

NIEVES M. FLORES MEMORIAL LIBRARY

FIRST CONSTITUTIONAL CONVENTION
OF THE TERRITORY OF GUAM

Thirty-Fifth Special Session - 20 May 1970

A G E N D A

1. Call to order
2. Prayer
3. Roll call and leave of absence
4. Approval of minutes of previous session
5. Privilege of the floor
6. Communications
7. Introduction of propositions and resolutions and references to committee -
8. Report of committees
9. Propositions on second reading
Resolution Nos. 12, and 14
Proposition Nos. (14A,37) (33) (39) (35,44,50,43,49,48,
56,24,57,41,42,52,34) (53,47,25,16) (54,13,8) (27) (51)
(40) (19,30) (7,15,18) (45) (55)
10. Propositions on special order of second and third reading
11. Propositions on special order of third reading
12. Propositions on third reading
Proposition Nos. 9B and 36B
13. Committee notices
14. Adjournment

FIRST CONSTITUTIONAL CONVENTION
OF THE TERRITORY OF GUAM

Minutes of the Thirty-Fifth Special Session

The Thirty-Fifth Special Session of the First Constitutional Convention of the Territory of Guam convened at Convention Headquarters on May 20, 1970 at 5:55 p.m. Mr. Antonio M. Palomo, President of the First Constitutional Convention, presided.

PRAYER

The Chaplain offered the following prayer:

"In the Name of the Father and of the Son and of the Holy Spirit. Amen. Let us pray. . .
May the holy Comforter, Who proceeds from You, O Lord, enlighten the minds of these delegates that they may discern all the truths that Your Son has promised. Teach them the real value of these truths according to what you have designed for mankind, particularly as they applied to all of us in this area of the world. Sustain them in their efforts that what they will propose for our benefit may be for the lasting welfare of all, borne of objective and just study and deliberation. We ask this in the Name of Your Son, Jesus Christ, Our Lord. Amen.
In the Name of the Father and of the Son and of the Holy Spirit. Amen."

ROLL CALL AND LEAVE OF ABSENCE

By direction of the President, the roll was called and the following delegates responded:

| | | |
|---------------------|--------------------|-------------------------|
| Rufo L. Calvo | Joe T. San Agustin | Francisco R. Santos |
| David S. Terlaje | Betty S. Guerrero | Antonio M. Palomo |
| Jose C. Quintanilla | William A. Flores | Robert E. Leon Guerrero |
| Charles F. Toves | Jose T. Barcinas | Joseph F. Ada |
| Joaquin G. Blaz | Jose R. Rivera | Tomas T. Aguon |
| Jose L. Cepeda | Gregorio M. Borja | Francisco B. Aguon |

By direction of the President, the meeting recessed at 6:00 p.m., until the Sergeant-at-Arms and staff contacted the absent delegates.

The session reconvened at 7:25 p.m.

Mr. President announced that the record show the following delegates present:

| | | |
|----------------------|-----------------------|-------------------------|
| Adrian C. Sanchez | Jose B. Santos | Joaquin V. E. Manibusan |
| Franklin J. Quitugua | Pedro A. E. Manibusan | |

Absent:

| | | |
|-------------------|-------------------------|--------------------------|
| Tomas F. Mendiola | Enrique L.G. Untalan | Joseph B. Cruz |
| Howard G. Trapp | Jose M. Garrido | Frank G. Lujan |
| Joe Nededog | Jose P. San Nicolas | Jose S. Lizama |
| Vicente M. Angoco | Malcolm H. Merrill, Jr. | James S. Brooks |
| Jesus S. Camacho | Lorenzo T. Siguenza | Antonio A. Calvo |
| Pilar C. Lujan | Theodore Nelson | Juan G. Blas |
| | | Lorenzo C. Leon Guerrero |

Excused:

Pilar C. Lujan Enrique L.G. Untalan James S. Brooks

A quorum was present.

Resolution No. 12

Mr. Francisco R. Santos moved to suspend the rules in order to act on Resolution No. 12. Seconded.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative, by unanimous consent.

Mr. David S. Terlaje moved that Resolution No. 12 be adopted. Seconded.

Mr. President put the question whether the Convention would agree to final passage of Resolution No. 12 and it was determined in the affirmative, a majority of the delegates elected to the Convention and present voting in favor thereof.

Resolution No. 12 was duly adopted.

