

CONSTITUTIONAL CONVENTION OF GUAM

SECOND ORGANIZATIONAL SESSION

Tuesday, May 10, 1977

CALL TO ORDER: At 1:15 p.m., Delegate Carl T. C. Gutierrez, President of the First Constitutional Convention, called the Second Organizational Session to order.

The presence of thirty-one delegates was recorded.

PRAYER: Delegate Thomas C. Crisostomo of Talofofo rendered the day's prayer.

CORRECTION OF THE JOURNAL:

Delegate Vicente P. Perez moved that the Journal of the First Organizational Session of the Constitutional Convention of Guam be approved subject to correction. The motion was seconded by Delegate Theodore Nelson.

Without objection the Journal of the First Organization Session, dated May 4, 1977, was approved subject to correction.

COMMUNICATIONS: Six communications were read:

1. Letter of Delegate Ernesto A. Natividad, dated May 4, 1977, requesting that he be granted leave of absence from May 4, 1977 to June 20, 1977 - See Appendix I
2. Letter of Senator Frank F. Blas, dated May 6, 1977, congratulating Delegate Gutierrez upon his election as President of the Guam Constitutional Convention - See Appendix II
3. Letter from Judith Paulette Guthertz, dated May 6, 1977, presenting to each delegate a copy of "PROJECT RAINBOW: A CONSTITUTION FOR GUAM." - See Appendix III
4. Letter from Senator Antonio M. Palomo, Chairman of the Committee on Territorial/Federal Affairs, Fourteenth Guam Legislature, submitting proposals of two organizations who have indicated a desire to assist the Constitutional Convention - See Appendix IV
5. Memorandum of President Gutierrez to Senator Jose R. Duenas, dated May 9, 1977, requesting for the utilization of the services of Mrs. Jane Lizama by the First Constitutional Convention Organizational Sessions - See Appendix V

6. Letter of Mr. Domingo Cruz, Senior Sales Representative, Xerox Corporation, dated May 9, 1977, relative to the Corporation's proposal for rental of Xerox Machines - See Appendix VI

APPOINTMENTS:

The Chair announced the appointment of the following individuals on a temporary basis:

Andrew M. Gayle, Esquire - Counsel and Parliamentarian
Mr. Antonio Perez - Sergeant-at-Arms
Mrs. Jane Lizama - Recording Secretary
Mr. Greg Guerrero - PA and Recording Technician

REPORTS: The following report was read:

May 10, 1977

Carl T. C. Gutierrez, President
Constitutional Convention - 1977

Dear Mr. President:

Enclosed herewith is the proposal by the Standing Rules Committee to adopt the attached rules to govern this convention:

"That the Convention adopt the rules contained in the Robert's Rules of Order, Newly Revised Edition, and that these rules shall govern the Convention in all cases to which they are applicable and in which they are not inconsistent to these rules."

Sincerely,

/s/Frank Cepeda Guzman
FRANK CEPEDA GUZMAN
Chairman
Standing Rules Committee

Enclosures - See Appendix VII for copy of Rules

Also, under this order of business, the Chair noted the receipt of a report from the Site Selection Committee.

Mr. Steve Eichner, Chairman of the Site Selection Committee, reported that the Committee looked into five places where office space was known to be available: the Pacific Arcade, the Bank of Tokyo of California, the GITC Building, the Bank of America Finance Division in the GCIC Building, and the Duenas Building in Maite.

Mr. Eichner briefly outlined the advantages and disadvantages of the respective sites. He informed that the Committee has recommended on

three choices: the Pacific Arcade, the Bank of Tokyo of California, and the combination of the first floor area of the Bank of America Finance and the smaller room at the Pacific Arcade.

Based on the report of the Site Selection Committee, Delegate Theodore Nelson moved, seconded by Delegate Vicente Perez, that the Convention accept the Bank of Tokyo of California as its meeting site, subject to a report at the next meeting as to the total amount needed to lease same, including the cost of partitioning the walls.

After discussion on Delegate Nelson's motion, and upon the question being put, the same was carried.

