

With the repealment of Section 25 (b) above on September 11, 1968 as amended, Guam became affected by any and all federal laws of the United States, some of which worked against Guam's interests (to be covered later).

The Executive Branch at the time was to be headed by a governor appointed by the President of the United States. This was one negative aspect of the Organic Act in which political appointees, though civilian, became heads of the Executive Branch, preventing, in part, the civil government of Guam from being a true local government. This section also was to be repealed later. Nevertheless, great strides were made during this Organic Act period, and there was a new tendency to appoint qualified persons of local heritage to the appointed Governorship positions, with Governor Joseph Flores being the first, followed by Governor Manuel F. L. Guerrero under the Democratic administration of John F. Kennedy. With these individuals the idea to push for an elected governor to further advance Guam's destiny towards more self-government was introduced. 4/

It also should be noted at this time that despite the great strides made in the advancement of Guam through the Organic Act, the U. S. Navy continued to control the entry and exit requirements for all persons coming to or leaving Guam, causing a great hindrance in economic development for the Territory until 1962. How the Navy was allowed to continue to do this

was inconceivable, but for historical purpose, it is an important factor for consideration in dealing with future territorial-federal relations, especially in the justification in requesting for federal funding or grants from the U. S. government. 5/

MODERN PERIOD: 1962 - 1977

With the lifting of the Navy's outrageous security clearance in 1963, Guam's portals opened to tourism and trade. This security clearance restriction of the Navy succeeded in isolating Guam from the world from 1898 to 1963, creating both economic and social stagnation. Even when Ford Q. Elvidge was appointed Governor of Guam, he could not enter Guam immediately until after he obtained a security clearance. If a Guam resident had to return to Guam, he needed a U. S. passport. 6/

Because of the increase in tourism and trade earlier spurred by Typhoon Karen rehabilitation funds, Guam's economic growth in recent years was a phenomenon. The average annual rate of increase was more than 25% annually. Foreign investment was heavy into Guam as encouraged by Guam's new tourism industry. 7/

Heading towards more political autonomy, the Organic Act was amended to allow Guam to have its first elected executive in 1970, which gave Republican Governor Carlos G. Camacho and Kurt S. Moylan the honor of being Guam's first executive team. Later on in 1972, Guam was then allowed to have a true

nonvoting representative in the U. S. Congress to officially represent Guam's interest. Around the same time, Guam also started the wheels moving for Guam's first Constitutional Convention and finally with the passage of P. L. 13-202 passed by the 13th Guam Legislature, Guam is finally going to realize several centuries of patience, once again allowed to control its destiny when it first meets on May 4, 1977.

SUMMARY OF PRESENT TERRITORIAL-FEDERAL PROBLEMS

There are many territorial-federal problems which must be considered during the Constitutional Convention, to which solutions may, be negotiated in a Constitution.

In the social area, the present U. S. Immigration Law is detrimental to Guam's culture and society. The inclusion those of many ethnic origins into Guam due to an immigration policy that may be more applicable to the continental United States tends to endanger the culture and society of Guam. Guam must have control over immigration so a limitation can be imposed so that no other ethnic origin outnumber the indigenous population of Guam.

Additionally, other arbitrary decisions made in Washington, D. C., without due regard to the feelings of the people of Guam, must cease. A fine example of this kind of decision concerned the Vietnamese refugee evacuation into Guam. The local people must have the ultimate authority over their own destiny. 8/

Economically, there are four (4) general reas which Guam must attempt to clarify once and for all with the U. S. government.

1. The Civil Aeronautics Board (CAB) control over Guam's airspace and landing rights.
2. The Federal Maritime Commission's control over sea commerce via the Jones Act.
3. The control of the federal government over submerged lands and marine and fishery resources.
4. Applicability of other federal laws such as EPA, FDA, Wage and Hour Act, etc.

