

The constitution



Daily News photo

Local dignitaries attended opening ceremonies which Con-Con president Carl Gutierrez called "one of the most important milestones" in Guam's history.

PREAMBLE

We, the people of Guam, affirming our belief in Almighty God who granted us inalienable rights to life, liberty, and the pursuit of happiness, and assuming the responsibilities of self-government within political union with the United States of America, in order to provide for the welfare of the people, offer opportunity for full development of the individual, ensure political, economic and social justice, maintain a representative democratic government, protect our natural resources, and preserve the identity of Guam, I tano i Chamorro, do ordain and establish this constitution.

ARTICLE I. PRINCIPLES OF GOVERNMENT

Section 1. Popular sovereignty. All power is vested in and derived from the people who are equally free and independent and who agree to institute government for their benefit, protection, and security. The enumeration in this constitution of rights shall not be construed to deny or limit other rights retained by the people.

Section 2. Republican form of government. The government shall be republican in form and shall consist of three branches, executive, legislative, and judicial.

ARTICLE II. BILL OF RIGHTS

Section 1. Freedom of religion, speech, press, assembly, and petition. No law shall be enacted establishing religion, prohibiting the free exercise of religion, or abridging freedom of speech or the press, or the right of the people to assemble peaceably and to petition for redress of grievances.

Section 2. Due process and equal protection. No person shall be deprived of life, liberty, or property without due process of law, or be treated unfairly in legislative or executive investigations, or be denied equal protection of the laws because of race, religion, sex, age, national origin, social condition, marital status, or physical or mental handicap, except that laws may benefit or protect minors, the elderly, the indigent, or the physically or mentally handicapped, or support article XI of this constitution.

Section 3. Age discrimination in employment prohibited. No person shall be denied equal employment opportunity or continuing employment because of age.

Section 4. Right of privacy. The right of individual privacy shall not be abridged.

Section 5. Searches and seizures. The right of the people to be secure in their

unreasonable searches and seizures shall not be violated. A warrant for search or seizure, returnable within a reasonable time, shall be signed by a judge of the superior court and may not be issued except upon probable cause supported by a sworn statement describing in detail the place to be searched and the persons or things to be seized. Wiretapping or other electronic surveillance shall not be used.

Section 6. Rights of accused.

a) A person is innocent of a criminal charge until proved guilty beyond a reasonable doubt. In criminal prosecutions the accused shall have the right to a speedy and public trial by an impartial jury, to be informed of the charge in a language understood by the accused, to be confronted with any adverse witnesses, to compulsory process for obtaining witnesses and evidence, to the assistance of counsel for defense, and to court-appointed counsel if desired and if the accused is unable to afford counsel. A person arrested or detained in the investigation of an offense shall be advised fully of the reason for the arrest or detention, the right to remain silent, the right against self-incrimination, and the right to the assistance of counsel, including court-appointed counsel if desired and if the accused is unable to afford counsel.

b) Excessive bail or fines shall not be imposed. A person charged with an offense shall be presumed to have the right to be released pending trial on personal recognizance unless the court, after due consideration of the weight of the evidence, the circumstances of the charge, and the likelihood of appearance at trial, either denies release or requires posting of bail with sureties or cash.

c) No person shall be twice put in jeopardy for the same offense or be im-

prisoned for debt.

d) All civil rights shall be restored to a person convicted of a crime upon completion of sentence or other condition imposed by law.

Section 7. Self-incrimination. No person shall be compelled to give testimony which might tend to be self-incriminating.

Section 8. Habeas corpus. The writ of habeas corpus shall not be suspended except as the public safety requires in cases of rebellion or invasion.

Section 9. Slavery and torture prohibited. No person shall be enslaved, tortured, or subjected to cruel, inhuman, or degrading treatment or punishment.

Section 10. Capital punishment. No law shall be enacted instituting capital punishment unless provided by a majority of the persons registered to vote at a referendum on the question.

Section 11. Civil supremacy. The military power is subordinate to the civil power, and military personnel shall not in time of peace be quartered in private property without the consent of the owner or in time of war except as provided by law.

Section 12. Right to just compensation. Private property shall not be taken or damaged without just compensation.

Section 13. Right to know. A person may examine public documents or observe the deliberations of any agency of government, subject to reasonable limitations provided by law.

Section 14. Collective bargaining. Persons may organize to bargain collectively, subject to limitations provided by law.

Section 15. Marital and family rights. Marriage is an equal partnership of shared responsibility based on the free consent of a man and a woman. Legal parents have equal rights and responsibilities with respect to their children.

Persons born of married or unmarried parents have equal rights.

Section 16. Right to a healthful environment. Each person shall have the right to a healthful environment.

Section 17. Restrictions on legislation. No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall be enacted.

ARTICLE III. SUFFRAGE AND ELECTIONS

Section 1. Suffrage. A qualified voter shall be, on the date of the election, a United States citizen, eighteen years of age or older, registered to vote as provided by law, and a resident of Guam and of the district in which the election is held. A person serving a sentence for a felony or mentally incompetent as determined by a court may not vote. No other qualification to vote shall be imposed.

Section 2. Regular general election. The regular general election of Guam shall be held on the first Tuesday following the first Monday of November in each even-numbered year. Other elections, the registration of voters, the administration of elections, and other matters with respect to election procedures shall be as provided by law.

Section 3. Primary election. The primary election for the nomination of partisan candidates for election at the regular general election shall be held on the first Saturday of September in each even-numbered year. In a primary election for nomination of candidates for partisan elective office, each qualified voter may cast a vote for any candidate regardless of the political affiliation of the voter or candidate. The governor and lieutenant governor shall be nominated as a team.

Section 4. Date of taking office. Public officials elected at the regular general election shall take office on the first Monday of January following the election.

Section 5. Bona fide residency. A bona fide resident for the purposes of this constitution is a person who maintains a residence in Guam for an unlimited or indefinite period and to which the person intends to return whenever absent, even if for an extended period.

Section 6. Religious tests prohibited. No religious test shall ever be required as a qualification to any office or public trust.

ARTICLE IV. EXECUTIVE BRANCH

Section 1. Executive power. The executive power is vested in the governor, who shall be responsible for the faithful execution of the constitution and laws of Guam and those provisions of the constitution and laws of the United States

Just one more step

Supporters hailed it as the territory's first step toward increased autonomy. Critics dubbed it the "betel nut" constitution. And after six months of grueling parliamentary debate, 32 men and women representing every village on the island signed the historic document.

Now, nearly a year after the last Guam Constitutional Convention session, it is up to local voters to have the final say. If the proposed document is approved in the

November general election, it will become this 80-year old American territory's first locally drafted constitution.

The thousands of public dollars spent on the Guam Constitutional Convention, and the hundreds of hours delegates, staff members, and interested citizens put into the drafting of the constitution will be tested in November. Then the people of Guam, as the preamble states, will decide whether they indeed "...do ordain and establish this constitution."