ADOPTION OF RULES OF CONSTITUTIONAL CONVENTION:

Delegate Mark Martinez moved, seconded by Delegate Anthony Leon Guerrero, that the Convention resolve itself into a Committee of the Whole for the purpose of discussing the draft of Rules of the Guam Constitutional Convention, and that the Chairman of the Standing Rules & By-Laws Committee preside as Chairman of said Committee of the Whole. The motion being put, the same was carried.

The Committee of the Whole having accomplished its purpose, Delegate Frank C. Guzman, Chairman of the Standing Rules & By-Laws Committee, reported that the Committee of the Whole has discussed the draft and recommends that the same as amended be adopted as the Standing Rules of the Guam Constitutional Convention.

On the adoption of the Rules, the question was put to a vote, and the same was carried.

RECOGNITION OF UNIVERSITY OF GUAM STUDENTS ENROLLED IN PA 402:

At this stage of the proceedings, Delegate Judith Guthertz rose to recognize the students enrolled in the PA 402 course at the University of Guam. She reported that these students prepared the manuscript entitled "PROJECT RAINBOW: A CONSTITUTION FOR GUAM", copies of which were presented to each delegate.

Delegate Guthertz requested that a resolution be introduced to commend the students for their work on the project, whereupon the Chair informed her that such will be done when the Convention convenes its regular session.

NEW BUSINESS:

Delegate Anthony Leon Guerrero inquired when the election of other officers would be conducted. In this regard, he moved that the election of other officers be included in the agenda for next session. The motion was seconded by Delegate Mark Martinez, and upon the question being put, the same was carried.

Delegate Vicente Perez moved, seconded by Delegate Theodore Nelson, that the proposal to amend the Rules relative to announcements for job opportunities and contractual services needed for the operation of the Convention be included in the agenda for next meeting. The motion being put, the same was carried.

Delegate Mark Martinez moved that a proposal to amend the Rules to require that the Constitution be also written in Chamorro be included in the agenda for next session. The Chair ordered that such proposal be first submitted in writing.

MOTION TO ADJOURN:

Delegate Theodore Nelson moved, seconded by Delegate Vicente Perez, that the Convention adjourn and the President schedule the date for the Third Organizational Meeting. The motion being put, the same was carried whereupon the Chair declared the session adjourned at 5:20 p.m.

Respectfully submitted,

Jane A. Lizama

JANE A. LIZAMA

Recording Secretary (Temporary)

APPROVED:

Carl T. C. Gutierrez
CARL T. C. GUTIERREZ
President

May 4, 1977

President
First Constitutional Convention
Agana, Guam 96910

Dear Mr. President:

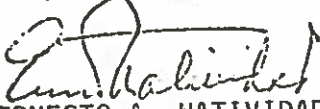
It is hereby requested that I be granted leave of absence from May 4, 1977 to June 20, 1977 from the Constitution Convention Session for personal and family reasons.

It is necessary for me to leave Guam for the states tonight to settle my problems.

Your favorable consideration of this request would be greatly appreciated.

Thank you very much.

Respectfully yours,


ERNESTO A. NATIVIDAD
Member
First Constitutional Convention

APPENDIX I

DR FRANK F. BLAS
CHAIRMAN
Committee on Commerce,
Industry & Transportation



Phone: 477-9120

FOURTEENTH GUAM LEGISLATURE
TERRITORY OF GUAM
P. O. BOX 373
AGANA, GUAM 96910

May 6, 1977

MEMBER

Committee on Rules

Committee on Finance
Taxation

Committee on Judiciary
Criminal Justice

Committee on Manpower,
Labor & Development

Committee on Education

Committee on Housing &
Community Development

Committee on Territorial
Internal Affairs

Honorable Carl T.C. Gutierrez
President
Guam Constitutional Convention
Agana, Guam

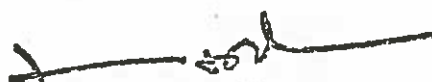
Dear Mr. President:

My congratulations to you upon your election to the Presidency of the Guam Constitutional Convention.