On air transportation and the CAB, the provisions of the Federal Aviation Act which authorizes CAB to regulate air transportation are applicable to Guam. Just because of Guam's geographical location, Guam is considered 'overseas' and therefore Presidential approval is required for the issuance, denial, transfer, amendment, cancellation, suspension, or revocation of any certificate necessary to be allowed to engage in air service to Guam. Numerous foreign airlines have expressed great interest in extending air service to Guam but many have met with failure with CAB. Because of Guam's serious dependence on air transportation it is particularly vulnerable and its economic potential hampered because of CAB's position, and yet it is not allowed to participate in the decisions concerning the granting or denial of airline rights, routes, or service frequency. 9/

In shopping, again due to its geographic location, Guam is another victim of federal law because it is considered outside the continental confines of the U. S. for customs and tariffs.

In the same vein, coastwise shipping laws are applicable to Guam as a territory of the U. S. Because of this, foreign vessels headed to the Far East from San Francisco are not permitted by the Jones Act to stop on Guam to unload cargo or passengers from U. S. ports and vice versa. One adverse impact of this Act relates to dock strikes which have happened in the past and which forced merchants to send in goods air freight because of unavailability of ships precipitating price increases for Guam that remain after the termination of the strike. In this sense, the Jones Act has an inflationary effect on Guam. 10/

The Department of Interior's control of submerged lands hinders the Guam local government in furthering its economic plans for the territory. For example, even if a boat harbor is desired, it must first obtain approval by the Department of Interior before action can proceed on any project affecting submerged lands, causing great delays in granting approval or disapproval.

The Federal Government's control over Guam's marine and fishery resources also affect economic development on Guam. Too many regulations affecting these two areas make it difficult or unfeasible to venture into these two areas economically. 11/

The applicability of other federal laws on Guam have posed serious questions in the past as to its practicality. An example is EPA (Environmental Protection Agency), whose many regulations for smog control aimed at large urban cities should not apply to Guam, or the Food and Drug Administration in their

banning of betel nut which has been a part of Guam's culture for decades. Since there are many, many other examples of non-applicability, it would be wise for the delegates to the Constitutional Convention to have a more detailed list provided for clarity and understanding of the situation. 12/

Lastly, as a major area of consideration relating to territorial-federal relations, the political aspect of Guam's problems must be brought to light. The portion previously mentioned above pertaining to the Organic Act of Guam readily shows the lack of sovereignty Guam has as compared to other U. S. states. No state in the Union presently has to go to Congress each time it wants its state constitution changed to meet its current desires and needs. Additionally, Congress does not have the power to annul or veto state or local legislation (unlike Guam's situation) unless they conflict with provisions established in the U. S. Constitution. In Guam's case, legislative authority is a delegation of the legislative power of the U. S. Congress pertaining to local legislation, and therefore all local laws are presently subject to Congressional review. 13/

Because of Guam's present status as a territory with no defined body politic, Guam has been subjected to selective application of the provisions of the U. S. Constitution; i.e., the U. S. citizens of Guam have no say in the election of the President of the U. S., nor do they have a voice in

the electoral college process. But yet, Presidential policies often have a marked effect on Guam in political social, and economic areas. Further, even though Guam has a voice in the U. S. Congress, our Washington delegate has no vote in Congress in the wide array of federal affairs affecting Guam. At best, he is an elected lobbyist who can only introduce legislation. 14/

CONCLUSION

An historical review of Federal-Territorial relations reveals an administrative pattern of colonial indifference, sporadic interest, and economic development based on American military presence in the Pacific Far East. The distribution of power over external and internal affairs has never favored the local government, and it is doubtful that it will ever come to pass because of the island's strategic military importance.

Federal dominance is perhaps best illustrated by the following examples:

- A. Absentee policy control by bureaucrats often insensitive to local peculiarities which in many cases warrant certain exceptions to what would normally be expected mainland decisions.
- B. Guam's distance to Washington and lack of political leverage to not lend Congressional urgency to bills which are designed to meet specific island needs.

