

September 4, 1969

HILL OF RIGHTS COMMITTEE MEETING  
Constitutional Convention

The weekly meeting of the Hill of Rights Committee of the First Guam Constitutional Convention was called to order by Committee Chairman Joseph F. Ada on Thursday, September 4, 1969 at 8 P.M. Committee members present were Jesus Camacho, William Flores, Jr. and Jose C. Quintanilla. Honorable Antonio M. Palomo, President of the Convention, was also present. Representatives from the St. Jude, St. Anthony and Far East Island Mission Schools were guests for the meeting.

The main topic of the meeting was the question of government aid to parochial schools. The principle of "separation of church and state" became evident from the outset of the discussion. Reflections of the major comments expressed during the meeting follows in a sequential dialogue:

Paul Nelson (Far East Island Mission):

1. Absolute separation of church and state
2. The Baptist Church has not been receiving funds for books, lunches, bussing or any other type of aid.
3. The move today is to also pay the salaries of the private schools.
4. Cites the First Amendment of the U.S. Constitution and the Organic Act of Guam to support his argument.

Sister Caroline (St. Jude School):

1. Every religion has its own school.
2. The aid to parochial education is to benefit the students as citizens and as tax payers' children.
3. Everyone has the right to go to school.

Sister Mary Gerard (St. Anthony's School):

1. The issue is not a question of where to divert the funds but rather where the fund should go.
2. On Guam, the public schools will eventually take over, but it is not yet adequate.

Mr. Lowell Hagley (Far East Island Mission):

1. The government is not obligated to provide funds to education.
2. Or should the government take over?

Sister Mary Gerard (St. Anthony):

1. The Founding Fathers did not mean to deprive funds to education as this is a right to equal opportunity in education.

Mr. Lowell Hagley (FEIM):

1. Supposing that there is a priority of Catholics over other students at the Catholic schools?

Sister Mary Gerard (St. Anthony):

1. "Our policy has always been on a first come first serve basis."

Mr. Paul Nelson (FEIM):

1. "What will happen if the parochial schools close down?"
2. "What's the issue?"
3. "To give the government lesser obligations and load?"
4. No, to help the sectarians only.
5. Not every parochial school feels that it's been discriminated upon.

Sister Caroline (St. Jude):

1. It is the duty of the government to protect the rights of children... the right to choose.

Paul Nelson (FEIM):

1. The government gives the parents the right to choose schools.

Sister Caroline (St. Jude):

1. This is a right by nature.

Sister Mary Gerard (St. Anthony):

1. The right will be impaired if refused.
2. "The government is not to support one church over the others."
3. "This is the way I interpret the Constitution."

Rev. Fr. Arnold (Pastor of Sinajana):

1. One of the two things to keep in mind is that the Founding Fathers supported education.
2. The second thing is that the type of help to education that is known to the public today did not exist then...the public school system did not start until 1864.
3. The Organic Act is much more restricted than the Constitution.
4. With education, there is a need for moral guidance, training, good conduct...of which are all part of religion.
5. There is the argument that pupils become better citizens by attending the private schools.
6. It can't be interpreted that no aid be given to any schools as the Founding Fathers themselves could not foresee the future nor did they have any idea what they are like today.

Chairman Ada:

1. No State shall have any discrimination on the basis of color, religion or race.

Mr. Quintanilla:

1. "Do both sects represented tonight accept applicants on a first come first serve basis?"

The sisters and Mr. Nelson replied that it is so.

Mr. Quintanilla inquired as to how the government could distribute aid to all the parochial schools regardless of anything. He pointed out that on Guam it is not like in the states and cities. He indicated that he would prefer that all recipients receive aid equally.

Mr. Nelson (FEIM):

1. "How can the government share funds for schools?"
2. It would be best to improve its own system rather than to pour aid to the private schools.

Sister Caroline (St. Jude):

1. "Why improve the education of some people and not others?"

Mr. Jerry Wiggle (FEIM):

1. Argued that if there had been no private schools from way back, the Government of Guam would have been able to provide adequate public education today.

Sister Mary Gerard (St. Anthony):

1. It is not a question of which school is larger or the majority or who is to get the fund, but to get an equal share for all children to be educated regardless of which school they attend.

