

Bill Of Rights Committee

Right To Know Discussed At Con Conf

Church-state relationship, the "right to know," and the right of association and advocacy were discussed during a continuation of last week's Bill of Rights Committee meeting of the First Constitutional Convention.

The committee met once again with representatives from Guam's public school system to hear their testimonies on these issues.

The subject of public aid to sectarian institutions which is presently forbidden by the Organic Act was broached with vigor by the guests of the committee.

Generally speaking, those from the public schools feel that aid to private education is a sacrifice which public schools can not afford to make. The consensus was that if public schools can not support all students, the government should concentrate on alleviating this problem by extending the services of the public schools--not by "purchasing the services" of private schools.

Peg Kissell of the Guam Teachers' Association stated that since Speaker Joaquin C. Arriola's bill granting \$200,000 to the private schools was passed, the public schools' budget was slashed by \$150,000. "Most of your (public) schools at this time have nothing to work on," she said. (The Director of Education commented, however, that these funds have

vocally the Board's opinion. He noted that aid to purchase even such things as transportation and textbooks is a compromise with social pressures of the day. "The moment you put the public in support of a private agency, it is no longer a private agency."

Proponents of public aid to private education often complain that parents of students in parochial schools are being "double-taxed" because they pay taxes for public schools and also pay tuition to private schools. However, this argument was refuted by Don Berry, president of the Guam Teachers' Association. He quoted from the book, The Role Of The Federal Government in Education: "Those opposing this point of view, however, stress the fact that all of us suffer some form of double taxation. Unmarried persons are required to pay taxes to support schools. Individuals who join private clubs and private swimming pools are also suffering a type of double taxation," Berry stated that "This point is argued, furthermore, that this added burden is self-imposed."

Bob Hartsock, president of the Guam Federation of Teachers, presented a five-point refutation of public aid to private schools. These points were 1) It is an obvious fallacy that the private schools will save the public schools money if public monies are given

ford to support both public and private schools."

3) Public funds limit the parochial schools. Under the provisions of the act which provides them with \$200,000, for example, the private schools are obliged to teach history in a manner dictated by the Board of Education. They must not introduce religion into the course. "So they've already accepted limitations on what they've supposed to be providing in their schools--which is the reason for their existence."

4. Religious instruction can be obtained for public school students by asking for release time. This is related to point 5 which was that the reasons for sending students to parochial schools are often not related to religion but rather to status and the desire for a "better" education than that provided by public schools.

Andrew Gayle, legal counsel for the Convention, asked if it would be so harmful to allow public funds to be spent on transportation and buses only.

However, Dr. Jones reminded the counsel that during a legislative public hearing, the private schools used the fact that buses and books were now provided as "partial justification for demanding of money to private schools." "opens up the crack in the door." Besides that, when books and transportation are provided, private school funds are released to be used for other purposes, some of which are teaching religion. Therefore, the public monies are being used indirectly to support religious activity.

Franklin Qutugua, Director of Education, suggested that it was not a matter of supporting private schools, but of purchasing particular services from them.

The people's right to know and the right of association were also

All present at the meeting recognized that certain records must be kept confidential. However, it was the contention of representative of the schools that records in public offices must be kept open and available for public perusal in a democracy.

The right of association and advocacy was defended by Dr. Jones who said, "If we're going to have a democracy, one of the key concepts is freedom of speech and advocacy. You only get dynamic and positive change if you will permit free discussion."

Those present at the meeting were Don Berry, Peg Kissel, and George Poerther of the Guam Teachers' Association; Bob Hartsock, Conrad Stenson, and Peter Straubel of the Guam Federation of Teachers; Grady Sibbey, vice-president of the Board of Education; Franklin Qutugua, Director of Education; and Donald Jones, Academic Consultant

for the University of Guam. Committee members present were Joseph Ada, chairman, William Flores, and David Teriñe. Also present was Andrew Gayle, legal counsel for the Convention.

Who Should Elect

Guam's Governor?

SEP. 29 1969

After weeks of meetings and discussions, the delegates to begin their series of public hearings on Wednesday evening, Oct. 1, in the village of Yigo.

The convention is comprised of three councils, each council studying a different portion of the Organic Act. These councils will hold their public hearings separately, because of the large number of issues which each council must cover.