- C. At his discretion, the President of the United States is empowered to set aside parts of Guam for military use, and is authorized to close the island to foreign vessels and aircraft as he deems necessary.
- D. Although purview over local matters has been delegated to an elected territorial legislature, the U. S. Congress continues to retain essential control over the island. Thus, locally enacted laws must be reported to the Secretary of Interior, who in turn reports them to a Congress which may or may not exercise its power of annulment (although this power has never yet been used).
- E. The U. S. Congress retains the presumptive right to apply any federal law to Guam that it deems necessary or appropriate, with little or no voice by the residents of Guam.
- F. Although Guam's present relationship with the federal government has improved over the last 15 years (i.e., security clearance, elected governor, congressional delegate, constitutional convention, etc.), much more still needs to be resolved, particularly in matters of vital importance to the island's political and economic self-determination. Territorial control is

essentially limited to those areas of internal concern, and does not address those of greater significance to local political self-government and economic self-sufficiency.

In spite of the foregoing disadvantages of Guam's Federal-Territorial relationship, one cannot escape the following conclusions which appear to benefit the island:

- A. Federal presence and, in particular, the hegemony of U. S. military presence in the Pacific Far East, have accelerated Guam's economic development and political self-government far beyond what it might have achieved in the normal course of world events.
- B. The Organic Act precludes Guam from the application of all federal legislation not specifically mentioning Guam. While the island may benefit by more uniform coverage of federal laws, an inherent danger is the application of considerable legislation to which the territory may not want to be subjected (i.e., federal aid based on population and geographic size).
- C. Guam residents can claim most of the civil liberties found in America. A major exception is the right to vote for the President of the United States. Even this geographic political discrimination, however, may be limited in years as Guam

gains increasing federal attention and as the island becomes further immersed in the U. S. political mainstream.

- D. Under the current federal-territorial arrangement, Guamanians can elect their own leaders, enact their own laws, and reap many financial benefits without contributing directly to the U. S. Treasury.

The need to maintain a forward U. S. presence in the Asian Pacific region underscores Guam's strategic location. With this in mind, and as the island becomes politically and economically more assertive, a new arrangement in federal-territorial relations is bound to evolve. Where once the military mission was sustained by the importation of socio-economic and political institutions subservient to the Washington defense establishment, the military presence on Guam will in the future become supported by a developing private sector and the inherrent civilian controls that are to increasingly rest with the territory.

CHAPTER V

The History of Federal Constitution Making

Before we delve into the history of Federal constitution making in the United States we must first define what a constitution is. Webster's dictionary defines it as, "The composition or make-up of anything, as of the human body or the state; the system of fundamental laws of a nation or society".

The history of constitution making in other countries besides the United States is varied and wide. In this section, however, we will deal with the United States portion of constitution making which is more familiar to us.

In 1779 and 1780 conventions held in the New England states protested against inflation, implying the need for more authority for the central government, and the need for a general convention to remodel the system. Congress's wisdom in its response to this recommendation was shown in its referring the problem of runaway prices to the states which could exercise effectual control. Congress was unable to control much as the states handled their own affairs separately. The right to taxation, unfortunately, was still in the hands of the states, therefore, no source of capital was open to Congress. This proved disconcerting as the army had been waiting for sometime for their pay which was in arrears.

In 1783, Congress asked for authority to lay import duties on liquors, wines, tea, and sugar, and a five percent (5%) tax on the value of all other imported goods. The taxes were to be used to discharge costs of the war and were to run for twenty-five (25) years only. States were to appoint collectors, who were to be under the control of Congress. The states were to promise to supply a total of \$1,500,000 annually for twenty-five (25) years. This medley of proposals went to the legislatures of the states with a letter explaining their purpose and exhorting compliance. These proposals were made so that the war debt of \$42,000,000 could be paid off. The states were reminded then that the debt had brought their freedom and that not providing for it would bring the reproaches of honorable men everywhere on the country and doom the fairest experiment in republican government. This did not spur the states, however, for their response was slow; in the end New York prevented the necessary unanimous consent by attaching conditions that Congress could not accept.

