

**SENATOR RORY J. RESPICIO**  
**MAJORITY LEADER**

**CHAIRPERSON**  
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN  
AFFAIRS; AND HUMAN & NATURAL RESOURCES



*I Mind'trentai Unu na Libeslaturan Guåhan*  
**THIRTY-FIRST GUAM LEGISLATURE**

**SIGN-IN SHEET**

Friday, May 20, 2011 – 2:00 PM

*I Liheslatura* • Public Hearing Room • Hagåtña, Guam

**ROUNDTABLE MEETING ON THE POLITICAL STATUS BILLS**

Bill Nos. 151-31, 154-31, 168-31

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**Committee on Federal, Foreign and Micronesian Affairs  
May 20, 2011 Roundtable on the following:**

**Bill 151 by T.R. Muña Barnes and F.F. Blas, Jr.:**

An act to provide a Legislative submission for consideration by Guam's voters during the 2012 General Election; to conduct a nonbinding straw poll to determine the preferred political status held by all of Guam's voters.

**Bill 154 by J.P. Guthertz:**

An act to add a new subitem 3104(a) and 3105 (a) to chapter 3, and add a new subitem 21007(a) to Chapter 21, all of title 3 Guam Code Annotated and to add a new subitem 2109 (a) and amend subsections 2110(a) and 2111 of Chapter 21, title 1 Guam code annotated relative to the registration, education campaign and voting process for the plebiscite on political status for Guam.

**Bill 168 by J.P. Guthertz:**

An act to provide a legislative submission for consideration by Guam's voters to determine whether residents support any reunification effort with the residents of the Commonwealth of the Northern Mariana Islands.

Senators present: Committee Chair Respicio, Speaker WonPat, Vice Speaker Cruz, Legislative Secretary Muña Barnes, Committee Vice Chair Guthertz, Senator Tom Ada, and Senator Yamashita. Senator Pangelinan arrived a few minutes later.

**SUMMARY OF INTRODUCTIONS:** Senator Respicio called the meeting to order at 2:00 p.m. He stated that the Roundtable was being held in advance of public hearing that would take place the following week. He said that bringing all three bills to the hearing is an attempt to bring resolution to long-standing injustices. At the hearing, if all three bills were to be approved, the message would be unclear because the bills are on different paths.

Sen. Respicio also said that the military buildup is a good time to bring up these historic injustices. He stated that the Governor had agreed to convene the Commission on Decolonization and that Speaker Won Pat would be a member and he (Senator Respicio) was a member based on the statute.

Sen. Respicio called up Maga'lahren Pagat, Señora Ofing, Faet-Vicente Garrido, Bobing Wolford, Aniti, Señor Juan Diaz, Dr. Ron McNinch, Joe Garrido, Ed Aguon and Señor Benavente. He said that all senators present were members of the committee. He asked Sen. Muña Barnes to discuss her bill, and said he would then ask Sen. Guthertz to explain her bills.

Sen. Barnes said her bill was meant to see what support there is in determining Guam's political status. She said she supports the Chamorro only vote, but we should hear what everyone who makes Guam home has to say. She said that with the introduction of this bill it has stirred a lot of discussion on this issue. She has spoken with people in the community and those who feel that this issue is very meaningful. She said that she wanted the people in the room to know where our

political status should go. She said leadership begins with listening and she wanted to listen to everyone so she will have a better idea about where to move forward.

Sen. Guthertz thanked everyone for coming to the roundtable. She said she fully supports Chamorro self-determination. She said that Chamorros have never had that right and should exercise it. As a teacher she taught her students that the Chamorro people must have the right to self-determination to decide their future. She said that Bill 154 sets a date, the primary election of 2012, and if a runoff is needed, it can be held in the 2012 General Election.

She said that the bill states that there should be an education program and designates UOG and GCC to disseminate the information to the public. The second bill, 168, is a survey bill to find out how the people of Guam feel about the reunification of the Marianas. She said that the Chamorro people were separated by circumstance, not by choice. The bill would help everyone know what people really feel about the idea of reunification. She pointed out that Congressman Joseph Palacios had also introduced a bill in the CNMI Congress asking the same question. She said that action had to be taken quickly while Chamorros still had the opportunity to decide their future. She thanked everyone who was participating.

Sen. Respicio said he was happy with the turnout and participation. He said that most people didn't like the current political status and relationship with the U.S. but we have to agree on where we are going and how to get there. He said he was glad to see Mr. Joe Garrido who is on the Commission on Decolonization.

**TRANSCRIPTION BEGINS:**

Sen Respicio: "(Mr. Garrido) represents the free association group. Mr. Tony Sablan, he represents the Independence group, and former Senator Eddie Duenas represents Statehood, and also long time friend and advocate Mr. Ed Benavente who served as the previous executive director of the Commission on Decolonization and the Ancestral Lands Commission. So we want to hear from this panel and after that we'll hear from Ed Banavente, Joe Garrido, Tony Sablan and former Sen. Duenas. We'll hear now from Uncle Bobing all the way up to Mr. Ed Aguon. After you're done we'll ask you to stick around for awhile for the next group. Maga'lahren Pagat?"

**Maga'lahren Pagat: (translated from Chamorro)**

"Buenas Senators, Guahu si Pagat. My name is Maga'Lahren Pagat, for those who need to know more I am Danny Jackson. Yes, this roundtable is good. I'm puzzled because I was not notified about this Roundtable. I feel like you don't recognize the Chamorro Nation. I am the head of Chamorro Nation at this time but will be stepping down on July 3rd. I don't support these issues Prices are going up at the stores and the gas too. We are feeling smothered. When more people come, where are they going to go? Next time recognize the people of the land, the Chamorro Nation. If you don't notify us, then no one will be here to speak on our behalf. That's all I have to say as there are many people here to speak. Thank you."

Sen. Respicio: "Señora Ofing?"

**Señora Ofing: (translated from Chamorro)**

"Buenas Senators. It's a beautiful day to be here. Isn't it? Hello, I am Ofing, Josephine Jackson, Danny's wife. I heard about this last week on the radio and I've been running through my mind, what all this is about. What is the non-binding vote on Guam? Is this saying that we are going to let the outside people vote and see what they say? Is that what it is, or no? No, right? These outside people won't dictate what we want."

