appointment or removal is not otherwise provided for. All officers shall have such powers and duties as may be conferred or imposed on them by law or by executive regulation of the Governor not inconsistent with any law.

(c) The Governor shall, from time to time, examine the organization of the executive branch of the government of Guam, and shall determine and carry out such changes therein as are necessary to promote effective management and to execute faithfully the purposes of this Act and the laws of Guam.

(d) All persons holding office in Guam on the date of enactment of this Act may, except as otherwise provided in this Act, continue to hold their respective offices until their successors are appointed and qualified.

THE LEGISLATURE

Sec. 10. The legislative power of Guam, except as otherwise provided in this Act, shall be vested in a legislature which shall consist of a single house of not to exceed twenty-one members to be elected at large. General elections to the legislature shall be held on the Tuesday next after the first Monday in November, biennially in even-numbered years. The members of the legislature holding office on the date of enactment of this Act shall continue to serve as such until the next election held in accordance with the laws of Guam and until their successors have duly qualified. The legislature in all respects shall be organized and shall sit according to the laws of Guam in force on the date of enactment of this Act and as amended or modified after such date.

Sec. 11. The legislative power of Guam shall extend to all subjects of legislation of local application not inconsistent with the provisions of this Act and the laws of the United States applicable to Guam. Taxes and assessments on property, internal revenues, sales, license fees, and royalties for franchises, privileges, and concessions may be imposed for purposes of the government of Guam as may be uniformly provided by the Legislature of Guam, and when necessary to anticipate taxes and revenues, bonds and other obligations may be issued by the government of Guam. Provided, however, That no public indebtedness of Guam shall be authorized of allowed in excess of 10 per centum of the aggregate tax valuation of the property in Guam. Bonds or other obligations of the government of Guam payable solely from revenues derived from any public improvement or undertaking shall not be considered public indebtedness of Guam within the meaning of this section. All bonds issued by the government of Guam or by it authority shall be exempt, as to principal and interest, from taxation by the Government of the United States or by the government of Guam, or by any State or Territory or any political subdivision thereof, or by the District of Columbia.

Sec. 12. The legislature shall be the judge of the selection and qualification of its own members. It shall choose from its members its own officers, determine its rules and procedure, not inconsistent with this Act, and keep a journal.

Sec. 13(a) The members of the legislature shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the legislature and in going to and returning from the same.

(b) No member of the legislature shall be held to answer before any tribunal other than the legislature itself for any speech or debate in the legislature.

Sec. 14. Every member of the legislature and all officers of the government of Guam shall take the following oath or affirmation:

"I solemnly swear (or affirm) in the presence of Almighty God that I will well and faithfully support the Constitution of the United States, the laws of the United States applicable to Guam and the laws of Guam, and that I will conscientiously and impartially discharge my duties as a member of the Guam Legislature (or as an officer of the government of Guam)."

Sec. 15. No member of the legislature shall, during the term for which he was elected or during the year following the expiration of such term, be appointed to any office which has been created, or the salary or emoluments of which have been increased during such term.

Sec. 16. No person shall sit in the legislature who is not a citizen of the United States, who has not attained the age of twenty-five years and who has not been domiciled in Guam for at

least five years immediately preceding the sitting of the legislature in which he seeks to qualify as a member, or who has been convicted of a felony or of a crime involving moral turpitude and has not received a pardon restoring his civil rights.

Sec. 17. Vacancies occurring in the legislature shall be filled as the legislature shall provide, except that no person filling a vacancy shall hold office longer than for the remainder of the term for which his predecessor was elected.

Sec. 18. Regular sessions of the legislature shall be held annually for a period or periods not to exceed in the aggregate sixty calendar days, as the legislature may determine. Such sessions shall convene in Agaña on the second Monday in January. The Governor may convene the legislature in special session at such time and place as he may deem it necessary but no special session shall continue longer than fourteen days, and no legislation shall be considered at such session other than that specified in the call therefor or in any special message by the Governor to the legislature while in such session. All sessions of the legislature shall be open to the public.