APPROVAL OF MINUTES

It was moved, seconded, and carried that the minutes of the Thirty-Third and Thirty-Fourth General Sessions be approved.

PRIVILEGE OF THE FLOOR

Mr. Adrain C. Sanchez reminded the delegates of the party to be held at the home of his sister, Mrs. Julia Takano of Tamuning on May 31st.

Mr. Francisco R. Santos moved to suspend the rules to act on Proposition Nos. 9B and 36A. Seconded.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative, by unanimous consent.

PROPOSITIONS ON THIRD READING

Mr. President put the question whether the Convention would agree to final passage of Proposition No. 9B and it was determined in the negative, a majority of the delegates elected to the Convention and present not voting in favor thereof.

AYES 5
NOES 20

Those who voted in the affirmative were.

| | | |
|-----------------------|--------------------|---------------|
| Jose B. Santos | Joe T. San Agustin | Joseph F. Ada |
| Pedro A. E. Manibusan | Jose T. Barcinas | |

Those who voted in the negative were:

| | | |
|---------------------|----------------------|-------------------------|
| Rufo L. Calvo | Franklin J. Quitugua | Francisco R. Santos |
| David S. Terlaje | Betty S. Guerrero | Joaquin V. E. Manibusan |
| Charles F. Toves | William A. Flores | Adrian C. Sanchez |
| Jose C. Quintanilla | Jose R. Rivera | Robert E. Leon Guerrero |
| Jose L. Cepeda | Gregorio M. Borja | Tomas T. Aguon |

Mr. President put the question whether the Convention would agree to final passage of Proposition No. 36A and it was determined in the negative, a majority of the delegates elected to the Convention and present not voting in favor thereof.

AYES 18
NOES 2

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|-------------------------|
| Rufo L. Calvo | Franklin J. Quitugua | Francisco R. Santos |
| David S. Terlaje | Joe T. San Agustin | Joaquin V. E. Manibusan |
| Jose C. Quintanilla | William A. Flores | Adrian C. Sanchez |
| Jose B. Santos | Jose T. Barcinas | Robert E. Leon Guerrero |
| Pedro A.E. Manibusan | Jose R. Rivera | Joseph F. Ada |
| Jose L. Cepeda | Gregorio M. Borja | Tomas T. Aguon |

Those who voted in the negative were:

| | |
|------------------|-------------------|
| Charles F. Toves | Betty S. Guerrero |
|------------------|-------------------|

Mr. Jose R. Rivera moved to reconsider Proposition No. 36A at the next General Session. Seconded.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative, by unanimous consent.

COMMUNICATIONS

There were none.

INTRODUCTION OF PROPOSITIONS & RESOLUTIONS & REFERENCE TO COMMITTEE

There were none.

REPORTS OF COMMITTEES

Mr. President reported that the following persons attended and testified at the hearing on Bill 616 (5-S), concerning the supplemental Budget and extension request:

| | | |
|---------------------|-------------------|--------------------|
| Antonio M. Palomo | Betty S. Guerrero | David D. L. Flores |
| Jose C. Quintanilla | Ruth A. Gilliam | |

Mr. President also reminded the delegates to return any books and materials they may have borrowed from Convention Headquarters.

PROPOSITIONS ON SECOND READING

Resolution No. 14

Mr. Jose L. Cepeda moved to amend Resolution No. 14 as follows:

Page 1, line 6, strike out the word "totally".

Seconded and discussion held thereon.

Mr. Francisco R. Santos moved to pass Resolution No. 14 on file.
Seconded.

Mr. President put the question whether the Convention would agree to Mr. Santos' motion and it was determined in the affirmative, a majority of the delegates elected to the Convention and present voting in favor thereof.

Proposition No. 14A

Mr. Franklin J. Quitugua moved to pass Proposition No. 14A on file, in order that the Education Committee can study it further. Seconded.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative, by unanimous consent.

Proposition No. 37

Mr. Joseph F. Ada moved to refer Proposition No. 37 back to committee. Motion seconded and discussion held thereon.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the negative, a majority of the delegates elected to the Convention and present not voting in favor thereof.

Mr. Francisco R. Santos moved to place Proposition No. 37 on the order of third reading. Seconded.

Mr. President put the question whether the Convention would agree to the advancement of said proposition and it was determined in the affirmative, a majority of the delegates elected to the Convention and present voting in favor thereof.

Ordered, That Proposition No. 37 be placed on the order of third reading.

