

FIRST CONSTITUTIONAL CONVENTION OF THE TERRITORY OF GUAM

PUBLIC INFORMATION OFFICE

PEREZ BROTHERS BUILDING, SECOND FLOOR  
BOX I, AGANA, GUAM

**B.J. Bordallo Urges  
Bicameral Legislature**

AUG 27 1969

B. J. Bordallo spoke at the Monday night session of the First Constitutional Convention of the Territory of Guam and made a plea to the delegates to consider the return to a bicameral legislature and to direct representation.

"I understand the work, responsibility, and interest you're giving to your assignment. To you gentlemen, I plea you give serious consideration to the necessity that we should have a bicameral congress...It seems to me like we are twenty years behind."

Bordallo explained that there was a reason for accepting the change from a bicameral legislature which existed on Guam before the Organic Act to a unicameral legislature prescribed in that Act. "In 1949 when Judge Manibusan went to the states (to accept the Organic Act), the instructions he received were not to argue--not to be hard to please. The main thing was to go there and accept U.S. citizenship under any conditions."

Besides the unicameral legislature, another of these condi-

tions was the change in method of election of the senators. "It is not direct representation: it is indirect," Bordallo said "I would like to see direct representation. I would like to see district representation. We need to have that."

He explained that this method of election would ensure the minority of a voice in the government. "I am not in favor of a one-party government...Government should be for the benefit of the people--not for the benefit of any party."

Bordallo also explained the economic events which led to the campaign for the Organic Act. He used copra as his example to show how prices dropped after 1922: In 1922 copra was selling for \$4.50 per 100 pounds. In 1929 the price had dropped to \$2.25. In the years 1934 to 36 "things were getting really bad." Copra prices were \$.75 per 100 pounds and wages had dropped from \$1.25 in 1929 to \$.75 a day.

Fortunately, in 1930 Commander Willis Bradley was appointed as the governor of Guam. According to Bordallo, "he was a brilliant man," and one of his first acts was to give the Guamanian people their civil rights. He also established the Guam Congress.

This Congress consisted of two houses: the House of Council and the House of Assembly. The House of Council consisted of sixteen members: One representative from each village; the House of Assembly had thirty members who were elected from the villages--the number of delegates varying with village population size.

The House of Assembly, headed by F. B. Leon Guerrero became

cal status and civil rights for the people; where the House of Council, headed by Bordallo, felt a greater concern for the economic plight of the people. These two ideas merged and as a result, a special session was held. It was unanimously agreed that the Guam Congress should start a movement to send a delegation to Washington. A joint resolution to this effect was drawn up and signed by every Congressman.

When a report of this decision was made to Governor Bradley, he immediately responded favorably and volunteered to donate \$20.00 to send Leon Guerrero and Bordallo to Washington.

But when we got to Washington, the Navy Department did not approve our mission, although the Labor, State and Interior Departments did. But after the Navy Department made its views clear the State and Labor Departments backed out. The Interior Department was with us all the way through."

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AUG 27 1969

# Sister Jean Marie Speaks Today On Problems Facing Hospital

Sister Jean Marie Menke, Guam Memorial Hospital Administrator, will speak today at noon to the Health and Social Services Committee of the First Constitutional Convention on the Feller Report. This report, done by a private firm engaged by the hospital, recommends a larger health complex to replace the present hospital and health facilities. Guam Memorial Hospital has a

number of physical plant problems which effect its accreditation status. When the last accreditation commission visited the hospital, it recommended that temporary solutions to these problems would be unwise. The hospital, therefore, asked for time to make a study and the commission granted this grace period with the stipulation that the study result in definite plans for improvement.

Several firms bid for the opportunity to study the operation and facilities of the hospital, and the contract was awarded to J.H. Feller and Associates of San Francisco. The team included a planning consultant, an architect and a group to study capital resources. The money for this study was appropriated by the Tenth Guam Legislature.

The team worked for four months, evaluating both the hospital and the community. As Sister Jean Marie reported, "It is

very difficult to isolate the problems of the hospital from the problems of the community."

The Feller Report was the result of this study, and it contains six major proposals. The first of these is to "Establish an independent, voluntary, non-profit corporation, called the Health Care Center Services, whose mission is to develop and provide the shared services described in this report." A large site, centrally located would house this Health Care Center and all government land on this site would be available at no cost to participants in the Center--both governmental and private. The Feller firm rejected as impractical the alternative of renovating the existing GMI plant.

The proposed health complex contain a central service facility which would be shared by all the health services of the island. This facility would house all lab equipment, X-ray machines, and other large expensive instruments.

The various health services of the island would then no longer duplicate such equipment but, rather, would purchase the services of the central service facility. Sister Jean Marie pointed out that this would mean not only better service, but also great financial savings.

During the period of study the hospital administrators and the Feller team conferred with the legislators many times. Sister Jean Marie emphasized that the hospital did not wish to continue with the plans for future growth if the Legislature did not concur with them.