If your successful campaign for this position is any indication of the intensity and concern you will carry through to your new responsibilities, I know the Convention has selected the best leadership.

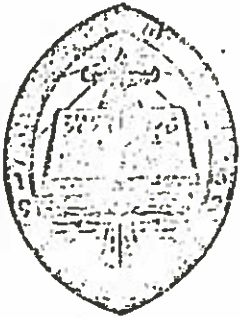
The drafting of Guam's first Constitution is indeed an exciting challenge and I would consider it an honor to assist you in any way that you find appropriate. Please do not hesitate to request my assistance at your convenience.

Sincerely yours,



FRANK F. BLAS

APPENDIX II



University of Guam

COLLEGE OF AGRICULTURE AND BUSINESS
P. O. BOX EK AGANA, GUAM 96910

Hon. Carl Gutierrez
President
Guam Constitutional Convention
Agana, Guam 96910

May 6, 1977

Dear President Gutierrez:

Permit me to take this opportunity to present to each and every Delegate of the Guam Constitutional Convention a copy of "PROJECT RAINBOW: A CONSTITUTION FOR GUAM."

The manuscripts were prepared by students enrolled in the PA 402 course during the just concluded Spring Semester at the University of Guam. The course title is PUBLIC ADMINISTRATION AND PUBLIC POLICY.

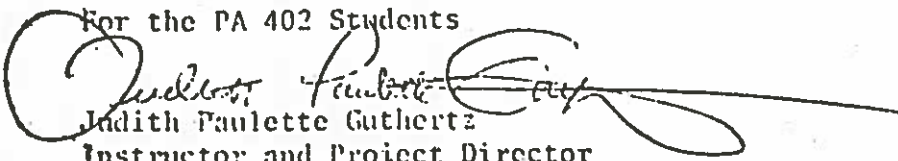
Throughout the Semester, the students researched their respective topics for Project Rainbow. Significantly, the students also conducted a public survey on possible issues the Convention will discuss. The survey involved over six-hundred (600) respondents from various villages and employment sectors of Guam.

Considering the fact that many of those involved in Project Rainbow are students and have had little first-hand experience in Government, I am sure you can appreciate the effort that went into their work on the Project. We are hopeful that all the Delegates will find the manuscripts useful in the monumental task ahead of them.

We would also like to take this opportunity to extend our appreciation to the 14th Guam Legislature for making it possible to duplicate "Project Rainbow" for the Delegates.

Project Rainbow represents citizens' participation in the best form possible. It is hoped that other members of the Guam community will also get involved in the making of the Guam Constitution.

For the PA 402 Students


Judith Paulette Guthertz
Instructor and Project Director



FOURTEENTH GUAM LEGISLATURE

COMMITTEE ON TERRITORIAL/FEDERAL AFFAIRS • AGANA, GUAM 96910

May 6, 1977

The Honorable Carl T.C. Gutierrez
President
Guam Constitutional Convention
P.O. Box 373
Agana, Guam 96910

Dear Mr. President:

During the recent past, several organizations have indicated a desire to assist the Guam Constitutional Convention in the formulation of the territory's first constitution.

Among these organizations are the State Legislative Leaders Foundation, and the Institute of International Law and Economic Development.

Submitted herewith are the two organizations' respective proposals. I would think that both are flexible enough to provide legal, research and consulting services based on the needs of the Convention.

I certainly will vouch for the professional capability and integrity of the two organizations.

Sincerely,

5-8-77
Plm

*Tom
There were no
proposals*

APPENDIX VI

SENATOR ANTONIO M. PALOMO, *Chairman*

State
Legislative
Leaders
Foundation



APR 18 1977

April 15, 1977

Sen. Antonio M. Palomo, Chairman
Committee on Territorial/Federal Affairs
Guam Legislature
Box 373
Agana, Guam 96910

Dear Senator:

Upon request, the State Legislative Leaders Foundation is prepared to furnish research and technical assistance to the Guam Legislature and the Guam Constitutional Convention, to assist in the drafting of a Constitution for Guam under the provisions of Public Law 94-584 entitled "to Provide for the Establishment of Constitutions for the Virgin Islands and Guam."

