

FIRST CONSTITUTIONAL CONVENTION OF THE TERRITORY OF GUAM

MINUTES OF MEETING

The Twelfth Plenary Session of the First Constitutional Convention of the Territory of Guam met in the Audio Visual Room of the University of Guam in the evening of August 25, 1969, at seven o'clock. Mr. Antonio M. Palomo, President of the Constitutional Convention, presided. The meeting was called to order and roll call was made. The following delegates were present:

Tomas F. Mendiola, Howard G. Trapp, Jose C. Quintanilla, Pedro A.E. Manibusan, Joaquin G. Blaz, Jose L. Cepeda, Joe T. San Agustin, Enrique L.G. Untalan, Jose P. San Nicolas, Malcolm H. Merrill, Jr., William A. Flores, Jose R. Rivera, Juan M. Tuncap, Gregorio M. Borja, Joseph B. Cruz, Francisco R. Santos, Frank G. Lujan, Jose S. Lizana, Antonio M. Palomo, Adrian C. Sanchez, Robert E. Leon Guerrero, Joseph F. Ada, Tomas T. Aguon, Antonio A. Calvo, Juan G. Blas, Francisco B. Aguon.

Tardy: Theodore Nelson.

Absent: Rufo L. Calvo, David S. Terlaje, Charles F. Toves, Joe Nededog, Jose B. Santos, Vicente M. Angoco, Jesus S. Camacho, Franklin J. Quitugua, Pilar C. Lujan, Betty S. Guerrero, Jose M. Garrido, Lorenzo T. Siguenza, Jose T. Barcinas, Joaquin V.E. Manibusan, James S. Brooks, Lorenzo C. Leon Guerrero.

There was a quorum present.

LEAVE OF ABSENCE

Mr. Frank Lujan requested that Mrs. Pilar Lujan be excused because she is off island at the present time. Mr. Rufo Calvo also requested to be excused.

PRAYER

Msgr. Guerrero delivered the prayer:

"In the Name of the Father and of the Son and of the Holy Spirit. Amen. Let us Pray. All powerful and eternal God, your infinite goodness surpasses anything we might deserve and even that which we desire. Pour out your mercy on us, forgiving the sins that trouble our conscience and giving us, moreover, the graces we dare not ask you for. Grant us, the delegates to this Constitutional Convention, the favor of your blessings that what we aspire to accomplish this evening be in accordance to what you have from all eternity planned that we do for our people. We ask this of you, in the Name of your Divine Son, our Lord and Savior, Jesus Christ. Amen."

COMMUNICATIONS

There were no communications before the Chair.

APPROVAL OF MINUTES

It was moved and passed without objection that the minutes of the previous meeting be approved as submitted.

REPORTS

The President reported that he, accompanied by the Public Information Officer, met with the District Commissioners last week and explained the purpose of the Convention and plans of the Convention relative to public hearings and requested their cooperation. The Commissioners in turn, requested that they be given advance notice of the public hearings so they may arrange their schedule accordingly and in the event a date is not convenient, it will give them time to notify the Convention. They further requested that they be informed in advance of the various issues that the Convention intends to take up with the people so that they may prepare themselves.

Convention Counsel -- The Chair reported that a Convention Counsel has not yet been selected. A meeting was called of the Executive Committee last Thursday to take this matter up, however, there was not a quorum present.

Committee on Convention Rules

Mr. Juan Blas reported that the Committee on Convention Rules met last Wednesday, August 20, 1969, and all members were present. The committee proposed nine rules to be used as guidelines in conducting public hearings. Mr. Blas added that he will put these rules before the delegates for adoption under Motions and Resolutions.

Ad Hoc Committee

Mr. Sanchez reported that he has no further report and that he considers the resolution in order as it is. He felt that Mr. Merrill's motion has no bearing on the resolution drafted by his Committee.

Committee on Taxation and Finance

Mr. Joaquin Blas reported that the Committee on Taxation and Finance met last Wednesday to discuss matters relative to Taxation and Finance as embodied in the Organic Act. Also, last Friday morning, the Committee with the exception of two members appeared on KUAM TV and discussed the same matters.

Guest Speaker

At this time, Mr. Aguon moved to suspend the rules in order to hear from the guest speaker for the evening. Motion carried without objection.