Alexander Hamilton, a member of Congress, had come up with this plan and now made another determined effort for a constitutional convention to remedy the situation. He showed a dozen resolves stressing the defects of the existing system. The prime error was "confining the power of the Federal Government within too narrow limits; withholding from it...efficacious

authority...in all matters of general concern..." Congress could not be expected to both legislate and execute with no judicial powers. Trade could not be regulated, treaties could not be supported, and taxes could not be levied. The army at this point was still unpaid and becoming more rebellious.

Hamilton, however, did not offer his proposals to Congress, in a bad mood at being forced to decamp from Philadelphia by mutinous Pennsylvania troops trying to force the council to pay their back wages; instead, he wrote to his friend, George Washington. Washington also pleaded with the citizens to give the Federal Government a platform on which to stand in order to answer the ends of its institutions. Unfortunately, this was to no avail.

Madison got the Virginia legislature to call a convention of the states so that they might consider how a uniform system in their commercial relations may be necessary to their common interest and harmony. Congress could then supervise trade if the states ratified an act with this objective in mind. Annapolis was designated as the meeting place and the date set was the first Monday in September 1786.

Before the meeting took place, however, depression settled over the country. Congress had appealed for power over commerce but again New York insisted on certain conditions that made the remedy useless. Thus, depression came. On the meeting

day, only two delegates besides Madison showed up. After waiting for some time, more delegates showed up, but it was a thin attendance of only a dozen men. Delaware, New Jersey and Virginia had full representation but only two delegates came from New York and another from Pennsylvania. From talking together after a week's delay, the delegates appointed a steering committee to recommend what to do on the convention. After much deliberation, it was determined that the whole Confederation itself should be revised and not just stop at smoothing out commercial frictions.

Alexander Hamilton was spurred on by these observations and seized upon the chance to write a report of the convention in the form of an address to the states. In it he stated that since there were too few states present to permit, a commercial agreement was not made. The meat of the article stated the need for defects in the system of the government to be changed to save embarrassment of the country, both foreign and domestic. Therefore, a convention was proposed for the sole and special purpose of devising a plan for any defects that may exist. A date and place were set. "Philadelphia on the second Monday in May next."

Fifty-five delegates initially attended the Constitutional Convention for part or all of the sessions. Ten additional members were appointed but never came. Of the fifty-five, sixteen did not sign the Constitution for some reason or

another, and three would not sanction it. The only state that was not represented was Rhode Island, which refused to send delegates. Again, the major problem was tardiness in showing for the convention.

Eleven days behind schedule, only seven states represented, and Washington was elected as chairman of the convention. The committee on rules reported three days later. Two orders of procedures were set forth for the convention. The first was that voting was to be by states, one vote for each; that seven states made a quorum, and a majority of states present could decide all matters. The second procedure was that the deliberations of the convention remain secret.

The convention began by considering two plans that were devised for reforming the government. The first was framed by the Virginia delegates. It stated that the confederation fulfilled none of the objects for which it was framed. That it provided neither external security nor internal harmony. That Congress was at the mercy of the states, was starved for revenue, and could not produce the benefits to agriculture, manufacture, and commerce which only the central organ could furnish. Their main idea rested on the thought that there would be a strong consolidated union which would have no states. They also proposed that the members of the national legislature should be proportioned to the number of free

inhabitants of the states. There should be two houses, the lowest selected by the people of the states, and the upper house by the members of the popular branch from nominations made by the state legislatures. These proposals provoked a momentary embarrassment. One delegate said that if they went along with these proposals, it would be held that the Articles are incapable of improvement and required to be supplemented, thereby the powers of the convention would be dissolved. Charles Cotesworth Pinckney observed that such resolves as these went beyond Congress's call for the convention. That the convention was purely for the sole and express purpose of revising the articles of confederation, not to design a new form of government.

After a fortnight of discussion those individuals who insisted on replacing the shambling Confederation with a firm national government had won. The tentative proposal was for a two-house legislature with proportional representation in both branches, a single executive, and a national judiciary. The legislature could veto state laws in conflict with the constitution and treaties, and the constitution, when formed, was to be submitted to conventions in the states chosen directly by the people. This last part was decisive of the national character of the scheme.

