



OFFICE OF THE GOVERNOR
TERRITORY OF GUAM

REFER TO
LEGISLATIVE SECRETARY

DEC 30 1996

The Honorable Don Parkinson
Speaker
Twenty-Third Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

OFFICE OF THE SPEAKER

Date: 12-30-96
Time: 4:06 pm
Received By: APRONES
Print Name: Arlene B. Torres

Dear Mr. Speaker:

Enclosed please find a copy of Substitute Bill No. 673 (LS), "AN ACT TO ESTABLISH THE CHAMORRO REGISTRY BY ADDING A NEW CHAPTER 20 AND A NEW §2108 TO TITLE 3, GUAM CODE ANNOTATED", which I have signed into law today as **Public Law No. 23-130**.

This legislation is a preparation for a vote on Self-Determination by the people of Guam. By establishing a registry for Chamorros at this time, we will begin the process of making a long overdue choice of political status by Guam's people. This choice is a cornerstone of the Commonwealth Draft Act, which we have spent so much time and effort for more than a decade in negotiations with both the United States Congress and the Executive Branch of the federal government. Commonwealth was chosen as an interim status by the residents of Guam in an islandwide election. Self-Determination was recognized at that time as an act which had not yet taken place for Guam's people, even though almost 100 years has passed since the Treaty of Paris ceded Guam to the United States in 1898, and at least another 300 years has passed, prior to that, while Guam was under the jurisdiction of Spain.

The legislation creates a Chamorro Registry Advisory Board (CRAB) under the Guam Election Commission (GEC). The CRAB guides the establishment, administration, and maintenance of the Chamorro Registry. This registry shall consist of a listing, somewhat like a census, of Chamorros who reside on Guam, both adults and children who will be registered as minors, and



Chamorros residing elsewhere. Registration will take place at times when the GEC is not conducting elections.

In this legislation, the interaction between the CRAB and the GEC needs refining, and a source of funding must be found for implementing the Chamorro Registry. It is hoped that the Guam Legislature will again take up this subject and make some revisions to make the work of the CRAB and the GEC smoother, and also to provide funding.

Some issues which still have to be resolved are:

1. What will the CRAB and the GEC do about Chamorros who do not register? The registry will be incomplete unless all persons of Chamorro descent take it upon themselves to be part of the registry. Yet, it is possible that some Chamorros will not register, for one reason or another.

2. How will the CRAB interact with the GEC relative to directing registration clerks? For example, the GEC appoints, deputizes, and suspends clerks, yet the CRAB is given the duty to "have direct and immediate supervision over the registration clerks designated in accordance with this Chapter to perform duties relative to the establishment, administration, and maintenance of the Chamorro Registry." See Page 13, lines 8-10 of the legislation. Clerks who are recommended to be removed by the CRAB may appeal this removal to the GEC, yet the Governor is the party who removes a clerk. This is a cumbersome system wherein a registration clerk may receive mixed messages from two different authorities, the CRAB and the GEC.

3. Another difficulty is the use of the language: "Upon recommendation of the Commission (GEC), the Governor may remove any and all clerks who shall be found guilty of nonfeasance or misfeasance in connection with the performance of their duties relative to the Chamorro Registry". See page 13, lines 19-21 of the legislation. This implies that a clerk must be adjudicated "guilty" by a court of some crime in order to be removed from their position as a clerk. Who determines "guilt" and what kind of "guilt"?

4. There is also other language in the legislation which needs clarity. Page 14, lines 17-18 states: "The Board (CRAB) shall have the power to certify to the Superior Court of Guam for contempt". Yet, the legislation


does not define what situation constitutes contempt. The language is vague and may lead to future difficulties.

5. There is no funding identified or provided for the administration of the Chamorro Registry. According to the Guam Election Commission, at least 2 additional clerks would need to be hired, with a personnel cost of \$27,000 for the balance of Fiscal Year 1997, and a personnel cost of approximately \$54,000 for Fiscal Year 1998. If the CRAB needs a legal counsel, or if they need access to the GEC legal counsel, the GEC legal counsel's contract would need to be amended to provide for an increase of an as yet undetermined amount. The CRAB is specified to receive a stipend of \$25 per meeting, yet all other boards of the government receive \$50 per meeting. For stipends, either \$2,000 or \$4,000 needs to be set aside, for either \$25 per meeting or \$50 per meeting. Capital Outlay of \$5,000 would also be needed for computer, filing cabinets, 2 chairs and 2 desks for extra personnel.

This legislation will be an unfunded mandate until the Legislature identifies a way to support this activity financially. Also, the administrative workings of the CRAB needs to be revisited, as well as clarifying language in the legislation. These matters should be ironed out as soon as possible in order to prepare Guam's people for a selection of political status which is free of administrative snags.

