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### **FIRST CONSTITUTIONAL CONVENTION OF THE TERRITORY OF GUAM**

Twenty-Fourth General Session - 2 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 - Letter from Senator James T. Sablan
7. Address by Former Governor JOSEPH FLORES
8. Introduction of propositions and resolutions and references to committee
9. Reports of committees
10. Propositions on second reading
11. Propositions on special order of second and third reading
12. Propositions on special order of third reading
13. Propositions on third reading
14. Committee notices
15. Privilege of the floor
16. Adjournment

FIRST CONSTITUTIONAL CONVENTION  
OF THE TERRITORY OF GUAM

MINUTES OF MEETING

The Twenty-Fourth General Session of the First Constitutional Convention of the Territory of Guam convened at the Guam Legislature at 7:10 p.m., March 2, 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 and Eternal God, humbly we pray you for your guidance and assistance this evening. Again we are convened to study well the various possibilities wherein the Organic Act of our Territory may yield more of the privileges and rights due to full-fledge citizens of our country. May each of us discern well and correctly the heavy responsibility placed upon each of us by those who elected us in to this office of service. May each of us face the hard reality that without any harmonious and united effort, the wealth of diverse opinions cannot be reaped. Grant us the charity to be patient with one another, so that together, we may bring forth the result of our concerted efforts...the greater maturity of our people through the rights and privileges afforded them by the Organic Act of our Territory. We ask for all that we need 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, Joe Nededog, Vicente M. Angoco, Pedro A. E. Manibusan, Jacquin G. Blaz, Jose L. Cepedo, Franklin J. Quitugua, Joe T. San Agustin, Betty S. Guerrero, Jose P. San Nicolas, Lorenzo T. Siguenza, Theodore Nelson, Jose R. Rivera, Gregorio M. Borja, Joseph B. Cruz, Francisco R. Santos, Frank G. Lujan, Antonio M. Palomo, Adrian C. Sanchez, Robert E. Leon Guerrero, Joseph F. Ada, Juan G. Blas.

**Absent:**

Howard G. Trapp, Rufo L. Calvo, David S. Terlaje, Charles F. Toves, Jose B. Santos, Jesus S. Camacho, Pilar C. Lujan, Enrique L. G. Untalan, Jose M. Garrido, Malcolm H. Merrill, Jr., William A. Flores, Jose T. Barcinas, Joaquin V. E. Manibusan, Jose S. Lizana, Tomas T. Aguon, Antonio A. Calvo, Lorenzo C. Leon Guerrero, Francisco B. Aguon, James S. Brooks.

There was a quorum present.

LEAVE OF ABSENCE

Mr. Palomo reported that Joaquin V. E. Manibusan asked to be excused. Mr. Frank Lujan reported that Mrs. Pilar Lujan asked to be excused for the remainder of the sessions because she is off-island.

Without objection the above named individuals were excused.

Mr. Francisco Santos moved that the Convention excuse delegates who are abroad for educational purposes or government business.

The motion was seconded and carried.

APPROVAL OF MINUTES

Mr. Joe Nededog moved that the minutes of the twenty-second and twenty-third sessions be approved subject to correction. Seconded.

Mr. Pedro Manibusan noted that at the twenty-third session the official Chaplain did not offer the prayer.

Mr. Jose Cepeda pointed out that Mr. Pedro Manibusan delivered the prayer and not the official Chaplain.

Mr. Palomo stated that the record will show that Mr. Pedro Manibusan delivered the prayer.

The minutes of the twenty-second and twenty-third sessions were duly approved.

Mr. Jose Quintanilla moved to suspend the rules in order to hear the guest speaker, The Honorable Joseph Flores.

The motion was seconded and passed unanimously.

Mr. Palomo appointed Messers. Jose Quintanilla, Tomas Mandiola, and Joseph Ada to escort the speaker to and from the meeting hall.

Mr. Palomo introduced Mr. Flores. A copy of Mr. Flores' speech is appended to the minutes.

COMMUNICATIONS

Mr. Palomo requested the Administrative Secretary read a letter received from Mr. James T. Sablan. The Letter dated February 26, 1970, asked the Convention to consider Guam Legislature Resolution No. 352 which relates to alien immigration and naturalization laws.