The first council to hold hearings will be the Executive Affairs Council. This council's area of concern is all executive branches

of the government including departments and agencies.

Seven committees will be traveling, in this council to listen to the public's opinions about their respective areas. They are Education, gubernatorial Powers, Manpower, Municipal Government and Development, Health and Social Services, Taxation and Finance, and Natural Resources.

These committees are asking questions about the Organic Act which may have significant consequences if the proposals of the delegates are approved by the U.S. Congress.

Some of these questions are:
1) Who should be eligible to elect

the Governor? Should bona fide residents of Guam include a student who are studying abroad; b) members of the armed forces, and c) merchant seamen?

2) Should the Governor serve for four years, six years, or some other number of years?

3) Should the Governor be allowed to run for two successive terms of office? Should the Lieutenant Governor be restricted to two consecutive terms?

4) Should the Governor and Lieutenant Governor run of the same

6) Should the Governor's veto power be limited?

7) Do we have too many departments in the government? (Presently there are twenty-five departments and agencies.) Would a smaller number of departments help the government to operate more efficiently?

8) Is it necessary to have Civil Service Commission?

9) Does the government need the Federal Comptroller even though it has its own auditing branch? (The government also hires a private firm to audit its funds every year.) Should a federal employee be retained to audit federal funds spent on Guam? Should the federal comptroller be paid with federal funds?

10) Shall the tenures of department and agency heads expire concurrently with the tenures of the Governor and Lieutenant Governor?

The Committee on Municipal

6) Should taxing school districts be established?

The very pragmatic questions which surround the area of taxation will be heard by the Committee on Taxation and Finance. This Committee has already thought of such questions as: 1) The Organic Act says that taxes should be "uniformly provided" by the legislature. Are taxes on Guam uniform? 2) Does it hurt some people and benefit others? 3) Can we tax the military sales?

3) Should 10% public indebtedness be based on appraised or assessed values of property? Should public properties be included here?

4) Should a referendum be required when the government is to go into public indebtedness?

Anyone who has ideas or suggestions concerning the answers to these questions, or who simply has an interest in them is invited to participate in the public hearings. A schedule of the hearings is in the Sunday, Sept. 28 edition of the Guam Daily News, and will appear again on Wednesday, Oct. 1.

lodge governments take? What powers should a village government have? Should it have the power to tax?

The committee has discussed the possibility of having "village managers" who would have the head of village government and who would be advised by an "advisory council."

Manpower and other natural resources will be discussed during the October public hearings. These are questions which are likely to be heard: 1) Should laws be enacted to protect local labor groups? How can the collective bargaining rights of local labor groups be protected?

2) Should local residents be given preference in hiring over non-local residents or non-residents?

3) Guam definitely has an underemployed population because of the lack of available skilled labor. Therefore, we have to import our skilled laborers. What kinds of laws should govern the importation of foreign labor?

4) What are the boundaries of Guam? How far out can we extend our territorial waters?

5) Who owns the natural resources of Guam (minerals, fishing waters, beaches, etc.)

Education is a subject important to the people of Guam; and the issues which the Education Committee will consider could have far-reaching consequences: 1) Should the Board of Education be elected rather than appointed?

2) What should be the relationship between the private and the public schools? Should private schools be eligible to receive public tax money? If so, should this tax money be used for only certain kinds of expenditures?

the first

CONSTITUTIONAL CONVENTION

of the territory of Guam

Postal address: Drawer 1, Agana, Guam 96910
Convention hall: Robert F. Kennedy Memorial Library Bldg., Univ. of Guam
Convention offices: Second Floor, Perez Bros. Bldg., East Agana, Guam

PAGE 14--SATURDAY, OCTOBER 4, 1969--GUAM DAILY NEWS

First Constitutional Convention Hearing Held

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- Delegates**
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 Trapp, Howard G.
 Agana Heights
 Calvo, Rufio L.
 Terlaje, David S.
 Agat
 Quintanilla, Jose C.
 Toves, Charles F.
 Nededor, Joe
 Asan-Maina
 Santos, Jose B.
 Angoco, Vicente M.
 Barrigada
 Manibusan, Pedro A.E.
 Blaz, Joaquin G.
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 Garrido, Jose M.
 Inarajan
 San Nicolas, Jose P.
 Merrill, Malcolm H., Jr.
 Mangilao
 Siguenza, Lorenzo T.
 Flores, William A.
 Merizo
 Barcinas, Jose T.
 Mongmong-Toto-Maite
 Nelson, Theodore
 Rivera, Jose R.
 Fiti
 Tuncap, Juan M.
 Santa Rita
 Borja, Gregorio M.
 Cruz, Joseph B.
 Sinajana
 Santos, Francisco R.
 Manibusan, Joaquin Y.E.
 Lucian, Frank G.
 Talofoto
 Lizama, Jose S.
 Brooks, James R.
 Tamuning
 Palomo, Antonio M.