Sen. Muña Barnes: "No, it will be our people of Guam."

Sen. Respicio: "She's correct, under the current law, only those who attained their citizenship through the Organic Act are eligible to vote in the plebiscite."

**Señora Ofing: (translated from Chamorro)**

"I don't believe it is right, for these outsiders to come into Guam, vote on this 'paper,' it's not right. They left their island, they left their place. They killed their own their own culture to live in Guam. I don't want them coming in here telling me that they're going to vote against us on the plebiscite and take over this land. I don't want to be colonized again for another 66 years. Already, 66 years. Already, it's gone. We need Self-determination. We need to do this before the build-up comes to Guam. We need to do this by next year. It needs to be in the election by next year. We want independence. We want free association. Not statehood, because if we have statehood will be more serious. It's frustrating because we're being treated like a carabao."

Sen. Tom Ada: "Chairman, may I speak to best clarify the issue. This (indicating Bill No. (151) does say that all registered voters in Guam can vote on this. To include, the outside people, even if they're not Chamorro."

Sen. Muña Barnes: "I apologize that wasn't the intent. This straw poll would not be the determinant factor in what the people want. I support a Chamorro-only vote, and it's up to the people, the Chamorros of Guam as defined by the law that should be able to vote and determine what their determination should be. Again I apologize, that wasn't the intent."

Sen. Respicio: "Si Yu'os Ma'ase Ofing. Faet?"

**Vicente Garrido (Faet) : (translated from Chamorro)**

"The only true Guamanian to identify the people staying on this island, are the native Chamorro. We are the only colonized people on this island, we should be the one to determine the future of our destiny. Not any other nationality. I don't care whether they become U.S. citizens here yesterday or live on Guam for 40 or 60 years, I don't care. We are the only colonized people on this island. And to this date we still remain as a conquered people. Subjugated, oppressed and totally colonized by the present day conqueror, The U.S. military and the federal government. Like I said, I fully understand the intent of the bill. We of the Chamorro nation objected to all nationalities who migrated and became U.S. citizens ought to be involved in our rights to self determination. The destiny of the colonized Chamorro people. I don't support this bill but I fully respect the Senators that introduced this bill, I just don't support it and never will, when it has outsiders determining the welfare of my people. This bill is in a way saying that we already don't exist. As if we the people of the land are not here. I also

suggest that while we are now pushing for our rights to self determination, I ask that you leaders tell the court judge to stop the naturalization of any citizens or any people that come to our island to make them U.S. citizens, because this will be an obstacle to us in the future ahead if we do decided or you people decided, our leaders, decided to involve every living soul on this island. And that's where I'm coming from and I don't want anybody on this non-Chamorro to label me as a racist or anti this, anti that. This is my native homeland. I speak for my people. Period. Thank you."

Sen. Respicio: "Si Yu'os Ma'åse'. You just heard Sen. Barnes clarify and this bill would have to be amended because it says by all Guam voters. She just clarified that her intent was only to make those eligible to vote on the plebiscite vote, so bill 151 is kind of closer now to bill 154 that Sen. Guthertz is proposing but only 154 kind of talks about the methodology to which the vote shall take place so you can have some comfort knowing that the author is more in agreement with most of us on this issue. Si Yu'os Ma'åse'. Auntie Rita?"

**Rita Franquez:**

"Si Yu'os Ma'åse'. This is a very delicate, sensitive sort of thing to have to address. At the risk of sounding rather cynical, it's a good political move to have a straw vote, but why? A straw vote that is non-binding. We don't have any better use for our money or our time that would take to do this, but why? It's politically correct, votes would be there, because you have extended this right to everybody but is it really the course of action you want to pursue? And as far as I'm concerned, this straw vote will just exacerbate the animosity that is out there already between the different ethnic groups, where one Guam is kind of like one mess hall tray, compartmented and absolutely divided, but its one. And if you think that there's any relationship of good feelings in that oh, everything is well out there because everybody has come to make Guam their home. Have you ever considered going to Japan and saying OK, I'm here I've been here once now, I want you to provide me all the welfare, all the benefits, the welfare for my children, legitimate or otherwise, and keep on having this benefit. It makes conquest and our subjugation of our people acceptable and comfortable. That's why we seem so complacent about what it is that is our right, what belongs to us and we are afraid to offend anybody because the church too has come into the foreground as powerful as it is. Thou shalt have compassion for all. Do we have compassion if we go to Korea and say we are here, do we have compassion? Look at today's paper. For the aboriginal group that used to be there and now they have acknowledged that they exist. Now the Anglo-Saxons there, probably Anglo-Saxons because I don't think it's Asians, no we don't want to recognize these dark aboriginal groups, today's paper. So you see the feeling of control and relatedness to the land is a very sensitive issue. But it depends on your motive of what you want to do. Like I said, at the risk of sounding cynical, it's a politically good move. Have a straw vote and everybody will have a right to go there. And then what? Does that mean then we will have to go with that because it has already been established by precedent and a vote that we must be free or independent? Don't count being a state because I think Puerto Rico has tried that for decades and they are no closer to being a state. And being independent? That's out of the question too, as far as I'm concerned. The biggest employer of all the Chamorro people is the military. Do you think that anybody wants to vote against Medical Hospital, DODEA schools, PX, Commissary, all those freebies, cheaper gas, whatever. Do you think anybody wants to do that or anyone of our soldiers who are in the National Guard or any of the military want to go out there and subdue a rebellious few? No way. The church will tell us, peace at all costs. And

even our own traditions, our own upbringing is to be pacific, non-confrontational, accept the inevitable because it's inevitable. But as far as this I think that you as government leaders would have the guts to say these people have had the right to vote for self-determination and you cannot diffuse that right by deleting the population. In other words, the U.S. can't come and bring in all these people in here and say OK now the Chamorro has been outnumbered, it's politically time now to finish the plunder off of this group that insists that they have a right to their land, it's not theirs, it belongs to the new immigrants, and if you understood that, it's a cynical view. But that's the way it is. For statehood, forget it. Status quo, I don't know. But as far as I'm concerned, I would rather have it because I would rather be under the United States, pimples and moles and everything, I would rather be, than be under Russia or China or Japan or anybody else. Given. But if we really do have a choice, let's make it real and let's not shoot ourselves in the foot. If we have this right, let's determine it. Have the guts to pursue it or don't bother. I think I would say, OK, there is no dishonor or humiliation in having to say, I give up United States, Spain, Japan. The United States is the world's biggest, most militarized conquer the world has ever known. There is no humiliation in accepting the fact that we have lost to the United States. But for us to give up our right and say, well we hand it over to you willingly, is another matter. To accept defeat because of superior powers of all the conquerors who have ever come to Guam, is not humiliating, but don't let it be at our own hands that we have abrogated our own right to be free or to at least have a voice and an honest voice. And for anybody to dilute the votes by stuffing the ballot boxes with outside is unconscionable, it's reprehensible. I think that the U.S. they're fighting for (many countries) because they want democracy to work. How about here? Why not here? Perfect place to start.