Early this spring a meeting was held in which the proposals of the Feller Report were explained to sixteen legislators who attended. According to Sister Jean Marie a straw vote was cast, and Speaker Joaquin Arriola informed her that the legislators approved the plans and recommended that work continue on them.

However, last week the bill proposing this new plan was defeated in the Legislature. The reason given for this seeming change of mind was that the peo-

ple of Guam had not been sufficiently informed about the proposals in the bill.

Sister Jean Marie stated that hospital employees did visit the villages, but that it was possible that their explanations had not been complete. She says "I am not dismayed by their (the legislators) action at all." Her opinion is that a project of this magnitude must have 100% cooperation and understanding of the government and the people.

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SEP. 2 1969

Academic freedom was the main topic of discussion when the Bill of Rights Committee of the First Constitutional Convention met Thursday evening.

Joseph Ada, committee chairman, stated that teachers and professors are intellectuals who can not "sit back and see a bureaucracy growing, and people being misled. You can't expect them to sit back all the years they are teaching and not say a word against unfair situations."

The committee members agreed that Guam's Bill of Rights should include some guarantee of protection for those in the academic world.

Freedom of association was another right which the members considered. The case of the N.A.A.C.P. against Alabama was used as an example to show the court's decision in favor of this right. The court decided in favor of the N.A.A.C.P., saying, "It is beyond debate that freedom to engage in association for the advancement of beliefs and ideas is an inseparable aspect of "liberty" assured by the due process clause of the Fourteenth Amendment, which embraces freedom of speech."

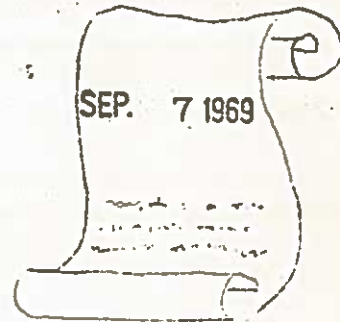
In order to guarantee without a doubt freedom of association, the committee proposed including such a specific right in the new constitution.

The committee also discussed requiring a code of ethics for government officials and employees. If this proposal were adopted, a code would be written which would "stress the importance of avoiding conflicts of interest and unethical conduct in government.

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# Debate Separation Of Church, State

The perennial question of separation of church and state was debated Thursday evening at a conference held by the Bill of Rights Committee of the First Constitutional Convention. This time the debate may lead to concrete results. The Committee is presently studying issues which will affect their writing of a new Bill of Rights for Guam. The debaters were representatives from the private schools of St. Jude, St. Anthony, and the Far East Island Mission.

There was a schism in the group's philosophy concerning state aid to private schools, even though all present represented private schools. The Far East Island Mission Academy "has always held to the position of

complete separation of church and state," according to Paul Nelson. In speaking of public aid to the church supported schools, Nelson also said, "Once this gets started... the next part of the drama is already before us. Not only do the parochial schools want and desire (and need) help for their textbooks and their bussing and lunches--but now it's to pay the salaries of the teachers. . . . As soon as we start compromising in that area, then where are we going to draw the line?"

On the other hand, Sister Caroline of St. Jude's pointed out that all people are taxpayers, regardless of their religion, and that their tax money should be distributed to help them as citizens--not as members of a particular church. "If you have to send your children to a public school in order to get your tax money back, then you're already depriving yourself of one right." Sister Caroline suggested that

money be given directly to the parents so that they might use it to educate their children at the school of their choice--public or private.

Sister Mary Gerard of St. Anthony's said, "It's cheaper for the government to give limited aid than it is for them to try to accommodate all school children of Guam." Another point she brought out, which is often used by proponents of public aid to private schools, was that parents of children in private schools ~~are being "double taxed"~~ because they must continue to pay taxes to support public schools from which they do not benefit.

Lowell Hagely, principal of the Far East Island Mission, countered with the remark, "We're also paying taxes for wars we may not believe in . . . I may be paying taxes for someone's welfare."

A basic disagreement in the interpretation of the U. S. Constitution and the role of govern-

ment with respect to the church-state relationship existed. Sister Caroline stated that the role of government is to protect the right of every parent to see that his child is educated according to his choice."

Nelson contended, on the other hand, that the freedom or right which should be protected is that of the parent to choose to send his child to any school, regardless of whether or not the school was funded privately or publicly.

With regard to the Constitution Sister Mary Gerard said, "The Constitution has separation of church and state--meaning that the government is not to support any particular church to the detriment of any other church." The representatives from the Far East Island Mission held that the Constitution and, even more definitely, the Organic Act state that no aid shall be give to ANY church.

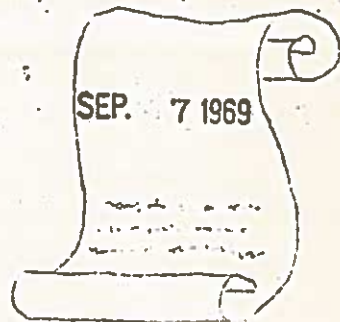
The Organic Act presently reads: "No public money or pro-

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Members of the committee present were Joseph Ada, chairman, Joe Quintanilla, William Flores, and Jesus Camacho. Those present from the parochial schools were Sisters Bernadette Marie and Mary Gerard of St. Anthony's, Sisters Flora, Carolina, and Alice of St. Jude's, Father Arnold of St. Jude's and Paul Nelson, Lowell Hagely and Jerry Wiggle of Far East Island Mission.

