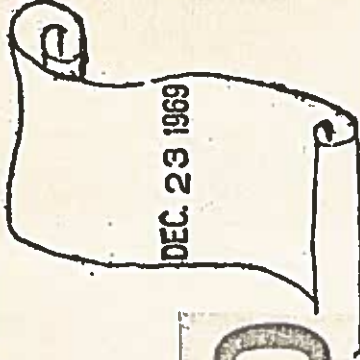


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Organic Act of 1950 Behind the Times: Boyd

William J. D. Boyd, assistant director of the National Municipal League, has advised the First Constitutional Convention that the Organic Act of 1950 as amended is probably behind the times in restricting the number of terms an elective governor may serve to two.

He also suggested that the recall provision of the Act is too complicated.

Both measures were added to the Act last year by the U.S. Congress in the "Elective Governor Act." Boyd suggested that they demonstrate a lack of confidence in the judgment of the people.

The National Municipal League is a private organization dedicated to the improvement of government at the local level. Recently, its efforts have also focused on the state level and it has published a Model State Constitution of which each Guam Convention delegate has a copy.

After reviewing a copy of the Organic Act, Boyd commented: "This is basically an extraordinarily fine document." However, a section by section analysis of the Act brought forth these comments:

Governor are unnecessary." • "The process of recall as described is somewhat complex and perhaps unneeded."

Boyd said, "Virtually all states which have restricted the governor to a single term are now expanding that to two terms, and those which have heretofore limited the governor to two consecutive terms are now removing that restriction."

He said that most states were guided by the clearly shown capability of the American people to tell the difference between a demagogue and a dedicated man.

"... It is rare that the public has elected a man to the office of governor term after term unless he has proven himself quite able and conscientious."

The power of removing the Governor from office is given to the people of Guam, enabling them to recall him before his term has ended. However, the process of recall is very complicated. A referendum election must be initiated by either two-thirds of the members of the Legislature or by a petition from the registered voters equal in

number to at least 50% of the votes cast in the gubernatorial election.

In the referendum election at least two-thirds of the number of people who voted for the Governor in the preceding general election must vote in favor of recall in order to remove the chief executive.

Boyd said that in a majority of the states recall is impossible. He said, "The recall could be totally removed from the constitution without any great loss. As long as the legislature retains the power of impeachment, the public is protected."

The five year residency requirements for the Governor and members of the Legislature appeared to Boyd to be excessive. He said, "No state in the union has such lengthy residency requirements."

With apparent insight Boyd stated, "It may be that this provision was inserted in the Organic Act through fear that military personnel or other mainland people temporarily stationed on the island might try to run for office... I doubt seri-

ously, however, whether it really is a problem. The local inhabitants are surely only going to elect a person whom they feel has the best interest of the island at heart."

Finally, he questioned the penalties for the possession and sale of marijuana included at the end of the Organic Act.

"Certainly narcotics control has become a major problem throughout the nation, but it would appear unwise to place such a prohibition in the constitution rather than allow it to be handled through normal statutory law.

"As it has now been proposed that the federal government change some of its laws regarding marijuana, it would seem poor for Guam to have frozen into its constitution a measure which could be in conflict with the federal statute."

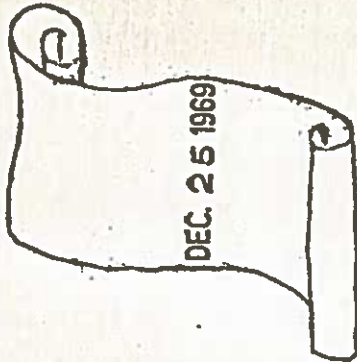
In conclusion, Boyd complimented the Organic Act once again and cautioned the delegates to avoid the pitfall of including a great deal of statutory matter in their proposed revisions.

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But Responsible To People....

'Guam Does Need A Comptroller'

Joe San Agustin, Chairman of the Executive Council of the First Constitutional Convention has issued some remarks about the recent series of public hearings held by his council.

San Agustin and his council members visited each of the nineteen villages during the month of October and listened to suggestions, complaints, orations, quips and quarrels--some of which related to the issues under study and some of which did not.

There was doubt expressed by several villagers that the public hearings were of value. However, after all the hearings were completed, trends or patterns of thought were evident which will undoubtedly shape the thinking of the delegates as they propose amendments to the Organic Act.

One of the problems which was repeatedly bewailed at the hearings was that of the lack of governmental power and authority at the municipal or village level. San Agustin felt that this was one of the most significant findings

of the campaign, they are unable to deliver what they promised. It's not that they don't want to; it's because they can't under the present system. They find themselves in the position of mercenaries--going to the central government and begging for certain things to improve their areas."

San Agustin said that he had been a strong proponent of a highly centralized government before he heard the public during the hearings. He now expresses this opinion: "I feel that when the villagers elected their own official to lead their municipal government, that official should be in a position to deliver. Now the people are merely electing a messenger to go before government officials or the legislative body to plead for their causes. I think this is an area that needs great improvement."

He also said, "My beliefs are somewhat modified due to the public hearings and that I feel that somewhere --probably through the municipal government-- the government must have some con-

"The older people who testified during the hearings maintained that the candidate for Governor must be of local ancestry; whereas the younger people said that they didn't care what his ancestry is--as long as he is an American citizen. Both groups agree, however, that the candidate must have spent a specified period of time on Guam and must have proven his capability to serve."

San Agustin explained the division of thought between the age groups this way: "The older people are taking this stand out of fear that the young people may be exploited. The older generation has gone through the trials and tribulations of governmental action, whereas the young people have grown up and found this present system--they have not participated in the evolution of the government. Therefore, they can

not be expected to empathize with the older people."

One point which San Agustin was anxious to make was that the public seemed to express general satisfaction with the education system. No bones of contention with the Department of Education were detected during the series of nineteen hearings.

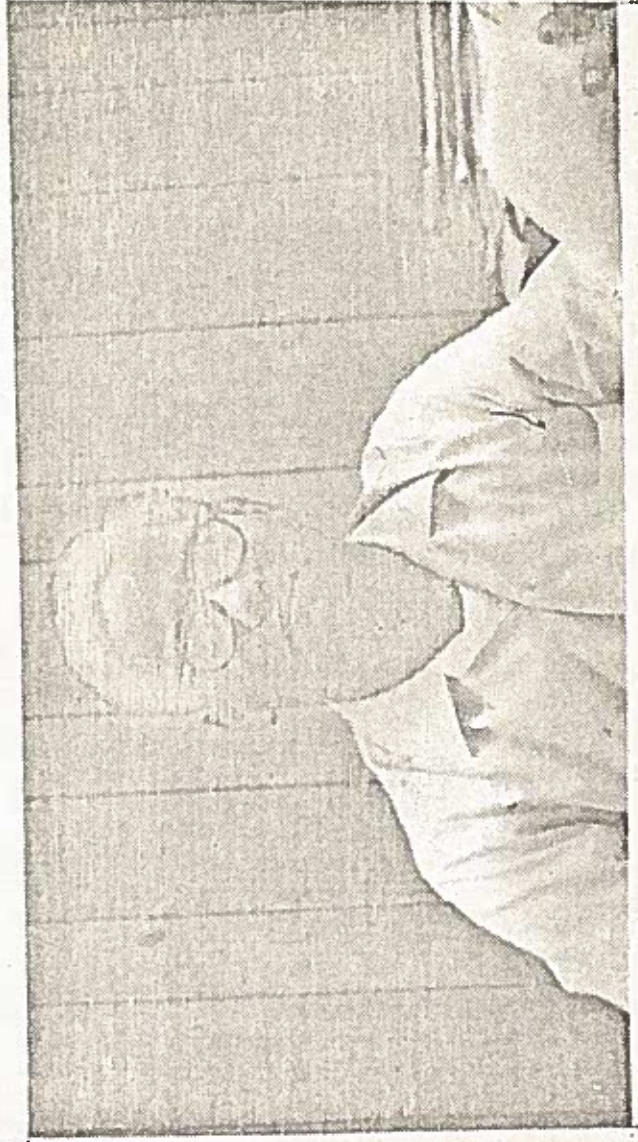
He did say, however, that "There is a genuine need to assist private schools but not to include capital improvements or other areas of large contribution. There is a fear that if you give too much aid to private schools, then the general public will soon have no 'say so' as to where the tax money is going."

The last significant conclusion which was drawn by the delegates of the Executive Council as a result of the hearings

is that Guam does need a comptroller. However, the consensus was, according to San Agustin, that the comptroller "should be a servant to the people of Guam and not a servant to the U.S. Department of Interior. As long as we're going to elect our own governor, then the comptroller must be either responsible to the elected governor, or to the Legislature or be responsible to the general public at large."