INTRODUCTION OF PROPOSITIONS AND RESOLUTIONS AND REFERENCES TO COMMITTEE

Mr. Palomo explained that because of lack of time to prepare sufficient copies for the delegates, Resolution No. 9 and Resolution 10 would be read by the Administrative Secretary.

Resolution No. 9 - Relative to respectfully requesting the Governor to include in any call for a special session of the Legislature a supplemental budget for the expenses of the Convention. Introduced by the Executive Committee.

Resolution No. 10 - Relative to amending Rules II, VII, IX, XI, and XII and to repeal Rule VIII, of the rules of the Convention to conform to existing practices and for other purposes. Introduced by the Executive Committee.

Mr. Palomo noted that Resolution No. 9 will be referred to the Executive Committee and Resolution No. 10 will be referred to the Committee on Rules.

REPORTS OF COMMITTEES

Mr. Joseph Ada reported that the Bill of Rights Committee met on Thursday, February 26, 1970, with professors and students of the University of Guam. He stated that the purpose of the meeting was to discuss the pros and cons of academic freedom. Mr. Ada expressed his appreciation to the delegates who sat in other than the members of the Bill of Rights Committee - Messers. Joe San Agustin, Joaquin Blaz, and Antonio Palomo. He noted that member(s) present at the meeting was Mr. William Flores; excused from the meeting was Mr. Jose Quintanilla.

Mr. Adrian Sanchez reported that the Political Status Committee met on Wednesday, February 25, 1970, to discuss the political alternatives that the committee will recommend. Mr. Sanchez explained that the flier distributed before the session was not the minutes of the meeting; he would like to discuss the report as soon as it is made available to the members.

PROPOSITIONS ON SECOND READING

There were none.

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. Ada reported that the Bill of Rights Committee will meet on Wednesday, March 4, 1970, at 7:30 p.m., at Convention Headquarters.

Mr. Mededog reported that the Committee on Legislative Organization will meet on Thursday, March 5, 1970, at 4:00 p.m., at Convention Headquarters.

Mr. Sanchez reported that the Political Status Committee had its final meeting February 25, 1970. He added that the committee will only meet if the Convention feels it is necessary.

Mr. Palomo pointed out that according to the rules the Convention meets every first and third Monday night of each month. Because time is running out, he suggested that the Convention meet the following Monday (March 9, 1970). He asked the pleasure of the house - any objection.

Mr. Joe Agustin stated that he had no objection provided the material is provided in order to discuss the propositions.

Mr. Adrian Sanchez objected to meeting every week. He pointed out that the regularly scheduled meetings are not well attended. He felt that if the Convention could get a quorum at the regularly scheduled meetings a lot could be accomplished. He felt that calling for an additional meeting would be an imposition and would not accomplish any more than what has already been accomplished.

Mr. Ada felt that more delegates will start attending the sessions now, because of the nature of the work to be accomplished.

Mrs. Betty Guerrero stated that she agreed with the chairman. She felt meeting every Monday night is necessary because - (1) The Convention is in dire need of time (2) There appears to be some conflict or possible misunderstanding as to the interpretation of the new rules. She pointed out that the assistant vice-presidents should get together with the chairmen of their respective committees and come up with some organization as to how they will present their propositions regarding each committee accordingly. She suggested that an analysis of the public hearings be brought to the attention of the Convention.

Mr. Sanchez pointed out that he does not mind coming to the sessions even when there is no quorum, but he does object to wasting time. He mentioned the deadlines, and suggested the committees should meet every day, get their reports completed, and present them to the Convention in order to be discussed. He added that he felt it was a waste of time to meet unless these reports are ready to be discussed.

Mrs. Guerrero stated that she was apprehensive about the outline of the agenda regarding propositions. She stated that she did not like to have the proposition dispensed with on the second reading, entered into a third reading, and finally to a vote, especially on issues that are so controversial. She felt these propositions should be submitted on time to give the delegates ample time to analyze them - this would justify a weekly meeting.

Mr. Santos raised a point of order - he stated that the question was if the Convention is going to meet the following Monday.