The first public hearing of Guam's First Constitutional Convention was held Monday evening in Yigo. Interested citizens of Yigo who are concerned about Guam's future as shaped by the Organic Act came to the hearing to express their opinions.

The gubernatorial powers committee, which deals with the powers of the Governor and the executive branch, was the first to be examined. One of the issues being studied by this committee is who should be eligible to run for Governor, and who should be eligible to elect him?

Miguel Taitano answered the question this way: "It doesn't matter who a person is. If he has settled on Guam and is willing to help the island, he should be eligible to run for the office of Governor. Those who choose to reside on Guam and intend to spend their lives here helping the people should be eligible to run. Those who reside on Guam for

Francisco Yokni took a different stand and stated that to be eligible to run for Governor or Lieutenant Governor a person must live on Guam for ten years. He also said that contract personnel should not be allowed to vote.

Jose Artero addressed Joaquin Blaz, of the Taxation and Finance Committee, and stated that allocations of public funds on Guam should be made on the basis of population rather than on the basis of special projects.

On the question of how the funds should be audited Francisco M. Quinata stated that a federal comptroller should be present on Guam to audit federal funds only and that a local comptroller should audit local funds.

Yokoi asked the council head, Joe San Agustin, if it is more costly for the government to retain the comptroller than it would be to hire a private firm to do the auditing. San Agustin

by the Governor who appointed them. He felt that elected Board members would be a better link between the public and the school system.

The delegation presented represented the Convention's Committees on Education, Manpower Development, Municipal Government and Development, Taxation and Finance, Gubernatorial Powers, Health, and Social Services, and Natural Resources. The presiding delegate was Joe San Agustin, Assistant Vice-president of the Convention in charge of the Executive Affairs Council.

The hearing was held at Yigo Elementary School and all arrangements were made by the commissioner of Yigo, Antonio Calvo.

Other hearings will be held this week in Barrigada (October 2, Barrigada Junior High School), Mongmong (October 3, Toto Social Hall), and Santa Rita (October 4, Torres Elementary

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GUAM DAILY NEWS--THURSDAY, OCTOBER 9, 1969--PAGE 3

Debate Issue Of Governor Qualification

A public hearing was held Friday night, October 3, in the village of Toto for the people of MongMong-Toto-Maite by the Executive Council of the First Constitutional Convention. The people of this community enthusiastically voiced their ideas on how the new constitution should be written.

The public attending debated the issues of gubernatorial qualifications, public aid to private education, and the Federal Comptroller.

Saturday evening the Council met in Santa Rita where many of the same issues were discussed.

Many opinions were heard concerning the qualifications for a person who runs for the office of Governor.

Tomas Anderson of Santa Rita suggested these qualifications: the person must be above 35 years old; he must hold a masters degree or its equivalent. If he is not from Guam, a general investigation should be made of his background. The candidate must be a bona fide resident of

Jesus Lizama suggested that the gubernatorial candidate should have been a U.S. citizen for at least twenty years. He also suggested that the term of office be four years and that he should be allowed to run as many terms in succession as he desired. He said that the Governor and Lieutenant Governor should run on the same slate.

Vicente Diez agreed, pointing out that if a Lieutenant Governor were of a different party affiliation, operations of the office of the Governor would be hampered.

These are some of the other views expressed on the executive branch of the Government:

The Governor should be entitled to run for only two consecutive terms of four years each. The number of departments in the government should be left up to the Governor. To discharge his duties he must have the privilege of deciding how large his branch of government is.

The Civil Service Commission must definitely be retained in order to "protect the little

The candidates for Governor and Lieutenant Governor should be required to file financial statements.

The compulsory school ages should be changed to five to eighteen rather than the present six to sixteen.