It's a politically justifiable way to go about things. Make it a straw vote. But my question to you is why? What is the intent? Because as far as I'm concerned, a straw vote will only exacerbate the animosity that is out there, and if you don't believe that there is animosity out there, you're lucky. Thank you."

Sen. Respicio: "Si Yu'os Ma'àse'. Thank you Mrs. Franquez. Magalahi Aniti?"

**Magalahi Aniti: (translated from Chamorro)**

"This is from my family, truthfully, not having or operating from a non-profit. I am also, by the English language, the Intermediate Prime Minister of the Republic of the Sinahi Archipelago. Now this vote to all, remember there is a lot of people! A lot of people here from Guam and they are already voting and they don't want that after reading the Organic Act. They said that your boss is the Governor, and the Judicial, and the Federal Government. For those among us who can vote with the Secretary of the Interior, and it's not worth nothing, nothing. Now how are you going to entice people to vote? We all know a lot of people come to Guam outsiders. People who are given citizenship, US citizenship (remainder spoken in English) through the Immigration Act of 1937 which is very constitutional. Their citizenship is not Organic. Their citizenship is far stronger than any of us in this room right now because their citizenship is Congressional. So how do you entice native people to go against that when education on Guam lacks. Is this another delay tactic you guys are undergoing? I mean, Camacho did it. This is only delay tactic again because I believe that no one of you people really care about self-determination because it is very un-American. Now let me extend that un-American a little bit because what I am doing is totally very American because the forefathers of America, namely Washington, Jefferson, Franklin, they declared independence from their mother country. They totally declared

independence and went through a war in 1776. So what am I doing that is so un American? I am declaring independence. I want to reclaim my island, I don't want to give no outsider the right to vote on my native land. I don't want these delay tactics because I see this great military buildup and I know how to read English where it states in the paper that Guam is the tip of the spear, Guam is the military strategic center. What does that mean to me? Is that finally America will finally succeed in their mission of 1944 in which they totally failed, which was to flatten the rock, which actually means kill everybody in sight. So here we are today, gathered here, over things created by Congress, which gives us eally nothing because you're not a government, you're an agency of Congress. You are not a government. The United States of America is the government. You are not, you are an agency. The Organic Act is right here and here's the Constitution, and here's the real Organic Act from 1950, signed by Harry Truman. And yet all this delay tactics has been going on throughout this island for how many years? This morning on the radio, vote again, wait for the next election. It never changes, it stays the same. We always say "wait for the next election. To have other people given the opportunity to vote on this island is a great moral injustice. So to have anything to do with that, I don't know, where is the sense of mamalao? I mean, I would be mamalo to even think about those things. Because why, those people came from an indigenous island of their own. Philippines, Japan, China, Russia, all of those people, Palau, Chuuk, and yet they can live better on this island today than we can and we are the natives because discrimination is the number one law they use against us and it is allowable. Thank you."

Sen. Respicio: "Thank you, too. Uncle Bobing, Mr. Wolford?"

**Bobing Wolford: (translated from Chamorro)**

"Greetings to men, women, senators and all present here. Aside from the eight of you, wow, there is a lot of us here today. I am Francis Harlan Wolford, Malojloj, InarajanWho's present. Yamashita, Tom Ada, Judi Won Pat, Respicio, Tina Barnes, Judi Guthertz, B.J. Cruz , Ben Pangilinan. Questions the gentleman beside him implying he might be FBI "because when I speak, he writes something down. There, I got all of you to laugh. I don't have a lot to say since I was about to make you laugh but regarding what is being said here today by those present, I like what is being said, and if you are saying "Chamorro only." I don't know if I'm Chamorro but I think I'm Chamorro because I'm speaker Chamorro and I won't speak English because I don't like to. My father is not of pure-blood, he is American, German, Chamorro and my grandmother passed away at 101 years old and my grandfather at 102 years. My mother and father are not with us any longer. I like the movement toward self-determination and the Chamorro vote only. There's so many different kinds of people here on the island, so many got confused on our roads, there are so many cars, I'm afraid to get hit. I'll be honest, my wife is Tagala but I tell her "It is up to you, but as for me, I will keep the Chamorro culture." Bet when I was applying for my passport, I was asked if I was Guamanian. I answered, [jokes] I don't know when I was born my mother didn't tell me whether I was Chamorro or Guamanian. But let's not fail because in this day, it's important!"

Sen. Respicio: Si Yu'os Ma'åse'. "(laughing) Dr. Ron McNinch, Mr. Wolford thought you were probably the FBI. He said in Chamorro, "This guy next to me, he's taking a lot of notes, I don't know where he's from, maybe he's from the FBI." I want to recognize the presence of Speaker Ben

Pangelinan who every Liberation Day tries to get people to sign up for the registry. Every day, but especially on Liberation Day."