Mr. Palomo noted that Mr. Santos' point was well taken. He added that the reason "the chair" brought this matter up is because it requires unanimous consent of the Convention to suspend the rules.

#### PRIVILEGES OF THE FLOOR

Mr. Ada requested "the chair" to do everything in its power to insure that at least 3/4 of the members attend each session. He felt the delegates were elected by the people and these delegates' ideas would probably be the new Organic Act of Guam's law - these people should be represented by their delegates. He suggested that punitive action should be taken; each member should be required to attend 3/4 of the remaining sessions. If the member does not attend, his name should not appear on the final report, other than the ones excused for education studies.


Mr. Frank Santos asked that in the event that the Governor fails to call a special session to the Legislature and also fails to include the supplemental request of \$25,000, what is the Convention's next move.

Mr. Palomo replied that the Executive Committee has considered that possibility. He stated that in the event that the Governor does not call a special session or no action on the Convention's request, the committee members agreed that the job could be done provided the Convention completes its purpose except for the printing of the report.

Mr. Sanchez thanked the members of the Political Status Committee, even those who did not attend a lot of the public hearings, for completing their assigned task on time and having it ready for submission at this session. He added that the flier is out and the minutes of the meeting is available to the delegates for perusal and comments. He mentioned that the recommendation is ready, and thanked every member of the committee.

Mr. Ada stated that he heard that the Convention was asking too much in requesting that seven delegates be sent to Washington with the final report. He felt that the delegates would be in a better position to answer any questions Congress might have about the proposed amendments. He suggested that a resolution be drafted asking the Legislature that at least three delegates of the Constitutional Convention be sent to Washington, D.C.

It was moved, seconded, and passed without objection to adjourn at 8:20 p.m.

  
Leonotia J. Miller  
Recorder

APPROVED BY:

  
ANTONIO M. PALOMO, President

  
BETTY S. GUERRERO, Secretary

The Honorable Joseph Flores

Address to Constitutional Convention

March 2, 1970

Mr. President and my fellow Americans serving as Delegates of the First Constitutional Convention of the Territory of Guam.

With your kind indulgence, I should like, first of all, to thank you for the honor you have accorded me by inviting me to speak at this General Session of the Guam Constitutional Convention. Secondly, I should like to point out that I have advisedly and deliberately greeted you as my fellow Americans. All of us who were granted the great gift of American citizenship are Americans regardless of our various ancestral backgrounds or biological heritage. We are not citizens of the illustrious and to be respected nations of Spain, the Philippines, Mexico, Korea, Japan, Indonesia, Italy, or any other nation. We are citizens of the United States of America. It is to that nation, and to that nation alone that we, by nativity or freely expressed allegiance, belong. Consequently, while our ancestry might be marked by great diversity, our nationality is one and indivisible--it is American. As one who has used his God-given talents to enhance the cause of Americanism, and as one who freely and gladly served in the Armed Forces of the United States, and as one who has had the distinct honor and privilege as the American governor of the American territory of Guam; I stand here before you and say, without hesitation and with sincere pride, I am an American.

Some of you might be asking yourselves the question, "Why is Governor Flores stressing the fact that we are Americans?" In answer to your question I am compelled to say, "Americanism must be and is the very heart of this whole matter - this Constitutional Convention. You have been given a mandate by Public Law 9-244 and by the voters of this territory to conduct a comprehensive study of the current provisions of the Organic Act of Guam, to make recommendations as to changes in the Organic Act, to prepare a written report of your studies, and to submit copies of your report to the Guam Legislature, the Governor of Guam, the President of the Senate of the United States, and the Speaker of the House of Representatives of the United States of America. The following facts are indisputable:

1. The nationality of each and every delegate to this Convention is American. This is true because Section 15202 of the law which created this Convention says, in part, "Each delegate shall be a citizen of the United States..." As I mentioned previously, it is citizenship that determines the nation to which you belong; in other words, your nationality.
2. The Organic Act of Guam is an American law conceived and enacted by men whose thoughts and ideals were formulated by the cultural heritage and political traditions that evolved as the...



result of almost two centuries of experience with unique American political institutions.