At the request of the Guam Legislature or its officers, or the Constitutional Convention, we would assign a full-time, experienced staff person to the Convention, one of its committees, its officers, or to the Legislature. This person would be an employee of the Foundation but work directly with the Convention or Legislature.

This would be a person with experience in Constitutional Conventions and in the kind of research and technical assistance the Foundation could provide. In addition, the Foundation management and other staff members, and the Foundation officers and directors, would advise and consult with the Convention and the staff person to provide additional research and assistance.

We would further propose that a planning meeting be held on Guam at the earliest possible time, between a Foundation official and the proper Guam officials. The purpose of this meeting would be to describe in more detail the work program ahead, the time required, resources available at Guam, etc.

OFFICERS President - HON. KEVIN B. HARRINGTON, President, The Senate, Massachusetts, Vice President - HON. ROBERT VANDER LAAN, Assistant Majority Leader, The Senate, Michigan DIRECTORS HON. WARREN M. ANDERSON, President Pro Tem and Majority Leader, The Senate, New York, HON. JOHN B. WARD, Speaker, House of Representatives, Washington, HON. GEORGE PAYNE COSSAM, Chairman, Rules Committee, House of Representatives, Massachusetts, HON. WILLIAM C. JAMES, Minority Leader, House of Representatives, Florida, HON. JAMES J. MANDIBINO, Majority Whip, House of Representatives, Pennsylvania, HON. JAMES L. BARTON, Speaker, House of Representatives, Maine, HON. RUBEN A. VALDEZ, Minority Leader, House of Representatives, Colorado.

SECRETARY TREASURER Charles O. Davis • 5215 North Howard Road • Milwaukee, Wisconsin 53217 • Phone (414) 951-1444

Sen. Antonio M. Palomo
April 15, 1977
Page Two

In addition to a full-time staff person, the Foundation is prepared to retain and provide consultants in the form of attorneys, researchers, political scientists, etc., to whatever degree the officers of the Guam Convention and Legislature feel outside sources are necessary. Here again, it is difficult for us to foresee these needs without conferring first with you.

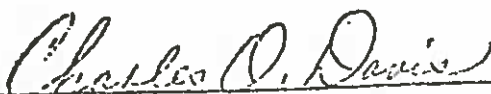
It is a certainty that the Convention will need constitutional legal assistance, assistance in drafting and research, secretarial and clerical assistance, etc., in addition to the services of our staff person.

In order to attempt to present alternatives for your consideration I am attaching three different budget proposals, representing different levels of support from the Foundation. These are meant to be guidelines prior to discussions we may have.

I might add that these are similar to the proposals made to the officers of the Virgin Islands Legislature, where we now have a staff person assigned full time in preparation for the Convention. Since the Convention has not been elected yet, we have not completed discussions with them concerning additional consultants. We would be pleased to have you talk to the Virgin Islands leaders about our work there to date.

We are looking forward to working with you, and to discussing these various possibilities.

Sincerely,


Charles O. Davis
Secretary-Treasurer

COD:lc

Enclosures

cc: Hon. Kevin B. Harrington
Mr. Stephen G. Lakis

Sen. Antonio M. Palomo
April 15, 1977
Page Two

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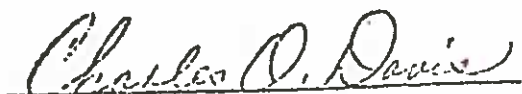
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Sincerely,



