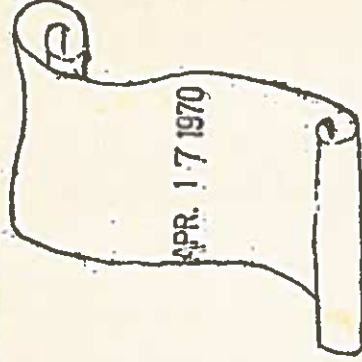


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FIRST CONSTITUTIONAL CONVENTION OF THE TERRITORY OF GUAM

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Locally Elected Comptroller Subject Of Debate Here

A proposition providing for a locally elected comptroller was the subject of much debate during the Constitutional Convention meeting Monday evening.

After several amendments, the proposition was moved to third reading for the final vote next week.

Basically, the proposition requires that a comptroller be elected for an eight year term on a non-partisan basis by the qualified voters of Guam to perform those functions which are now performed by the federal comptroller.

Qualifications for the candidate, as set forth in the proposition are that he be a citizen of the United States for five years, a bona fide resident of Guam, and thirty years of age.

His duties are to audit all accounts, expenditures, and property of the government and to direct the audit to improve the efficiency and economy of government programs.

At the close of each fiscal year the comptroller is to submit his report to the President of the Senate, the Speaker of the House of Representatives, the Governor of Guam, the Speaker of the Guam Legislature, the Secretary of the Interior, and to all the people of Guam by publication.

An opponent of the proposition was Joseph Ada, who contended that 80,000,000 people in the United States have a right to know how the federal money on Guam is being spent.

He also argued that people who opposed the federal comptroller

He criticized the widely publicized figure of \$400,000 as the cost for the comptroller's office and stated that the actual amount to be expended will be close to half that figure.

In rebutting the argument that many states elect their own comptrollers, Ada went on to say, "Do not equate Guam with the states. Guam does not pay federal income taxes as the states do."

Adrian Sanchez spoke in favor of the locally elected comptrol-

ler, he said, "I am mindful of the objection that the United States Congress must maintain some kind of control over federal funds here. However, by adopting this proposition we are not depriving Congress of its check. All federal aid given to Guam is subject to audit by the department responsible for those funds. At any time auditors may be sent here to see that funds are being spent properly."

Joe San Agustin agreed, and reminded the delegates that taxes paid locally belong to the Government of Guam. He even suggested that an elected comptroller

should have to report to no one but the people of Guam.

Rufo Calvo, another opponent of proposition, urged caution and stated, "how can we say after a

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ORGANIC ACT OF 1950

Guam Looks for New Constitution

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If the attendance and vehemence shown so far in the village public hearings on the subject is any indication, Guamanians relish the idea of a new and locally-written constitution for the territory.

The First Constitutional Convention, created by the Tenth Guam Legislature under a bill introduced by Sen. Richard Taitano, moved to the villages October 1 for the public hearings, and they will continue until January. After that, the delegates will debate and write the document and it will be presented to the Legislature and the United States Congress.

The only way for the constitution to become effective is for the Congress to pass it as a law amending the Organic Act of 1950. This Act, as amended, is the present "constitution" of Guam.

Although the public hearings are only in their third week and so far have only been concern-

on the ground that the governor and lieutenant governor must work as a team, they want the lieutenant governor to have the same qualifications and run on the same ticket, more or less as a parlay, as the governor.

There's more difference of opinion on the qualifications. Generally, the goal would seem to be that any future governor be a real Guamanian, not a Statesider or Mainlander, and most proposals attempt to set this requirement up through the use of such phrases as "natural born" citizen of Guam.

Some of the proposed standards are high — much higher, in fact, than those for President of the United States. Proposals include one that eligibility be based on passing a police background check and another that the candidate must hold a master's degree.

On salaries, there's a wide

the villages, in such matters as taxation, policing, garbage collection and roadmending.

Significantly, the Commissioners who would profit most by such a move politically are the ones who advise a "go slow" approach.

In Santa Rita, for example, Commissioner Pete Roberto said, "If the villages are given the power to tax, they will simply be getting enough rope to hang themselves. Small villages with little money will be starving in every area of life."

Port Director Jose Sarmiento suggested that each commissioner be authorized to make a budget request of the Legislature each year. "Right now the villages are at the mercy of the Legislature," he said. "The money is not being distributed equitably among all the villages."

Aside from this aspect of taxation, however, there has

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- Pelomo, Antonio M.
- Sanchez, Adrian C.
- Leon Guerrero, Robert E.

IS Organic Act Out Of Date?