Chairman Ada:

1. "How about the moral, Christian and religious factors? To be better citizens. There is a need for consideration for all religions concerned.

Rev. Fr. Arnold:

1. Students who wish will receive religious instructions.
2. "Religion is the strongest defense of morality...builder of foundation."

Mr. Lowell Hagley (FEIM):

1. "There is tonight a difference of views and opinions and we can't agree here although I'd like to have everyone agree with our side's thinking."

Chairman Ada:

1. "The will of the majority prevails if the rights of the minority is protected."

Mr. Quintanilla:

1. "Our purpose here tonight is to amend the Organic Act...to provide guidelines."

Sister Caroline (St. Jude):

1. "The government is not fostering religion but the right to education..."

Mr. Quintanilla:

1. "How can those children deprived of government aid be helped to get this help?"
2. "What is the desire of the people of Guam?"
3. "All schools should benefit."

Jerry Wiggle(FEIM):

1. If bus, lunch, funds, etc. were to go to parochial schools and none to the public school system, then the government need not provide help to education.
2. If funds were to be extended, there's a need to raise the tax dollars to increase revenues.
- \*\*\* 3. It is an inalienable right to choose schools of your choice but not at the expense of the taxpayers.

Sister Caroline (St. Jude):

1. Used the GI as a classical example in going to get his education at the school of his choice and no one gives any fuss about it.

Sister Mary Gerard:

1. Interpretations of the U.S. Constitution could differ and the two groups surely disagree tonight.

Sister Caroline and Mr. Paul Nelson entertained the difference between privilege and rights.

Mr. Quintanilla:

1. "The Federal Government does provide funds for children of Federal employees who go to private schools."

Sister Mary Gerard (St. Anthony):

1. "Discrimination...is a mental block..."

Mr. Paul Nelson (FELM): On the State of Hawaii -

1. "The Supreme Court unanimously rejects the argument of public funds being provided to bus private school children...it is unconstitutional."
2. The Alaska Supreme Court follows a similar step.

Mr. Ada:

1. The major argument for transportation assistance is for the sake of safety.

Rev. Fr. Arnold:

1. The unconstitutional interpretation of the action of the Supreme Court of Hawaii is that for the state of Hawaii and not for the U.S.

A brief discussion ensued and that what were said and introduced during the meeting would later be brought before the people for their consideration.

Mr. Tony Palomo:

1. The Convention delegates will go to the villages...people.

Chairman Ada brought the question of "Academic Freedom" before the group for comments.

Sister Mary Gerard (St. Anthony):

1. Explained that those she expressed tonight would be those of her own and not the institution that she was representing.

Sister Caroline made a similar statement.

Mr. Tony Palomo:

1. Where does one draw the line in case of a conflict or difference of opinion?
2. He cited a TV program in which a professor, an anarchist, was discriminated upon.
3. Where is to draw the line on activities after working hours? His purpose was to bring a reaction in the hope of incorporating a guarantee to teachers and all citizens.

Rev. Fr. Arnold:

1. Freedom (academic) is restricted to teaching Communism, Nazism, etc.
2. The U.S. Constitution can be changed tomorrow by any means except thru force or to overthrow the U.S. Government.

Paul Nelson:

1. There is a limit as to what is indecent.

Sister Caroline:(St. Jude)

1. Every right can be abused.
2. The Constitution has the principles and the law takes care of the abuse.

Tony Palomo:

1. Academic freedom is not absolute.

Rev. Fr. Arnold:

1. Academic freedom is to seek the truth.

Paul Nelson:

1. "On the freedom to associate; I'm going to have to take the freedom to disassociate." With that, Mr. Nelson left the room.

Rev. Fr. Arnold:

1. "Freedom of Association" is different from the "Freedom of Assembly."
- 2: He mentioned Joe Namath's (American Football League) as one who has been tagged to be guilty by association.

Meeting adjourned at 9:40 P.M.

Chairman: Joseph F. Ada  
JOSEPH F. ADA

Recorded by: Antonio R. dela Cruz  
ANTONIO R. DELA CRUZ