A copy has also been delivered to the Office of the Legislative Secretary.

Very truly yours,


Madeleine Z. Bordallo
Acting Governor of Guam

Attachment

231597



OFFICE OF THE GOVERNOR
TERRITORY OF GUAM

DEC 30 1996


The Honorable Sonny L. Orsini
Acting Legislative Secretary
Twenty-Third Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

Dear Mr. Legislative Secretary:

Enclosed please find a copy of Substitute Bill No. 673 (LS), "AN ACT TO ESTABLISH THE CHAMORRO REGISTRY BY ADDING A NEW CHAPTER 20 AND A NEW §2108 TO TITLE 3, GUAM CODE ANNOTATED", which I have signed into law today as **Public Law No. 23-130**.

Message and copy of the public law have also been delivered to the Office of the Speaker.

Very truly yours,


Madeleine Z. Bordallo
Acting Governor of Guam

Attachments

231602

*Rec: Rachael G.
12/30/96
4:21 PM*

TWENTY-THIRD GUAM LEGISLATURE
1996 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 673 (LS), "AN ACT TO ESTABLISH THE CHAMORRO REGISTRY BY ADDING A NEW CHAPTER 20 AND A NEW §2108 TO TITLE 3, GUAM CODE ANNOTATED," was on the 13th day of December, 1996, duly and regularly passed.

Attested:

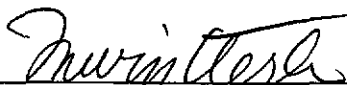


SONNY LUJAN ORSINI
Senator and Acting Legislative Secretary



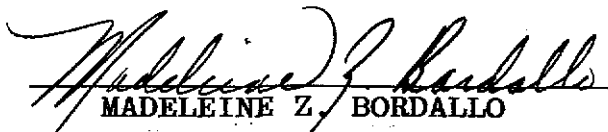
DON PARKINSON
Speaker

This Act was received by the Governor this 19th day of December, 1996, at 11:30 o'clock 9 .M.



Assistant Staff Officer
Governor's Office

APPROVED:



MADELEINE Z. BORDALLO
Acting Governor of Guam

Date: 12/30/96

Public Law No. 23-130

TWENTY-THIRD GUAM LEGISLATURE
1996 (SECOND) Regular Session

Bill No. 673 (LS)

As substituted by Committee

Introduced by:

H. A. Cristobal
J. T. San Agustin

AN ACT TO ESTABLISH THE CHAMORRO REGISTRY
BY ADDING A NEW CHAPTER 20 AND A NEW §2108 TO
TITLE 3, GUAM CODE ANNOTATED.

1 **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**

2 **Section 1. Legislative Findings and Statement of Intent.** The Guam
3 Legislature recognizes that the indigenous people of Guam, the Chamorros,
4 have endured as a population with a distinct language and culture despite
5 suffering over three hundred years of colonial occupation by Spain, the
6 United States of America, and Japan. During this period, Chamorros have
7 survived through war, famine, disease, and cultural repression brought about
8 by the Chamorro-Spanish Wars, from 1668 to 1685; Spanish occupation until
9 the Spanish-American War of 1898; the arrival of the Americans after the
10 Treaty of Peace between the United States of America and Spain; and the
11 Japanese occupation of Guam during World War II, from 1941 to 1944.

12 The Legislature also finds that, during their respective periods of
13 occupation, the Spanish, American, and Japanese governments each
14 conducted an islandwide census to identify and verify the number of
15 Chamorros living in Guam. These censuses serve as historical
16 documentation of the survival of Chamorros through war, foreign

1 occupation, and peace, and have been useful as genealogical tools to help
2 identify these survivors and trace their descendants. The Legislature
3 recognizes its responsibility for establishing a mechanism that will function
4 similarly in recording the progress and identity of the indigenous Chamorro
5 people of Guam. Such a mechanism may then be used for historical,
6 ethnological, and genealogical purposes as well as for the future exercise of
7 self-determination by the indigenous Chamorro people of Guam.

8 The Guam Legislature, in fulfilling its responsibility, endeavors to
9 memorialize the indigenous Chamorro people by establishing a registry of the
10 names of those Chamorro individuals, families, and their descendants who
11 have survived over three hundred years of colonial occupation and who
12 continue to develop as one Chamorro people on their homeland, Guam. This
13 registry shall serve as a tool to help educate Chamorros about their status as
14 an indigenous people and the inalienable right of self-determination which
15 they possess, a right recognized and promoted by Article 1 and Article 55 of
16 the United Nations Charter in support of "friendly relations among nations
17 based on respect for the principle of equal rights and self-determination of
18 peoples." The registry shall also reiterate the obligation of the United States
19 of America to the indigenous people of Guam, under Article 73 of the United
20 Nations Charter, which calls for all member nations to assist the people of
21 the non-self-governing territories "to develop self-government, to take due
22 account of the political aspirations of the peoples, and to assist them in the
23 progressive development of their free political institutions".