The commissioner should be elected--not appointed. If he is appointed, the people are likely to suffer as the commissioner attempts to please the governor rather than his constituents.

Village governments should NOT have the power to tax. Santa Rita Commissioner, Pete Roberto said, "This will simply be giving the small village ropes to hang themselves. Small villages with little money will be starving in every area of life."

Village government should have a limited amount of control over such areas as public health and welfare, recreation, and police protection.

There should be no advisory council to the commissioner. "This would lead to inefficiency by checking the commissioner

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PAGE 20--THURSDAY, OCTOBER 9, 1969--GUAM DAILY NEWS

Alterations For Organic Act Are Discussed

The Council of Executive Affairs of the First Constitutional Convention held a public hearing in Agana Tuesday evening to discuss with the people possible alterations in the Organic Act with respect to the executive branch of the government.

Representatives from the committees on Education, gubernatorial Powers, Health and Social Services, Taxation and Finance, and Natural Resources explained the purposes of their respective committees to the people.

Inez Maturne was the first to express her opinion and stated that changes in the Organic Act which would alter the tax structure should not be made. She also advocated that the compulsory beginning school age be lowered to five years.

Juan Aguon also suggested that the present tax system be main-

consider.

On the subject of the comptroller Aguon, said, "If we need one, let's have our own." He was opposed to having a federal comptroller to audit Guam's funds. (He pointed out that an annual report is submitted to Washington each year and that the function of the comptroller is, therefore, superfluous.)

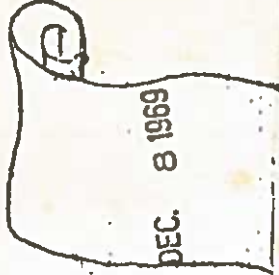
Tomas Mendiola, delegate and resident of Agana, commented on the length of the Governor's term, and asked that the delegates propose a limit of two consecutive terms, consisting of four years each. He emphasized that the first gubernatorial election would be held in 1970 and that Guam's new constitution must provide for that event.

He said that the order of those succeeding the Governor must

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Merizo Voices Opinion: Annexation to Hawaii

When the First Constitutional Convention's Political Status Committee last month issued a learned dissertation on six possible future courses for Guam, reaction was mixed, ranging from amusement to rage.

(The alternatives discussed included union with a foreign power, such as Japan, Australia or the Philippine Republic; independence, with the teaser of charging the United States for its bases here; as well as the more generally realistic options of statehood, commonwealth status, incorporated territory status and the status quo.)

But it was generally agreed that the Committee had covered all the possibilities.

It remained for Jesus Torres of Merizo to throw in a seventh alternative.

And it remained for his neighbors in Merizo, in recent public hearing, to vote for his plan: join Hawaii as its ninth county.

Torres emphasized that Guam would not lose its identity by joining Hawaii. He said that if Guam were to become a Hawaiian county, it would rank as sixth largest in number of square miles with 220 square miles and as second in population of 81,700.

(This figure is taken from the Revised State Plan for Health Facilities Planning and Construction for the Territory of Guam, 1970." It is accurate as of July, 1968, and represents the non-military population.)

Torres felt that even though Guam is a great distance from Hawaii, its size and population would ensure political identity and a strong voice in the state government.

He said, "In my lifetime I would probably never see Guam become a state if it attempted

expressed by Jeffrey Keuss who lived in Hawaii for eight and one-half years and who stated the following view:

The island of Oahu contains three-fourths of the population of all of the state of Hawaii.

As a result, its representation in the government is largest and its voice is the most powerful. The other islands are disturbed because of this and are seeking reapportionment. Because of this internal problem which is confronting Hawaii, Keuss felt that adding Guam would only create greater problems.

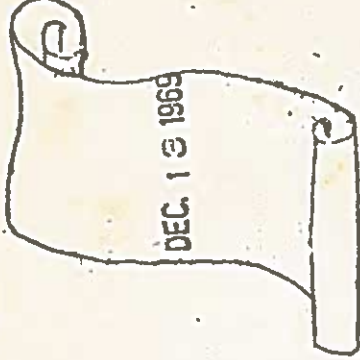
He said that if the islands close to Oahu were now complaining about insufficient representation, Guam, 4000 miles away, would be in an even worse situation.