Sec. 19. Every bill passed by the legislature shall, before it becomes a law, be entered upon the journal and presented to the Governor. If he approves it, he shall sign it, but if not he shall, except as hereinafter provided, return it, with his objections, to the legislature within ten days (Sundays excepted) after it shall have been presented to him. If he does not return it within such period, it shall be a law in like manner as if he had signed it, unless the legislature by adjournment prevents its return, in which case it shall be a law if signed by the Governor within thirty days after it shall have been presented to him; otherwise it shall not be a law. When a bill is returned by the Governor to the legislature with his objections, the legislature shall enter his objections at large on its journal and proceed to reconsider it. If, after such reconsideration, two-thirds of the legislature agree to pass it, it shall be sent to the Governor. If he then approves it, he shall sign it; if not, he shall within ten days transmit it to the President of the United States if the President of the United States approves it, he shall sign it. If he shall not approve it, he shall return it to the Governor so stating, and it shall not be a law. If he neither approves it nor disapproves it within ninety days from the date of transmittal to him by the Governor, it shall be a law, in like manner as if he had signed it. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more of such items, or any part or parts, portion or portions thereof, while approving the other items, parts or portions of the bill. In such a case he shall append to the bill, at the time of signing it, a statement of the items, or parts or portions thereof, to which he objects, and the items, or parts or portions thereof, while approving the other items, parts, or portions of the bill. In such a case he shall append to the bill, at the time of signing it, a statement of the items, or parts or portions thereof, to which he objects, and the items, or parts or portions thereof, as objected to shall not take effect. All laws enacted by the legislature shall be reported by the Governor to the head of the department or agency designated by the President under section 3 of this Act, and by him to the Congress of the United States, which reserves the power and authority to annul the same. If any such law is not annulled by the Congress of the United States within one year of the date of its receipt by that body, it shall be deemed to have been approved.

Sec. 20 (a) Appropriations, except as otherwise provided in this Act, and except such appropriations as shall be made from time to time by the Congress of the United States, shall be made by the legislature.

(b) If at the termination of any fiscal year the legislature shall have failed to pass appropriation bills providing for payments of the necessary current expenses of the government and meeting its legal obligations for the ensuing fiscal year, then the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be applicable, shall be deemed to be reappropriated, item by item.

(c) All appropriations made prior to the date of enactment of this Act shall be available to the government of Guam.

Sec. 21. The legislature or any person or group of persons in Guam shall have the unrestricted right of petition. It shall be the duty of all officers of the government to receive and without delay to act upon or forward, as the case may require, any such petition.

THE JUDICIARY

Sec. 22(a) There is hereby created a court of record to be designated the "District Court of Guam," and the judicial authority of Guam shall be vested in the District Court of Guam and in such court or courts as may have been or may hereafter be established by the laws of Guam. The District Court of Guam shall have, in all causes arising under the laws of the United States, the jurisdiction of a district court of the United States as such court is defined in section 451 of title 28, United States Code, and shall have original jurisdiction in all other causes in Guam, jurisdiction over which has not been transferred by the legislature to other court or courts established by it, and shall have such appellate jurisdiction as the legislature may determine. The jurisdiction of and the procedure in the courts of Guam other than the District Court of Guam shall be prescribed by the laws of Guam.

(b) The rules heretofore or hereafter promulgated and made effective by the Supreme Court of the United States pursuant to section 2072

or title 28, United States Code, in civil cases; section 2073 of title 28, United States Code, in admiralty cases; sections 3771 and 3772 of title 18, United States Code, in criminal cases; and section 30 of the Bankruptcy Acts of July 1, 1898, as amended (title 11, U.S.C., sec. 53), in bankruptcy cases; shall apply to the District Court of Guam and to appeals therefrom.