24 The Guam Legislature finds this registry to be consistent with the Guam
25 Commonwealth Draft Act, each section of which was democratically
26 approved by the people of Guam and which explicitly recognizes the

1 Chamorro people's right of self-determination. The Legislature intends for
2 this registry to assist in the process of heightening local awareness among the
3 people of Guam of the current struggle for Commonwealth, of the identity of
4 the indigenous Chamorro people of Guam, and of the role that Chamorros
5 and succeeding generations play in the island's cultural survival and in
6 Guam's political evolution towards self-government.

7 **Section 2. The Chamorro Registry.** A new Chapter 20 is hereby added
8 to Title 3, Guam Code Annotated, to read:

9 **"CHAPTER 20"**

10 **THE CHAMORRO REGISTRY**

11 **Section 20001. Definitions.**

12 **Section 20002. Affidavit of Registration.**

13 **Section 20003. Persons Entitled to Register or Be Registered.**

14 **Section 20004. Same: Minors.**

15 **Section 20005. Same: Off-Island Chamorros.**

16 **Section 20006. Same: Same: Minors.**

17 **Section 20007. Times for Registration.**

18 **Section 20008. Place of Registration.**

19 **Section 20009. Unlawful Registration as a Crime.**

20 **Section 20010. Permanence of Records.**

21 **Section 20011. Qualifications of Registration Clerks for the**
22 **Chamorro Registry.**

23 **Section 20012. Compensation for Registration Clerks.**

24 **Section 20013. Registration Clerks Empowered to Take**
25 **Affidavits.**

26 **Section 20014. Registration Clerks Not to Charge Fees.**

1 Section 20015. Return of Documents by Registration Clerks.
2 Section 20016. Penalties for Acts of Omissions.
3 Section 20017. Reports to the Attorney General.
4 Section 20018. Costs to Registration Clerks.
5 Section 20019. Certified Copy of Registration as Evidence.
6 Section 20020. Report of Deaths.
7 Section 20021. Action to Compel Registration.
8 Section 20022. Action to Compel Cancellation.
9 Section 20023. Preservation of Registration Affidavits.
10 Section 20024. Index of Registrations.
11 Section 20025. Copies of Index to Candidates.
12 Section 20026. Establishment of Chamorro Registry Advisory
13 Board: Composition; Removal of Members;
14 Chairperson; Quorum.
15 Section 20027. Same: Ex-officio and Nonvoting Members.
16 Section 20028. Same: Duties and Responsibilities.
17 Section 20029. Same: Same: Provisions of Forms.
18 Section 20030. Same: Same: Informational Brochures.
19 Section 20031. Same: Powers of the Advisory Board.

20 Section 20001. Definitions. For the purpose of this Title:

21 (a) **Chamorro** means those persons defined by the U.S. Congress
22 in Section IV of the Organic Act of Guam (Act of August 1,
23 1950, 64 Stat. 384), pursuant to Article IX of the Treaty of
24 Peace between the United States and Spain (signed in Paris,
25 December 10, 1898, and proclaimed April 11, 1899), and their
26 descendants:

1 1) All inhabitants of the island of Guam on April 11, 1899,
2 including those temporarily absent from the island on
3 that date, who were Spanish subjects, who after that
4 date continued to reside in Guam or other territory over
5 which the United States exercises sovereignty, and
6 have taken no affirmative steps to preserve or acquire
7 foreign nationality; and

8 2) All persons born in the island of Guam, who resided in
9 Guam on April 11, 1899, including those temporarily
10 absent from the island on that date, who after that date
11 continued to reside in Guam or other territory over
12 which the United States exercises sovereignty, and who
13 have taken no affirmative steps to preserve or acquire
14 foreign nationality.

15 (b) **Descendant** means a person who has proceeded by birth, such as a
16 child or grandchild, to the remotest degree, from any Chamorro
17 as defined above and who is considered placed in a line of
18 succession from such ancestor where such succession is by virtue
19 of blood relations.

20 (c) **The Chamorro Registry** means the index of names established by
21 the Guam Election Commission for the purposes of registering
22 and recording the names of Chamorros.

23 (d) **The Commission** means the Guam Election Commission.

24 (e) **The Board** means the Chamorro Registry Advisory Board
25 established under the Guam Election Commission for the

1 purposes of guiding the establishment, administration, and
2 maintenance of the Chamorro Registry.