**Dr. McNinch:**

"Thank you Honorable Senators. This is a very important issue. I commend you for raising this issue, it is a tough one, difficult to discuss. I think that's why we have a Legislature to bring these issues up and to discuss them. I'm only going to talk for a couple of minutes and basically I think this roundtable is very helpful because you need to get on the same sheet of paper. I love the idea about integrating with the CNMI, but you might not want to do integrating with the CNMI, and political status in the same cycle. So it should be probably one or the other. One thing I would like to see is an incremental effort made with the CNMI, the CNMI is a wonderful place, we have a lot of common ground with the CNMI, and we should encourage travel for people to go to the CNMI to learn all about the CNMI and that would help us to kind of narrow our relationship a little bit and get to know them. Also it would be wonderful to have a cultural or language exchange with the island of Rota, in fact the Chamorro language is a very important issue for our young people to learn and Rota is an excellent kind of laboratory to work with, so there are these very solid, incremental and pragmatic ways to achieve these purposes if that's the desire. I did want to congratulate Speaker Pangelinan on his effort to try to create a roll of eligible voters. I think it's a very tough effort. My suggestion in that regard is to use records to define a genealogy and there are people who know how to use genealogies and I think that's the way to go. If Guam had a Chamorro genealogy that creates a kind of record like the "Dawes Rules" served for the Cherokee nation in the U.S., where your family name is on the list and the whole genealogy is there, now and in the future you could tell who is an eligible voter for certain types of purposes. Another suggestion is regardless of Guam's future political status, whether it's independence, free association or integration with the U.S., Guam's going to need a constitution and there's nothing really preventing Guam from having a constitution if the Organic Act was simply used, along with a preamble and an amendment clause Guam could very deliberately have a constitution and that might be another step. Finally, there's one other little thing we talked about for a little bit, GCC and UOG are great forums or great places to discuss these kinds of ideas. But I'd prefer to see the education tasking be assigned to a commission and then use the university as the place for the forums and the place for the discussions. Otherwise I'm afraid of you know to be quite frank, we're here to discuss and allow anyone to talk about things that they feel are important and I'm kind of little bit concerned if we're tasked with the education process itself, there's better ways to do it. And one final little thing, the three statuses are independence, free association and integration. I think in the language, whether it's on the ballot or whatever, use the U.N. language, that's my suggestion. Just the strict U.N. language. Then allow the education efforts to explain what that language means. Right now everyone is saying this or that. I think that using the U.N. language might be a bit of a preference. In general, incrementalism, taking steps, step by step and using pragmatics can get a lot done in this area. I certainly congratulate everyone here on their efforts so far to do it. Thank you very much."

Sen. Respicio: "Thank you. Very quickly, before you leave, I'd like to recognize Speaker Won Pat to make an announcement regarding the very thing you talked about the University of Guam's involvement in this issue."



Speaker Won Pat: "Thank you very much Mr. Chairman. I've actually met already with the President of the University and what we're looking at and to have this whole discussion, a forum really on political self-determination and using the university as the venue to make it more neutral and because it is a research institution. What we're looking at is inviting someone from the United Nations to speak to us. We have always been criticized in the public: "Why are we talking about the U.N., why are we talking about decolonization?" Well, the United States was the one that put us there by actually listing Guam as a colony. It's not as if we're just going out on our own wanting to align ourselves with the United Nations. The other is to actually start the dialogue with the CNMI whether there is any opportunity to do this rather than putting it out for a vote without any dialogue. The third is really a very interesting one. FSM, RMI and Palau, because recently the President from Palau was here meeting with his people trying to make a decision in terms of what would happen after the compact impact runs out with the United States, and whether they want to align themselves with whomever. My understanding is they are looking to Guam, wanting stronger ties with Guam. So we want to be able to have that dialog. The whole thing is being able to get the experiences from these individuals, these countries, what they've been through, what their challenges were, how did they get where they are at, where do they want to be 10, 20, 30 years from now, as we start the process ourselves. We want this to take place in October to coincide with United Nations day."

Sen. Respicio: "Thank you Madame Speaker."

**Dr. McNinch:**

"Thank you very much and good luck with your efforts."

Sen. Respicio: "Thank you for your time this afternoon. Señor Juan Diaz?"

**Juan Diaz:**

"Thank you Mr. Chairman, and also panelists, for allowing me to express my feelings. First of all, I'd like to express my bias to others that don't consider themselves indigenous, because I'm Chamorro. I have six focal points here, in the area of maybe clarification and also maybe a move to effect some action and I hope that the panel can respond to these six focal points in writing so I could better clear my mind up on these six points. I'm very concerned about the Organic Act where in section 4 citizenship is repealed, and then reenacted in Title 8 the Immigration and Nationality act. In this reenactment I'd like to find out whether the provision still carries a born citizen as far as U.S. citizenship is concerned. Or citizenship by naturalization, because it is under that act. I hate to say that I've been running around the island looking for a written Organic Act with all its amendments and so far I haven't come up with any booklet or whatever it is. That is one... In relation to this also, if a political status is changed and the Organic Act is abolished, are we still a citizen of the United States, based on the statute, the Immigration and Nationality act? The second focal point, I don't know whether you people are familiar with the resolution that was introduced in the 111th Congress, 1551, I think it died, but in this resolution, we have to push the intent and the idea of Delegate Faleomavaega from American Samoa. They have so many sponsors under this resolution, and I didn't see the delegate there. So I hope that this panel will look at that and try to push that because it is important that the United States, in relation to the UN declaration of indigenous rights, they have to recognize that, at least under the

sacred trust of the United Nations, and this is very important because at one point, Ambassador Susan B. Rice stated that as far as the Committee of 24, which is 29 now, they shouldn't be concerned about our relationship with the United States in terms of the political area because she said that we are an integral part of the U.S. politically. Yet the U.S. Supreme Court back then around the 1900s stated that we are not part of the U.S., so that's not clear to me. Which one is it? Are we part or we aren't. So this is very important to me that we push, and see whether they can reintroduce this resolution, however as much changes as they want to do, fine, but the U.S. has to recognize indigenous rights. That is the second point. The other one is I hope that we can require the Election Commission to push the seminar on voter registration, volunteer voter registrar so that we can speed up the Chamorro registry. I don't know why we can't do that. The other one is, this is for you people to really consider. When you take an oath of office you swear you're gonna protect the constitution of the United States and Federal laws applicable to Guam and Guam laws. And then we turn around and we place our right hand on our hearts and we say "protect our culture." I don't see the gist of this. Very conflicting. That's another focal point that I'm raising. And the other thing that I probably, I don't know how we're going to do this. If the CNMI is a Commonwealth of the United States, why is it that the port of entry is still Guam? Why can't we ask, petition Congress or whoever, move this to the CNMI and let them worry about this thing. We are a non self-governing, organized, unincorporated territory of the U.S. So why is the Commonwealth not handling this thing? I wish that somebody can come up with intent and a firm decision, U.S. of A, move this port of entry. Move it. The other issue, I don't know if this is the sixth, we have to look at this Compact agreement. I think the Government of Guam can deport anybody, I think this is a residual power of the executive branch, when this immigrant comes to Guam we can require them to abide with something here, not just leaving it to the immigration office to handle this. These people coming in here, the immigration provision for the U.S., we have a lot of categories. These people coming here they bring children, they bring their wives. In the area of employment they're permitted to get employment in the territories, possession, or the U.S. There's nothing that I see here where we say, hey Chamber of Commerce, if you're going to employ these people, go over there and establish on-site employment and when you bring them over here you're fully responsible for these people. Thank you Mr. Chairman."