3. In view of the fact that you and I are Americans and, further, in view of the fact that you have been authorized by an American legislature and elected by American voters to recommend changes in the basic law that determines the affairs of government in this American territory; you are legally and morally obligated to consider, discuss, and act in a manner that is in complete harmony with American cultural concepts and political traditions. If you fail to think and act in terms of American ideals, you will do a grave injustice to all who are presently residing in this territory and you will do irreparable damage to the hopes and aspirations of future generations of Americans, regardless of their ancestry, who will make Guam their home. My words concerning the fact that we are Americans and must, to the best of our ability, think and act like Americans, can best be summed up in the words of a great American of Guamanian ancestry who, while addressing a Congressional committee in Washington, D. C., in 1959 said, "There has been and always shall be one 'ism' in Guam and that is Americanism". Ladies and gentlemen, it has been twenty years since those words were spoken, and we have yet to hear or see any demonstration contrary to those words.

According to information released by your very efficient Public Information Office, your Political Status Committee has suggested six alternatives with respect to the political future of Guam. (1) independence, (2) incorporated territory, (3) commonwealth, (4) association with another country, (5) statehood, and (6) Maintenance of the present status of unincorporated territory. In view of all that I have just said concerning our American citizenship and heritage, I can give no consideration whatsoever to the ideas of independence or of association with another country. Moreover, in view of time limitations and other considerations I should like, at this time, to express some ideas related to the advantages and disadvantages of statehood. I do so because, recently, there has been a great deal of discussion concerning the possibility of statehood for Guam. I will, first of all, enumerate what I consider to be disadvantages related to statehood. They are as follows:

A. Guam's population is so small and its resources are so limited that it cannot, on its own, support a state government. In fact, at the present time several of the supposedly rich and highly industrialized states of the Union are finding it extremely difficult to meet their state payrolls. The state of Michigan is one example. It has been said, in a joking vein I'm sure, that there are just three things that Guam has plenty of, namely, coral, rainfall, and babies.

B. The attainment of statehood would, in all likelihood, mean that all income tax revenue that is now deposited in the

treasury of Guam to support the government of Guam would, instead, be turned over to the Federal government. I am sure you know that that consists of funds that amount to many millions of dollars - and its still mounting each year. To make up the difference, the government of Guam would probably be forced to impose many new taxes in order to maintain its operations. An even more frightening prospect is the possibility that the full burden of the federal tax system would be imposed on the people of Guam. By that I mean that we would have to pay many federal taxes from which we are now exempted.

C. Statehood would probably mean that Guam would no longer be a free port. Items from Japan, Australia, and other countries, that are now imported without tax, would become subject to federal taxes. This would have the effect of raising our cost of living which, as we all know, is already too high.

Now, if I may, I should like to discuss what I consider to be some of the advantages of statehood. They are as follows:

1. Statehood would give the voters of Guam the right to vote for the President of the United States.
2. It would strengthen the position of the elected governor of Guam by freeing him from certain obligations to the Department of Interior and would compel him to be directly and consistently responsive to the will of the electorate of Guam.
3. Achievement of statehood would provide an opportunity for maximum representation of the people by the members of the legislative branch of the government in accordance with a logical districting pattern and in conformity with the one-man one-vote principle.
4. One of the most important aspects of the achievement of statehood lies in the fact that Guam would be able to exercise real political power at the federal level. Under statehood, Guam would have two members in the United States Senate and at least one member in the House of Representatives. At the present time Guam has no legal representative in the Congress and cannot exercise meaningful influence on critical issues except through the good will and the good offices of members of Congress who are true friends of Guam.

I am sure that with regard to statehood, other advantages and disadvantages could be listed. I, however, have chosen to mention only a few.

Now, if I may, I should like to discuss briefly a matter that is not among the six alternatives listed by the Political Status Committee but, nevertheless, is directly related to the future political status of Guam and Micronesia as a whole. I refer, specifically, to the interesting and controversial issue of the reintegration of the

Marianas Islands. I believe that a more advanced political status for Guam and reintegration of the northern Marianas Islands with Guam are inseparably interwoven. Although our remote ancestors, whom the Spaniards called Chamorros, were eliminated from these islands; the neo-native population which developed here possesses similar cultural and ethnic characteristics which are shared by the people of both Guam and the northern Marianas. For this, and the following reasons as well, I believe that reintegration of the Marianas and advanced political status for this area must go hand in hand.