The Chair then appointed Mr. Frank Lujan, Mr. Enrique Untalan and Mr. Joseph Ada as the committee to escort Mr. B.J. Bordallo to the speaker's rostrum and back. Mr. Bordallo's speech is attached to these minutes. Upon completion of his speech there followed a question and answer period and then Mr. Bordallo was escorted out of the hall.

MOTIONS AND RESOLUTIONS

Mr. Juan Blas -- stated that the Committee on Convention Rules has drafted a proposal for rules governing the conduct of the Convention at public hearings. These rules were distributed to delegates in order to meet the twenty-four hour requirement for discussion. Mr. Blas moved that the rules be discussed and adopted as part of the rules of the Convention. Motion seconded by Mr. Manibusan.

Mr. Tuncap -- moved that in Section 3, the last word on line 2, "President" be changed to "Executive Committee" so that it would read, "Changes in schedules of public hearings can be made only through approval of the Executive Committee". Motion seconded.

In the discussion that followed, Mr. Blas explained that this section was included because the committee took into consideration the fact that circumstances beyond control could force the cancellation of a scheduled meeting, such as a typhoon condition, and for this reason the meeting would be cancelled. Adequate notification would then have to be given to the public about the cancellation and rescheduling of the meeting.

Mr. Blas -- asked for clarification of Section 6, that is whether the Councils will hold the meetings in behalf of the committees or will all the committee members be required to be present.

Mr. Blas -- explained that there are too many sub-committees to go out every night to each village. It was felt that each Council will go out to the villages for the various public hearings with all its respective sub-committees. For example, if there are seven sub-committees in one Council, the Council with all seven sub-committees will hold a public hearing the same night in the same village. Mr. Blas added that there will always be the possibility of some of the sub-committees having to return to the same village.

A vote was taken on the amendment to the motion, that is to change the word "President" to "Executive Committee". Motion duly carried.

Mr. Santos -- moved that the word "Municipal" in Section 4 be deleted so that the places of public hearings will not be limited. Motion was seconded and after some discussion, the motion was carried.

Mr. Agnon -- pointed out that the Committee on Convention Rules went on the premise that each Council as a whole would be conducting the public hearings, therefore, he cautioned delegates that if the rules are adopted, the Councils as a whole will be conducting the public hearings.

Mr. Rivera -- moved to table the proposal until next meeting. Seconded and passed.

Convention Counsel

Mr. Blaz -- expressed concern that the Executive Committee has not yet hired a Convention Counsel. He moved to suspend the rules and to bring the matter of the hiring of the Convention Counsel to the floor of the Convention. Seconded by Mr. Sanchez. The Chairman put the motion of suspending the rules before the body and a hand count was taken. The motion was defeated by a vote of 10-14.

Mr. Santos -- moved that the recruitment of the Counsel be included on the Agenda in the next session of the Convention for discussion and action. Motion seconded.

Mr. Merrill -- asked for a ruling by the Chair as he considered the motion out of order. The chair ruled that the motion was in order.

Mr. Merrill -- spoke against the motion. He stated that the responsibility of hiring the Counsel has already been given to the Executive Committee, however, he felt that if the Executive Committee has not acted by September 15, then the body should look into the matter of taking further action. He requested that the Executive Committee act as expeditiously as possible in this matter.

Mr. San Agustin -- rose and spoke against the motion.

Mr. Ada -- spoke against the motion. He expressed the opinion that the President was not getting support from the other members of the Executive Committee in this matter and for this reason the selection has been delayed. He also urged the Executive Committee to take action as soon as possible.

Mr. Sanchez -- moved to amend the motion to the effect that by the next meeting the Executive Committee must have made a selection or must be ready to make a recommendation to the body. If the Committee fails to accomplish this, then the decision of selection will be made by the body during the next meeting. Motion seconded.

After a short discussion, a vote was taken on the amendment to the motion. Motion carried.

A vote was taken on the main motion. Motion carried.

PRIVILEGE OF THE FLOOR

No member exercised the privilege of the floor.

ANNOUNCEMENTS

Mr. Santos -- remarked that in order to take advantage of having a quorum, he would like to add a member to the Committee on Legislative Powers, in the person of Mr. Frank Lujan. The Chair ruled that it is a violation of the Rules as it is specified in the Rules the number of members each committee is to be comprised of.

