

Mr. Joseph Ada
Chairman, Rights Committee
Constitutional Convention

Dear Mr. Ada:

Nearly all the states formed since the civil war have included the rights of initiative, referendum and recall in their constitutions.

I think it is most important that these rights be guaranteed the electorate of Guam forever, in the Constitution's bill of rights, as closely related to the right to petition.

The initiative is an electoral device whereby individuals or groups propose statutory legislation or constitutional amendment by securing the signatures of the requisite number of voters and place the measure before the electorate for adoption or rejection. Five percent of the voters are required on the average for statutory measures and 10% for constitutional amendments. It is most often mandatory that constitutional amendments be referred to the people. Any measure or constitutional change passed by the people has privileged status and may not be repealed by the legislature.

The referendum is a means in which voters by petition force submission to the whole electorate of a bill passed by the legislature. The number of voters' signatures required is usually less than for the initiative, but averages about 5% of the registered voters or voters in the previous general election.

The recall is an instrument through which by signing petitions voters may require a special election to determine whether an official shall be superseded before his term expires. It is my personal opinion that about 10% of the voters in the previous general election should be required for the recall, in order to avoid undue pressure from small but powerful minorities while still protecting the public's basic right.

principle of single subject law, by the provision that these rights may not be repealed or denied, that tax laws are included, that emergency measures are included. I would not include a provision that various districts must meet signatory or voting provisions, because some day the territory may be expanded, and all areas need to have these measures without veto by any other area. Also, I believe that a simple majority is all that must be required to pass a proposal, including a constitutional change.

Finally, I recommend the Oregon law if a model is needed. The Oregon law is frequently cited as a model.

I did not wish to intrude in the process of formulating a basic document, but I do have fears that the Guamanian people may lose their property and personal rights because of the strong forces operating in this part of the world. Your committee is the principal bulwark at this time, the main basis of protection of the individual.

Yours sincerely,



Frank F. Miles,
Dean, Graduate School

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