By itself, Guam will find it extremely difficult, if not impossible, to achieve statehood or some other highly advanced and sophisticated political status. Relative isolation, a small population, limited natural resources, and an almost complete lack of industry are factors that severely hinder the development of Guam to its maximum potential. Reintegration would, in all probability, greatly accelerate the development process. This would, in the main, be due to the fact that reintegration would provide additional opportunities for the expansion of tourism, agriculture, and fisheries--to name a few.

When commenting on matters related to reintegration of the Marianas Islands, I must admonish you and all others residing in the area under discussion to approach the matter with the utmost caution. After all, the northern Marianas do not belong to the United States. Consequently, any decisions affecting their future status will, in all likelihood, be made by the United Nations. In our desire to effectuate reintegration of the Marianas Islands we, as Americans, must do nothing that might discredit or embarrass our mother country.

Recent press reports indicate that previous speakers who have addressed this very excellent body have presented for your consideration specific changes that should be made in the Organic Act of Guam. That is as it should be and, consequently, I should like to do likewise. However, I shall limit myself to one suggested change. But the change which I am about to suggest is, in my opinion at least, the most important that can possibly be made--important in terms of the implications that it holds for the progress and welfare of generations yet unborn who will live in this beloved place which we call Guam.

Before pursuing this matter further I should like, if I may, to make a brief personal reference. Although I do not frequently think of myself as being an old man, I would be deceiving you, and myself, if I tried to lead you to believe that I am a young man. Indeed, in terms of the words of the Scriptures, I have just about reached my "three score and ten" years. Moreover, among the honors that have been bestowed on me is that of having been permitted to serve as a statesman in the capacity of governor of this territory. Consequently, in view of the fact that I have already received the highest honors that it has been within the power of this government to bestow; I do not seek other honors or offices, elective or otherwise, for myself.

Rather, I am content to be able to make what I hope are constructive suggestions in the role of older statesman--a role to which I have been graciously consigned by some of my peers.

Now--to my suggestion. If you have not already done so, I suggest--indeed I urge without hesitation or reservation--that you recommend that Section 29--(b) of the Organic Act of Guam be eliminated or, at least, drastically changed. As you know, Section 29--(b) reads as follows: "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."

As most of you know from your studies, American public education traditionally has been and is established, maintained, and operated by and through the expressed will of the people. If you have not already done so, I urge you to study the pertinent sections in the constitutions of all the states in the Union. If you do, you will quickly be overwhelmed by the very obvious fact that American public education is not controlled or operated by any one particular individual. Indeed, you will find that pertinent educational sections in our various state constitutions were designed so as to insure that ultimate responsibility for operating the schools remained, through the power of the ballot, in the hands of the people.

God forbid that such a thing should ever happen, but I submit that as Section 29--(b) now reads, an overly ambitious man might, in the future, interpret the word operate literally and proceed to subvert the schools and make them completely responsive to his will rather than to the will of the people. This must never be permitted to happen in America, and Guam is America.

I am especially concerned about this matter because, as you know, Guam has now entered a period of rapid and drastic change. The social, political, and economic forces at work here are making cultural, occupational, and psychological demands on our people such as they have never experienced before. Education, in my opinion, is the principal tool available to us for coping with these new demands and, indeed, for insuring our cultural survival. Most of you, I am sure, are familiar with the passage in the Scriptures to the effect that "every man who hears these words of mine and does not do them will be like a foolish man who built his house upon the sand; and the rain fell, and the floods came, and the winds blew and beat against the house, and it fell; and great was the fall".

In my opinion, the house which you and I must strive to build here is the house of American democracy. That house can be built only on a solid educational foundation which is not established, maintained, and operated by one man but, rather, is established, maintained, and operated by all the people.

For your gracious invitation to address you ladies and gentlemen, again I say, with utmost sincerity, Thank You and May God Bless All Your Endeavors.