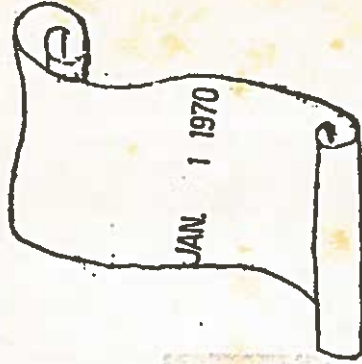
The next step for the Executive Council now that the hearings are over is to review the minutes from the hearings and using them as guide, come up with proposals for improvement of the Organic Act.

These proposals will then be presented before the entire Convention body for debate and adoption.



JOE SAN AGUSTINE

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Worry About Guam Losing Control Of Island

GUAM DAILY NEWS--THURSDAY, JANUARY 1, 1970--PAGE 5

A George Washington High School counsellor made a plea to the members of the First Constitutional Convention's Political Status Committee for serious consideration of the problem of governmental and economic control of the island slipping from the hands of the Guamanian people into those of off-islanders who are immigrating in ever-increasing numbers.

Fred Eschbach made the following comments at a hearing held in Barrigada on Monday evening:

"I first came to Guam in 1966 and have been studying the island and enjoying living here most of the time since then. Just in the short time I have been here Guam has changed quite a bit. Just one example is the rapid construction of hotels in the Tumon area.

"Guam is changing. So while we may say that now Guam has

"Those people are not going to be the Guamanian people. Of course, there will be more Guamanian people but there will be a lot more people coming from the states, from the Philippines, and from Japan. When the people of Hong Kong and other Chinese people discover Guam as a place to earn a living, they're going to come in, too.

"A second observation I've made is that the people of Guam are very proud of the fact that they run their own island. They have their own legislature and will be electing a governor this year. It would seem to me that the Guamanian people want to maintain control of their government.

"I feel that if the present sta-

immigration can be controlled. I see in the future the possibility that the Japanese people will be vying with the Philippine people who are here, and that they will be the dominant ones in business, and in politics.

"What I fear is that the people of Guam may find themselves winding up as did the people of Hawaii---at the bottom of the heap. You don't read about native Hawaiians having representatives in the House of Representatives or the Senate; they don't have a Hawaiian governor. Yet, it wasn't 100 years ago that Hawaii was an independent country with its own queen. Things can change radically in a short period of time.

"I think the people of this committee should get this word to the people of Guam. If the people

"Perhaps the idea of a commonwealth is a good alternative. I don't think statehood, incorporation, or the status quo are the answers. I wouldn't push aside the idea of independence so readily as most people do--particularly if we reintegrate with the Marianas."

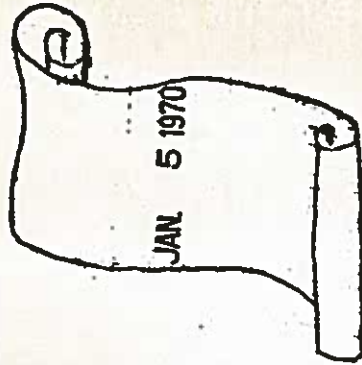
Raymond Laguana, assistant commissioner of Barrigada, also spoke and urged the committee to recommend statehood as the political alternative for Guam. He asked if reintroduction with the Marianas would enhance Guam's chances for statehood and Adrian Sanchez, committee chairman said that he was sure it would.

Sanchez said that with Guam's small population and area the chances for statehood are presently nil. Nevertheless, in a straw vote

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Santa Rita Choice: Commonwealth for Guam

Commonwealth status for Guam was the overwhelming choice of the Santa Rita residents who attended a public hearing of the First Constitutional Convention's Political Status Committee.

Commercial port director Jose Sarmiento offered the first endorsement of becoming a commonwealth:

"Commonwealth status is the most logical choice at this time. I don't think we can afford to give up what we're receiving from the federal government at this time: we can't be self-sustaining. We can't afford anything but commonwealth status."

Vicente Diaz, Juan Perez, and Robert Leon Guerrero also expressed their choice of a commonwealth as the best political alternative for Guam.

of Ireland and England before the war. In both instances, although national affairs are handled by the central government, local matters are handled strictly by local officials.

Puerto Rico has representatives in international councils in Switzerland and has its own team in the Olympics.

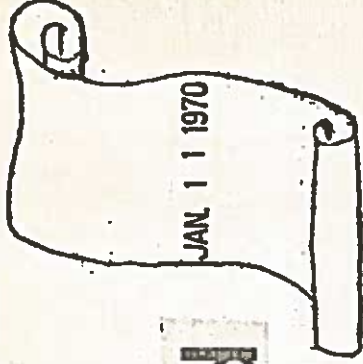
Gayle said that because of the ability of the local government in Puerto Rico to decide how it wants to attract industry, the standard of living has been raised considerably.

Another point made by Gayle was that Guam is now required to follow the national Internal Revenue Code. The recent revision of this code will adversely affect Guam, yet there is no recourse which Guam can take. Under commonwealth status Guam would be able to write its own tax laws to benefit the

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Reintegration Is Called A Desirable Goal

The village of Agana Heights hosted the First Constitutional Convention's Political Status Committee on Wednesday evening as they presented their five alternatives for the consideration of the people. The committee is asking residents of Guam to consider incorporation, statehood, commonwealth, affiliation with another country, and independence as possible courses of action for Guam in the future.

Many questions were posed by the people as they sought to clarify the differences among these choices.

Manuel Aguon was the first to speak and suggested that statehood would be a desirable goal, but that Guam should seek reintegration with the Marianas first. He said, "Combining Guam with this group will give us larger size and more natural resources. Then we will have more of a chance when we request statehood."

Talofoso said, "There is very little chance that Congress would be willing to entertain the idea of statehood for Guam as it is now. But if reintegration did occur, it may be more willing to consider the idea."

Barbara Blackmon, a teenager from Agana Heights asked, "In the referendum the people of Guam refused reintegration. Is there any other way to speed up the process of becoming a state?"

Delegate David Terlaje answered that affiliation with Hawaii as a county of that state would be the quickest way to gain statehood. However, he felt it was doubtful that the people of Hawaii would acquiesce to that proposition.

However, Brooks, who has lived in Hawaii, said, "A number of people in Hawaii like the idea of annexing Guam. The idea may not be so far-fetched as some people think. If Guam annexed to Hawaii, it would be the second largest state in that chain of islands."

population.

Carmen Kasperbauer inquired if Guam would be eligible for federal funds if it became a commonwealth. When informed that it would, she said that she felt commonwealth status appealed to her more than the other alternatives. She said, "I can't see how we can afford to become a state. We will have taxes and other financial obligations which would go along with the privileges."

Barbara Anderson asked the delegates to explain the difference between Guam's present status and commonwealth status. Terlaje answered that under a commonwealth status Guam could devise its own tax system and other laws. It could decide which federal laws would apply to Guam and which would not.

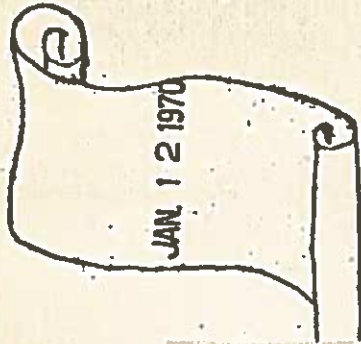
Miss Blackmon asked, "Would being a commonwealth do anything to improve Guam's financial status?" Joe San Agustin acting chairman of the Political Status Committee answered that

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Umatac Residents Turn Out For Organic Act Discussion

The people of Umatac turned out in force for the third time to hear the Constitutional Convention delegates explain the alternatives and proposals facing them as they seek to revise Guam's Organic Act.

The residents of this small village have been extremely responsive to the invitation to attend these public hearings and have contributed many suggestions worth consideration to the delegates.

The Political Status Committee presented its five alternatives to the Umatac people and received a particularly enthusiastic response from the teenagers attending. The alternatives discussed were incorporation, statehood, commonwealth, affiliation with another nation and independence.

Pedro Aguon began the questioning by asking what the economic effects of statehood would be. Aguon was informed that if Guam were a state, the federal income tax revenue which is presently reverted to Guam would be kept in the federal till, and Guam would

Norma Santiago, Anicia Santiago, and Bertha Quinata, all high school students, asked the delegates their carefully prepared questions regarding these choices.

Norma Santiago began the questioning by asking if Guam has the qualifications necessary to become a state. The answer is that legally speaking, Guam has every right to try to become a state. However, practically speaking the idea is very remote.

Guam's population is approximately 100,000. When Alaska was admitted to the union, it had a population of 300,000 but its area was bigger than that of Texas. If Guam reintegrated with the Marianas or if the entire Trust Territory united, the possibility of statehood may be more likely. There has even been some talk of a "State of the Pacific" which would include Guam, the Trust Territory, and American Samoa. This combination would approach the population and size which make it easier to justify statehood.