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*At Constitution Convention ....*

# Lively Discussion On Academic Freedom Held

Collective bargaining and academic freedom were the topics of a lively discussion during the meeting of the Bill of Rights Committee of the Constitutional Convention Thursday evening. Thirty-three people attended the meeting, including representatives from the Guam Federation of Teachers, Guam Teachers' Association, Board of Education, Department of Education, and observing students from the University of Guam.

The emphasis was on educators as the group discussed collective bargaining as a possible guarantee in the new Bill of Rights. Collective bargaining was defended by Bob Hartsock, president of the Guam Federation of Teachers, as a legitimate addition to Guam's Bill of Rights.

Carlos Taitano, chairman of the Board of Education, had a guarded response, as he pointed out that "we must never forget in any laws that we pass or anything we put in the Constitution--we must never forget the children... Sometimes we're too busy fighting over the table (collective bargaining) that the children are out on the streets running around and not getting educated." He emphasized that collective bargaining must be done with a spirit of cooperation and not with threatening positions being held. He said "The law should be such that the education of the children will continue."

Collective bargaining with non-strike clauses should be provided so that the schools would not close while bargaining was occurring, he said. "Teachers should remain in the classroom and continue to teach and should not be out striking so that we close down the schools and nobody benefits."

David Terlaje, committee member, "Aren't you taking some of the power of the teachers away? Aren't you asking for quasi-collective bargaining?"

them with the necessary tools to work with the teacher is entitled to full freedom in research and publication of his work. A teacher is entitled to discuss any subject in his class which is pertinent to the subject, but he should avoid unrelated issues.

Hartsock asked, "Who is to determine what is relevant to the subject matter? I think here you're leaving an area open to restrict the academic freedom.. Those people who are in teaching situations are professionally educated and should be able to exercise the judgement necessary to know how to handle these controversial issues."

"Taitano suggested that the education officials should be the ones allowed to decide what is to be taught and what should be omitted from particular classes. He emphasized that issues regarded by these officials as irrelevant are not appropriately discussed in the classroom.."

Galo Camacho of the Department of Education felt that the governing board of the institution is the voice of the community, and perhaps through the board community's requests for propriety in a classroom could be implemented.

Tony Palomo, president of the Convention, asked if this meant that academic freedom was relative and depends on the type of community and institution under consideration.

Frank Quitugua, Director of Education, answered that programs of study are always based upon the particular needs of the

people in a community, implying that academic freedom, too, should be guided by this philosophy.

Darrel Duncan, social studies consultant for the Department of Education disagreed. "Have I heard that academic freedom is different here from somewhere else? Do not the people of Guam need the same kind of academic freedom as people in other places need? Students at any level do not learn in a vacuum, and if someone rises a question which happens to be controversial, then that means that student is ready to learn on that particular issue at that time. For the teacher to respond by saying "We can't talk about that..." will cut off a lot of interest on the student's part.

"And I certainly can not believe that the people of Guam have any less ability to reason and to learn than people anywhere else in the world."

Duncan also felt that students and teachers at all levels should be guaranteed academic freedom.

Those present at the meeting were Galo Camacho, Department of Education; Darrel Duncan, Social Studies Consultant, Department of Education; Frank Quitugua, Director of Education; Carlos Taitano, Chairman of the Board of Education; Bob Hartsock, president of Guam Federation of Teachers, George Poertner and Peg Kiusel of Guam Teachers Association; and Patricia Potter and Delfina Aguigui of the Department of Education. In addition a large group of students from the University of Guam came as observers.



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Hartsock agreed by saying that if a law were written which denied the right to strike, only good faith would remain to assure the government employees that administrators would fairly bargain.

"You can't always rely on the good faith of the administrators... I think you have to allow them (the employees) the latitude to have a tool of some kind that they can use, and withholding of services is about the only tool that an employee has."

He emphasized that a strike is strictly a last resort, of course, for employees to take.

Taitano, speaking of strikes, said, "If it's used judiciously and as a last resort it's not an evil... but how can you guarantee that it will be used only as a last resort?"

The topic of academic freedom occupied the remainder of the discussion, and two very interesting questions were presented and debated. Should academic freedom be guaranteed only to institutions of higher learning and not to institutions wherein the students may not be mature enough to capably judge the merit or truth of controversial issues? Is academic freedom relative to the values and particular problems and idiosyncracies of a community? In other words, should a Bill of Rights guarantee academic freedom but with restrictions which would tailor the "freedom" to the community's needs?

As the proposal under study now stands, it guarantees "the students and teachers complete intellectual liberty," as stated by Joseph Ada, committee chairman. The institution is to provide