"It is the finding of the Legislature that while in most respects the Organic Act of Guam is an admirable document, nevertheless certain provisions are either outdated, inappropriate, or unenforceable..." This statement is from the preface of Public Law 9-244 which created the First Constitutional Convention of the Territory of Guam.

or the first time since 1950 when the Organic Act was granted to Guam, the people of Guam are being consulted as to its contents. This significant step forward for Guam is being taken by the Convention as it holds public hearings in each of the nineteen districts.

The Executive Council, which is holding hearings during the month of October, is examining the executive branch of the government and posing questions such as these:

Who should be eligible to elect the Governor? How long should the Governor be allowed to serve? What should be the duties of the Lieutenant Governor? Should the Governor and Lieutenant Governor run separately or on the same slate? What qualifications must a gubernatorial candidate possess? Must he be born on Guam? If not, how many states must he have

Does the government need the Federal Comptroller even though it has its own auditing branch? If so, should he be paid with federal funds rather than with local funds?

The Organic Act says that taxes should be "uniformly provided" by the Legislature. Is this being carried out? Should a referendum be required when the government is to go into public indebtedness? Can the government tax military sales?

Should the Board of Education be elected rather than appointed? Should public monies be given to private schools? Should the University of Guam or the Department of Education be granted autonomy? What should be the ages of compulsory school attendance?

Should the Organic Act contain provisions governing the large amount of foreign labor which exists on Guam? Should local residents be given preference in hiring over non-local residents?

Should we have completely centralized government, wholly decentralized government, or government which is partially decentralized? If government

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Palomo Explains Convention To Local Rotary Club

Issues under study by Guam's First Constitutional Convention were presented Thursday to Guam's Rotary Club in a speech by Convention president, Tony Palomo.

Palomo stated that after a history of outside rule or limited self rule, Guam was at last engaging in the determination of its own governmental structure and basic law.

Some of the questions under consideration by the delegates, according to Palomo, are these:

1) What should Guam's political status be? "We are now an unincorporated territory. Should we remain as such? Perhaps we should try to become an incorporated territory. (An incorporated territory is legally part of the United States; where more of a possession of the U.S.) Perhaps we should become a commonwealth like Puerto Rico or aim for statehood.



4) "Should the Governor's salary be changed while he is in office? Should legislators be able to change their own salaries while they are incumbents?"

5) "Should, the terms of the department heads expire when the Governor's term expires?"

8) "Should Guam have a representative in the United States Congress?"

Questions were entertained after the speech, and Ray Underwood asked, "Have you ever considered election of the legislature by district representation? Palomo indicated that some of the Convention delegates were proponents of district representation, whereby legislators are elected from every district rather than at large.

Retired Admiral Carlton Jones inquired if the delegates were examining the new Elective Governor Bill to ensure that the constitution provides for it adequately, and Palomo informed him that this was, in fact, being studied by the delegates of the gubernatorial Powers Committee.

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ConCon Hearing In Barrigada

The Executive Council of the First Constitutional Convention held its public hearing in Barrigada Thursday evening.

Heated debate was heard by the delegates on the issues of the comptroller and public aid to private institutions.

George Borja stated that he felt that the government should subsidize private schools to the greatest possible degree—even to the extent of aiding in building costs.

Carlos Santos, on the other hand, felt that government funds should not be used in that manner. He said, "if more schools are needed, the government

should use its money to build more public schools—not to supplement the building of private schools."

When discussion began on the subject of the comptroller, Raymond Laguana, assistant commissioner of Barrigada objected strongly to the presence of the comptroller. He stated that "We have government without power: the comptroller is more powerful than the Governor."

Carlos Santos took issue with Mr. Laguana by stating that there must have been a reason for the U.S. Congress to have required a comptroller for Guam. He even went so far as to directly ask the

delegates if they, in fact, knew of any misuses of public funds occurring on any department of the government.

Santos also argued that military sales should not be taxed. "The people in the military on Guam are far from home and are here to defend us. They should not be subject to taxation."

Laguana spoke in favor of increasing the power of the commissioner. He asked that the commissioner be given the fiscal power to manage the affairs of their villages, so that they would not have to "go begging" from other departments in the government.

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Autonomy Urged For Department Of Education

The Education officials favored an appointed Board of Education. Del Aguigui, Assistant Superintendent in charge of secondary schools stated that participation of the local public in the Board meetings has been minimal. She stated that if this is an indication of public interest, those who serve on the Board of Education would be appointed by the Governor, who is familiar with all the outstanding leaders on the island.

Tony Palomo, president of the Convention suggested that the committee consider a system of public participation known as the Missouri Plan. Under this plan the people cast votes in favor or disfavor regarding the public officials in office. This method could be used to evaluate members of an appointed Board of Education.

Andrew Shook, acting presi-

dent of the University of Guam, favored an appointed Board of Regents when he met with the committee on Tuesday.