Another problem which Guam

Anicia Santiago asked about three of the other alternatives proposed by the committee for discussion: affiliation with another nation, commonwealth, and independence.

Her first question was, "What will happen to our citizenship if we affiliate with another country?" The answer is, of course, that Guamanian people would lose their U.S. citizenship and would become citizens of the country with which Guam affiliates.

Her second question, "What are the most important features of a commonwealth?" was answered by the Convention's legal counsel, Andrew Gayle: "We are actually moving toward commonwealth status now; however, we do not have the full governmental

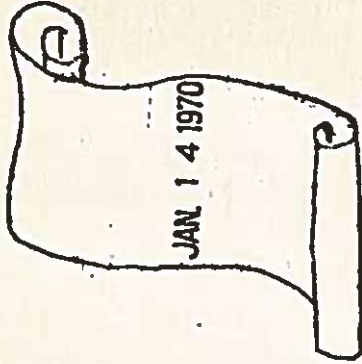
powers of a commonwealth. To become a commonwealth we would have to agree on a commonwealth constitution which Congress would then have to approve. The major benefit would be that Guam would have the prerogative of deciding which federal laws should apply here and which

tions. We would receive no federal assistance except perhaps in the form of foreign aid. Some sort of new relationship would have to be arranged with the military bases here. In short, the impact on Guam would be enormous in all ways--politically, socially, and economically."

Bertha Quinata asked if it would be possible or practical for Guam to disaffiliate from the U.S., to reintegrate with the other islands of the Marianas and then to affiliate once again with the U.S. as a stronger political unit. Miss Quinata was informed that it would be up to the U.S. Congress to accept Guam once again.

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Miguel Taitano, of Yigo vigorously protested the consideration of independence or affiliation with another nation as possible alternatives for Guam last week at a public hearing in Yigo.

The Constitutional Convention's Political Status Committee which held the hearing included these possibilities as food for thought in the filer produced by the Convention. Other alternatives being considered are statehood, incorporation, and commonwealth status.

Taitano said, "I would rather be in any condition under the United States Government than to be independent or to affiliate with another country." He wondered how Guam could afford to think of independence: "What could we do to raise money? We could get rich only if we could sell salt-water to pay salaries!"

Taitano said he was pleased with Guam's present status as an unincorporated territory.

Sergio Flores took the floor to elaborate on the ramifications of becoming an incorporated territory, a state, and a commonwealth.

He emphasized that if Guam incorporates, the income tax revenue which is now returned to Guam by the federal government will no longer be given back. Therefore, taxes will have to be raised here to support the government.

On the issue of statehood he said, "If we become a state, we will have the same privileges accorded the citizens of any state in the union, but our obligations will be increased."

His comment on commonwealth status was, "Puerto Rico became

from there."

Andrew Gayle, Convention legal counsel, explained the disadvantages and advantages of commonwealth status for the Yigo residents. He said: "The disadvantages are that the people can not vote in the Presidential election and they are not entitled to a voting representative in Congress. On the other hand, the local government would have more control over every aspect of the island's development--political, social, and economic."

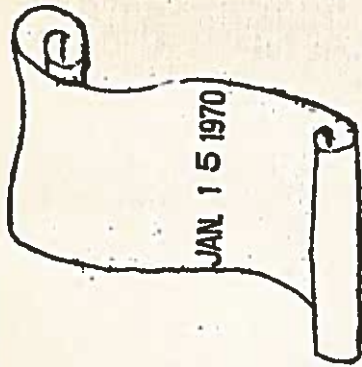
Protests Consideration Of Guam Independence

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Annexation to Hawaii

'Not So Far-Fetched' - Brooks

The village of Agana Heights took a look at Guam's political future as the First Constitutional Convention's Political Status Committee held a public hearing there. Many questions were asked as the people sought to clarify the differences among these choices.

Manuel Aguon suggested that statehood would be a desirable goal, but that Guam should seek reintegration with the Marianas first.

He said, "Combining Guam with this group will give us larger size and more natural resources. Then we will have more of a chance when we request statehood." James Brooks, delegate from Talofofo said, "There is very little chance that Congress would be willing to

reintegration. Is there any other way to speed up the process of becoming a state?"

Delegate David Terlaje answered that affiliation with Hawaii as a county of that state would be the quickest way to gain statehood. However, he felt it was doubtful that the people of Hawaii would acquiesce to that proposition.

However, Brooks, who has lived in Hawaii, said, "A number of people in Hawaii like the idea of annexing Guam. The idea may not be so far-fetched as some people think. If Guam annexed to Hawaii, it would be the second largest county in that state in terms of population."

Carmen Kasperbauer inquired if Guam would be

state. We will have taxes and other financial obligations which would go along with the privileges."

Barbara Anderson asked the delegates to explain the difference between Guam's present status and commonwealth status. Terlaje answered that under a commonwealth status Guam could devise its own tax system and other laws. It could decide which federal laws would apply to Guam and which would not.

Miss Blackmon asked, "Would being a commonwealth do anything to improve Guam's financial status?" Joe San Agustin, acting chairman of the Political Status Committee answered that Puerto Rico underwent "Operation Bootstrap"

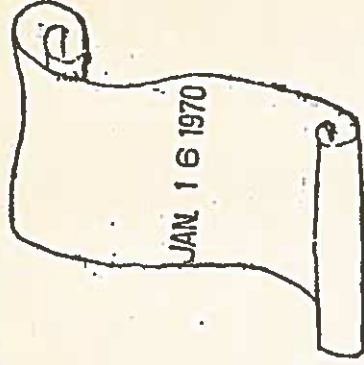
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PAGE 10--FRIDAY, JANUARY 16, 1970--GUAM DAILY NEWS

Does ConCon Have Right To Investigate Political Status?



Informality was the rule of the evening during the public hearing held in Tamuning by the First Constitutional Convention's Political Status Committee.

The Convention delegates were doubly challenged by Albert Lamorena and by Jesse Cate of Tamuning who were anxious to clarify the purpose and goals of the Political Status Committee.

Lamorena sought a defense of the Convention's right to investigate the area of political status at all. He asked if the enabling law which created the Convention (Public Law 9-244, written by Senator Richard Taitano) authorizes the Convention to recommend changes in Guam's political status.

Joaquin G. Blaz, who chaired the meeting, explained that while the bill does not authorize a study of political status PERSE, it does provide for any recommendation which would change the Organic Act Guam's basic law. As Guam's political status is prescribed in the Organic Act (Section 3: "Guam is hereby declared to be an unincorporated territory of the United States.")

Marianas and become a commonwealth.

Jesse Cate put the committee members to task in an entirely different manner: His major criticism was that few people really understand what it is that the Political Status Committee is proposing. He felt that the alternatives under consideration (statehood, incorporation, commonwealth, independence, and affiliation with another nation) were not sufficiently explained by the publicity produced by the Convention. "Do the people really understand what you're doing?" was his question.

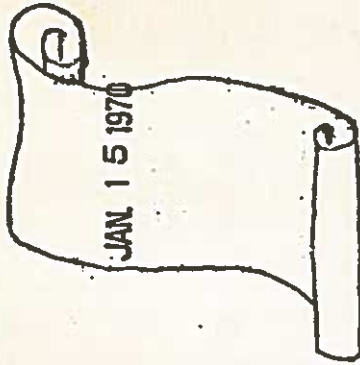
Blaz explained that through the use of the news media and through the production of a brochure the committee had sincerely tried to inform the public. However, he pointed out that the subject matter itself is inherently sophisticated to a certain degree, and therefore, can not be diluted to a great extent without losing its meaning.

Blaz also said that the purpose of the public hearing being held in every village is to explain to the people those things

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Guam Alternatives Protested by Yigo Resident

The Constitutional Convention's Political Status Committee heard Miguel Taitano vigorously protest the consideration of independence or affiliation with another nation as possible alternatives for Guam last week at a public hearing in Yigo.

The committee included these possibilities in the fiercer produced by the convention. Other alternatives being considered are statehood, incorporation and commonwealth status.

Taitano said, "I would rather be in any condition under the United States government than to be independent or to affiliate with another country." "What could we do to raise money? We could get rich only if we could sell salt-water to pay salaries!"

Taitano said he was pleased with Guam's present status as an unincorporated territory.

Sergio Flores took the floor to elab-

orate on the ramifications of becoming an incorporated territory, a state, and a commonwealth.

He emphasized that if Guam incorporates, the income tax revenue which is now returned to Guam by the federal government will no longer be given back. Therefore, taxes will have to be raised here to support the government.

On the issue of statehood he said, "If we become a state, we will have the same privileges accorded the citizens of any state in the union, but our obligations will be increased."

His comment on commonwealth status was, "Puerto Rico became a commonwealth because it had the economic potential and the political maturity to be on its own." He favored this status for Guam.