Mr. Ada -- asked the feasibility of hiring two Convention Counsels. The Chair stated that this matter has not been discussed.

Mr. Sanchez -- announced that he will be off island during the month of September, up to the middle of October and therefore will be unable to attend any meetings during this period. Mr. Joe San Agustin will take over the Chairmanship of the Political Status Committee.

Mr. Guerrero -- announced that the Committee on Health and Welfare will meet next Wednesday at 12 noon in the Constitutinnal Convention Headquarters. Sister Jean Marie Menke will be a guest speaker at this meeting.

Mr. Manibusan -- announced that the Committee on Manpower Development will meet this Thursday at 12 noon at the Constitutional Convention Headquarters.

Mr. Ada -- announced that the Bill of Rights Committee will meet this Thursday night at 7:30 p.m. at the Convention Headquarters.

Mr. Palomo -- announced that the Executive Committee will meet this Wednesday at 5:00 p.m. at the Convention Headquarters.

Mr. Palomo also announced that he appointed Mr. Merrill as Acting Secretary of the Convention during the absence of Mrs. Betty Guerrero and as such he will be required to attend meetings of the Executive Committee.


Mr. Blas -- announced that the Committee on Convention Rules will meet this Wednesday at 5:00 p.m. at the Convention Headquarters.

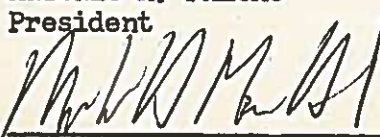
ADJOURNMENT

It was moved, seconded and carried without objection to adjourn at 8:50 p.m.


PEGGY YOUNG
Recorder

APPROVED:


ANTONIO M. PALOMO
President


MALCOLM H. MERRILL, Jr.
Acting Secretary

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Text of Mr. B.J. Bordallo's speech before the delegates on August 25, 1969.

Mr. Palomo: Ladies and Gentlemen, our speaker tonight is a man who is very, very knowledgeable about the political and economic development of the Territory and perhaps most of you know our guest speaker has been active in the business community and in the political realm. He served for many years in the pre-war Congress and also after the passage of the Organic Act. I am sure most of you know also that our speaker, along with another prominent local citizen, traveled to our Nation's Capital over twenty years ago in an attempt to have an Organic Act enacted by the United States Congress. I feel that our speaker tonight is in a position to give us sound advice and sound background information relative to the development of our Territory, both from the political point of view and from the economical point of view. I introduce tonight, Mr. B.J. Bordallo.

Mr. Bordallo:

Mr. Chairman, members of the Constitutional, I am speaking to you very informally. I want to give you an outline of the economic life of the people of Guam, say, back to 1915. At that time some of the people were pretty poor; they had no means by which to earn money to buy themselves some of the necessities of life. The copra industry was still in its infancy. When the copra trade was opened up after arrival of the Americans, the farmers of Guam found the price was very good, very satisfactory, so they went right in and started to plant coconuts. In 1915 some of the farmers who were far more advanced in their thinking than others, had started to reap in the harvest of their labor. However, the prevailing wage of the common laborer was \$4.00 to \$6.00 a month; the wage for girls who did household work got \$3.00 to \$4.00 a month; carpenters at the time were getting \$1.00 to \$1.25 a day. 1915 was the last year before I went to the States. Incidentally, I may add that I am very proud to mention that in that class that I left behind, there were Dr. Ramon Sablan, the first Guamanian to receive his MD in the mainland; Joe Flores, our ex-Governor; Mr. F.P. Flores, who was Chief Auditor of the Government of Guam for many years and father of the Vice-Speaker of the Legislature; Ben Arriola, the father of the present Speaker; Mr. Juan Muna who has been Assistant Secretary to the Governor for some years prior to the war, and since the war he was in charge of the Draft Board and he is now retired, and others.

When I returned to Guam in 1920 I found things had changed. There were five or six hundred Marines on Guam which greatly effected the economic conditions on the island. In 1922 the Marine Aviation came to Guam with 300 men. Copra prices went up to \$4.50 to \$4.75 which was quite a difference to \$2.00 back in 1915, so things looked rosey for some years from 1920 to 1929. In 1929 the Marine Aviation left Guam and went to the Philippines to stand by just in case of war between Japan and the United States. A couple hundred Marines were sent back to the U.S. a couple years before. The price of copra had dropped to \$2.25 a hundred pounds and wages started to come down.