Those present at the meeting Monday were Carlos Taitano, Chairman of the Board of Education; Patricia Potter, Coordinator of Federal Funds; and Del Aguigui, Assistant Superintendent in charge of secondary schools.

Tuesday evening the university was represented by Andrew Shook, Acting President; Margerite Alstrom, Acting Academic Vice-President; and Al Rios, Acting Business Vice-president.

Committees present were Franklin Quitugua, chairman, Betty Guerrero, Enrique Untalan, Tomas Aguon, Ted Nelson, and David Terlaje.

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Inarajan Has 100 At Hearing

The village of Inarajan complimented the delegates of the First Constitutional Convention's Council by having approximately 100 people at the public hearing held in that village on Wednesday evening, October 8.

The hearing began with a pointed question asked by Senator Alfred Flores: "How many members of this council are government employees?" When he learned that all present were employed by the government, he asked, "What will happen if the Governor would like to remove parts of your proposals to change the Organic Act? Wouldn't you be prone to follow the Governor's suggestion since you are employed by him?"

Enrique Naputi recommended these provisions in the Organic Act with respect to the Governor: He should serve for no more than two years of four years each and must be a "natural born citizen" of Guam. Naputi stated that he felt that the Governor and Lieutenant Governor should run for office on separate slates. Speaking on education, Naputi strongly advocated the use of private funds to aid parochial schools. He also said, "Because departments of the government are always affected by politics, the Committee on Education must carefully study the question of autonomy for the university."

For village government he advocated an elected commissioner who would be aided by a council of five members which would be appointed. Robert Wade posed the question of residency to the delegates. He pointed out that contract employees who live on Guam are not entitled to declare residency and vote here without undergoing a considerable financial loss; however, they also lose their residency in their home states upon leaving the mainland. Essentially, then, the contract employees are men without any residency at all.

Commissioner Joaquin Diego suggested a change in Section Six of the Organic Act which states "The Governor of Guam, shall be elected by a majority of the votes cast by the people.... If no candidate receives a majority of the votes cast... on the fourteenth day thereafter a runoff election shall be held...." The commissioner felt that the candidate receiving the highest number of votes should be declared Governor rather than requiring the

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 Leon Guerrero, Robert B.

Taitano Suggests Dividing GovGuam Into Large Districts

A unique scheme of municipal government was presented to the Executive Council of Guam's First Constitutional Convention by Carlos Taitano at the public hearing held in Sinajana.

For more effective village government, he recommended that the island be divided into large districts with a municipal government in each district. These districts would be comprised of several villages rather than only one and would be governed by a council of commissioners who would work as a team for the district.

To finance the operations of these relatively autonomous districts, Taitano suggested that a yearly budget request be presented to the Legislature by the commissioners. This budget would cover such expenses as minor community and school maintenance and police and fire protection.

After receiving their appropriations, the municipal districts could then contract with governmental or private contractors to perform work.

Someone who was working in the government "full time" was completely unneeded.

He also felt that the controller was, in any case, overstepping his function by recommending changes in procedures and management. Taitano added, "If they (the federal government) want to audit federal funds, they should send in auditors periodically."

Joaquin Blaz, Director of the Department of Revenue and Taxation asked Taitano, "Do you feel that this office is, in a sense, a fourth branch of government?" Taitano replied, "I think it is the first branch, and everybody else is under it!"

The office of the Governor, a subject of debate and discussion at every hearing held so far, was again considered Saturday night with these suggestions being made:

Both Carlos Taitano and Pedro Leon Guerrero recommended a four year term of office with only two consecutive terms being

He feared that candidate hopefuls who have only a small amount of funds will be unable to compete successfully against those who have large amounts of contributions or personal assets.

Bordallo's proposed solution to this problem is to allocate public funds to all candidates for campaign expenses, ensuring an equitable expenditure by all candidates--"from the richest to the poorest."

Joaquin Blaz, Convention delegate, asked Bordallo, "What if a person should run for office who was advocating a doctrine inimical to that of our present form of democratic government? What if a Communist were running? Should the government still subsidize the candidate?"

Although Bordallo was unprepared to answer this question, he still felt that there must be safeguards to ensure that "bright, eligible candidates are not restricted from running due to lack of funds."