Luke Taitano also felt that commonwealth would be the best choice. He said that perhaps after commonwealth

status was achieved, reintegration with the Marianas could be sought and that statehood would then be a possibility. He felt that Guam alone had no chance for achieving statehood.

Frank Taitano agreed, saying, "Orderly steps are necessary in proceeding toward statehood. We should aspire for commonwealth status now and proceed from there."

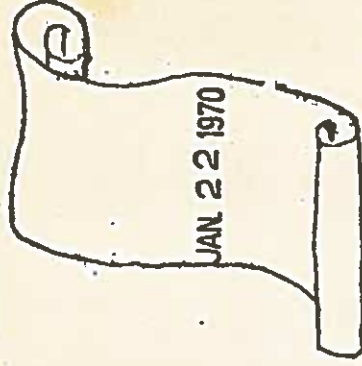
Andrew Gayle, convention legal counsel, explained the disadvantages and advantages of commonwealth status for the Yigo residents.

He said: "The disadvantages are that the people can not vote in the Presidential election and they are not entitled to a voting representative in Congress. On the other hand, the local government would have more control over every aspect of the island's development — political, social, and economic."

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Tells Con Con

No Statehood In Lifetime- Camacho

Governor Carlos G. Camacho spoke to the delegates of Guam's First Constitutional on the subject of Guam's future political status and on certain portions of the Organic Act which he felt warrant change.

The Governor dismissed the consideration of independence or of affiliating with another nation as "politically and economically impractical and socially unacceptable" in the case of the former and as incompatible with Guam's strong and permanent attachment to the United States in the case of the latter.

However, he said the other alternatives under consideration by the Convention (1) incorporation, (2) commonwealth status, (3) statehood (4) annexation to the state of Hawaii and (5) status quo of unincorporated territory) all deserved study and consideration.

keep a bill from the Legislature on his desk for thirty rather than for ten days; 2) that a quorum on his desk for thirty rather than

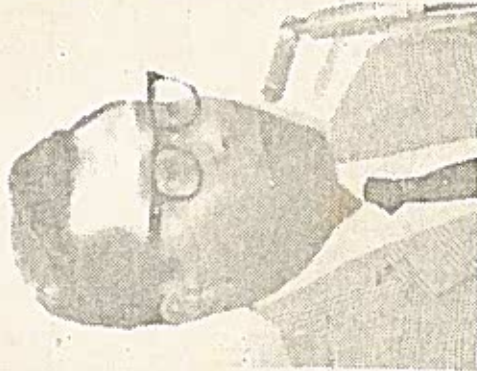
in the Legislature be constituted of a majority of all members; 3) that district representation be based on the total number of registered voters; and 4) that the Speaker of the Legislature not be allowed to serve as Acting Governor in the absence of the Governor and Lieutenant Governor.

Quotations on these four suggestions from his speech are given here.

On his request for a thirty day period to consider bills: "I believe the chief executive should be permitted sufficient time to conscientiously weigh the merits and demerits of all bills passed by the Legislature, and I feel ten days is not adequate. I recommend that the provision be

have been passed at a meeting at which a quorum was present by the affirmative vote of a majority of the members present and voting. In other words, it is conceivable for a bill to be passed by the affirmative vote of six members, or twenty-eight percent of the total membership. It is true that there is now a local prohibition against such law by minority rule...but this provision is very easily subject to change. I do not believe so important a matter of our basic law should be given such casual treatment in the Organic Act. I believe that the Organic Act should require that a bill shall not become a law unless it shall have been adopted by a majority vote of the entire membership of the Legislature."

On district representation: "It is my position that district representation be based upon the



Governor Carlos G. Camacho

provision authorizing pocket veto to may be deleted."

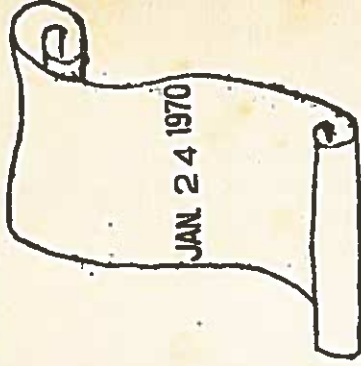
On the constitution of a quorum in the Legislature: "Sec-

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Inarajan Holds Hearing

The delegates of the First Constitutional Convention held their final public hearing in Inarajan last week. With that hearing the delegates completed a series of fifty-seven meetings.

The Executive Council and the Legislative and Judicial Council finished their hearings in October and December, respectively, and the Political Status Committee completed its hearing in Inarajan last week. Each of the three councils visited every village on the island.

In Inarajan a cautious approach to any change in Guam's political status was urged by those who spoke. Commissioner Diego said, "I prefer the status quo (Guam is now an incorporated territory). We have very big problems facing the government and our people. Let's work on solving them before we think about changing our status."

Enrique Naputi concurred with, "I recommend that the committee consider remaining unincorporated. We are enjoying many benefits under that status now--including the right to elect our own

Guam must be specifically included. Incorporation would mean that Guam would immediately be covered by all laws in the Constitution.

Rufino Crisostomo, also a teenager, asked the delegates to consider a status which would enable Guam to write its own immigration laws rather than being bound by U.S. Immigration laws. He felt that Guam

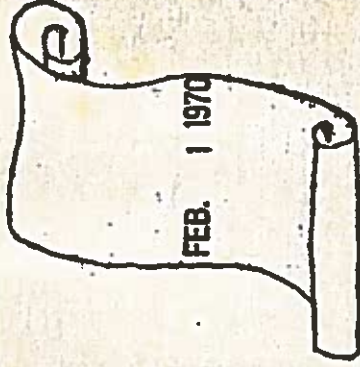
should minimize the immigration of other nationalities.

Jesus Naputi favored statehood for Guam but doubted that Guam would be economically ready for such a step until perhaps ten to fifteen years from now. He said, "We must first stabilize ourselves economically. Until then, we should settle for unincorporation."



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Comptroller Is High On Controversy

The Constitutional Convention's Gubernatorial Powers Committee met Thursday to begin laying the groundwork for the proposals which the committee will submit to the Convention as a whole. The committee's area of responsibility is the Executive Branch of the government.

The committee's first task, as seen by the chairman, Francisco B. Aguon of Yona, is to review the minutes of the nineteen public hearings held in the villages of Guam and to compile the opinions of the people with regard to the offices of the Governor and Lieutenant Governor, the federal comptroller, and the other executive departments.

Aguon said the area of the Organic Act providing for the federal comptroller must be carefully scrutinized. Speaking of the people's opinions at the public hearings, he said, "A real difference of opinion exists concerning the federal comptroller. Some people feel that the federal comptroller should be paid from federal funds."

Committee member Adrian Sanchez was assigned the task of

These questions were posed during the public hearings, and a wide range of answers were heard. Committee member Francisco Santos will be studying the minutes of the hearings to compile all these data.

The committee will then use the opinions of the people to mold the recommendations it makes to the Convention body as a whole.

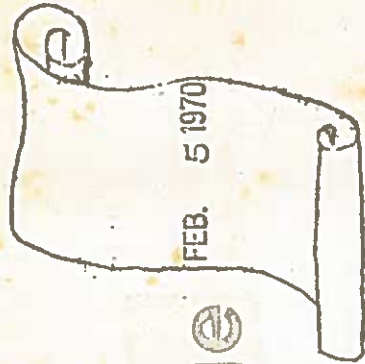
Adrian Sanchez stated that any recommendation made by the committee which might be in opposition to the public's opinions would have to be fully explained and justified.

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Away From Centralization Guerrero Stresses Village Level Government



The development and improvement of government at the village level, the "item veto" provision of the Organic Act, and the "anomaly of the 'acting-governor' clause of the Elective Governor Act" were the subjects of the speech given by Former Governor Manuel F.L. Guerrero before the delegates of GUAM'S First Constitutional Convention Monday evening.

Speaking on village government, Guerrero said, "There is definite and almost universal sentiment and logical argument in favor of reinstatement of certain phases of village responsibility which would permit the people at the village level to participate to a greater degree in the management of their affairs."

He explained that because of the demands of the times and a series of unfortunate experiences "in the early 1950's, certain governmental responsibilities were transferred from the local to the central government. However, the strongly advocated that these responsibilities be returned to the local level: "I put it to you that in light of increased communications and needs, that efficiency and accountability might very well be better served now by a transfer of these functions back to the

"..... the people now want to recall into existence the local government to relieve the congested central government of what now appears to be an impossible task. The people are tired of waiting in lines at government offices. They are critical of the centralized growth of commercial and economic development and they want a portion of this growth to spread to the villages.

"They are suspicious that our people are getting second-class treatment at the village area and that the government is moving further away from its sources of power and authority. In a word they are fearful that if this trend continues, they will find themselves strangers in their own community, voiceless in their own government."

Guerrero made ten concrete suggestions for a program of decentralization:

"1. Re-define responsibilities and duties of the Elective Commissioners to include management and responsibility, as well as accountability.