A second plan of action was devised because of differences among the states on the proposed initial plan. Paterson of New Jersey was the spokesman for the second plan. His

opening proposition was, "Resolved, That a union of the States merely federal ought to be the sole Object of the Exercise of the Powers vested in this Convention." The articles were to be reaccomplished to make them adequate to the exigencies of government. That there would be a supreme legislature, executive and judiciary branch. Congress could lay and collect an import duty and regulate foreign and interstate commerce. The acts and treaties of Congress were to be supreme over the states, and the state courts would be bound thereby in their decisions. This plan supposedly sustained the sovereignty of the states, whereas the first plan destroyed it.

Wilson was launched on a refutation of the supposition that the country would not accept a true reform. This launched equally vehement attacks again on the other two plans. The committee did not tarry over Paterson's plan for keeping the Confederation and only adding a few necessary powers for Congress. This was quickly dismissed, and the Virginia plan reviewed. Here two questions were the focus of controversy. The first was should the government being formed be described as national or simply as that of the United States? The second was more specific in how should the legislature be constituted? Particularly, if the lower house was to represent the people in proportion to their number, should the members of the upper house be chosen by the states with equality in votes? On these

questions there were three major grounds of objection. The first rationale was from the delegates who were strongly against getting rid of state governments, saying that centralized control was impossible because of the vast area to be considered, and that because of differences in ways of life, state governments were vital both locally and for the good of the nation.

The second group had a plea of a technical or historical nature in that the Confederation was the creature of the states; the states sent delegates to amend it, and no proposals issuing from the convention should omit the states as an integral part of the whole. Lastly, there were those who clung to the loyalty to their states. These people were possessed by fears that state sovereignty would be canceled and their rights taken from them by the major commonwealths. This last group could have it said in all fairness that they obstructed the progress of the convention because they clung so emotionally to state autonomy. Eventually a stalemate was achieved between the larger states and the smaller states over equal representation in the Senate. It was later decided that all states would have an equal voice in the Senate.

Pinckney came up with a solution that a grand committee be appointed to break the deadlock between the states. The committee was named and after adjourning over Independence Day to work, they recommended that two propositions be adopted together. First, that the lower house of the legislature should consist of one representative for every 40,000 people, but that each state should have at least one delegate. Money

bills would originate there and could not be changed in the Senate. The second proposal was that each state shall have an equal vote in the upper house. This was argued over at great length, but was eventually adopted.

The convention refused to give the national legislature authority to veto acts of the states, therefore, it was decided that this would be done by the national executive and that this executive would be one person. General details of electing this executive and procedures for the other sections of the government were mulled over for a long period of time, but eventually worked out..

This would be a fit place to wonder why the makers of the Constitution did not include protections to the individual citizen, for which there was clamor later, resulting in the first etn amendments. Much of the protesting by the delegates was done in behalf of the states, not for the individuals themselves.

By the end of the conventions work, it was noted that there was no address to the people to introduce the Constitution to them. At the last minute before the signing of the Constitution, several delegates moved that the states convene to offer amendments to the Constitution before putting it into practice. One reason behind this was stipulated that the Government would have a dangerous power by the initiating of this constitution. A last-minute change to the constitution was that the number of representatives should be decreased from one to every 40,000 to one to every 30,000. The proposition was agreed to unanimously for the lower house.

On Monday, September 17, 1787, after four months of deliberation, the constitution of the United States was signed into effect. It is surprising to find that such a large body in number could settle on one course of action in so short a time and have it turn out so well as to govern us even today.

CHAPTER VI

WHAT IS A CONSTITUTION?

A constitution is a basic document that defines the fundamental laws and practices that govern the operations of a government. It is a basic framework of freedom. It is an inspiration for men and women in a world where the darkness of despotism hangs over so many.