3 **Section 20002. Affidavit of Registration.** No person shall be registered
4 with the Chamorro Registry except by affidavit of registration made before
5 the registration clerk of the district or municipality wherein such person
6 resides, or before a registration clerk in the office of the Guam Election
7 Commission. The Commission shall prepare forms for the collection of data
8 pertaining to registration eligibility, Chamorro family name, and residency.
9 The Commission shall also require the submission of such additional
10 information and proper documentation as will enable it to comply with this
11 Chapter. The affidavit shall then be made in duplicate and shall set forth all
12 the facts required to be set forth by this Title. Any change of residency must be
13 reported to the Commission within thirty (30) days of such change.

14 **Section 20003. Persons Entitled to Register or be Registered.** Every
15 person who is Chamorro, as defined in Section 20001 above, or who is
16 descended from a Chamorro is entitled to register or, in the case of minors, be
17 registered with the Chamorro Registry.

18 **Section 20004. Same: Minors.** Individuals below the age of eighteen
19 (18) years, who are eligible under Section 20003 of this Chapter to be
20 registered with the Chamorro Registry, are considered minors and must be
21 registered by a parent or legal guardian. Such parent or guardian must
22 register such minor by affidavit of registration made before the registration
23 of the district or municipality wherein such minor resides, or before a
24 registration clerk in the office of the Commission. The Commission shall also
25 require the submission of such additional information and proper
26 documentation as will enable it to verify the relationship between

1 parent/guardian and said minor and to comply with the rest of this Chapter.
2 Any change of residency for such minor must be reported to the Commission
3 within thirty (30) days of such change.

4 **Section 20005. Same: Off-island Chamorros.** Persons, who are eligible
5 under Section 20003 of this Chapter to register with the Chamorro Registry,
6 but who are not on Guam at such time as they intend to register, may
7 complete and submit, via certified mail, a notarized affidavit of registration
8 to the Commission. Affidavits of registration shall be made available by the
9 Commission. The Commission shall also require from such persons the
10 submission of such additional information and proper documentation as will
11 enable it to comply with this Chapter. Any change of residency must be
12 reported to the Commission within thirty (30) days of such change.

13 **Section 20006. Same: Same: Minors.** Individuals below the age of
14 eighteen (18) years, who are eligible under Section 20003 of this Chapter to
15 register with the Chamorro Registry, but who are not on Guam at such time
16 as they are to be registered, may be registered by a parent or legal guardian
17 who shall complete and submit, via certified mail, a notarized affidavit of
18 registration to the Commission on behalf of said minor. The Commission
19 shall require from such parent/guardian the submission of such additional
20 information and proper documentation as will enable it to comply with this
21 Chapter. Any change of residency must be reported to the Commission within
22 thirty (30) days of such change.

23 **Section 20007. Times for Registration.** A person may register with the
24 Chamorro Registry at any time during the year except at such times when the
25 Commission shall close the registration rolls for the purposes of conducting

1 elections or plebiscites. At such times, the registration rolls shall be closed ten
2 (10) days prior to such election or plebiscite.

3 **Section 20008. Place of Registration.** Registration for Chamorros with
4 the Chamorro Registry shall be in progress at the main office of the
5 Commission during such hours as the office is open for business, prior to any
6 closing of the registration rolls. Upon enactment of this Act, the Commission
7 shall deputize as many volunteers to serve as registration clerks in each of the
8 villages, for an undetermined period after the date of enactment, as is
9 necessary for the purposes of registering eligible persons with the Chamorro
10 Registry. Such registration shall take place at each mayor's office or any
11 other place within the village designated by the Commission. Chamorros
12 shall also be able to register with the Chamorro Registry at such times and
13 places within the Territory as the Commission shall deem advisable and
14 convenient, and the Commission shall deputize volunteers for such purposes
15 as well.

16 **Section 20009. Unlawful Registration as a Crime.** Any person who
17 willfully causes, procures, or allows himself or any person to be registered
18 with the Chamorro Registry, while knowing that he or that other person is
19 not entitled to register with the Chamorro Registry, is guilty of perjury as a
20 misdemeanor. An individual who is guilty of submitting a false affidavit of
21 registration with the Chamorro Registry shall have such affidavit of
22 registration automatically revoked.

23 **Section 20010. Permanence of Records.** The registration of a
24 Chamorro is permanent for all purposes.

1 It shall be the duty of the Commission to issue to each registered
2 Chamorro a card indicating that such person has been registered with the
3 Chamorro Registry.