"2. Organize village councils or advisory groups, members of which would be nominated by the Commissioner, appointed by the Governor and possibly confirmed by the Legislature.

"3. A more needed financial

er full responsibility for all government property within the village.

"8. Assign the Commissioner full responsibility for parks, playgrounds, and recreational areas within the village and provide financial support.

"9. Set up collection offices at the village level under the supervision of the Commissioner.

"10. Provide the Commissioner, in case of emergency at the village level, with power to call for assistance at high priority from the central government and its agencies."

The "item veto" provision of the Organic Act was criticized by Guerrero as placing "far too much power in the hands of the Governor. He said, "The item veto can be employed to usurp power from the legislature, giving the Governor the final word. On this basis, I suggest it be eliminated and that the Governor of Guam be required, as is the President of the United States to accept all of a piece of legislation or to veto all of it."

The former Governor spoke finally on the provision in both the Organic Act and the Elective Governor Act which causes the

the Governor went to Saipan or Washington. It is even conceivable--as occurred in Louisiana some years ago----that the Lieutenant Governor could elect to decide when the Governor is "incapacitated" even when the Governor felt he was perfectly capable.

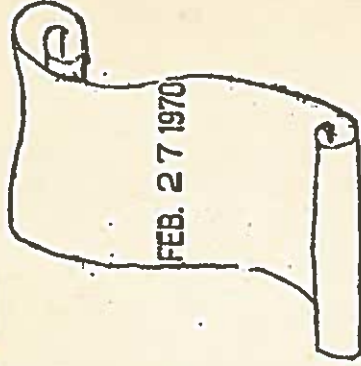
"But more to the point is the fact that, beginning in 1971, the people of Guam will be electing their Governor. It is neither realistic nor just that a substitute Governor should step into the place of the man elected by the people merely because urgent business in behalf of the people takes the Governor away from the island."

"I suggest, then, that the law be reworded to provide that the Governor of Guam remains the Governor no matter where he may be, so long as he is capable of exercising his function. It should be possible, in such a case, for the Governor to make specific delegations of authority but in no case can he delegate the responsibilities of his office."

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'Commonwealth Status' For Guam 'Meaningless'

THE Political Status Committee of the First Constitutional Convention met and decided to recommend that Guam remain an unincorporated territory of the United States but that additional privileges and rights be requested which would give the territory a status nearly comparable to that of the commonwealth of Puerto Rico.

Delegate Charles Toves of Agat proposed a gradual, step-by-step approach which would be planned ahead of time to bring the territory to commonwealth status in a given number of years.

Joaquin Blas, of Barrigada pointed out that a goal of "commonwealth" status as such is meaningless, because the status of commonwealth has no criteria to define it. A commonwealth agreement may include anything the U.S. Congress would deem necessary or advantageous to incorporate in such an agreement.

He said, "I think we can achieve what Puerto Rico has now by asking Congress for the addi-

pending in Congress which would grant all U.S. citizens the right to vote for the President-- no matter where they reside. If this passes, we will then have that additional right.

"However," Gayle continued, "Puerto Rico does enjoy a singular status which its commonwealth agreement (called in the Spanish spoken in Puerto Rico a "free associated state") allows.

It has its own participants in the Pan American Games and has members on certain international councils which meet in Switzerland. Also, Congress has no authority over the internal affairs there; whereas, on Guam a law may be annulled at any time by the U.S. Congress."

Joe San Agustin spoke in favor of commonwealth status and said that, if recommended, this status may appeal to Congress as a compromise between the status quo and statehood. He also said, "It may be politically expedient to request increased autonomy a bit at a time and still remain

When a vote determined that the recommendation of the committee would be retention of the status quo with the intention to ask for more autonomy as time passes, committee chairman Adrian

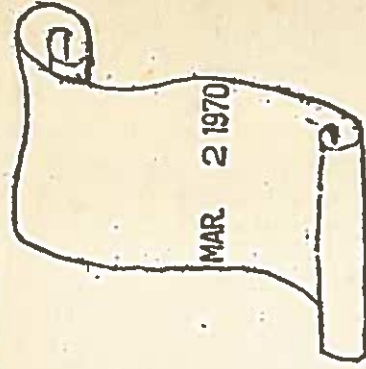
Sanchez made this statement: "You will be interested and happy to know that your recommendation is the same as that made to this committee by the students of John F. Kennedy High School who represent a portion of Guam's population which may be very much affected in the future by our decision."

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University—Concon Meets Academic Freedom Is Subject Of Discussion

An animated discussion on academic freedom took place Thursday evening when members of the academic community of the University of Guam met with the First Constitutional Convention's Bill of Rights Committee.

The committee invited the university people to help it determine whether the right of academic freedom should be guaranteed in Guam's Bill of Rights. All those who participated agreed that academic freedom is vital to a democratic community; however, there was a difference in opinion regarding whether this freedom is implicit in the guarantee of free speech and free press already present in the Bill of Rights or whether a special provision specifically for academic freedom must be included.

Some felt that having such a specific provision would deter violation of the right of academic freedom. Two arguments which

Some of the comments made during the evening were these:

Dr. Spade: "Academic freedom can only exist in a society that holds as its fundamental conceptual right the freedom, the equality of all men irrespective of their affiliation and their profession and their position. To take one group—whether it is the academicians, the politicians, or any group—and designate it or set it aside in a special way is to imply that in the society there is some necessity for specifying one privileged group above other groups for a special guarantee of freedom of speech.....A basic guarantee of freedom of speech and freedom of inquiry for all men assumes both freedom and responsibility. I strongly urged that no special provision for academic freedom be included in the Bill of Rights but that a strong, a rigorous, a carefully worded freedom of speech and inquiry and academic

would recommend, along with Dr. Spade, that the guarantee of freedom of speech for all men be strengthened for the constitution of Guam."

Dr. Frank Miles, however, was a proponent of including a specific guarantee for academic freedom in the Bill of Rights: "We have had the guarantee of freedom of speech for nearly 200 years now, and we still don't have academic freedom in many instances. It isn't clear that all people have an absolute right of freedom of speech. We have the armed services, for example, in which there are instances of no freedom of speech which we accept as necessities." Dr. Miles cited the diplomatic services and the instances where a man represents his company as being situations in which freedom of speech is impossible.

He went on to say that freedom of speech was recently abridged

"I feel that there should be a freedom, despite the strengths of the Bill of Rights. Very often schools and the university are considered, indirectly, a department of the government. So whereas one may hold an academic rank (and I include here the students), he also has an employer and a contract. Very often these two are not comfortable neighbors. This problem may often prevent from fully participating, through fear or insecurity."

Dr. Donald Jones felt that a specific clause in unnecessary due to the protection of the first amendment. He did say, however, that even if the Convention did include such a new clause in the Bill of Rights, academic freedom would be impossible to obtain without tenure. He said, "the purpose of tenure is to make possible and establish in the faculty member and the student the free expression and statements

strong statement of freedom of speech and inquiry; but then I think it's the responsibility of the academic community to get on with building a professional society where we carry out our responsibility speaking freely to the community. I doubt that an academic community is entitled to that privilege, nor will it carry the responsibility which academic freedom entails unless they go after it and do it themselves."

Dr. Carey endorsed Jones's statement and said that the statement of the American Association of University Professors on academic freedom and tenure held that there is no academic freedom without the protection of tenure.

Dr. Russell Peckens advocated a strong general statement guaranteeing academic freedom. A statement by Joe San Agustin, Convention delegate, which expressed caution in guaranteeing a freedom which might give someone an opportunity to advocate a political ideology inimical to democracy was countered by Peckens when he said, "There is a payment we must make for liberty and freedom. You're going to have to pay for a professor (or any laborer) who makes rash statements, because if you keep

that rash statement out, all the rest goes... These discomforts are the price we'll have to pay to get the kind of things that we want, and we should be prepared to spend the price."

Dr. Jones stated that San Agustin's statement was, in itself, evidence of how badly academic freedom is needed. He also stated that the motto of the American Civil Liberties Union is "Vigilance is the price of freedom" and that every new generation would have to fight the battle against tyrants who abuse freedom.

A student of the university, Fran Flores stated, "There is no need to fear a subversive element if freedom of speech exists. Teachers are taught to ask the students' questions--to encourage the students to ask questions. I don't think you ever have to fear any sort of subversive agent if you have that kind of freedom."

All speakers urged this freedom for students and teachers of all levels. Dr. Roger Ritchey said, "Any restriction at any level would be a danger to our free society."

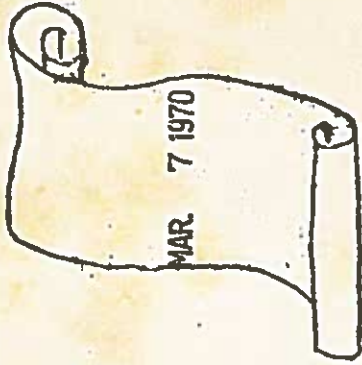
Delegates present at the meeting were Bill of Rights Committee chairmen Joseph Ada, William Flores, Tony Palomo, Joe San Agustin, and Joaquin Blaz.