Sec. 23(a) The United States Court of Appeals for the Ninth Circuit shall have jurisdiction of appeals from all final decisions of the District Court of Guam in all cases involving the Constitution, laws, or treaties of the United States or any authority exercised thereunder, in all habeas corpus proceedings, and in all other civil cases where the value in controversy exceeds \$5,000, exclusive of interest and costs.

(b) Any party may appeal to the Supreme Court of the United States from an interlocutory or final judgment, or order of the District Court of Guam, holding an Act of Congress unconstitutional in any civil action suit, or proceeding to which the United States or any of its agencies or any officer or employee thereof, as such officer or employee, is a party. A party who has received notice of appeal under this section shall take any subsequent appeal or cross appeal to the Supreme Court. All appeals or cross appeals taken to other courts prior to such notice shall be treated as taken directly to the Supreme Court.

Sec. 24(a) The President shall, by and with the advice and consent of the Senate, appoint a judge for the District Court of Guam who shall hold office for the term of four years and until his successor is chosen and qualified unless sooner removed by the President for cause. The judge shall receive a salary payable by the United States which shall be the same as the salary of the Governor of Guam as provided by section 26(a) of this Act, and shall be entitled to the benefits of retirement provided in section 373 of title 28, United States Code. The Chief Justice of the United States may, with the consent of the judge as assigned, assign any United States circuit or district judge to serve as a judge in the District Court of Guam whenever it is made to appear that such an assignment is necessary for the proper dispatch of the business of the court.

(b) The President shall appoint by and with the advice and consent of the Senate, a United States attorney and United States marshal for Guam to whose offices the provisions of chapters 31 and 33 of title 28, United States Code, respectively, shall apply.

(c) The provisions of chapters 21, 41, 43, 49, and 57 of title 28, United States Code, shall apply to the District Court of Guam.

MISCELLANEOUS

Sec. 25(a) The laws of Guam in force on the date of enactment of this Act, except as amended by this Act, are hereby continued in force, subject to modification or repeal by the Congress of the United States or the Legislature of Guam, and all laws of Guam inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

(b) Except as otherwise provided in this Act, no law of the United States hereafter enacted shall have any force or effect within Guam unless specifically made applicable by Act of the Congress either by reference to Guam by name or by reference to "possessions." The President of the United States shall appoint a commission of seven persons, at least three of whom shall be residents of Guam, to survey the field of Federal statutes and to make recommendations to the Congress of the United States within twelve months after the date of enactment of this Act as to which statutes of the United States not applicable to Guam on such date shall be made applicable to Guam, and as to which statutes of the United States applicable to Guam on such date shall be declared inapplicable.

Sec. 26(a) The Governor shall receive an annual salary at the rate provided for Governors of Territories and possessions in the Executive Pay Act of 1949, but not to exceed \$13,125, to be paid by the United States: Provided, That if the Governor shall be a retired officer of the armed forces of the United States the pay which he shall receive as Governor shall be his pay and allowances as such officer plus such sum as will total the equivalent of the compensation for a civilian Governor.

(b) The Secretary of Guam shall receive an annual salary to be paid by the United States at a rate established in accordance with the standards provided in the Classification Act of 1949.

(c) All officers and employees of the government of Guam shall, if their homes be outside Guam, be entitled to transportation at the expense of the United States for themselves, their immediate families, and their household effects, from their homes to Guam upon their appointment and from Guam to their homes upon completion of their duties: Provided, That such transportation other than that incident to initial appointment shall not be required to be furnished unless they shall have served in Guam for at least two years, unless separated for reasons beyond their control. They shall accrue leave in accordance with the Leave Act of the United States, and once during every two years shall be entitled to transportation at the expense of the United States for themselves and their immediate families from Guam to their homes and return. For purposes of transportation to their homes and return, they shall be allowed travel time not in excess of thirty days without charge against annual leave and during such travel time they shall be paid their salaries as prescribed by this Act or the laws of Guam. Transportation shall be by the shortest and most

THE ORGANIC ACT OF GUAM

Continued from Page 5

direct route. During their term of duty in Guam they shall each be entitled to receive appropriate quarters to be furnished by the United States at established rentals.