He said, "I think we would be stuck out here and forgotten. I think we should stick with

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Palomo Tells Press 'Only Congress Can Change Organic Act'

Tony Palomo, president of the First Constitutional Convention spoke before members of the Guam Press Association. The background and purpose of the Convention were the subject of his speech.

Palomo indicated that the Convention's greatest challenge is actually two-fold: To propose changes to the Organic Act which will be acceptable to the people of Guam as well as the United States Congress, and to propose changes which will be applicable not only now but ten or twenty years from now when the rapid economic and social changes taking place may result in an entirely different kind of island from that which exists now.

He said, "One of the things I would like to bring up here is that notwithstanding what you may read in the papers and what you hear, the fact remains that we cannot revise the Organic Act. No group of people here can do it. The Organic law is a creature of the U.S. Congress, and only the U.S. Congress can make changes."

RECOMMENDATIONS

"For instance, suppose that we recommend that we abolish the Federal Comptroller. I feel sure that if we do that, the U.S. Congress will never act on our recommendations; because the Congress acted on the Federal Comptroller just about a year ago, and it is not about to change so soon.

"So that would be one of the major problems the Convention will have to face. Can we recommend changes that would be acceptable to the U.S. Congress? We may recommend changes that would be acceptable to the people of Guam; but we will also be dealing here with the Federal Congress, so we must be realistic.

"Another matter that I think we have to be very concerned about is what kind of recommendations we will make. Guam is changing. It has been changing tremendously for the last several years, and I would assume these changes will continue in the years ahead. I feel that the changes we recommend must be good not only for now, but for the time to come. What kind of a community do we have now? What kind of a community will we have five or ten years from now? We should be concerned about those things.

"So many transformations are occurring here. People are coming in; people are going out--our racial mixture is changing every

day. So we have to consider this in any changes we consider.

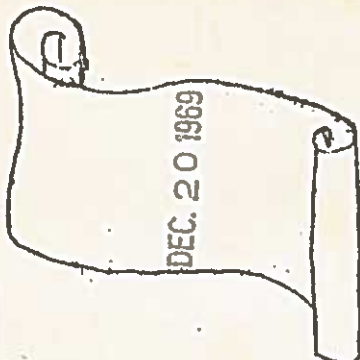
"I feel that the Convention should be concerned with two things: recommendations that would be acceptable to the U.S. Congress now, and, secondly, recommendations that would be ac-

ceptable today and one applicable ten years from now. For instance, on the question of the Federal Comptroller, I feel that what we present now should not include the elimination of the Federal Comptroller. We have to give the man a chance. But what we recommend for ten years hence,

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Voice Raised In Favor Of Commonwealth Status

A voice was raised Tuesday evening in Saajana in favor of commonwealth status for Guam. Judge Vicente Reyes, who has visited the commonwealth of Puerto Rico expressed great enthusiasm for such a status for Guam.

Judge Reyes testified before members of the First Constitutional Convention's Political Status Committee. He was especially vehement in opposing the committee's suggested alternatives of independence and affiliation with another country.

In response to the former, he said, "I would rather be a second class American than an independent nobody!", and to the latter, he said, "God forbid I will fight to the end to keep my affiliation with the United States only--not to mention the economic factors involved."

In defending his choice of commonwealth status, Judge Reyes stated that Guam would then be able to ascertain which federal laws should apply here and to c-

Commonwealth status would allow enable Guam to write its own income tax laws, he pointed out, and federal customs taxes would not apply here so that Guam could remain a free port.

Reyes was opposed by Pedro Cruz and by Cornelius Tapao. Cruz favored retention of the status quo of unincorporated territory. He felt that Guam, because of its size, isolation, and paucity of resources, can not be compared to Hawaii, Alaska, and Puerto Rico.

Tapao, whose native land is the Philippines, cautioned the Political Status Committee about Commonwealth status. (The Republic of the Philippines was a commonwealth, and I oppose it on the grounds that Guam does not have the economic base necessary to support such status."

Tapao also rebutted the argument that becoming a commonwealth would solve the immigration "problem". He asked where Guam would obtain its labor supply if restrictive laws on importation of labor were

ditional local taxes would be necessarily imposed. This would force the cost of living upward.

b) Guam would no longer be a free port. All items from Japan, Australia, and other countries which are now imported without tax would become subject to federal tariffs. This would also have the effect of raising the cost of living.

c) The benefit of federal unemployment insurance would apply to Guam.