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PAGE 40--SATURDAY, MARCH 7, 1970--PACIFIC DAILY NEWS

Suggest \$15,000 A Year

Salary For Guam Legislators

Decisions affecting the organization of the Guam Legislature as prescribed in the Organic Act were made Thursday during a meeting of the legislative Organization Committee of the First Constitutional Convention.

Changes which will be proposed affect the pattern of representation in the legislature, the salaries of the legislators, the quorum in the legislature, the number of senators required to pass a bill, and the concurrent holding of public office while serving in the legislature.

District representation was the topic of much of the discussion, and it was finally decided that the clause in the Organic Act allowing representation at large should be stricken.

If the delegates' recommendation is passed by the convention body and accepted by Congress, the Organic Act will read, "The legislature shall be composed of

sentation on the basis of the number of registered voters because of the much smaller population on Guam. Therefore, the committee members left the pattern of district representation to legislative authority.

A minimum salary of \$15,000 for legislators was recommended by the committee. It was thought that by setting a high minimum salary the temptations of legislators to supplement their incomes and thus to develop conflicts of interest would be reduced. It was also felt that qualified, capable persons who might otherwise be financially unable to run for the office of legislator may be enticed to run.

The Organic Act presently sets the legislators' quorum at eleven and allows a majority of that number (six) to pass a bill. The committee decided to allow the legislature to set its own quorum but to require that a bill must be passed by two-thirds of

other public office under the Territory, nor shall he, during the term for which he is elected, be elected or appointed to any public office or employment which shall have been created, or the emoluments whereof shall have been increased, by legislative act during such term."

Chairman of the committee, Joe Nededog, stated that because during the public hearings most people had favored retention of the unicameral legislature and the term of two years, these sections of the Organic Act would remain as they are.

FIRST CONSTITUTIONAL CONVENTION OF THE TERRITORY OF GUAM

Two propositions have been introduced for first reading by Constitutional Convention delegate, Joe San Agustin of Dededo. One of the propositions authorizes the creation of political subdivisions in the territory, upon the consent of the electorate. The other requires the consent of the legislature to any reorganization of the executive branch.

With regard to the first proposition, San Agustin said, "It was the overwhelming opinion of the people, as expressed at our public hearings, that government at the local level be strengthened and improved. It is my feeling that this proposition, if adopted, would permit those villages which feel they have the capability and financial resources to provide their own local governments. This proposition is designed to strengthen the commissioner system."

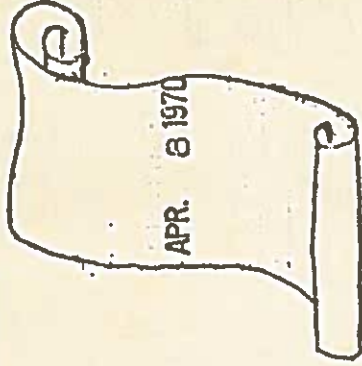
The proposition reads: "The legislature shall provide by general law for the government of municipalities or other political subdivisions, and for methods of incorporating, merging, consolidating and dissolving such subdivisions and of altering their boundaries, which law shall classify such political subdivisions on the basis of population or other reasonable basis and shall require the consent of a majority of the qualified voters living within the proposed subdivision prior to the creation thereof."

San Agustin said that such a provision in the Organic Act would assure the people that there is a mechanism for reorganizing government at the village level.

The second proposition introduced by San Agustin would change the clause in the Organic Act which gives the Governor the absolute power to reorganize the

hicle by which the programs and expenditures can be most expeditiously administered.

The proposition reads: "The Governor shall, from time to time, examine the organization of the executive branch of the government of Guam, and shall determine and recommend to the legislature such changes therein as are necessary to promote effective management and to execute faithfully the purposes of this Act and the laws of Guam."



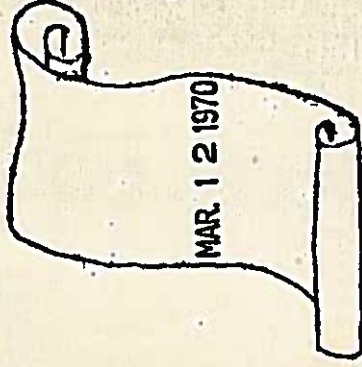
To Seek Local Government At Village Level

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Local Law Urged For Marijuana Violations

The Health and Social Services Committee of the First Constitutional Convention met Tuesday to consider the proposition which has been referred to it and which recommends the repeal of Section 33-a of the Organic Act. This section makes it unlawful to "produce, manufacture, compound, possess, sell, give away, deal in, dispense, administer, or trans-

port" marijuana. The fines and punishments for dealing in marijuana are prescribed.

It was the unanimous opinion of the committee that this section would be more appropriately handled by local legislation.

Committee member Joe Cepeda said, "We're not saying that we should be more lenient. But I think this should be statutory rather

than a law from the federal government." He pointed out the impracticality of having the fines and punishments for breaking this law frozen into the Organic Act. He also said that local legislation could enact laws which would be more effective in dealing with the current drug problems and the new drugs and chemicals in use.

Cepeda suggested that a general provision be included in the Organic Act under the category of Health and Social Welfare which would give the local legislature the authority to enact laws pertaining to drugs.

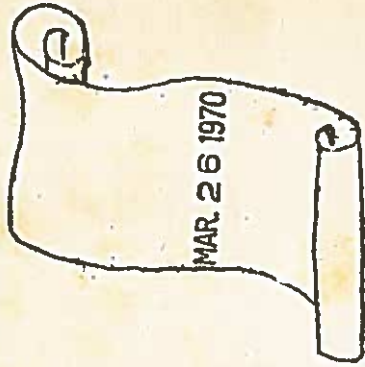
Committee chairman Robert Leon Guerrero, who is a co-sponsor of the proposition, said that he felt that it would be more

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Anti-Pollution Proposal Sought

Two very timely propositions have been introduced for first reading in the Constitutional Convention.

With the problem of environmental pollution being of great concern now, delegate Lorenzo Signenza, chairman of the Natural Resources Committee, Francisco B. Agon, and Robert E. Leon Guerrero, have sought to abate pollution on Guam by proposing changes in the Organic Act which would guarantee a pollution free environment and which would fix the responsibility of the legislature to maintain unspoiled natural resources.

The first of the two propositions is introduced by Signenza and adds a subsection to the Bill of Rights which states, "The right of the people to a natural environment unspoiled by man-made emissions or other pollutants is guaranteed, and no person shall be deprived of such an unpolluted environment unless the public interest so requires."

This proposition also would es-

sorced by Francisco B. Agon, Lorenzo Signenza, and Robert E. Leon Guerrero. It adds a subsection to the Organic Act which requires the conservation and protection of natural resources, scenic beauty, and the development and improvement of agricultural land.

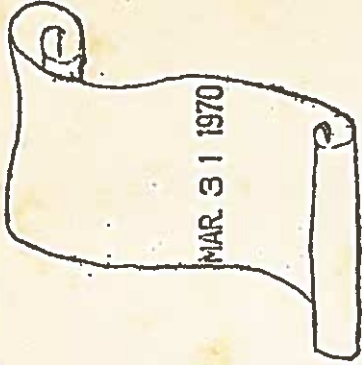
The proposition states: "The policy of the government of Guam shall be to conserve and protect Guam's natural resources and scenic beauty and encourage the development and improvement of its agricultural lands for the production of food and other agricultural products. The legislature, in implementing this policy, shall include adequate provision for the abatement of air and water pollution and of excessive and unnecessary noise, the protection of agricultural lands, wetlands, submerged lands, and shorelines, and the development and regulation of water resources. The legislature shall further provide for the acquisition of lands and waters, and the dedication of properties so acquired or now own-

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PAGE 12--TUESDAY, MARCH 31, 1970---PACIFIC DAILY NEWS

Locally Elected?

Debate Locally On Comptroller

A joint meeting of the gubernatorial Powers and the Taxation and Finance Committees of the First Constitutional resulted in a marked revision in a proposition which originally recommended that the Federal comptroller be appointed by the Comptroller General of the United States rather than by the Secretary of the Interior.

After a great deal of debate, the committees agreed to amend the proposition to provide for a locally elected comptroller, who would serve for a term of four years and who would audit the expenditure of both local and Federal funds. A report of this audit would be sent to the Department of Interior and to the United States Congress just as is done now by the Federal comptroller.

A locally elected or appointed official was vigorously recom-

Rico has no Federal comptroller although it does not contribute any money to the Federal government. "The question is Can You clean your own house? Do you have the ability? I think it's wrong to take the attitude that just because we're a territory we don't have the right to object to situations which we dislike."