(d) All officers and employees of the government of Guam, whose salaries are not fixed by this Act, shall be paid such compensation and shall receive such additional allowances or benefits as may be fixed under the laws of Guam, or, in case they be employees or officers of the department or agency designated by the President under section 3 of this Act, as fixed by or under the rules and regulations of, or applicable to, such department or agency while detailed to serve with the government of Guam. If any official or employee of the government of Guam be a person in the armed forces of the United States, either in active, retired, or reserve status, his employment by the government of Guam and any service thereunder, shall not, in the discretion of the President, operate to affect adversely his rights to duty status, pay, retirement, or other benefits.

(e) Each member of the legislature shall be paid the sum of \$15 for each day that the legislature is in session, regular or special, out of

sums to be appropriated annually by the Congress. All other legislative expense shall be appropriated by, and paid out of funds of, the government of Guam.

Sec. 27. Articles which are the growth, production, or manufacture of Guam coming into any State, Territory, or insular possession of the United States from Guam shall be entered at the several ports of entry free of duty.

Sec. 28(a) The title to all property, real and personal, owned by the United States in Guam, not reserved by the President of the United States within ninety days after the date of enactment of this Act, is hereby placed under the control of the government of Guam, to be administered for the benefit of the people of Guam, and the legislature shall have authority, subject to such limitations as may be imposed upon its acts by this Act or subsequent Act of the Congress, to legislate with respect to such property, real and personal, in such manner as it may deem desirable.

(b) All other property, real and personal, owned by the United States in Guam, not reserved by the President of the United States within ninety days after the date of enactment of this Act, is hereby placed under the control of the government of Guam, to be administered for the benefit of the people of Guam, and the legisla-

ture shall have authority, subject to such limitations as may be imposed upon its acts by this Act or subsequent Act of the Congress, to legislate with respect to such property, real and personal, in such a manner as it may deem desirable.

(c) All property owned by the United States in Guam, the title to which is not transferred to the government of Guam by subsection (a) hereof, or which is not placed under the control of the government of Guam by subsection (b) hereof, is transferred to the administrative supervision of the head of the department or agency designated by the President under section 3 of this Act, except as the President may from time to time otherwise prescribe: Provided, That the head of such department or agency shall be authorized to lease or to sell, on such terms as he may deem in the public interest, any property, real and personal, of the United States under his administrative supervision in Guam not needed for public purposes.

Section 29(a) Subject to the laws of Guam, the Governor shall establish, maintain, and operate public health services in Guam, including hospitals, dispensaries, and quarantine stations, at such places in Guam as may be necessary, and he shall promulgate quarantine and sanitary regulations for the protection of Guam

against the importation and spread of disease.

(b) The Governor shall provide an adequate public educational system of Guam, and to that end shall establish, maintain, and operate public schools at such places in Guam as may be necessary.

Sec. 30. All customs duties and Federal income taxes derived from Guam, the proceeds of all taxes collected under the internal-revenue laws of the United States on articles produced in Guam and transported to the United States, its Territories, or possessions, or consumed in Guam, and the proceeds of any other taxes which may be levied by the Congress on the inhabitants of Guam, and all quarantine, passport, immigration, and naturalization fees collected in Guam shall be covered into the treasury of Guam and held in account for the government of Guam, and shall be expended for the benefit and government of Guam in accordance with the annual budgets.

Sec. 31. The income-tax laws in force in the United States of America and those which may hereafter be enacted shall be held to be likewise in force in Guam.

Sec. 32. There are hereby authorized to be appropriated annually by the Congress of the United States such sums as may be necessary and appropriate to carry out the provisions and

purposes of this Act.