In 1930, Commander Bradley was appointed Governor of Guam. He was the first Commander I have seen who was made Governor of Guam. Previously, only Captains in the Navy were appointed Governor of Guam. One of the first official acts of Governor Bradley was to give the people their civil rights, followed by the establishment of the Guam Congress. I am sure that most of you know the set-up of the Guam Congress back in 1932, consisting of two houses, the Upper House was called the House of Council and the Lower House was named the House of Assembly. In the House of Council we find that there were sixteen Councilmen, each Councilman representing a village. In the House of Assembly we find that it composed of some thirty Assemblymen who were elected by the people according to the size or population of the town.

In 1933, 34, 35, 36, things were getting real bad. Prices of copra went down to 75¢ a hundred pounds - from \$4.75 to 75¢ a hundred pounds. Wages went down from 75¢ to \$1.25 back in 1929 to 40¢, 50¢, 75¢ a day. In 1936 the members of the Council were chiefly interested in the economic plight of the people, whereas the Assemblymen, whose leadership was in the person of F.B. Leon Guerrero, were very much interested in the determination of civil rights and political status of the people as was written in the Treaty of Paris. So these two interests of the Council in the economic condition of the people and the Assemblymen in the determination of the political status merged and as a result we decided to hold a special session of the Congress. In that special session it was unanimously agreed that the Guam Congressmen should take the initiative and start a movement, supported by the people of Guam to send a delegation to Washington to petition the United States Congress for American citizenship. A joint resolution was drawn up. I am very sorry that I don't have a single copy in my hands nor my home. I had some copies but they were destroyed during the war. It was signed by every Congressman of the Congress. The report was made to the Governor and his Aide concerning the decision of the Guam Congress to send a delegation to Washington. The Governor immediately responded very favorably. In fact, he volunteered to donate \$20.00. He said, "Put me down for \$20.00". However, it took us four, six or eight months to collect that \$20.00 because when we got to Washington, the Navy Department did not approve of our mission. It may interest you to know Gentlemen, that the Labor Department, the Department of the Interior and the State Department, I will add, were all in favour of our mission, however, after the Navy Department made its views clear to the State Department and to the Labor Department on how it stood concerning our movement, I regret to say that they backed out except the Interior Department - they were with us all the way through.

I believe I will wind up the first phase of my speech and given time I will start on the second phase.

I understand the work, responsibility and interest you are giving to your assignment. To you, Gentlemen, I plead that you give serious consideration to, I believe, the necessity that we should have a bicameral Congress. As

it is now we have a unicameral Congress with only one house. Back in 1930 we had a bicameral. It seems to me like we are twenty years behind because in 1930 Governor Bradley established a Guam Congress of two houses. In 1950 the United States Congress conferred U.S. citizenship upon us but allowed us only one House of Congress. I am pretty sure that the main reason for that, although I never took the trouble to find out from any of the Congressmen back there as to just why we were allowed only a one house Congress, but I am inclined to believe that it is to economize the funds of the United States. That is the only reason I can think of, to economize, so the United States Congress will be paying only for the services of twenty-one Congressmen instead of thirty some which we had before. Please remember this that in 1949 when Mr. Guerrero and Judge Manibusan went to the States to represent us before the United States Congress concerning U.S. citizenship, the instructions they received was not to argue, not to make yourselves hard to please, the main thing is to go there and accept U.S. citizenship under any condition. That was why it was never questioned, it was never argued before the committee as to just why we agreed to accept U.S. citizenship and the Organic Act as it was written. Also included in the Organic Act was the way the Congressmen were to be elected. It was entirely different to the method used in 1930. It was not direct representation of the towns and villages, it is indirect. I would like to see a direct representation - I would like to see the District Representation. As you all know, it was a decision by the Supreme Court, it was a decision made by the people of Guam on a referendum which took place sometime back. We need to have that District Representation. We could work it so that we may have two Houses of Congress - one house to represent Congressmen directly, elected by the people according to population, and we may have the Senators by popular election by the people in general. I believe that will make a set-up.

I think I have taken up enough time, if there are any questions that members would like to ask I will be happy to answer.

Thank you very much.