Sen. Respicio: "Thank you Mr. Diaz. We took notes on your six questions that you raised and we'll give you some answers. Mr. Aguon?"

**Mr. Ed Aguon:**

(indistinct audio, not speaking into microphone) "...I can see a big light at the end of the tunnel. My major concern here, I've heard the rest and I've heard it before many times. My major concern here is that the people that are going to make the decisions is no other than the voters and we are different groups here, the Statehood, Independence, Free association and what have you. Most of these voters they don't understand any of this. They vote because their family, their friends or associate vote that way. That's not the way for a better Guam. You know it and I know it. So the Statehood, Independence, Free Association, and the other group, may I suggest that they get together for a better Guam and they decide which direction Guam should go for a better tomorrow for a better Guam for our family, our children and their children. Unless we familiarize and educate and familiarize the voters as to what direction Guam should go, we will never get anywhere. We tried a long time I watched things happen, and you watch it either, a better Guam

is not for me, or these elderly here. A better Guam is for our children and their children and the generations to come. You, we, are the keys. But always bear in mind that the voters they need to be familiarized on the different directions. May I suggest that the leaders of the different groups get together. I don't know whether it's possible, I'm sure it is possible. But, if the leaders of the different groups get together and zero in on what is good for Guam, we got it made. We got it made. And this president, this chelu, man, if these different leaders get together, they want their group to win, and this group they want to win, and this group wants to win. Now we have the voters to decide and you know whom they vote for? Their neighbors, what their neighbors what their friends and family are voting for. And they don't even know what they're doing. You know, you see these interviews in the U.S.: "Who's Abraham Lincoln?" "I don't know." These are young adults. "Who's the present President of the United States?" "Huh?" So, guys, the voters. We need to familiarize the voters of what is good for Guam. Not what is good for the chairman of that Statehood, the chairperson of the Independence, Free Association. No way. We're here united. This is what I heard from every one of you. United. Always bear in mind that no man is an island. So I welcome everybody that is going to love Guam. Whether they are red, white or blue. I don't know why they oppose the other people. But bear in mind that we're all one. And if somebody from Russia comes to Guam and says that I'm all for Guam, for a better Guam, why not? Rather than that Chamorro that would rather pack up and go to New York? Anyway guys, I thank you very much I see a very bright light at the end of the tunnel."

Sen. Respicio: "We thank you too, Mr. Aguon, and thank you for your participation. Your testimony is a good segue to the next panel I'd like to invite up. I'd like to ask Mr. Ed Benavente; maybe Mr. Garrido we can reposition you so we can have Former Senator Duenas and Mr. Sablan here and Mr. Benavente, and also you, Mr. Garrido. The next panel we're going to deal with is the folks that have been working this issue through the Commission on Decolonization. (discussion on who will testify next) (Mr. David Sablan comes to table to testify) OK, please turn on the microphone."

**Mr. David Sablan:**

"You know when I first heard about this non-binding we're going to invite all Tom, Dick and Harry to just go ahead and decide what's good for me and my children. You know that's a sad day for our Chamorro people and the history of our people. This becomes realistic, is nothing but a waste of time and is gonna distort the real intent, the real intent is for me to be able to exercise my right hand, but who exercises for me? Somebody else that I'm afraid to want to know what is thinking is just an outsider and too concerned about what's she's thinking about my destiny and she doesn't give a damn about what I'm thinking. You know when I first thought about this, this is, like this lady said (indicating Rita Franquez) that sat here, this is all a political move, it's like just to solidify your career (speaking to Sen. Muña Barnes) you know that these people will say "Hey Tina, man, she put that thing, see, she's looking out after us." Whether or not this pass, you're sitting pretty right now 'cause you've got the votes. And what's his name, Frank Blas, it's to promote his way to Congress. Maybe. Either way, what we're doing here is useless, is an insult. You, whoever introduced this bill, you and Frank, should just get up and apologize. I'm sorry, tell our Chamorro people and just dismiss this, because this roundtable discussion right now is not about non-self governing I mean it's not about self-determination, it's about just what that lady said, it's the right political move for you to solidify ...you're good, this is your career. And you know, this is all about it, at the cost of the Chamorro people. At my cost. I'm gonna have

to look at that outsider, man, I can't do nothing in my own island without having to say hey, man, we have to respect, what's this other guy, this man's name? (pointing to his left where Mr. Ed Aguon had been testifying.) (Sen Respicio: "Ed Aguon.")... "Everyone that makes Guam good." That's why we're here right now because it's not good. Those people are doing it, you know. Umbre gachong, lany, ti mamahlo, You're gonna sit there, look at me. You're gonna say, David, come voting time exercise your right you're gonna have to vote along with your neighbor that just landed over here..."

Senator Respicio: "Mr. Sablan, earlier Sen. Barnes clarified something in the bill's language and I just wanted to recognize her to make that clarification..."

**Mr. Sablan:**

"Oh, make an amendment?"

Senator Respicio: "... make an announcement."

Senator Muña Barnes: "Mr. Chair, as I noted earlier, and I don't know Mr. Sablan heard that my intention was to make sure that the issue of political status and self-determination was that I supported a Chamorro-only vote, and that for me personally I had no qualms wanting to see where we are today in as far as the support, and where we need to be, based on what others may have had to say, who have always made Guam their home. I am a Chamorro at heart, I have family members that are not full Chamorro, but that doesn't take away from me supporting the Chamorro-only vote. My main impetus of introducing this bill was to make sure that decolonization for our people is at the forefront. We have a governor who says that he supports this decolonization, this commission moving forward, he supported the funding so let's nai, let's put it up to the forefront. If you think that I'm against you and owe you an apology ..."