Proposition No. 33

Mr. Francisco R. Santos moved to place Proposition No. 33 in the inactive file. Seconded.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative, a majority of the delegates elected to the Convention and present voting in favor thereof.

Ordered, That Proposition No. 33 be placed in the inactive file.

Proposition No. 39

Mr. Joseph F. Ada moved to amend Proposition No. 39 as follows:

Page 1, line 13, strike out the word "three" and insert the word "thirty".

No second, motion defeated.

Mr. Joaquin G. Blaz moved to place Proposition No. 39 on the order of third reading. Seconded.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative, a majority of the delegates elected to the Convention and present voting in favor thereof.

Ordered, That Proposition No. 39 be placed on the order of third reading.

Proposition No. 35

Mr. Joseph F. Ada moved to place Proposition No. 35 in the inactive file. Seconded.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative, a majority of the delegates elected to the Convention and present voting in favor thereof.

Ordered, That Proposition No. 35 be placed in the inactive file.

Proposition No. 44

Mr. Adrian C. Sanchez moved to place Proposition No. 44 in the inactive file. Seconded.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative, a majority of the delegates elected to the Convention and present voting in favor thereof.

Ordered, That Proposition No. 44 be placed in the inactive file.

Proposition No. 50

Mr. Joseph F. Ada moved to place Proposition No. 50 on the order of third reading. Seconded.

Mr. Franklin J. Quitugua moved to amend Proposition No. 50 as follows:

Page 1, line 7, insert a comma after the word "searches" and strike out the words "against unreasonable". Seconded.

Mr. President put the question whether the Convention would agree to Mr. Quitugua's motion and it was determined in the affirmative, a majority of the delegates elected to the Convention and present voting in favor thereof.

Mr. President put the question whether the Convention would agree to the advancement of said proposition as amended and it was determined in the affirmative, a majority of the delegates elected to the Convention and present voting in favor thereof.

Ordered, That Proposition No. 50 be placed on the order of third reading.

Proposition No. 43

Mr. Joseph F. Ada moved to place Proposition No. 43 on the order of third reading. Seconded and discussion held thereon.

Mr. Francisco R. Santos moved to amend Proposition No. 43 as follows:

Page 1, line 12, strike out the words "at the time of taking, of the good will of"

Page 1, line 13, strike out the words "private businesses".

Motion seconded and discussion held thereon.

(Mr. Jose C. Quintanilla took "the chair".)

Mr. President put the question whether the Convention would agree to Mr. Santos' motion and it was determined in the negative, a majority of the delegates elected to the Convention and present not voting in favor thereof.

Mr. President put the question whether the Convention would agree to the advancement of said proposition and it was determined in the affirmative, a majority of the delegates elected to the Convention and present voting in favor thereof.

Ordered, That Proposition No. 43 be placed on the order of third reading.

Proposition No. 49

Mr. Francisco R. Santos moved to place Proposition No. 49 in the inactive file. Seconded and discussion held thereon.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the negative, a majority of the delegates elected to the Convention and present not voting in favor thereof.

Mr. Joseph F. Ada moved to amend Proposition No. 49 to read "introduced by Joseph F. Ada on behalf of the Bill or Rights Committee". Seconded.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative, a majority of the delegates elected to the Convention and present voting in favor thereof.

Mr. Joseph F. Ada moved to place Proposition No. 49 on the order of third reading. Seconded and discussion held thereon.

Mr. President put the question whether the Convention would agree to the advancement of said proposition as amended and it was determined in the affirmative, a majority of the delegates elected to the Convention and present voting in favor thereof.

Ordered, That Proposition No. 49 be placed on the order of third reading.

RECESS

Mr. Adrain C. Sanchez moved to recess until 7:00 p.m. on Thursday, May 21, 1970. Seconded.

Mr. Antonio M. Palomo moved to amend the time to 5:30 p.m. Seconded.

Mr. President put the question whether the Convention would agree to Mr. Palomo's motion and it was determined in the affirmative, a majority of the delegates elected to the Convention and present voting in favor thereof.

Mr. President put the question whether the Convention would agree to Mr. Sanchez's motion as amended and it was determined in the affirmative, a majority of the delegates elected to the Convention and present voting in favor thereof.

The session recessed at 9:15 p.m.

The Thirty-Fifth Special Session of the First Constitutional Convention of the Territory of Guam met pursuant to recess on Thursday, May 21, 1970, at 6:35 p.m., at Convention Headquarters. Mr. Antonio M. Palomo, President of the Constitutional Convention, presided.

