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FIRST CONSTITUTIONAL CONVENTION OF THE TERRITORY OF GUAM

Twenty-Fifth General Session 16 March 1970

A G E N D A

1. Call to order
2. Prayer
3. Roll Call
4. Leave of absence
5. Approval of minutes of previous session
6. Communications
 1. Letter from Vice-Chairman of the Executive Committee, Jose Quintanilla
 2. Letter from Chairman of the Committee on Convention Rules, Juan G. Blas
 3. Letter from Chairman of the Health & Social Services Committee, Robert Leon Guerrero
7. Introduction of Propositions and resolutions and references to committee
8. Reports of committees
 - a. Executive Committee
9. Propositions on second reading
 1. Resolution No. 9
 2. Resolution No. 10-A
 3. Proposition No. 1
10. Propositions 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. Privilege of the floor
15. Adjournment

FIRST CONSTITUTIONAL CONVENTION
OF THE TERRITORY OF GUAM

MINUTES OF MEETING

The Twenty-Fifth General Session of the First Constitutional Convention of the Territory of Guam convened at the Guam Legislature at 7:15 p.m., March 16, 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... Almighty Father we beseech you mercifully hear the prayers of your servants and grant them what they ask for according to your will. Heavy is the burden of their responsibility, only your assistance can lighten that burden. Favor them also with your guidance so that they will be able to willingly work with one another, gleaning from each other positive contribution of thoughts and ideas that will be most beneficial to what this Convention seeks to accomplish. Hear their prayers O Heavenly Father, in the Name of Jesus Christ, Our Lord and Savior. 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, Rufo L. Calvo, Jose C. Quintanilla, Charles F. Toves, Joe Nededog, Vicente M. Angoco, Joaquin G. Blaz, Jose L. Cepeda, Joe T. San Agustin, Betty S. Guerrero, Lorenzo T. Siguenza, Jose R. Rivera, Gregorio M. Berja, Joseph B. Cruz, Francisco R. Santos, Joaquin V. E. Manibusan, Frank G. Lujan, Jose S. Lizama, James S. Brooks, Antonio M. Palomo, Adrian C. Sanchez, Robert E. Leon Guerrero, Joseph F. Ada, Tomas T. Aguon, Antonio A. Calvo, Francisco B. Aguon.

Absent: Howard G. Trapp, David S. Terlaje, Jose B. Santos, Pedro A. E. Manibusan, Jesus S. Camacho, Franklin J. Quitugua, Pilar C. Lujan, Enrique L. G. Untalan, Jose M. Garrido, Jose P. San Nicolas, Malcolm H. Merrill, Jr., William A. Flores, Theodore Nelson, Juan G. Bãas, Lorenzo C. Leon Guerrero, Jose T. Barcinas.

A quorum was present.

LEAVE OF ABSENCE

Mr. Jose Cepeda reported that Mr. Pedro A. E. Manibusan asked to be excused. Mr. Palomo reported that Mr. David S. Terlaje asked to be excused.

Without objection the above named individuals were excused.

APPROVAL OF MINUTES

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

COMMUNICATIONS

Mr. Palomo requested the Administrative Secretary to read the communications. The secretary read letters received from the following: Mr. Jose C. Quintanilla, Vice-Chairman of the Executive Committee, reporting out Resolution No. 9, Mr. Juan G. Blas, Chairman of the Committee on Convention Rules, reporting out Resolution No. 10, and Mr. Robert E. Leon Guerrero, Chairman of the Health and Social Services Committee, reporting out Proposition No. 1.

INTRODUCTION OF PROPOSITIONS AND RESOLUTIONS AND REFERENCES TO COMMITTEE

There were none.

REPORTS OF COMMITTEES

Mr. Frank Santos reported that the Legislative Powers Committee met Wednesday, March 11, 1970, for the purpose of finalizing its report. A copy of the report is attached.