**Mr. Sablan:**

"So why are we entertaining this bill about non-binding..."

Senator Muña Barnes: "As in every legislation, as in every bill that is introduced, as we hear from the people of Guam as a whole, not just for a certain few, I think it's important that we hear from everybody..."

**Mr. Sablan:**

"See, look, it's been years and years and years since they ever listened to me. Now, you gonna start off by listening to the outsiders first, before listening to me? That 's what you're doing right here because it's a law that you're not going to respect the..."

Senator Muña Barnes: "Sir, I didn't say that I was going to change what already exists in law today, where in order for us to decide our political status this status would be through a Chamorro only vote, and if you think I am wrong you are entitled to that and I'm not being disrespectful in any way."

Senator Respicio: "I guess what needs clarification Senator Barnes is that earlier when Miss Jackson spoke, Señora Ofing, and she asked why this bill would let all of Guam's voters vote on this plebiscite that's only reserved for those who have been ..."

Senator Muña Barnes: "And that was the intent. Mr. Chair, if I may, as I continue to listen to everybody, if this bill were to ever to get to the deliberative body on our floor, it is open to amendments, it's open to recommendations, it's open to solutions. This bill based on the intent, may not even get to the deliberative body, because it has to go through committee, but it would be wrong for me not to take the input from everybody who lives on this island. I'm just saying, this is the avenue that we as policy makers must take in order for a bill that gets introduced, it may not be the same bill at the end, it may be killed in committee it may ..."

Senator Respicio: "But earlier you said that it wasn't your intent to make all of Guam voters vote and so that you agreed with the position that only people who should be eligible to vote..."

Senator Muña Barnes: "Yes, and I said that the drive for the Chamorro only vote should exist, I've said that over and over and over ..."

Senator Respicio: "But first would you want everybody who is a Guam voter to vote on their preferred political status and it's really it's not a Chamorro only vote because it's date-based rather than race-based so people ask that we not call it a Chamorro only vote because that's what's been supported ..."

Senator Muña Barnes: "As defined by the laws and provisions that are in place today, Mr. Chairman."

Senator Respicio: "But are you suggesting then, we amend this "by all of Guam voters" and limit it to those eligible to vote in the plebiscite which is what the original law is."

Senator Muña Barnes: "Yes."

**Mr. Sablan:**

"I cannot see the point because you're eligible to vote, even if it's a non-binding ... because we haven't even started our own and we're wasting our time right now."

Senator Respicio: "I think what she's saying is that, maybe I'm misunderstanding, but only those who are eligible to vote on the plebiscite should vote for what their preferred status is. Only those who obtained their citizenship through the Organic Act should be the one to vote on the plebiscite, that's most of our positions, and the Senator just clarified that it wasn't her intent to make everybody vote, although the bill reflected that, so this bill will have to be amended, and so the purpose of this roundtable Mr. Sablan, is that we have three bills with all competing outcomes, and rather than having a public hearing and looking like we were all over the place, we wanted to have a roundtable to kind of focus on what kind of direction we wanted to have."

Senator Muña Barnes: "Mr. Chair, if I may, it's also very important to know that as we move forward on our self-determination that education is key to making our move forward very

successful so the intent of this august body in this meeting is to make sure that as each day goes by, the continuing education on this effort is made, and it is with us and our commitment by at least with me and I hope my colleagues know that education is the key and decide whether we want statehood or free association or full integration ..."

Senator Respicio: "Maybe this would be a good time to open it up to the other Senators who may have a question or a comment in this one particular area, because this is really the genesis of why we are here. The debate is, should everybody vote on this plebiscite, or those who have never had that right to exercise their right to be eligible to vote. If there's any Senators who have any comments? Mr. Sablan, anything else?"

**Mr. Sablan:**

"You know, I just want to make sure that this self-determination is my self-determination, not outsiders. Alright? That's all I want to make sure."

Senator Respicio: "Good point, well taken. Si Yu'os Ma'åse'. OK, this next panel, we have individuals who are trying to create an education campaign for the different political statuses that they are behind. Former Senator Duenas is with the Statehood task force; Mr. Joe Garrido is with the Free Association task force; and Mr. Tony Sablan is with the Statehood ... sorry, the Independence task force (laughter) ... I just wanted to see if you were paying attention ... (laughter) ... I sparked your interest ... (laughter) ... and the next individual we know is Mr. Ed Benavente. I just want to generate some discussion. We have three bills before us in this roundtable type discussion, all with different kind of outcomes and so if you could just give us your feedback on each bill and generally on the issue. Let me start with Mr. Benavente. You started out in the last administration as the..."

**Mr. Ed Benavente:**

"Could I elaborate just a little bit on what was discussed earlier?"

Senator Respicio: "Yes sir."

**Mr. Benavente:**

(Greetings and introduction in Chamorro) "You can call me a long-time advocate on Chamorro self-determination. There's a lesson learned here today and I'd like to conduct, as leaders voted into office, I'd like to conduct ... as leaders, I'd like to conduct a straw poll. How many of you guys who are sitting today, really read Public Law 23-147 that was passed in 1997? Be honest with us. Have you read it, the one that was passed, the one that created the Commission on Decolonization? OK. And it's subsequent ... the creation and the process of self-determination? Chamorro self-determination? You know what really bothers ..."

Senator Respicio: "By the way, can I say that the author of that bill, that law, Senator Hope Cristobal, intended to be here."