A constitution generalizes laws and practices. It expressly tells what is to be done but not specifically how, when or where it is to be done. The constitution provides a guidance of many subject matters concerning governmental operations, foreign relations, and individual rights. These subject matters are generalizations or solutions provided as a result of past and present experiences and forecasting to prevent or bring about conditions concerning the government and its people.

Concepts of a Constitution

The constitution is an everyday companion and counselor. It sets up a system of checks and balances to enable a government to adapt to every need and at the same time to check every bid for arbitrary power. A constitution is the supreme law of a government and its people or an organized body.

It must be flexible yet firm. The changing times and way of life show the need for flexibility of constitution. It should be written so that certain powers or rights can be granted to another in order to prevent a tyrannic or selfish cause.

It must be firm. It should be written to prevent any altering or separation of laws and practices of the government and the people. It signifies a body of rules and an instrument in the course of validity of some act of governmental power.

There are four basic structural principles of a constitution: (1) federalism; (2) separation of powers; (3) government of laws and not of men; (4) due process of law.

Federalism is a union of autonomous political entities for common purposes. The legislative powers are divided between a government of enumerated powers of the land and governments of residual powers of its agencies upon all persons and property within its territorial limits.

A second principle is the separation of powers. The legislative, the executive, and the judicial are set forth as the three distinct functions of government. These distinct functions are separately manned departments of government. The powers of government are divided in order to keep to a minimum the powers lodged in any single organ of government. Each function is equal in its powers and mutually independent.

The third structural principle, government of laws and not of men, focuses on the executive powers. It expresses that the executive function cannot be controlled when exercising the rights of self-government but only by a law in a constitution defining its powers.

Lastly, due process of law is concerned with the protection of private interests of one kind or another against legislation which is alleged to invade life, liberty or property. This principle expresses that unless judicial protection of the property right against legislative power was to be waived, it must be written on some clause of the constitutional document.

EXPECTATION

The constitution should be designed not for this generation alone but for the generations yet unborn. It should chart the course of our nation not only for this age alone but for all ages to come. The constitution for Guam will become the supreme law of Guam, superceded only by the U. S. Constitution. Provisions of Guam's Organic Act may be overruled by the new constitution.

Guam's constitution should prevent enactment of legislation affecting only a few persons. It should allow for nonpartisan, civil service positions in the legislative branch. The constitution should limit the number of legislative committees and enact a code of ethics for both appointed and elected public officials and lobbyists.

As Senator Jerry Rivera says about the necessity of a constitution: "Guam should have a constitution drafted and approved by the people of Guam instead of the great white fathers of Guam (U. S. Congress)." Senator Rivera feels that the rules and regulations affecting Guam were made by people who live far away and were not familiar with the culture and people of Guam. Senator Rivera says that Guam is limited to utilizing U. S. ships for carrying cargo to the United States and not through foreign carriers. He believes immigration regulations are too free. Senator Rivera states that he would like the constitution of Guam to establish a Supreme Court of Guam and

identify the organizational structure of the government (separation of departments within the Government of Guam organizations, consolidation of departments or status quo).

Senator Antonio Palomo feels that the establishment of a Guam constitution is a first time in Guam's political history that the people will vote for or against certain laws. He says that the Organic Act of Guam of 1950 was outlived its purpose. Senator Palomo states that at present the U. S. Congress can annul any law passed by the Guam legislature at any time. He says "People have a right to be wrong and if that's what they want, that's their business." Senator Palomo also states that the U. S. Congress distrusts the people of Guam in their provisions of the Organic Act of Guam. He feels that the U. S. Congress allows Guam to have a self-government but watches over Guam cautiously. Senator Palomo doesn't want any department of the federal government to "oversee" Guam. He says "The only requirement that the U. S. Congress can request (if any) is that a Bill of Rights be established and that everything else be determined by the delegates (Guam Constitutional Convention)." Senator Palomo likes the idea of a constitutional convention. He states that there should be a provision in the Guam constitution to establish a constitutional convention every twenty years in order that the constitution of Guam be reviewed for its applicability, updating to meet new needs. In summarizing his views, Senator Palomo says that there are basically four elements that should be considered in

forming the Guam constitution: (1) individual rights of the people; (2) kind of government to be established; (3) basic requirements to serve the people in certain subject areas; (4) kind of judicial court system.