Mr. Adrian Sanchez reported that the Political Status Committee met on Wednesday, February 25, 1970, to discuss their recommended changes to the Organic Act. He explained that the minutes of that meeting were distributed before the session, and requested the delegates to read them in order to discuss the proposition when it is presented to the Convention body.

Mr. Joe Nededog reported that the Committee on Legislative Organization met on Thursday, March 5, 1970, for the purpose of discussing their recommended changes to the Organic Act. A copy of the minutes of that meeting is attached.

Mr. Frank Aguon reported that the Governatorial Powers Committee met on Thursday, March 12, 1970, for the purpose of discussing Proposition No. 2 which was referred to their committee. The committee decided to table Proposition No. 2 until they submit their proposition on Section 9-A of the Organic Act.

Mr. Robert Leon Guerrero reported that the Committee on Health and Social Services met on Thursday, March 10, 1970, to discuss Proposition No. 1 relative to repealing Section 33-A of the Organic Act, and decided to recommend that Proposition No. 1 be approved.

PROPOSITIONS ON SECOND READING

The Administrative Secretary gave the following second reading:

Resolution No. 9
Resolution No. 10-A (formerly Resolution 10)
Proposition No. 1

PROPOSITIONS ON SPECIAL ORDER OF SECOND AND THIRD READING

RESOLUTION NO. 9

Mr. Jose Quintanilla moved that second reading be dispensed with and that Resolution No. 9 be given third reading. Seconded.

Mr. Frank Aguon moved that Resolution No. 9 be amended to read introduced by all delegates rather than the Executive Committee.

The motion was seconded and carried.

Mr. Frank Santos moved that "and deliver" be deleted from Resolution No. 9 (line 18, page 1). Motion seconded.

Mr. Joe San Agustin stated that he felt this denoted that the delegates would deliver the report to the U. S. Congress personally, which he is against.

Mrs. Betty Guerrero pointed out that this matter was discussed previously on the floor and justified in the supplemental budget request of \$25,000 (Resolution No. 8).

Mr. Jose Rivera felt that if this was left in, that it would not bar the entire delegation from delivering the final report.

Mrs. Guerrero stated that this could be construed as misuse of funds if not stated as justified in Resolution 8 - a certain amount was stated for off-island travel.

The motion was voted and defeated.

A vote was taken on Resolution No. 9 as amended and carried.

Mr. Sanchez requested that a vote be taken on Mr. Quintanilla's motion because of its important nature.

Without objection Resolution No. 9 was moved to third reading. The Administrative Secretary gave Resolution No. 9 third reading.

A vote was taken and Resolution No. 9 was duly adopted.

RESOLUTION 10-A

Mr. Jose Cepeda moved that second reading be dispensed with and Resolution 10-A be moved to third reading.

Mr. Frank Aguon moved that the time of the sessions be changed from 7:00 p.m. to 7:30 p.m. There was no second to this motion.

A vote was taken on Mr. Cepeda's Motion and carried unanimously.

The Administrative Secretary gave Resolution No. 10-A third reading. A vote was taken and Resolution No. 10-A was duly adopted.

PROPOSITION NO. 1

Mr. Robert Leon Guerrero moved that the Convention act immediately on Proposition No. 1. Motion seconded.

Mr. Joe San Agustin felt that Section 33-A should not be entirely deleted, but amended to include other drugs.

Mr. Brooks felt that if Section 33-A is left in the Organic Act, it would be inflexible. He felt the people would have no say-so in how they want the law set up. He added that the Proposition should go further, and state a time when this would take effect.

Mr. Cepeda, referring to Mr. San Agustin's and Mr. Brooks' questions, pointed out that these points were brought up when the Health and Social Services Committee met to discuss Proposition No. 1. He stated that in 1950 when the Organic Act was enacted, Guam had no actual law on drugs. Marihuana was at that time one of the most dangerous drugs in the United States, and he felt that is why it was included in Guam's Organic Act. Mr. Cepeda added that the committee planned to submit a proposition that would give the legislature the power to enact its own law in regards to marihuana and other drugs.