**Mr. Benavente:**

"Just for point of clarity because I keep hearing 'Chamorro-only vote.' Can we stop it, stop saying 'Chamorro-only vote?' That's a pejorative term that was created by the media who were against

Chamorro self-determination in the first place. So they used that, and if you look at the word, that's why I said the word pejorative, if you look at the word, it leaves the presumption that everybody has the right and therefore only Chamorros are going to vote and therefore why should they vote. Think about that. Stop using it. It's a pejorative statement term in itself. So please, if you read the law, and I'm sure you read it. It says Chamorro self-determination. And the other thing about the law, if you read it, it is in line with everything that deals with the United Nations. It's also in line with the external approach to resolving our political status, meaning no more commonwealth, no more of the upgraded version of the federal-state relationship improvements, like the Organic Act, commonwealth, the walkout of '49 and stuff like that, that were changed as a result, that evolved us to this. This is a new approach. That's what we keep trying to pound to our leaders today. It's a new approach, we never used this. And Hope was right, it was always there. It was not the chairmen of statehood, independence, and free association who sat around and said, "America, in 1946, make sure you put us into the list of non-self-governing territories." You know that undermines the wisdom and the knowledge of those U.S. leaders that put us there in the first place. Who are we to undermine that? Honestly they knew who they were talking about in 1946 because we weren't even citizens of the United States yet. So they knew who was promised Chamorro self-determination and it's the people who were there and so be it. Some of us come from, you know (unknown) and maybe a little bit Filipino, Chinese, and so forth, Americano at the time. But they were expatriates. So they were here and we were called nationals by the United States, but we were here. So those people walked into the United Nations on December 1946, those group of leaders who walked in, in the United Nations and had us inscribe into the list of non-self-governing territories. Man, what are we doing to them? We're insulting them by us not educating ourselves with that route. We've gone through the regular route. This negotiation, executive negotiating with both Congress and (unknown). This one is a different route. I'm telling you guys, please, it's a new ball game. It's always been there, we just haven't exercised it. My God. You know self-determination is a serious step. And that's why I believe that we cannot continue to be ill informed, naïve, and unprepared. You know who's watching us? Little do you know. The committee of 24 within the United Nations, no matter how insignificant you think they are, they're not. You know who votes in the General Assembly against us? These are the people that we should know. Our neighbors. Incredible. When they come here FSM, Republic of the Marshalls, boy, we're embracing them, let's have a talk, let's have a chief talk, and all of that. But when you look at the outcome of the vote every year annually regarding the question of Guam's political development, they're the first ones who are aligned with the United States to deny us that right. Thank God for the rest of the hundred and some nations who continue to believe that there is a right for us as Chamorros to exercise, and that right is self-determination. Believe me, if it weren't for those other countries, that are considered rogue states, Communist countries and so forth, if it weren't for them we won't be there. And guess what, because it is called a treaty, that 1946 inscription of us by the United States, remember this is their volition not us. Wasn't me who forced them. I didn't tie anything, I didn't put a gun next to their head, they placed us there so that one day we would exercise our right to self-determination. They were the ones that placed us there. So the obligation is not ... the sacred trust is held by them to take care of us, to develop us, to evolve us from the point of being colonized to self governed. OK? Because that's what we are doing. If you read that law please look at the legislative intent. Because the courts would see the legis..., and maybe we could answer the question, "why is it Mr. Smith can't vote, or Mr. Chang? Why can't Mr. Chang vote? It's so ... it's there. We know who can vote, The United Nations knows who can

vote, even the United States, they know that. And you know what? That's why it's mind-boggling at times. That's why I'm so supportive of this education process. Dr. Guthertz, please, with all due respect, you were my teacher at the University during my undergrad years. But we have to agree to disagree on this one. The education must precede the vote. So even if we put a date in 2014, we got to have that education. And if you look at the Trust Territories and how they exercised their right to self-determination, you look at the other nations, it's always the administering power that would fund the exercise. This is the first time ... we don't even have the money to fund it. The administering power is laughing at us. What is our problem is this, we have you guys as leaders. You have to get along with the executive branch. And send a formal notice to the President of the United States, to the President of the Senate to the Speaker of Congress. The State Department, who's supposed to be handling all of this, not the Department of Interior. Put Fabot, that was the internal approach, remember, we were discussing ... that's why the DOI is always there at commonwealth hearings. Because it's an internal approach. We're using the external approach, the other law that governs Guam. Remember that there are two laws that govern Guam: The 1898 that placed us as a unincorporated territory; and the other one, is the 1946. Which one is stronger? I say the 1946. If you read the Constitution of the United States Under Article 6 Clause 2, all treaties are the supreme law of the land. And you can construe that the inscription of Guam into the list of non-self-governing territories is a treaty and they know that. The U.S. Government knows that. It's just us. We haven't given them their formal... in other words, we drafted this bill and it became law. All the respetu, si Hope. We didn't synergize, we didn't work in solidarity, and we did not give them proper notice that we're going to take the external approach. No more discussions, let's just do it and rock 'n roll with it. That's the biggest problem. The other thing and this one is to the proposed bill of my neighbor from Mangilao, Senator Tina Muña Barnes. This is how we heard it out in the media. "Everybody's going to vote." That was the biggest, I don't know who dropped that line to the media. I don't know who it is. Gross mistake. Believe me, like I said, let me reiterate. The recognition of the right of Chamorro self-determination is protected within U.S. treaties and within the U.S. Constitution. So Chamorro self-determination is constitutional. The other thing is that it is constitutional not only to the U.S. but in international law. So they know who it is already. I mean we can dance and we can continue to do whatever we want to, but believe me, and therefore for me, it defies logic that within that bill it says that Mr. Smith who is my neighbor and Mr. Chang who is my other neighbor up in Mangilao, is now going to participate in an exercise that was meant for me. That's like me asking Mr. Smith and Mr. Chang, "hey what do you think about war reparations?" Why is that? Why is it that I have every right towards what my parents had that right? It's because they were the beneficiaries, they were the ones that were committed atrocities on. Not Mr. Smith and not Mr. Chang. It's the same thing with this one, only we're protected by treaties with the United States. That's what I'm saying, Mr. Chang and Mr. Smith have no business, with all due respect, remember that a lot of migrants and settlers even military and their dependents come from countries that have already exercised their right to self-determination. By doing that, a lot of the migrants that come to Guam would also go through this naturalization process. Follow me. That will be their second exercise towards their right to self-determination. Now with the proposed bill, like I said that was misinterpreted, will be giving them a third option, meaning the third time to exercise their right to self determination. With, and remember now, consciously knowing that political status choices such as independence would be there; you can't do that. In other words, people who are naturalized cannot secede from the union. You can't do that, that's illegal. Illegal. You cannot, absent Chamorros here in Guam, you cannot have military dependents and their