4 **Section 20011. Qualification of Registration Clerks for the Chamorro**
5 **Registry.** The Commission may appoint any qualified adult as a registration
6 clerk. No person holding an elective office or who is a candidate for elective
7 office shall be appointed as a registration clerk. Under no circumstances may
8 a volunteer clerk deny registration to a person eligible to register or be
9 registered with the Chamorro Registry.

10 **Section 20012. Compensation for Registration Clerks.** Section 3111,
11 Chapter 3, Title 3, applies.

12 **Section 20013. Registration Clerks Empowered to Take Affidavits.**
13 Section 3112, Chapter 3, Title 3, applies.

14 **Section 20014. Registration Clerks Not to Charge Fees.** Section 3113,
15 Chapter 3, Title 3, applies.

16 **Section 20015. Return of Documents by Registration Clerks.** All
17 registration clerks shall return all affidavits of registration and all books or
18 pads in their possession containing stubs, spoiled affidavits, or unused
19 affidavit forms to the Commission which shall file the original and copy of
20 each affidavit separately in securely locked container or storage space. The
21 timetable for submission of documents by registration clerks and the
22 organization of affidavits shall be determined by the Commission. The
23 original affidavit of registration shall be kept, at all times, in the office of the
24 Commission. The duplicates shall be bound in suitable book or form.

25 **Section 20016. Penalties for Acts or Omissions.** Any person having
26 charge of affidavits of registration is guilty of a misdemeanor who: .

1 (a) Neglects or refuses to make all the entries provided for in
2 this Title; or,

3 (b) Fails or neglects to comply with any provision of this
4 Chapter.

5 **Section 20017. Reports to the Attorney General.** The Commission shall
6 report to the Attorney General of Guam, under oath, the names of any
7 registration clerk who has not complied with the provisions of this Chapter.

8 **Section 20018. Costs to Registration Clerks.** Section 3118 of Chapter 3,
9 Title 3, applies.

10 **Section 20019. Certified Copy of Registration as Evidence.** Section
11 3119, Chapter 3, Title 3, applies.

12 **Section 20020. Report of Deaths.** Section 3123 of Chapter 3, Title 3,
13 applies.

14 **Section 20021. Action to Compel Registration.** If a registration clerk
15 refuses to register any person eligible to register with the Chamorro Registry,
16 such person may appeal such refusal to the Commission, and if the
17 Commission upholds or affirms the ruling of the registration clerk, such
18 person may proceed by action in the Superior Court to compel his
19 registration. In an action under this Section, as many persons may join as
20 plaintiffs, as have causes of action.

21 **Section 20022. Action to Compel Cancellation.** Any person may
22 proceed by action in the Superior Court to compel the Commission to cancel
23 any registration made illegally. If the person whose registration is sought to
24 be canceled is not a party to the action, the Court may order him to be made a
25 party defendant. The Commission, and as many persons as there are causes
26 of action against, may be joined as defendants.

1 **Section 20023. Preservation of Registration Affidavits.** The
2 Commission shall preserve all uncanceled affidavits of registration, and the
3 canceled duplicates, made for the purpose of procuring registration. The
4 affidavits of registration shall constitute the Chamorro Registry required to
5 be kept by the provisions of this Chapter.

6 **Section 20024. Index of Registrations.** The Commission shall prepare
7 an index of the Chamorro Registry and provide sufficient copies thereof.

8 **Section 20025. Index as public record; fee.** Upon written demand of any
9 member of the public, the Commission shall furnish to him one (1) copy of the
10 index of the Chamorro Registry at a charge prescribed by the Commission.
11 All moneys so collected shall be covered into the Treasury of the Government
12 of Guam.

13 **Section 20026. Establishment of Chamorro Registry Advisory Board:**
14 **Composition; Removal of Members; Chairperson; Quorum.** There is hereby
15 established a Chamorro Registry Advisory Board with the following
16 provisions:

17 (a) There is within the government of Guam and under authority
18 of the Guam Election Commission the Chamorro Registry
19 Advisory Board. The Board shall consist of five (5) members,
20 all of whom shall be Chamorros, as defined in Section 20001
21 above. The Governor shall appoint the five (5) members who
22 shall have the following qualifications:

23 (i) two (2) members who have had extensive work
24 experience in the administration of a local Chamorro
25 cultural agency or Chamorro cultural program;

- (ii) two (2) members who have had a strong background in Chamorro historical or genealogical work; and
- (iii) one (1) member who has a strong understanding of the issue of indigenous peoples or has been extensively involved in the work towards the future exercise of Chamorro self-determination.

The members of the Board shall serve for a term of two (2) years. If a vacancy should occur on the Board, said vacancy shall be filled for the remainder of the term only, and by the method originally prescribed for its appointment. Every member of the Board who is not in the service of the Government, for which he receives an annual compensation, shall be paid Twenty-Five Dollars (\$25.00) for each attendance of a meeting upon his duties.