Mrs. Guerrero recommended that Section 33-A subsection (a) be retained, but she felt sub-section (b) and (c) could be repealed. She stated that there are no proven facts about the harmful affects of marihuana, however, studies indicate unfavorable psychological affects. She added that in view of these facts Section 33-A should not be entirely deleted.

Mr. Joseph Ada stated that it should be deleted in view of the fact that it is not in tune with present day standards.

Mr. Quintanilla felt that a proposition on Section 33-A should include enforcement at the local level and not leave it entirely to the federal agencies.

(Mr. Quintanilla took "the chair".)

Mr. Sanchez agreed that a time limit on repealing Section 33-A should be set up in order to allow the legislators time to enact legislation not only on marihuana but also other drugs.

Mr. Charles Toves felt that Section 33-A should be left in the Organic Act until it is proven harmless. If it is proven harmless, then the legislature can take action to get it repealed.

Mr. Aguon moved that Proposition No. 1 be referred back to the Committee on Health and Social Services. Motion seconded.

Mr. Frank Santos felt that the committee should recommend a proposition to set up a definite law instead of repealing the entire section of 33-A.

Mr. Antonio Palomo stated that the Organic Act is a basic law, and that Section 33-A is a legislative matter, therefore, it should be left to the legislature. He read a portion of a letter received from Mr. William J. D. Boyd, Assistant Director of the National Municipal League of New York, New York, "Finally at the very end of the Organic Act, it seems strange that Section 33-A should provide penalties for possession and sale of marihuana when it has nothing about the far more dangerous "hard" drugs and murder, treason, arson, kidnapping, etc. are not spelled out as crimes. Perhaps at the time the Organic Act was drafted or shortly thereafter Guam had a particular problem with marihuana. Certainly narcotics control has become a major problem throughout the nation but it would appear unwise to place such a prohibition in the constitution rather than allow it to be handled through normal statutory law. As it has now been proposed that the federal government change some of its laws regarding marihuana, it would seem poor for Guam to have frozen into its constitution a measure which could be in conflict with the federal statute". Mr. Palomo stated that he felt Section 29-A of the Organic Act was the basic law that takes care of marihuana.

Mr. San Agustin stated that he agreed that it was a legislative matter, but recommended that the committee submit a proposition that would make it mandatory for the legislature to enact a law pertaining to marihuana and other dangerous drugs.

Mrs. Guerrero stated that the provision should remain in the Organic Act regarding marihuana. It would be a safe-guard to retain Section 33-A (a) and (b) but subsection (c) could be deleted.

Mr. Ada pointed out that it has not been proven that marihuana is harmful. He felt if marihuana should be included in the Organic Act there should also be a provision made for other drugs - not only narcotics.

Mr. Rivera moved to go back to the previous question. Seconded and carried.

A vote was taken on Mr. Aguon's motion of referring Proposition No. 1 back to the Health and Social Services Committee and carried.

PROPOSITIONS ON THIRD READING

There were none.

COMMITTEE NOTICES

Mr. Brooks announced that the Committee on Style and Drafting will meet at Mr. Frank Lujan's office on Wednesday, March 18, 1970.

Mr. Aguon announced that the Gubernatorial Powers Committee will meet Tuesday, March 17, 1970, at 11:30 a.m., at Convention Headquarters.

PRIVILEGE OF THE FLOOR

Mr. Sanchez on Proposition No. 1, stated that each delegate should have been given an opportunity to speak on Proposition No. 1, and then referred back to the committee.

Mr. Rufo Calvo stated that because of Guam's location and being a "free-port", it should guard against the dangerous drug - opium.

Mr. Robert Leon Guerrero announced that the Health and Social Services Committee will meet, on Thursday, March 19, 1970, at 11:30 a.m., at Convention Headquarters.