wives and their dependents, you cannot have migrants, and you cannot have settlers collectively coming together saying "we're going to exercise our right to self-determination." Where did that come from? Think about it. It defies logic. We know now that without Chamorros, you won't have an exercise. So please, take it upon yourself, read it. You know I even brought this. This was courtesy of the United Nations during my tenure. That was six years ago and I only held that position for four years and these guys can vouch for it. This is courtesy by the United Nations (holds up pamphlet) they funded this. The United States is supposed to be funding things like this so we can begin to be educated of our right to self-determination. And guess who's here? Right there (indicates section of pamphlet) Guam is here. Right there. They know. So they're waiting for us. We just didn't give them a formal notice. So please, pot fabot, I'm begging you guys, pleading with you guys as leaders today, let's not first embarrass or undermine the intent of the 1946 U.S. leaders who walked into the United Nations and said "we promised Chamorros one day," remember, Chamorros at the time, "one day, their right to self determination. And they can choose either one." Integration. I know a lot of people are saying, "integration, what does that mean?" We chose that Ed, as had said, statehood was integration. So, so be it, I respect that. I respect free association and independence. And so be it, let us exercise the right to self determination and choose, but before we do that, education is the most, should be given primacy. Thank you."

Senator Respicio: "Si Yu'os Ma'åse' Mr. Benavente. Please stick around, because I'm sure we want to continue this kind of discussion. Mr. Garrido?"

**Mr. Joe Garrido:**

"Thank you very much to you, Senator Respicio, and Madame Speaker, and everyone else, honorable Senators. I'm Joe Garrido I'm the current chairperson of the task force on free association. I've been doing this issue since 1997, very frustrating and very endearing. The bill in front of me 151-31, is something that put me in a very awkward position because I support Senator Barnes, as well as all of you. However I'm in opposition of this bill. There are several reasons. Number one is there isn't a need to do so. The other is that if we take the context of this bill we are creating a law that extends the right of self-determination to people who really have no right to it. Once the law has passed it has the tendency to create a legal venue for people to destroy us, as they have been doing these past 60 years. For example I might say that this bill perhaps may even violate one of the principles of decolonization is that self-determination must be exercised freely without outside interference and in making everybody else vote here who is not qualified even under the prescription of the United Nations and the Organic Act, really is going against that principle. We are the only, the Chamorro people, in all of the Marianas islands, are the only people that have the right to self-determination, to determine the destiny of their islands politically, economically and culturally. Guam has yet to determine its future consistent with the UN decolonization treaty. When this bill creates the language on lines 7, 8, and 9, one may determine that the political status of the Chamorro people will never take root unless there's an inclusion of the other people who are not qualified, determine, if you read it that way, and I read it that way. A non-binding vote is a vote that doesn't bind to anything. And since you put it since its place in the bill and it becomes a law, it's legally non-binding so Eddie and me and Tony don't have to honor anything. And if statehood wins, I will oppose it to the death because I don't honor it. Ever since my participation in the Commission, I have always opposed a non-binding vote. The reason is that I consider Chamorro self-determination an act of dignity and an act of

pride and we have to be proud to exercise self-determination, and we can't dilute it with other kinds of ideas just because some outsider thinks it might be a good idea to include it. It's something we just need to accept notwithstanding all the adversities that we now have because we have delayed the exercise of self-determination since 1899. I'm sorry, I regret that it dragged this long, and I'm afraid that those that are going to be citizens again in five years are going to claim that they have the right of self-determination. Just like everyone else who has been here since 1950. That's why the point of inclusion, the point of qualification, and that date is very important. Only those people, and I accept this, I really don't have to, personally, but I think I have to accept the idea that there are people who are gonna qualify in this self-determination plebiscite, who are not really Chamorro. But I may have to accept that because we got to exercise our self-determination and I play the numbers game, that a few other people who are not Chamorro who would be qualified I think would not create a debilitating interference with our right of self determination. In fact it would be the other way around, they would probably assimilate with us and disappear within us. The other thing that I want to bring up is that ... I'm reading this, and when I read this it forces me to ask a question: Is there another plebiscite besides what this bill is talking about? And this bill, if it is passed into law, creates this protocol to be included in the 2012 General election. Correct? If I'm reading that ... I'm saying, and I said it before when we spoke, unofficially, with Mr. Ed Alvarez, the Task Force of Free Association is not prepared at this time to start the educational process because we're just feeling whether this is only a hot air issue. I want to make sure that when we start self-determination that it is official, it's dignified, and something that I have to be proud to be a part of it. Otherwise it's all hot air again just like it's been eight years. The funding issue, there's already a funding issue identified, I believe that the full obligation to the funding issue belongs to the United States, whatever the case may be. I believe that there's an inconsistency in line 18, 19 and 20. I know that as much as I don't think Mr. Professor Ron McNinch has the right to be involved in the discussion of self-determination, I believe that his involvement may totally just be someone that can give an advice, but don't tell us what to do. You put down free association, independence, and full integration with the United States, then in parenthesis, "statehood," but that's inconsistent with 23-147. I read other bills and somebody is playing a game, I'm not saying that you are, but you know sometimes they put down "statehood" instead of "full integration" and now it's "free association" but in 23-147 it's "free association with the United States of America." And so I don't know what is this thing, you need to be more consistent. And because I would also like to revisit 23-147 and hopefully maybe we can have a table discussion and see what I think is wrong in there. I want to participate, and I want to say that it's wrong to place a 70% requirement in order for a self-determination plebiscite to take place. In the principle of the decolonization process, you will get into this language somewhere there that says even if there is only one Chamorro that person shall exercise self-determination. It didn't say that it has to have 50% Indonesian or 50% of this people, then we can have self-determination. In fact if there's one million Chamorros, we'll never get self-determination. 70% in my own opinion secured a requirement that we will never exercise self-determination. We're having enough problems in a general election and we're crying Chamorros 70% participation. I think that should be taken out and I think there was some work in this regard to remove that requirement, the 70%. We can't, we'll never get there and we'll die before anyone exercises Chamorro self-determination just because of that requirement. I also request that any self-determination discussion in writing, in bills, please follow the language of the United Nations. That's one thing that although I have that in my own mind, but I'm kind of surprised because the professor from the university mentioned that. But we can't have our own language if