- (b) Any member may be removed for misconduct in office by a resolution duly adopted by a vote of two-thirds of the members elected to the Legislature.
- (c) The Advisory Board shall annually elect one (1) of its members as Chairperson. The Chairperson shall preside at all meetings of the Board.
- d) A majority of the members of the Board shall constitute a quorum. The vote of a majority of the Board shall be required to make any action of the Board effective. The Board shall promulgate all other rules and regulations as are necessary for its effective operation.

Section 20027. Same: Ex-officio and Nonvoting Members. The Executive Director of the Election Commission, Chairperson of the Election

1 Commission, Executive Director of the Commission on Self-Determination,
2 Executive Director of the Chamorro Heritage Institute once established, and
3 the Chairperson of the Committee on Federal and Foreign Affairs of the
4 Legislature shall serve as ex-officio members of the Board but shall not be
5 voting members thereof. The Executive Director of the Election Commission
6 shall also serve as the ex-officio secretary for the Board.

7 **Section 20028. Same: Duties and Responsibilities.** The Board shall
8 have direct and immediate supervision over the registration clerks
9 designated in accordance with this Chapter to perform duties relative to the
10 establishment, administration, and maintenance of the Chamorro Registry.
11 Where such duties overlap with duties relative to the conduct of elections, the
12 Board shall make recommendations to the Commission relative to the
13 supervision of said clerks, and the Commission shall have the final decision-
14 making authority.

15 The Board shall recommend to the Commission the suspension from the
16 performance of said duties any of said clerks who shall fail to comply with its
17 instruction, orders, decisions or rulings, and the appointment of temporary
18 substitutes. Upon the recommendation of the Commission, the Governor
19 may remove any and all clerks who shall be found guilty of nonfeasance or
20 misfeasance in connection with the performance of their duties relative to the
21 Chamorro Registry.

22 **Section 20029. Same: Same: Provision of Forms.** It shall be the
23 responsibility of the Commission to provide all necessary forms as prescribed
24 by the Board for the establishment of the Chamorro Registry.

25 **Section 20030. Same: Same: Informational Brochures.** It shall be the
26 responsibility of the Board to prepare and promulgate informational

1 brochures providing basic information pertaining to the establishment of the
2 Chamorro Registry, eligibility requirements, guidelines for registration, and
3 any other such information as the Board should deem necessary for the
4 purposes of educating the general public. The content of the brochures shall
5 be subject to approval by the Commission and by the Governor. Such
6 brochures shall be made available at the main office of the Commission, from
7 registration clerks, and at other locations recommended by the Board and
8 approved by the Commission.

9 **Section 20031. Same: Powers of the Advisory Board.** The Board shall
10 have the power to summon the parties to a controversy pending before it,
11 issue *subpoenas duces tecum* and otherwise to take testimony in any
12 investigation or hearing pending before it and delegate such power to any
13 officer. Any controversy submitted to the Board shall be tried, heard, and
14 decided within fifteen (15) days counted from the time corresponding petition
15 giving rise to said controversy is filed. If either party wishes to appeal the
16 decision or ruling of the Board, appeal may be made to the Commission for
17 further consideration of hearing. The Board shall have the power to certify
18 to the Superior Court of Guam for contempt."

19 **Section 3. Powers of Guam Election Commission.** A new Section 2108
20 is added to Chapter 2 of Title 3, GCA, to read:

21 **"Section 2108. Same: The Chamorro Registry and Advisory**
22 **Board.** It shall be the responsibility of the Election Commission to
23 administer the Chamorro Registry with the advice of the Chamorro
24 Registry Advisory Board. It shall also be the duty of the
25 Commission to consider for approval the content of other
26 informational brochures issued by the Board, with the approval to

1 be submitted for consideration by the Governor. When a
2 controversy is brought up and heard before the Board, the
3 Commission shall serve as an appellate board for any ruling
4 rendered by the Board."

5 **Section 4. Effective Date.** This Act shall become effective within ninety

6 (90) days of its enactment.