Senator Frank Blas believes that the constitution of Guam should touch on such matters as form of government, immigration, rights on natural resources, a definitive Bill of Rights, Guam's prerogative to make amendments to the Guam constitution, and that the powers of the Legislative, Executive, and Judicial branches be defined. He says that the powers and rights of the government be generalized and that the branches of the government write the details. "The constitution will enable Guam to have its say in air navigation problems, sea transportation problems, and the communication network," Blas says.

Chuck Bacchi is another knowledgeable person on the subject of the constitution of Guam. Bacchi states that the Organic Act of Guam serves a dual purpose and that a constitution for Guam will serve only the local matters. He believes that as director of the Guam Political Status Commission, the commission will prepare a document serving U. S. and Guam relationships in conjunction with representatives of the U. S. government. Bacchi states that the Guam Constitutional Convention delegates, in conjunction with the Guam Political Status Commission will determine what the people of Guam want and discuss these with federal representatives. Bacchi says that Guam's internal affairs will be a matter of concern of the Constitutional Convention delegates, and that any external affairs between the United States and Guam will be a matter of concern for the Guam Political Status Commission.

ESTABLISHMENT OF A CONSTITUTION

Guam has had a long wait to get where it is now and is still struggling to get somewhere better.

It was August 1, 1950, that Guam's first written document of laws was enacted by the Senate and House of Representatives of the United States of America in Congress. It was called the Organic Act of Guam. Guam was governed by an appointed governor of the President of the United States for many years. Then on October 11, 1968, U. S. President Lyndon B. Johnson signed into law an amendment to the Organic Act of Guam. The amendment, known as the Elected Governor Act, provided that from November 1970, the people of Guam would elect their own governor and lieutenant governor. This act also provided for the presence of a Federal Comptroller to supervise and audit Guam's financial procedures and methods employed by the territorial government and report, via the Secretary of the Interior, to the U. S. Senate.

In the spring of 1969, Guam went forward one more step when the Ninth Guam Legislature enacted Public Law 9-244 on August 13, 1968, to authorize a Constitutional Convention. But it wasn't until the Tenth Guam Legislature that a Constitutional Convention was to become a reality. The Tenth Guam Legislature made appropriations to finance the First Constitutional Convention of Guam. On May 1, 1969, forty-three (43) delegates were elected to the convention representing eighteen (18) districts. The Convention was formed to review and make recommendations on modifying the Organic Act of Guam. The

Convention ended its labors on July 1, 1970. A constitution still was not established.

Another step forward for Guam was the election of thirty-two (32) delegates to Guam's Second Constitutional Convention on April 16, 1977. Hopefully, this time a Guam constitution will be established. The people of Guam have been looking for a better tomorrow and, through this constitution, it may become a reality.

A CONSTITUTION FOR GUAM V/S ORGANIC ACT OF GUAM

The passing of Public Law 9-244, authorizing a Constitutional Convention, was a result of much review of the Organic Act of Guam by the Ninth Guam Legislature. It found that the Organic Act contained certain provisions that are either outdated, inappropriate, or unenforceable. For instance, the never enforced requirement that the United States pay transportation costs of off-island territorial employes, restrictions on bonded indebtedness of the territorial government, and the preference of territorial employment be given to those of Guamanian ancestry. Subject matters contained in the Organic Act are not clearly defined to the public. The Ninth Guam Legislature further found that there has never been a detailed analysis of the contents of the Organic Act of Guam since its passage and the amendments thereto.

The people of Guam were not formally consulted as to the provisions of the Organic Act. Times have changed and our world is different. People desire to change and the only way to do this is to update and modify the Organic Act, so that the U. S. Congress can be advised in detail as to what changes should be made.