Jose L. Cepeda pointed out the anomaly of having an elected governor yet being required to have a Federal auditor. He, too, advocated a locally elected auditor.

Jose R. Rivera provided figures showing that forty-three states of the union elect their comptrollers or auditors. He said, "I think it's incumbent upon us to recommend changes if we see that they're needed. I think the comptroller should be responsible to the people of Guam."

Francisco B. Aguon, who introduced the original proposition said that during the public hearings, a majority of those who spoke recommended that a Federal comptroller be retained but that he be paid from Federal funds.

Rufo L. Calvo also expressed a dissenting voice. He said, "I don't think we should compare ourselves to the states--we are not like a state: We only take--we don't give." He felt that in order to eliminate the provision in the Organic Act requiring a Federal comptroller, the committees must justify such a position by pointing out inadequa-

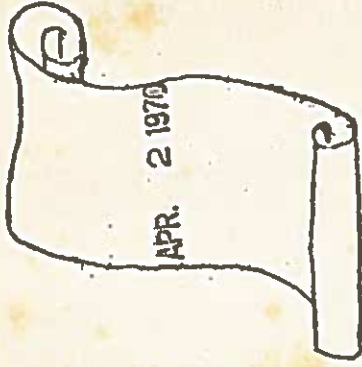
Blaz then countered with, "Our elected official could have the same capacity to investigate all funds and to report to the Federal government. But the people of Guam should have something to say about the man--they're paying for him. Right now the Interior Department can take money out of our treasury willy-nilly. We just want some accountability."

In speaking of the length of time since the comptroller has been on Guam, he said, "There's no such thing as infancy here. If it's defective, it's defective."

Calvo stated, "We are asking for our own policeman because we fear their policeman." He felt that only if and when Guam advanced in political status would it have the right to ask for a local comptroller.

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Two topics of recent concern throughout the entire nation --pollution and drugs--were discussed at Monday evening's general session of the First Constitutional Convention. Three propositions to amend the Organic Act were debated and moved to the order of third reading, which means they will be voted on at the next general session to be held this coming Monday.

These are the propositions: 1) to delete from the Organic Act Section 33-A which forbids all dealings in marijuana and prescribes the punishments therefor; 2) to add to the Bill of Rights a guarantee to an unpolluted environment; and 3) to add a subsection stating that the policy of the government shall be to "preserve and protect Guam's natural resources" and placing the responsibility for the implementation of this policy with the Guam Legislature.

There was much debate on the proposition concerning marijuana. Several delegates felt that marijuana, as a potentially dangerous drug, should be forbidden by Guam's basic law, despite the fact that there is presently local legislation which covers marijuana.

Some of the comments made in opposition to the proposition were these:

Bett, Guerrero: "We do not yet know if marijuana is, in fact a narcotic and if it produces any ill effects. However, we do know that 90 to 95 per cent of all drug addicts have used marijuana."

Jose Quintanilla: "If we repeal this section, we open up the island to a dangerous situation."

Those speaking in favor of the proposition made these remarks:

rous than alcohol, which is not prohibited by the Organic Act." Rufo Calvo: "As long as we have protection offered by local statutes, I don't fear repealing Section 33-A."

The two propositions on pollution encountered little opposition except for the objection to the creation of an executive department responsible for all natural resources which was prescribed in one of the propositions.

Joe San Agustin vigorously protested the creation of a department by the Organic Act. He said, "This does not allow flexibility if change is needed. Everytime there is a need to change a department, a constitutional convention will have to be called. You can't put something that requires

a day to day evaluation and examination in your basic law." The delegates voted to amend the proposition, deleting that portion calling for the creation of an executive department.

However, all delegates seemed to favor the attempt to abate pollution and to protect Act which charge the executive and legislative branches with the task of

preserving Guam as an unpolluted, scenic island.

These propositions will be before the Convention on Monday.

Pollution, Drugs

Topics At

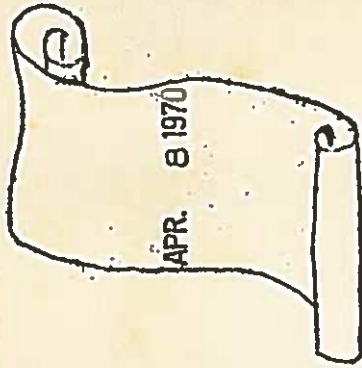
Convention Session

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A proposition to provide for taxation of the church has been submitted for first reading before the Constitutional Convention by delegate Joaquin G. Blaz, as chairman of the Taxation and Finance Committee.

In justifying the decision of the committee to introduce such a measure, Blaz stated, "Any organization involved in eleemosynary (charitable) activity is customarily tax exempt under the American system. So far Americans have not acceded to taxing places of worship.

"However, any time a church engages in activities outside the realm of its religious function, it should be subject to taxation on monies earned by such activities."

When asked if there is any precedent for this form of taxation, Blaz replied, "Several states have begun to tax the church's non-religious enterprises, and the federal government does this, too. For example, the Christian Brothers Wineries in California is taxed, although it is operated by a religious order of the Roman Catholic Church."

Blaz also cited these statements from an article written by New Jersey legislator and author of the first bill on church taxation, Chester Apy:

"I know that churches do good works...but I have also observed an inconsistency in the demands by churches for independence from the state--especially when the state, at any governmental level, is willing to put some money into the broad variety of church-operated projects...Parochial schools of all

million for the construction of college and university buildings.

"There is scarcely a department of government at any level whose funds and services have not been tapped in some way by church groups, with the church doing the asking...."

"Is it fair for churches to be exempt from taxes on properties and income and also have the right to keep their financial records secret? Is it fair for churches to accept the services of the police, fire, and sanitation departments without paying for them?"

"...when a church puts its own money to work to earn more money, whether in business, on the stock market, through bank interests, or any other way, it assumes a role no different from the corporation, company or individual doing the same thing, and should pay the same taxes.."

"By American law, freedom of religion is an individual's right, not necessarily the prerogative of organized religions to enjoy the freedoms of America without assuming a greater share of the responsibilities."

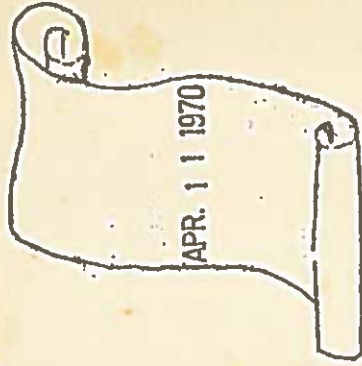
Other arguments which were found by Blaz to support his case are in the 51st Volume of American Jurisprudence where it states "...lots adjacent to a church building, not reasonably needed for the convenient enjoyment of the building as a church, and leased for other purposes or which are not used for any purpose are not exempt." Also, "Property devoted to the purpose of a hospital, although belonging to a church organization, has been considered as not

Proposal For Taxation Of Church Here

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Health, Education Studied By Convention

The health and education of Guam's people are the subjects of three propositions on first reading in the Constitutional Convention.

All three propositions deal with Section 29 of the Organic Act. This section charges the Governor of Guam with the responsibility of establishing public health services and an educational system.

Jose L. Cepeda, Convention delegate, has introduced a proposition which broadens the scope of the clause. Presently the Act states that the Governor must "establish, maintain, and operate" public health services in places where they are necessary and must promulgate sanitary regulations to protect the island from disease.

Cepeda's proposition states that the government "shall provide for the protection and promotion of public health, for the

persons, and for public assistance to persons unable to maintain a standard of living compatible to decency and health."

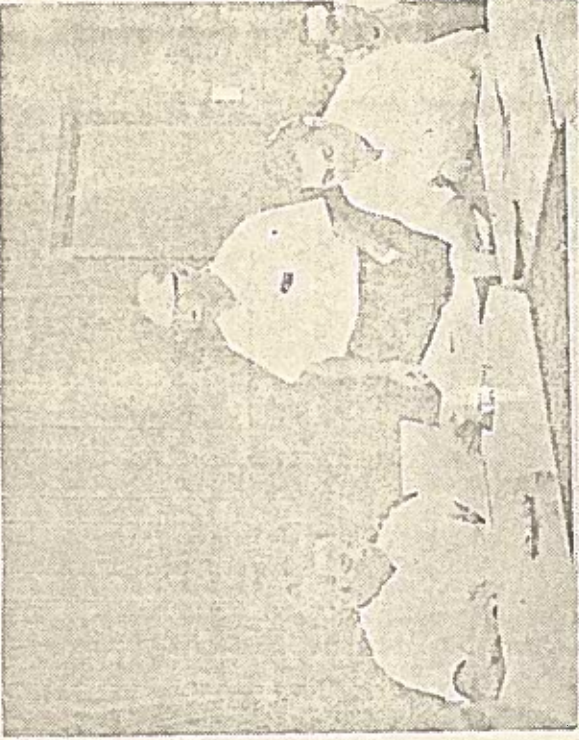
The subsection of Section 29 dealing with education has been changed in a proposition introduced by Joe San Agustin. In it, he gives the Legislature, rather than the Governor, the responsibility of providing a public school system.

