

FIRST CONSTITUTIONAL CONVENTION
OF THE TERRITORY OF GUAM

Twenty-Sixth General Session - 23 March 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
 - a. Proposition No. 4, Referred to Natural Resources Committee
 - b. Proposition No. 5, Referred to Natural Resources Committee
 - c. Proposition No. 6, Referred to Gubernatorial Committee
8. Reports of committees
 - a. Natural Resources Committee
 - b. Gubernatorial Committee
9. Propositions on second reading
 - a. Proposition No. 6
10. Proposition on special order of second and third reading
11. Propositions on special order of third reading
12. Propositions on third reading
13. Committee notices
14. Adjournment

FIRST CONSTITUTIONAL CONVENTION
OF THE TERRITORY OF GUAM

MINUTES OF MEETING

The Twenty-Sixth General Session of the First Constitutional Convention of the Territory of Guam convened at Convention Headquarters, at 7:15 p.m., March 23, 1970. Mr. Antonio M. Palomo, President of the Constitutional Convention, presided. The meeting was called to order.

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...

Our Father, God of mercy and love, look with kindness upon your servants assembled here this evening. Grant them the favor of your assistance and guidance that what they seek for the good of your people in this territory, they will truly accomplish through their diligent study and revision of the Organic Act. May they be filled with that charity that should be in all of us. Grant them what they pray for in the name of your Son, Our Lord and Savior, Jesus Christ. AMEN.

In the Name of the Father and of the Son and of the Holy Spirit. AMEN."

ROLL CALL

Roll call was taken. The following delegates were present:

Tomas F. Mendiola, Jose C. Quintanilla, Charles F. Toves, Joe Nededog, Joaquin G. Blaz, Joe T. San Agustin, Betty S. Guerrero, Jose P. San Nicolas, Lorenzo T. Siguenza, Jose R. Rivera, Gregorio M. Borja, Joseph B. Cruz, Francisco R. Santos, Frank G. Lujan, James S. Brooks, Antonio M. Palomo, Adrian C. Sanchez, Robert E. Leon Guerrero, Joseph F. Ada, Tomas T. Aguon, Antonio A. Calvo, Juan G. Blas, Francisco B. Aguon.

Absent: Howard G. Trapp, Rufo L. Calvo, David S. Terlaje, Jose B. Santos, Vicente M. Angoco, Pedro A. E. Manibusan, Jesus S. Camacho, Jose L. Cepeda, Franklin J. Quitugua, Pilar C. Lujan, Enrique L. G. Untalan, Jose M. Garrido, Malcolm H. Merrill, Jr., William A. Flores, Jose T. Barcinas, Theodore Nelson, Joaquin V. E. Manibusan, Jose S. Lizama, Lorenzo C. Leon Guerrero.

There was a quorum present.

LEAVE OF ABSENCE

Mr. Joseph Ada reported that Mr. William Flores asked to be excused. Mr. Antonio Palomo reported that Mr. Vicente Angoco asked to be excused. Without objection the above named individuals were excused.

APPROVAL OF MINUTES

It was moved, seconded, and carried that the minutes of the previous session be approved.

PRIVILEGE OF THE FLOOR

Mr. Jose Rivera moved to suspend the rules in order to elect a Sergeant-at-Arms. Seconded.

Without objection the rules were suspended.

Mr. Palomo asked for nominations for the office of Sergeant-at-Arms.

Mr. Joaquin G. Blaz nominated Mr. Basilio P. Torres, present Clerk IV, for the office of Sergeant-at-Arms. Seconded. Mr. Jose Quintanilla moved that the nominations be closed. Seconded and carried.

Mr. Basilio Torres was elected Sergeant-at-Arms by acclamation.

COMMUNICATIONS

There were none.

INTRODUCTION OF PROPOSITIONS & RESOLUTIONS & REFERENCES TO COMMITTEE

Mr. Palomo asked the Administrative Secretary to give Propositions Nos. 4, 5, and 6 first reading.

The secretary read....