Charles O. Davis
Secretary-Treasurer

COD:lc

Enclosures

cc: Hon. Kevin B. Harrington
Mr. Stephen C. Lakis

Proposal #1

July 1 - December 31, 1977

	<u>GUAM</u>	<u>SLLF Contribution</u>
C. SALARIES AND BENEFITS		
1. Staff Associate, SLLF, 8 months, full time; on-site	\$16,000	\$4,000
2. Management, SLLF, 8 months, one-fourth full time	7,500	2,500
3. Benefits and payroll costs, @ 12 percent of salaries	2,820	--
D. TOTAL SALARIES AND BENEFITS	\$26,320	\$6,500
In addition, Guam would need to assign clerical and secretarial persons, and a local research associate on a full-time basis. SLLF does not know what this cost would be.)		
E. TRAVEL		
1. Two economy class round trips Milwaukee to Agana	\$ 2,000	
2. Local travel, research and orientation, and car rental	1,500	
3. Housing and subsistence, SLLF staff person in Agana, 8 months	8,000	
4. Administrative travel in the U.S. in connection with the project	500	
F. TOTAL TRAVEL	\$12,000	
G. PUBLICATIONS AND DOCUMENTS	\$ 300	\$ 750
H. DRAFT AND FINAL PUBLICATION	\$ 5,000	
I. OFFICE SUPPLIES, COPYING AND PRINTING	\$ 2,000	
J. TOTAL DIRECT COSTS	\$45,620	\$7,250

INDIRECT COSTS

Overhead to include SLLF rent,
utilities, telephone, audit,
accounting, secretarial, home
office copying, equipment rental,
chargeable to this project

\$11,825

I. TOTAL PROJECT

\$57,445

\$13,750

Proposal #2

May 1 - December 31, 1977

figures the same as Proposal #1 with the following additions:

GUAM

CONSULTANTS

Constitutional attorney, including
research assistance and overhead @
\$150 per hour for 400 hours \$60,000

TRAVEL

Consultant round trip economy fare,
with staff 2,000

Per diem in Agana, consultant and
staff @ \$50 for 90 days 4,500

TOTAL ADDITIONAL FOR PROPOSAL \$66,500

TOTAL COST FOR PROPOSAL #2 \$123,945

Proposal #3

May 1 - December 31, 1977

A proposal for the assignment of an SILF staff associate to the Legislature or a Legislative committee, to provide consulting and research service to the Convention.

This would be the same as Proposal #1 in cost for SALARIES AND BENEFITS, TRAVEL, AND INDIRECT COSTS. It would eliminate PUBLICATIONS AND DOCUMENTS, DRAFT AND FINAL PUBLICATION, AND OFFICE SUPPLIES.

Total Cost for Proposal #3

\$50,145

INVESTMENT BUILDING • SUITE 37
1511 K STREET, NORTHWEST
WASHINGTON, D.C. 20005

(202) 347-0277
CABLE "LAWECO"

April 25, 1977

BOARD OF DIRECTORS

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SEYMOUR J. RUBIN
GERMANICO SALGADO
TETSUO SATO

Honorable Antonio M. Palomo
Chairman, Committee on Territorial/
Federal Affairs
Fourteenth Guam Legislature
Agana, Guam 96910

Dear Senator Palomo:


I most enjoyed meeting with you and discussing once more the broad issues of Guam/Federal Government relationships. These matters are most important and I am sure the thoughtful approach you are taking to the question in your role as Chairman of the new Committee on Territorial/Federal Affairs will bear fruit.

I am enclosing, as you recommended, two memoranda indicating areas where we may be of assistance either with respect to the Constitutional Convention or to your Committee.

I look forward to your reaction to them.

With best personal regards,

Sincerely,


Arnold H. Leibowitz

Enclosures (2)

INSTITUTE OF INTERNATIONAL LAW AND ECONOMIC DEVELOPMENT
INVESTMENT BUILDING - SUITE 3
1511 K STREET, NORTHWEST
WASHINGTON, D.C. 20005

(202) 347 6277
CABLE "LAWECO"

April 25, 1977

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H.M. A. ONITIRI
SEYMOUR J. RUBIN
GERMANICO SALGADO
TETSUO SATO

MEMORANDUM

Subject: Services to the Guam Constitutional Convention

The Guam Constitutional Convention faces a most exciting challenge and an exhilarating opportunity. It offers a major step in self-government for Guam. It is important that the Constitutional Convention complete its work and produce a product which has the respect of the Guam people, the Guam government, and the U.S. Legislature and Executive. To do this it must build up a record during the course of its activities which explains clearly the reasons for its activities, both procedural and substantive.