Sec. 33. Nothing contained herein shall be construed as limiting the authority of the President to designate parts of Guam as naval or military reservations, nor to restrict his authority to treat Guam as a closed port with respect to the vessels and aircraft of foreign nations.

Sec. 34. Upon the 21st day of July 1950, the anniversary of the liberation of the island of Guam by the Armed Forces of the United States in World War II, the authority and powers conferred by this Act shall come into force. However, the President is authorized, for a period not to exceed one year from the date of enactment of this Act, to continue the administration of Guam in all or in some respects as provided by law, Executive order, or local regulation in force on the date of enactment of this Act. The President may, in his discretion, place in operation all or some of the provisions of this Act impracticable before the expiration of the period of one year.

Approved August 1, 1950.

Signed: Speaker of the House of Representatives

Vice President of the United States and President of the Senate

Approved August 1, 1950 by Harry S. Truman



TRIMMER BRUSHCUTTERS

With Echo Trimmer & Bushcutters, You'll Work Smarter Not Harder.



CHAIN SAWS



HEDGE TRIMMERS



BLOWERS

Power, Comfort & Quiet Operation



POWER PRUNER



DRILLS



HEDGE CLIPPERS



Limited Selection available at all NAPA locations

NAPA MIDPAC FAR EAST

Airport Industrial Park, Barigada /
Tel: 632-5160 • Office 632-5169 • Parts Fax 632-5167

CAR ACCIDENT RECENTLY?

NOW HAVING - Headaches. Neck. Back Pains. Sick. Popping pills.

Want to know what's wrong?

GUAM FREE REPORT AND VIDEO - Reveals secrets you Need to know before settling your case. For your mailed Free Report and Video call our Toll-Free 24 -

Hour Hotline Today at: 649-0545 Website: guamaccidents.com

Or Check our Yellow Pages Ad

Under Chiropractic Doctors

Dr. Tom Klosinski, Guam Poly Clinic, Ypao Rd. at Marine Dr.

CAR ACCIDENT RECENTLY?

CERAMIC TILE SALE

NON-U.S. MADE (Any design/color)

12x12 .75/pc.

16x16 1.50/pc. (84.4¢/sf)

8x8 .35/pc. (79.5¢/sf)

MARAZZI TILES (U.S. Made)

12x12 50% OFF

8x8 .50/pc.

MONARCH TILES (U.S. Made)

41/4x41/4 12.00/cs.

(6mm, 12sf/cs)

CLEARANCE SALE

Diamond CABINETS

• DISCONTINUED ITEMS
• FREE ESTIMATE
• COMPUTER LAYOUT

VISIT OUR

KOHLER SHOWROOM WHILE SHOPPING FOR TILES

(ALL PRICES BASED ON BOX QTY. CASH & CARRY)

KITCHEN & BATH

1797 RT. 16 DEDED TEL (671) 649-8801 Next to GUAM HARDWOOD

How's Your Hearing?

Specializing in:

- Hearing Consultations (for the purpose of fitting a hearing aid)
- Hearing Protectors
- Swim Plugs
- Musicians Ear Plugs
- Assistive Listening Devices
- Custom Communication Devices
- Programmable Hearing Aids
- Waterproof Hearing Aids



Jennifer Ross Rodgers, BC-HIS
Board Certified
Hearing Instrument Specialist

No charge for the initial consultation

Your Full Service Hearing Instrument Care Facility



ROSS HEARING AIDS

655 Harmon Loop Road
(Next to Shirley's Coffee Shop)

637-HEAR (4327)

VA Approved Medicaid/MIP/GovGuam Insurance Welcome

Pacific Daily News

©2000 Guam Publications, Inc.

A Gannett Newspaper

VOL. 31 NO. 182 HAGÁTÑA, GUAM, AUGUST 1, 2000

HAGA ADAI, IT'S TUESDAY

75¢ on Guam

LIFESTYLE

Orchestral melodies

The Long Island Youth Orchestra's program tonight will include selections from Tchaikovsky, Gershwin and Berlioz, as the teens make a stop on Guam during their world tour.