He said, "A person from any station in life should be able to run for any office." He also stat-

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David S. Terlaje
Asst. Vice President
Howard G. Trapp
Asst. Vice President

Delegates

Agana
Mendiola, Tomas F.
Trapp, Howard G.
Agana Heights
Cabo, Rufio L.
Terlaje, David S.
Agat
Quintanilla, Jose C.
Toves, Charles F.
Necedos, Joe
Asat-Maina
Santos, Jose B.
Angaco, Vicente M.
Barrigada
Manibusan, Pedro A. E.
Blaz, Joaquin G.
Camacho, Jesus S.
Cepeda, Jose L.
Chalan-Pago-Ordot
Quitugua, Franklin J.
Lujan, Pilar C.
Dededo
San Agustin, Joe T.
Guerrero, Betty S.
Untalan, Enrique L. G.
Garrido, Jose M.
Inarajan
San Nicolas, Jose P.
Merrill, Malcolm H., Jr.
Manglao
Siguenza, Lorenzo T.
Flores, William A.
Merizo
Barcenas, Jose T.
Mongmong-Toto-Maite
Nelson, Theodore
Rivera, Jose R.
Fib
Tuncap, Juan M.
Santa Rita
Borja, Gregorio M.
Cruz, Joseph B.
Sinajana
Santos, Francisco R.
Manibusan, Joaquin V. E.
Lujan, Frank G.
Talofofo
Lizama, Jose S.
Brooks, James R.
Tamuning
Palomo, Antonio M.

Carlos Bordallo wished to see the candidates for public office publish their financial statements at the beginning and end of their respective terms.

He also said that no official should serve for more than six years and should not be allowed to run again until a six year lapse of time has occurred.

Other subjects touched upon during the hearing were taxation, the Board of Education, public aid to private schools, and the commissioner's status.

In reference to the Board of Education, Carlos Taitano said that he favored an appointed Board. He said that many people who may be excellent school board members would not be willing to subject themselves to the rigors of a campaign. Also he stated, "The people who might choose to run may not be the best candidates to serve on a school board; whereas the Governor can comb the island for the most capable people."

When asked about his opinion regarding public aid to private schools, he said, "I believe in advancing education in all sectors at all times. The only time I would object to aiding private schools is when it robs the public schools of needed funds."

"Presently, the public schools are over-crowded and understaffed. As long as you don't have adequate classroom space, as long as maintenance is inadequate, public money should not be given to private institutions. I don't believe we should divert needed funds to other agencies when they are so needed in the public school system."

Commissioner of Sinajana, Angel Pangelinan, spoke on the commissioner's office saying that the commissioner should remain an elected official--the expression of the people's will. He favored an advisory council appointed by the commissioner to aid in decision-making.

Lastly, Taitano questioned the submitting of the Convention's final proposals to the U.S. Congress. He felt that it should be Guam's prerogatives to amend its laws whenever it was necessary, without having to ask the permission or sanction of the U.S. Congress.

the first

CONSTITUTIONAL CONVENTION

of the territory of Guam

Postal address: Drawer I, Agana, Guam 96910

Convention hall: Robert F. Kennedy Memorial

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Convention offices: Second Floor, Perez Bros.

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Officers

Antonio M. Palomo

President

Jose C. Quintanilla

Vice President

Betty S. Guerrero

Secretary

Jose R. Rivera

Treasurer

Joe T. San Agustin

Asst. Vice President

David S. Terlaje

Asst. Vice President

Howard G. Trapp

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Agana

Mendiola, Tomas F.

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Agana Heights

Question Of Guam's Residency Requirements Again Comes Up

The question of Guam's residency requirements arose once again at a public hearing held in Agana Heights on Thursday, October 9, by the Executive Council of the First Constitutional Convention.

Carmen Kasperbauer made this statement: 'Somehow we feel that Guam is for Guamanians. Why do we make Guam different from the states? In the states you can live in the state of New York and vote there even if you are a contract worker. We Guamanians can go and live in the states for six months and vote there. But when mainlanders come here, they can not vote here even though they pay taxes here. To me this is taxation without representation.'

Jack Cross said that employees are not denied the privilege of becoming residents if they are willing to convert to local hire status. He reminded the

people present that after such a conversion the employee receives such benefits as his travel allowance, shipping cost, and per diem allowance in cash and is also allowed to live in Government housing for a period of one year.

Other topics of discussion were the federal comptroller and autonomy for the Department of Education, the University, and the hospital.

Alfred Bordallo stated that he believed auditing of federal funds was necessary because of the large amount of federal money received by Guam. However, he felt that the private auditing firm which is contracted by the government each year and which makes its studies known to the federal government is adequate protection. Bordallo also recommended that the salaries for the Governor and Lieutenant be \$25,000 and \$20,000 respective-

ly.

Gil Untalan said, 'I feel we do need a comptroller, but that he must be under the jurisdiction of the Governor of Guam.'

Former Senator Ignacio Qui-tuga particularly objected to the comptroller when he learned that it costs the Government of Guam

\$400,000 to maintain the office of the comptroller.

Carmen Kasperbauer advocated autonomy for the Department of Education, the University of Guam, and Guam Memorial Hospital. She stated that these departments 'would be better off managing themselves.'

Tamuning

Palomo, Antonio M.