Proposition No. 4, introduced by Lorenzo T. Siguenza, as Chairman of the Committee on Natural Resources -

A PROPOSITION TO ADD NEW SUBSECTION (v) TO SECTION 5 OF THE ORGANIC ACT OF GUAM AND TO AMEND SUBSECTION (c) OF SECTION 9 OF SAID ORGANIC ACT TO INCLUDE WITHIN GUAM'S BILL OF RIGHTS THE RIGHT TO AN UNPOLLUTED ENVIRONMENT AND TO REQUIRE WITHIN THE EXECUTIVE BRANCH AN INTEGRATED DEPARTMENT OF LAND AND NATURAL RESOURCES.

Proposition No. 5, introduced by Francisco B. Aguon, Lorenzo T. Siguenza, and Robert E. Leon Guerrero -

A PROPOSITION TO ADD SUBSECTION (c) TO SECTION 29 OF THE ORGANIC ACT OF GUAM TO REQUIRE THE CONSERVATION AND PROTECTION OF NATURAL RESOURCES, SCENIC BEAUTY AND THE DEVELOPMENT AND IMPROVEMENT OF AGRICULTURAL LAND.

Proposition No. 6, introduced by Francisco B. Aguon, as Chairman of the Committee on Gubernatorial Powers -

A PROPOSITION TO AMEND SECTION 9-A OF THE ORGANIC ACT OF GUAM TO CHANGE THE APPOINTING OFFICER OF THE GOVERNMENT COMPTROLLER FROM THE SECRETARY OF THE INTERIOR TO THE COMPTROLLER GENERAL.

REPORTS OF COMMITTEES

Mr. Palomo announced that there were two reports, one from the Natural Resources Committee and one from the Gubernatorial Powers Committee. At the request of Mr. Palomo the Administrative Secretary read the following correspondence:

- (1) A letter from Mr. Lorenzo T. Siguenza, Chairman of the Committee on Natural Resources, transmitting the committee's report.
- (2) A letter from Mr. Francisco B. Aguon, Chairman of the Gubernatorial Powers Committee, reporting-out Proposition No. 6 favorably.

PROPOSITIONS ON SECOND READING

At the request of Mr. Palomo the Administrative Secretary gave Proposition No. 6 second reading.

Mr. Francisco Aguon moved that Proposition No. 6 be placed on third reading. Seconded.

Mr. Joe T. San Agustin pointed out that Proposition No. 6 appears to be contrary to the opinions expressed at the public hearings - the government comptroller should be reportable to the people of Guam and not to the Comptroller General of the United States. Mr. San Agustin pointed out that the only basic change was that the government comptroller be appointed by the Comptroller General. Since this proposition does not change the government comptroller's functions, he is still over and above the three branches of the government of Guam. He suggested that Proposition No. 6 be amended to allow the Governor to appoint the government comptroller for Guam subject to the advice and consent of the Guam Legislature for a term of, for example, 14 years.

Mr. James S. Brooks, in support of Mr. San Agustin's comments, felt that the government comptroller should be reportable to the people. He asked why subsection (i) was deleted - it appears that although the government comptroller has the power to make reports, it doesn't state how they should be delivered or to whom.

Mr. Francisco B. Aguon replied that the Comptroller General is answerable to himself and the Congress of the United States rather than the Department of the Interior. The Comptroller General is answerable to the President, as stated in the basic law of Guam - why include it in the Organic Act.

Mr. Brooks stated that if the Comptroller General is not required to report to the Governor, these reports could be withheld.

Mr. Aguon pointed out that this was taken care of on page 2, line 33 through page 3, line 6. (Proposition No. 6)

Mr. Adrian C. Sanchez, in answer to Mr. Brooks' question, replied that since the comptroller is the responsible officer and the report will go to him, lines 6 through 11 are not necessary. Mr. Sanchez stated that in his review of the minutes of the public hearings he found that the people felt that the comptroller's office is necessary. The only objection the people have is that the comptroller is being paid by government of Guam funds. He added that the reason that the appointing officer was changed from the Secretary of the Interior to the Comptroller General is to be in line with the States.

Mr. Joaquin Elaz stated that he was opposed to the motion. He said that he attended the public hearings, and the people expressed a desire to have a "watchdog", but did not necessarily want a comptroller appointed by the government or federal agency. He suggested that if the comptroller was accountable to the people of Guam that this would satisfy the desires of the people of Guam. He stated that since his committee (Taxation and Finance) has been studying this matter, perhaps it should be referred to the committee on Taxation and Finance.