6/12/13/96

VOTING SHEET

Bill No. 673

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	✓			
AGUON, John P.	✓			
BARRETT-ANDERSON, Elizabeth	✓			
BLAZ, Anthony C.	✓			
BROWN, Joanne S.	✓			
CAMACHO, Felix P.	✓			
CHARFAUROS, Mark C	✓			
CRISTOBAL, Hope A.	✓			
FORBES, MARK	✓			
LAMORENA, Alberto C., V	✓			
LEON GUERRERO, Carlotta	✓			
LEON GUERRERO, Lou	✓			
NELSON, Ted S.	✓			
ORSINI, Sonny L.	✓			
PANGELINAN, Vicente C	✓			
PARKINSON, Don	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Angel L. G.	✓			
SANTOS, Francis E.	✓			
UNPINGCO, Antonio R.				✓/Excuse
WONPAT-BORJA, Judith	✓			

TOTAL

20001

CERTIFIED TRUE AND CORRECT:

Recording Secretary



Senator Hope Alvarez Cristobal
Twenty-Third Guam Legislature
Chairperson, Committee on Federal and Foreign Affairs

August 20, 1996

Speaker Don Parkinson
Twenty-Third Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Speaker Parkinson:

The Committee on Federal and Foreign Affairs to which was referred
BILL 673 -- AN ACT TO ESTABLISH THE CHAMORRO
REGISTRY submits its Committee Report to the Legislature with the
recommendation to **DO PASS**.

The voting record is as follows:

To Pass	<u>10</u>
Not to Pass	_____
Abstain	_____
Inactive File	_____

Your immediate attention to this matter is greatly appreciated.

Si Yu'os Ma'ase,

HOPE ALVAREZ CRISTOBAL
Senator

155 Hesler Street, Agana, Guam 96910 * Telephone: (671) 472-3581/2/3 * Facsimile: (671) 472-3585

Vice-Chairperson, Committee on Education * Member, Committee on Health, Welfare & Senior Citizens * Member, Committee on Judiciary & Criminal Justice, and Environmental Affairs * Member, Committee on General Governmental Operations and Micronesian Affairs * Member, Committee on Community, Housing & Cultural Affairs * Member, Committee on Youth, Labor and Parks & Recreation * Member, Commission on Self Determination * Member, Political Status Education Coordinating Commission * Member, Guam Finance Commission * Alternate Secretary General, Asian-Pacific Parliamentarians' Union * Member, Komitea Para Tiyan



Senator Hope Alvarez Cristobal

Twenty-Third Guam Legislature

Chairperson, Committee on Federal and Foreign Affairs

August 20, 1996

MEMORANDUM

TO: Members, Committee on Federal and Foreign Affairs

FROM: Senator Hope A. Cristobal, Chair

RE: Voting Sheet for Bill 673 -- An Act to Establish the Chamorro Registry

In reference to the Committee's public hearing conducted on Friday, August 2, 1996, the attached voting sheet is accompanied by the following supplements:

- 1) A copy of Bill 673 as introduced
- 2) A copy of Bill 673 as substituted by Committee
- 3) Public Hearing Overview
- 4) Digest of Testimony, Oral and Written
- 5) Committee Findings and Recommendations
- 6) A copy of the fiscal note

Please contact me should you have additional comments or concerns.

Si Yu'os Ma'ase,


HOPE ALVAREZ CRISTOBAL

Attachments

155 Hester Street, Agana, Guam 96910 * Telephone: (671) 472-3581/2/3 * Facsimile: (671) 472-3585

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Senator Hope Alvarez Cristobal

Twenty-Third Guam Legislature

Chairperson, Committee on Federal and Foreign Affairs

VOTING SHEET

BILL NO. 673

AN ACT TO ESTABLISH THE CHAMORRO REGISTRY

COMMITTEE MEMBERS	To PASS	NOT to PASS	To ABSTAIN	To Place in INACTIVE FILE	SIGNATURE
Sen. Hope A. CRISTOBAL Chairperson	✓				<i>Hope A. Cristobal</i>
Senator Angel SANTOS Vice-Chair	✓				<i>Angel Santos</i>
Senator Tom ADA Member	✓				<i>Tom ADA</i>
Sen. J. WON-PAT BORJA Member	✓				<i>J. Won-Pat Borja</i>
Sen. Mark CHARFAUROS Member	✓				<i>Mark C. Charfauros</i>
Sen. L. LEON GUERRERO Member	✓				<i>Leon Leon Guerrero</i>
Sen. V. PANGELINAN Member	✓				<i>V. Pangelinan</i>
Senator Francis SANTOS Member	✓				<i>Francis Santos</i>
Sen. E. BARRETT-ANDERSON Member					
Senator Anthony BLAZ Member					
Senator Mark FORBES Member	✓				<i>Mark Forbes</i>
Senator C. LEON GUERRERO Member	✓				<i>Carlotta C. Leon</i>