In the decade from 1964-74, thirteen States influenced by the reapportionment decision of the Supreme Court drafted new constitutions. ^{1/} Obviously this experience, together with that of the recent Northern Marianas Constitutional Convention and the Puerto Rico experience, are sources from which the Guam Constitutional Convention should draw. The unique needs of Guam require it to be careful and not merely duplicate the provisions of State constitutions but draft a Constitution which fits its peculiar needs and the aspirations of the people of Guam.

We would view the following as the basic services ~~THE~~ could provide the Constitutional Convention.:

1. Present to the Commission the experience on a continuing basis of the Constitutional Conventions of other states.

^{1/} The States were as follows: Rhode Island (1964-69); Connecticut (1965); New York (1967); Pennsylvania and Maryland (1967-68); Hawaii (1968); New Mexico (1969); Illinois and Arkansas (1969-70); Montana (1971-72); North Dakota (1972); and Texas and Louisiana (1974). Thirty Years of Constitutions, Table at 56-60; Council of State Governments, The Book of the States 1974-75, Table at 19; and Council of State Governments, Modernizing State Constitutions 1966-72 (1973).

2. Advise on the overall structure of the Constitution and on the advantages and disadvantages of individual issues in connection with various sections of the Constitution. We would present to the Convention, for example, for its decision alternative suggestions with respect to the powers of the Executive Branch, its relationship to the Legislature, and to the Judiciary, the consequences of Guam residency and citizenship in relation to political participation, control over land and local financing activities.
3. Review and counsel the Convention on procedural issues before the Convention to assure propriety of actions.
4. Advise on consequences of Constitution on Organic Act and existing Federal laws.

The above in some cases would be oral; but in most cases it would be in writing to require the decisions to be more conscious and to leave behind a record of the delegation's reasoning for others to examine.

IILED at the present time has a particular skill in this area. Its President, Arnold Leibowitz, has served as General Counsel of the Status Commission on Puerto Rico, was Counsel to the Political Status Commission of the Twelfth Guam Legislature, and has written a number of monographs on federal relationships, one of which has been quoted twice by the Supreme Court. In short, he has a knowledge not only of the off-shore areas of the U.S. but, most importantly, of Guam, its political processes, and its people.

In addition, IILED is now engaged in an examination of the federal relationship of all of the U.S. off-shore areas and a number outside the U.S. polity. Thus, IILED has on its staff lawyers who are particularly familiar with the West Indies Associated States, Papua New Guinea, and the Marianas experience; and its library contains the key constitutional documents and proceedings for comparable areas throughout the world.



FOURTEENTH GUAM LEGISLATURE

P. O. BOX 373
AGANA, TERRITORY OF GUAM
U.S.A. 96910

May 9, 1977

Memorandum

To: Minority Leader
From: Senator C.T.C. Gutierrez
Subject: Utilization of Services of Mrs. Jane Lizama by
First Constitutional Convention Organizational
Sessions

This is to formally request the utilization of the services of Mrs. Jane Lizama by the First Constitutional Convention organizational sessions. As you know, I had informally talked to you about the matter.

Mrs. Lizama is more than willing to assist the Convention if such will not be in conflict with her legislative duties. I told her that you had given your permission if she agrees to render her services.

The tentative arrangement thus far is to have her come in to my office for purposes of establishing and organizing our files. Also, I have asked her to cover the proceedings of the ConCon scheduled meetings and to prepare the minutes accordingly, similar to the Legislative Daily Journal.

Thank you for your favorable consideration.

(Signature of Carl T.C. Gutierrez)
CARL T.C. GUTIERREZ

APPROVED:

(Signature of Jose R. Duenas)
JOSE R. DUENAS
Minority Leader

(NOTE: For services rendered after 5:00 p.m. and on a non-working day, ConCon will have to compensate.)

CONCURRED:

(Signature of Jane A. Lizama)
JANE A. LIZAMA

(with the condition that my services be during the normal regular working hours - 8:00 a.m. - 5:00 p.m.)