A third proposition introduced by Francisco Agnon, covers both health and education. It, too, takes the responsibility for these areas from the Governor and places it with the Guam Legislature. It also changes the compulsory school age from the present six to sixteen to five to eighteen.

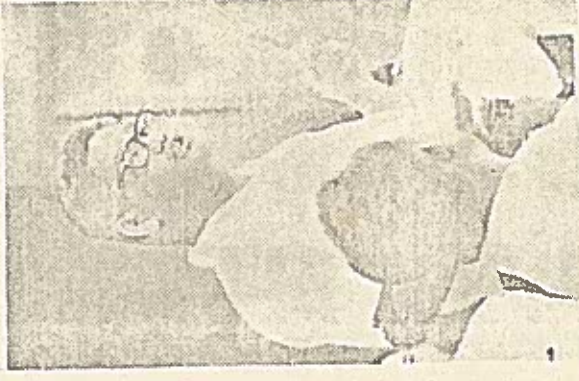
The proposition states: "The Legislature shall provide for the establishment and maintenance of educational, public health, po-

cluding those for the mentally ill, the blind, the deaf, and such others as require special care or training.

"In so providing for the establishment and maintenance of free public schools, public libraries and such other public educational institutions as the Legislature may deem necessary, or desirable, the compulsory school attendance age shall be between the ages of five and eighteen years."



ADRIAN SANCHEZ, Tamuning delegate, supports a locally elected comptroller. Joseph Ada, seated on Sanchez's left, and also a Tamuning delegate, opposes the measure in favor of an outside auditor from the federal government.



Subject Of
Debate Ha



The measure, which would give the comptroller the right to audit the state's accounts, was introduced by Sanchez, a Tamuning delegate, and supported by several other delegates. It was opposed by Joseph Ada, another Tamuning delegate, who argued that the measure would give too much power to a locally elected official. The debate was held in the House of Representatives in the State Capitol building in San Juan, Puerto Rico.

Propose Incorporated Title For Guam At Con Meeting

A step forward in Guam's political status will be recommended by the Political Status Committee of the First Constitutional Convention.

A proposition making Guam an incorporated territory and removing it from the jurisdiction of the Department of the Interior will be proposed by the committee. This will replace a proposition by delegate Joe San Agustin to make Guam a commonwealth. The proposition will also change the name of the Organic Act to "The Constitution will also Territory of Guam" and will state that the United States Congress RATIFIES rather than ENACTS this constitution. This change was proposed by delegate Charles Taves, of Agat.

Central to the committee's proposal is hope that Congress will recognize the desire of the people of Guam to reject the status quo as an unincorporated territory and to progress toward more self rule and the eventual status of statehood.

Speaking strongly in favor of statehood as a goal for Guam, Antonio Palomo said, "I would be willing to forsake Section 30 of the Organic Act (This section guarantees to Guam the rebate of income tax revenue collected here. If Guam were a state, its people would have to pay the federal income tax and pay additional taxes to support the local government.) and pay what we have to pay in order to become a state. Now we are more or less parasitic, at least economically."

"Remember that when Secretary Hickel was on Guam, he said 'Dream big'. To me that means statehood. If Alaska and Hawaii can do it, I think we can do it."

Palomo told the committee that there are no specific require-

ment for adoption by the entire Convention which would state the desire of the territory for eventual statehood.

In any case, it was generally agreed that to recommend no change and to remain an unincorporated territory would be unwise. James Brooks, Talofofo delegate, said, "If we adopt a policy of remaining an unincorporated territory, we will be in more self-government. In subsequent years this could prove to be very damaging strategy..."

"Those people who come after us who want commonwealth status for who want statehood are going to be faced with a rejection which we have set down."

Removing Guam from the jurisdiction of the Department of Interior was originally proposed by Antonio Palomo and was incorporated in the new proposal. Palomo justified his proposal with the following statements:

"1. The essential function of the Department of Interior is to manage public resources (land, water, minerals, etc.). Its responsibility should not be to manage people."

"2. During the 19th Century, the United States Congress, and not the Department of Interior, administered the territories. The governors of the territories were appointed by the Congress."

"3. The Department of the Interior has a very poor record in the management of the affairs of the American Indians. Note the plight of the Indians throughout the history of our country."

"4. The Department of the Interior could be likened to the British Colonial Office. This is a poor semblance of democratic government."

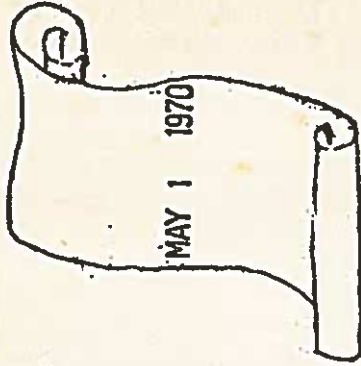
"5. Once the United States Congress sees fit to authorize

the Department of Health, Education and Welfare, the Department of Labor, Housing and Urban Development, the Department of Interior, etc. There is no reason to expect otherwise should we adopt this proposition."

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Indebtedness Viewed By Constitutional Convention

A proposition to require that public indebtedness may not be incurred without the consent of the people of Guam through a referendum was passed by the Constitutional Convention. The proposition also removes the 10% limitation placed on public indebtedness by the Organic Act.

The report of the Taxation and Finance Committee, which sponsored the proposition, stated that "it should be up to the Legislature and other agencies of the Government of Guam to determine the proper local debt limitations in the face of existing conditions. To be limited by an artificial debt ceiling having no relationship to the fiscal soundness of the Government of Guam is impractical and unrealistic."

and any law passed on Guam was defeated by only one vote.

The much-debated proposition to provide for a locally elected comptroller to replace the federal comptroller was defeated with fifteen yes votes and seven no votes. (All propositions must be passed by at least twenty-two votes.)

The Bill of Rights Committee's proposition to guarantee the "right to know" or to investigate public records failed with only six affirmative votes and seventeen negative votes.

The Convention did, however, pass a resolution requesting the Governor to include in his call for a special session a request for the Legislature to change the date of the Convention's dissolution to July 1 rather than

Displeasure was expressed by delegates Adrian Sanchez and Joe San Agustin concerning an earlier request for a three month extension. They chastised the delegates for having to request extra time.

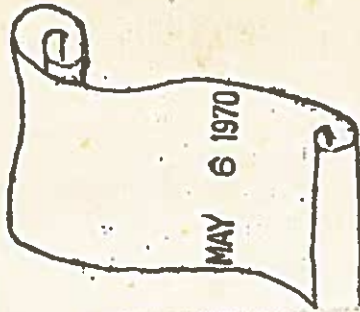
San Agustin said, "We have to ask for an extension because we have had poor attendance and we've been derelict in accomplishing the task that was set before us."

Sanchez added, "A request for an extension admits our deficiency. I don't like to be party to any group that doesn't accomplish the job given to it on time."

"I feel if we're really serious, we can finish by June 1, but if we definitely can't do it, request only one month. Let's

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During the session of the ninth Guam Legislature, Senators Richard Taitano, Pedro Santos, and Antonio Cruz introduced a bill to create the office of ombudsman based on the model bill written by Gellhorn; however, the local bill was defeated.

by the members of the Legislature for a six year term. The most important requirement is that his selection is as non-political as possible.

In the model bill written by Gellhorn the person qualifying for the office must be "well equipped to analyze problems of law, administration, and public policy" and must not be actively involved in partisan politics.

Requiring an ombudsman for the Government of Guam has been suggested as an addition to the Organic Act by Constitutional Convention delegate, Gregorio M. Borja.

An ombudsman is an independent, high level official who receives complaints on matters relating to the administration of the government's executive branch, pursues into the matters involved, and makes recommendations for suitable action. He may also make investigations of administrative actions on his own initiative. His weapons are persuasion, criticism, and publicity.

An ombudsman is a relatively new idea in government, but is becoming very popular. The first ombudsman bill for consideration by an American legislature was drafted by Ralph Nader and introduced in the Connecticut legislature in 1963.

As a receiver of complaints from citizens, the ombudsman serves as a liaison between the people and the government which is often viewed by them as being distant and unresponsive.

When the ombudsman receives a complaint which seems valid, he asks the agency involved for an explanation and conducts an investigation if necessary.

According to a model bill written by Walter Gellhorn, one of the nation's leading authorities on the ombudsman and a professor of law at Columbia University, the ombudsman must be given any information, records, or documents he seeks from an administrative agency. He may enter and inspect the premises of an agency, and he

Ombudsman Suggested Addition To Organic Act