▲ See story, Page 37

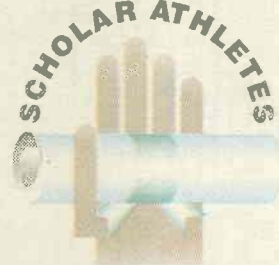


SPORTS

Meet the 10 finalists

Any surprises? Did you expect one of them to make it? This year, for the first time, the Pacific Daily News is listing the 10 finalists for the fourth annual Guam National Olympic Committee/Bank of Guam Scholar Athlete Banquet, which is scheduled to start at 5:30 p.m. on Friday at the Hilton Guam.

▲ See story, Page 52



INSIDE

▲ Fuel leak likely in doomed Concorde flight
Page 14

▲ Fijian rebels appear in court
Page 11

TOMORROW

Eating smart when dining out

First lady named in lawsuit

Doctor seeks \$8M from Gutierrez, Family Violence Task Force

By Tanya M.C. Mendiola

Pacific Daily News

A Navy commander is suing first lady Geri Gutierrez for \$8 million for defamation of character, after she allegedly wrote a letter questioning his expertise as a psychiatrist.

The civil lawsuit was filed June 23 in Superior Court by Dr. William J. Hocter, a Navy commander, licensed forensic psychiatrist and medical doctor, and by his wife, Annette Hocter, against Gutierrez and the Family Violence Task Force. The suit cites statements Gutierrez wrote in a letter to Capt. Jerald Ulmer,

Naval Hospital commanding officer, on behalf of the task force, court documents said.

The letter was written in January after Dr. Hocter, who also is employed at the Pacific Area Counseling Network, testified as an expert witness in the Osmundo Sangalang murder trial, court documents said.

Osmundo Sangalang was convicted in February for the July 1999 shooting deaths of his wife, Elaine Sangalang, and her friend, Jun Cabana Velasco.

Dr. Hocter took the witness stand and reported his results of a forensic psychiatric evaluation on Osmundo Sangalang. Dr. Hocter said

the two victims provoked Sangalang to shoot them because the "victims' behavior drove (Osmundo Sangalang) crazy," court documents said.

Gutierrez's letter, according to court documents, said, "Comments made by Dr. Hocter in his report to the

▲ See **Lawsuit**, Page 4

50 years of Organic Act marked

INSIDE

▲ Organic Act celebration recalls '50s

▲ '50s music, dance and celebration

▲ Conference recalls Organic Act's history

▲ What's open, what's not

Page 2

▲ Should the Organic Act be revamped?

Page 4

▲ The complete text of the Organic Act

Page 5



R. D. Golding/For Pacific Daily News

Sock-hop: Performers in the "50 Years of the Organic Act" production sing and dance to songs from the '50s during rehearsals yesterday at the University of Guam field house. A celebration of the document's enactment will be held at the field house today.



School year 2000-01 kicks off

A brand-new school year begins tomorrow for thousands of Guam children,



Back-to-school

and there are steps parents can take to ensure road safety and protection from disease for their children.

INSIDE

▲ Traffic safety on the first day of school.

▲ Safety tips for drivers.

Page 8

▲ Immunizations are a must for kids.

▲ What shots do your children need?

Page 24

Malesso bingo banner 8/1 - Black

GOP unites for convention



Republicans are raising the curtain on George W. Bush's convention with opening-night appeals to women, minorities and moderates by the Texas governor's wife, Laura, and retired Gen. Colin Powell, one of the GOP's biggest stars.

"We're on our way to Philadelphia and we're on our way to victory!" Bush exulted at an Ohio rally on a bus trip to the Republican National Convention.

▲ See story, Page 14

See You On
Wednesday Night!

MALESSO' BINGO

at the Cliff
477-6680
828-3390