PROPOSITIONS ON SECOND READING

Proposition No. 48

Mr. Joseph F. Ada moved to place Proposition No. 48 on the order of third reading. Seconded.

Mr. Joseph F. Ada moved to amend said proposition to read "introduced by Joseph F. Ada on behalf of the Bill of Rights Committee". Seconded.

Mr. President put the question whether the Convention would agree to Mr. Ada's amendment and it was determined in the affirmative, by unanimous consent.

Discussion held on Proposition No. 48 as amended.

Mr. Joaquin G. Blaz moved to amend Proposition No. 48 as follows:

Page 1, line 11, strike out the words "parole or" and insert the word "pardon".

Page 1, line 12, strike out the word "probation".

Motion seconded and discussion held thereon.

Mr. President put the question whether the Convention would agree to said amendment and it was determined in the affirmative, a majority of the delegates elected to the Convention and present voting in favor thereof.

Mr. President put the question whether the Convention would agree to the advancement of said proposition and it was determined in the affirmative, a majority of the delegates elected to the Convention and present voting in favor thereof.

Ordered, That Proposition No. 48 be placed on the order of third reading.

Proposition No. 56

Mr. Joaquin G. Blaz moved to place Proposition No. 56 in the inactive file. Seconded.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative, a majority of the delegates elected to the Convention and present voting in favor thereof.

Ordered, That Proposition No. 56 be placed in the inactive file.

Proposition No. 24

Discussion held on Proposition No. 24

Mr. Jose R. Rivera moved to place Proposition No. 24 on the order of third reading. Seconded.

Mr. Joseph F. Ada moved to amend Proposition No. 24 as follows:

Page 1, line 12, after the word first insert a comma, and the word "third".

No second, motion defeated.

Mr. President put the question whether the Convention would agree to the advancement of said proposition and it was determined in the affirmative, a majority of the delegates elected to the Convention and present voting in favor thereof.

Ordered, That Proposition No. 24 be placed on the order of third reading.

Proposition No. 57

Mr. Joseph F. Ada moved to pass Proposition No. 57 on file. Seconded.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative, by unanimous consent.

Proposition No. 41

Mr. Gregorio M. Borja moved to place Proposition No. 41 on the order of third reading. Seconded.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative, a majority of the delegates elected to the Convention and present voting in favor thereof.

Ordered, That Proposition No. 41 be placed on the order of third reading.

Proposition No. 42

Mr. Joseph F. Ada moved to pass Proposition No. 42 on file. Seconded.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative, a majority of the delegates elected to the Convention and present voting in favor thereof.

Proposition No. 52

Mr. Jose R. Rivera moved to place Proposition No. 52 in the inactive file.

Motion seconded and discussion held thereon.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative, a majority of the delegates elected to the Convention and present voting in favor thereof.

Ordered, That Proposition No. 52 be placed in the inactive file.

RECESS

On motion of Mr. Joaquin G. Blaz, and by unanimous consent, the session adjourned at 7:30 p.m., until Friday, May 22, 1970, at 7:00 p.m.

The Thirty-Fifth Special Session of the First Constitutional Convention of the Territory of Guam met pursuant to recess on Friday, May 22, 1970, at 7:30 p.m., at Convention Headquarters. Mr. Antonio M. Palomo, President of the Constitutional Convention, presided.

PROPOSITIONS ON SECOND READING

Proposition No. 34

Mr. Jose Barcinas moved to place Proposition No. 34 in the inactive file. Seconded.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative, a majority of the delegates elected to the Convention and present voting in favor thereof.

Ordered, That Proposition No. 34 be placed in the inactive file.

Proposition No. 53

Mr. Francisco R. Santos moved to place Proposition No. 53 in the inactive file. Seconded and discussion held thereon.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative, a majority of the delegates elected to the Convention and present voting in favor thereof.

Ordered, That Proposition No. 53 be placed in the inactive file.

Proposition No. 47

Mr. Jose L. Cepeda moved to place Proposition No. 47 on the order of third reading. Seconded and discussion held thereon.

Mr. Santos moved to pass Proposition No. 47 on top of the file until the next session. Seconded.

Mr. President put the question whether the Convention would agree to Mr. Santos' motion and it was determined in the affirmative, a majority of the delegates elected to the Convention and present voting in favor thereof.