Mrs. Guerrero urged the Health and Social Services Committee to consider Mr. Calvo's suggestion about opium as well as marijuana, and the danger these drugs pose to society.

Mr. Palomo thanked Mr. Adrian Sanchez, Mr. Joseph Ada, and Mr. Robert Leon Guerrero for co-sponsoring Proposition No. 1 on Section 33-A of the Organic Act. He added that he did not think it a proper to say a matter is not important because it is not in the Organic Act; a matter enacted by the legislature and signed by the governor is also important.

Mr. Ada requested the president to recognize any member that wishes to express his ideas and opinions before any action is taken on a proposition or resolution.

Mr. Quintanilla pointed out that the president was only following the wishes of the body.

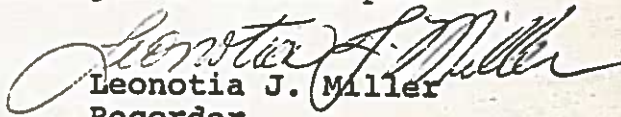
ADJOURNMENT

It was moved, seconded, and passed to adjourn at 8:45 p.m.

APPROVED BY:


ANTONIO M. PALOMO, President


BETTY S. GUERRERO, Secretary


Leonotia J. Miller
Recorder

LEGISLATIVE POWERS COMMITTEE'S REPORT

The Legislative Powers Committee, chaired by Frank Santos of Sinajana, decided to recommend the elimination of the sentence in Section 11 which reads, "...no public indebtedness of Guam shall be authorized or allowed in excess of 10 percentum of the aggregate tax valuation of the property in Guam."

In other words, the Government of Guam may not incur a debt larger than 10% of the value of taxable property on Guam.

It was felt by the committee that a 10% debt limitation is too restrictive and that it should be left up to the bonding experts, the Governor, and the legislature to decide on the amount of obligation or indebtedness to be incurred by the government.

The committee also discussed that portion of the Organic Act which states that the United States Congress reserves the power and authority to annul any law passed on Guam at any time.

Since the inception of the Organic Act, the Congress of the United States has never annulled or rejected any provisions passed by the local legislature. The committee felt that through this past record the Guam Legislature has demonstrated the ability to legislate laws in keeping with the traditions and philosophy of the Congress of the United States. Therefore, the committee decided to include in its recommendation the elimination of that phrase in the Organic Act recognizing the power of Congress to annul local laws.

The Legislative Powers Committee feels that a good basic law should be very general, and therefore, intends to avoid making recommendations which pertain to very specific areas. The committee members agreed that detailed statutes dealing with particular subjects should be left to the Guam Legislature.

Minutes of the Committee on Legislative Organization

Date: March 5, 1970

Members present: Joe Nededog, Chairman
Joaquin Blaz
Tomas Mendiola

The Committee on Legislative Organization met on Thursday, March 5, 1970, at 4:00 p.m., at Convention Headquarters.

Due to lack of quorum the members present held an informal discussion, and decided to make the following recommendations for changes to the Organic Act:

(1) Section 10(b) - ~~"The legislature shall be composed of not to exceed twenty-one members, to be known as senators, elected-at-large, or-elected-from-legislative-districts, or elected in part at large and in part from legislative districts, as the laws of Guam may direct..."~~

(2) Section 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. ~~The quorum of the legislature shall consist of eleven of its members.~~ No bill shall become a law unless it shall have been passed at a meeting at which a quorum was present by the affirmative vote of a majority two-thirds of the members present and voting of the legislature which vote shall be by yeas and nays."

(3) Section 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."~~ (The following was modeled after Hawaii's constitution)
"No member of the legislature shall hold any other public office under the Territory, nor shall he, during the term for which he is elected or appointed, be elected or appointed to any public office or employment which shall have been created, or the emoluments whereof shall have been increased, by legislative act during such term."

(4) The committee decided to recommend a minimum salary of \$15,000 a year for legislators.

The meeting adjourned at 5:45 p.m.