Mr. Joseph F. Ada stated that he felt the committee was negligent in presenting the facts at the public hearings concerning the comptroller. He mentioned a few of the points brought out about the comptroller in a letter from Mr. Floyd W. Fagg, U. S. Government Comptroller for Guam, which was addressed to Mr. Antonio M. Palomo, President of the First Constitutional Convention. (A copy of this letter is available at Convention Headquarters.) Mr. Ada was opposed to the idea that the government comptroller be accountable to the people of Guam. He felt that the federal comptroller should be accountable to the federal government, since the money derived from that office is in part from federal funds reverted back to the government of Guam. He felt that some code of ethics might be applied - elimination of conflict of interests could be a factor, and pressure from the public another. He stated that he was satisfied with the present function of the government comptroller, since his direct function is only to report facts, figures, and recommendations to the government of Guam - to aid the government of Guam in the matter of finance and management auditing. He stated that the comptroller is not a "watchdog"; a comptroller tries to make recommendations for improvement. Mr. Ada stated that he was in favor of Proposition No. 6.

Mrs. Betty S. Guerrero asked the following questions of the Gubernatorial Powers Committee:

- (1) Why did the committee recommend that the government comptroller be appointed by the Comptroller General of the United States in lieu of the Secretary of the Interior?
- (2) Did the committee make an analysis or study of the legislative intent of the United States Congress in insisting that this provision be inserted into the Organic Act?

- (3) The Governor of Guam was appointed since 1950, but will be elected November, 1970. It appears that Guam is going backward rather than forward - she asked the committee to analyze this area.
- (4) Guam is not a state but an unincorporated territory. She pointed out that there are states that have been allotted millions in federal grants-in-aid, elect a governor, but have no such comptroller general in their state constitution, nor is there a provision in the United States Constitution. She requested the committee to analyze this area.

Mrs. Guerrero felt, in view of the facts presented, that the appointing officer should remain as the Secretary of the Interior because he is the administering agent for the federal government in all the possessions and territories. She added that all aspects should be considered before Proposition No. 6 is placed on third reading.

Mr. Francisco R. Santos stated that in view of the comments of the delegates present, he felt Proposition No. 6 required further study in the Gubernatorial Powers Committee and the Taxation and Finance Committee. Mr. Santos moved that Proposition No. 6 be referred to a joint-committee, comprised of the Gubernatorial Powers Committee and the Taxation and Finance Committee, for further study. Seconded.

Mr. San Agustin stated that he was in favor of referring Proposition No. 6 to a joint-committee. He urged the committee to review all the recommendations made by the delegates.

Mr. Sanchez stated that he did not object to a joint referral. He pointed out that all the delegates should read the public hearings minutes and be prepared to comment on the floor when the proposition is reported out.

Mrs. Guerrero felt that the recommendation from the committee should be based on solid foundation data, not only on the public hearings minutes. She asked the committee to consider how the office of the Comptroller General can operate on a, for example, \$200,000 budget without infringing on the administrative function of the executive branch of the government of Guam.

Mr. Jose Quintanilla stated that he was in favor of referring Proposition No. 6 to a joint-committee. He urged the committee to consider the opinions expressed by the people of Guam.

Mr. Santos stated that the question on the floor was to refer Proposition No. 6 to a joint-committee.

A vote was taken on the above question and carried.

PROPOSITIONS ON SPECIAL ORDER OF SECOND AND THIRD READING

There were none.

PROPOSITIONS ON SPECIAL ORDER OF THIRD READING

There were none.

PROPOSITIONS ON THIRD READING

There were none.

COMMITTEE NOTICES

Mr. Palomo announced that commencing next week, the Executive Committee will meet each Monday at 12 noon, at the Convention office.

Mr. Aguon announced that the joint-committee of Gubernatorial Powers Committee and the Taxation and Finance Committee will meet on Wednesday, at 10:00 a.m., at Convention Headquarters.

ADJOURNMENT

It was moved, seconded, and carried to adjourn at 8:10 p.m.


LEONOTIA J. MILLER
Administrative Secretary

APPROVED BY:


ANTONIO M. PALOMO, President


BETTY S. GUERRERO, Secretary