Proposition No. 25

Mr. Joe T. San Agustin moved to pass Proposition No. 25 on file until next session. Seconded.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative, a majority of the delegates elected to the Convention and present voting in favor thereof.

Proposition No. 16

Discussion held on Proposition No. 16.

Mr. Joseph F. Ada moved to place Proposition No. 16 on the order of third reading. Seconded.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the negative, a majority of the delegates elected to the Convention and present not voting in favor thereof.

Mr. Francisco R. Santos moved to place said proposition in the inactive file. Seconded and discussion held thereon.

Mr. Joseph F. Ada moved that the bill now pending before the United States Congress be substituted for Proposition No. 16. Seconded and discussion held thereon.

Mr. Joe T. San Agustin moved that said proposition be referred to the Executive Committee. Seconded. (Mr. Ada withdrew his motion)

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative, a majority of the delegates elected to the Convention and present voting in favor thereof.

Ordered, That Proposition No. 16 be referred to the Executive Committee.

Proposition No.54

Mr. Joe T. San Agustin moved to place Proposition No. 54 in the inactive file. Seconded.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative, a majority of the delegates elected to the Convention and present voting in favor thereof.

Ordered, That Proposition No. 54 be placed in the inactive file.

Proposition No. 13

Mr. Francisco B. Aguon moved to place Proposition No. 13 in the inactive file. Seconded.

Mr. Joseph F. Ada moved to amend Proposition No.13 as follows:

Page 1, line 9, strike out the word "persons" and insert the words "local residents".

Page 1, line 10, strike out the words "of Guamanian ancestry".

Page 1, line 11, strike out the word "Guamanians" and insert the words "local residents".

Page 1, line 13, strike out the words "persons of Guamanian" and insert the words "local residents".

Page 1, line 14, strike out the word "ancestry".

Motion seconded and discussion held thereon.

Mr. President put the question whether the Convention would agree to said amendment and it was determined in the negative, a majority of the delegates elected to the Convention and present not voting in favor thereof.

Mr. President put the question whether the Convention would agree to Mr. Aguon's motion and it was determined in the affirmative, a majority of the delegates elected to the Convention and present voting in favor thereof.

Ordered, That Proposition No. 13 be placed in the inactive file.

Proposition No. 8

Mr. Joe T. San Agustin moved to amend Proposition No. 8 as follows:

Page 1, line 7, strike out the word "recommend" and insert the word "submit", after the word "legislature" insert the words "for ratification by resolution".

Page 1, line 8, strike out the words "changes therein" and insert the words "overall reorganization plans".

Motion seconded and discussion held thereon.

Mr. President put the question whether the Convention would agree to said amendment and it was determined in the affirmative, a majority of the delegates elected to the Convention and present voting in favor thereof.

Mr. Francisco R. Santos moved to place Proposition No. 8 as amended on the order of third reading. Seconded.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative, a majority of the delegates elected to the Convention and present voting in favor thereof.

Ordered, That Proposition No. 8 be placed on the order of third reading.

Proposition No. 27

Mr. Gregorio M. Borja moved to place Proposition No. 27 on the order of third reading. Seconded.

Mr. Francisco B. Aguon moved to refer said proposition No. 27 to the Executive Committee. No second, motion defeated.

Discussion continued on Proposition No. 27

Mr. Gregorio M. Borja moved to refer Proposition No. 27 to the Executive Committee. Seconded.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative, a majority of the delegates elected to the Convention and present voting in favor thereof.

Ordered, That Proposition No. 27 be referred to the Executive Committee.

Proposition No. 51

Mr. Joe T. San Agustin moved to place Proposition No. 51 on the order of third reading. Seconded and discussion held thereon.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative, a majority of the delegates elected to the Convention and present voting in favor thereof.

Ordered, That Proposition No. 51 be placed on the order of third reading.

Proposition No. 40

Mr. Gregorio M. Borja moved to place Proposition No. 40 on the order of third reading. Seconded and discussion held thereon.


Mr. Borja withdrew his motion and moved to pass Proposition No. 40 on file. Seconded.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative, a majority of the delegates elected to the Convention and present voting in favor thereof.

ADJOURNMENT

On motion of Mr. Francisco R. Santos, and by unanimous consent, the meeting adjourned at 9:20 p.m.


Leonotia J. Miller, Recorder


ANTONIO M. PALOMO, PRESIDENT


BETTY S. GUERRERO, SECRETARY