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Vice-Chairperson, Committee on Education * Member, Committee on Health, Welfare & Senior Citizens * Member, Committee on Judiciary & Criminal Justice, and Environmental Affairs * Member, Committee on General Governmental Operations and Micronesian Affairs * Member, Committee on Community, Housing & Cultural Affairs * Member, Committee on Youth, Labor and Parks & Recreation * Member, Commission on Self Determination * Member, Political Status Education Coordinating Commission * Member, Guam Finance Commission * Alternate Secretary General, Asian-Pacific Parliamentarians' Union * Member, Komitea Fara Tiyan

TWENTY-THIRD GUAM LEGISLATURE
1996 (Second) Regular Session

Bill No. 673 (as substituted by Committee)

Introduced by:

H.A. Cristobal

J.T. San Agustin

AN ACT TO ESTABLISH THE CHAMORRO REGISTRY.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Statement of Intent. The Guam Legislature recognizes that the indigenous Chamorro people of Guam have suffered yet persisted as a population with a distinct language and culture through over three hundred years of colonial occupation by Spain, the United States of America, and Japan. During this period, Chamorros have survived through war, famine, disease, and cultural repression brought about by the Chamorro-Spanish Wars from 1668 to 1685; Spanish occupation until the Spanish-American War of 1898; the arrival of the Americans after the Treaty of Peace between the United States of America and Spain; and the Japanese occupation of Guam during World War II from 1941 to 1944.

The Legislature also finds that, during their respective periods of occupation, the Spanish, American, and Japanese governments conducted islandwide census to identify and verify the number of indigenous Chamorros living on Guam. These censuses serve as historical documentation of the survival of Chamorros through war, foreign occupation, and peace, and they have been useful as genealogical tools to help identify these survivors and trace their descendants. The Legislature recognizes its responsibility of establishing a mechanism that will function similarly in taking historical record of the progress and identity of the indigenous Chamorro people of Guam. Such a mechanism may then be used for historical, ethnological, and genealogical purposes as well as for the future exercise of self-determination by the indigenous Chamorro people of Guam.

The Guam Legislature, in fulfilling its responsibility, endeavors to memorialize the indigenous Chamorro people by establishing a registry of the names of those Chamorro individuals, families, and their descendants who have survived over three hundred years of colonial occupation and who continue to develop as one Chamorro people on their homeland, Guam. This registry shall serve as a tool to help educate Chamorros about their status as an indigenous people and the inalienable right of self-determination which they possess, a right recognized and promoted by Article 1 and Article 55 of the United Nations Charter in support of "friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples." The registry shall also reiterate the obligation of the United States of America to the indigenous people of Guam, under Article 73 of the United Nations Charter, which calls for all member nations to assist the people of the non-self-governing territories "to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions."

The Guam Legislature finds this registry to be consistent with the Guam Commonwealth Draft Act, each section of which was democratically approved by the people of Guam and which explicitly recognizes the Chamorro people's right of self-determination. The Legislature intends for this registry to assist in the process of heightening local awareness among the people of Guam of the current struggle for Commonwealth, of the identity of the indigenous Chamorro people of Guam, and of the role that Chamorros and their succeeding generations play in the island's cultural survival and in Guam's political evolution towards self-government.

Section 2. The Chamorro Registry. A new Chapter 20 is hereby added to Title 3, Guam Code Annotated, to read:

"CHAPTER 20"
THE CHAMORRO REGISTRY

- | | |
|-----------------------|---|
| Section 20001. | Definitions. |
| Section 20002. | Affidavit of Registration. |
| Section 20003. | Persons Entitled to Register or Be Registered. |
| Section 20004. | Same: Minors. |
| Section 20005. | Same: Off-Island Chamorros. |

Section 20006.	Same: Same: Minors.
Section 20007.	Times for Registration.
Section 20008.	Place of Registration.
Section 20009.	Unlawful Registration as a Crime.
Section 20010.	Permanence of Records.
Section 20011.	Qualifications of Registration Clerks for the Chamorro Registry.
Section 20012.	Compensation for Registration Clerks.
Section 20013.	Registration Clerks Empowered to Take Affidavits.
Section 20014.	Registration Clerks Not to Charge Fees.
Section 20015.	Return of Documents by Registration Clerks.
Section 20016.	Penalties for Acts of Omissions.
Section 20017.	Reports to the Attorney General.
Section 20018.	Costs to Registration Clerks.
Section 20019.	Certified Copy of Registration as Evidence.
Section 20020.	Report of Deaths.
Section 20021.	Action to Compel Registration.
Section 20022.	Action to Compel Cancellation.
Section 20023.	Preservation of Registration Affidavits.
Section 20024.	Index of Registrations.
Section 20025.	Copies of Index to Candidates.
Section 20026.	Establishment of Chamorro Registry Advisory Board: Composition; Removal of Members; Chairperson; Quorum.
Section 20027.	Same: Ex-officio and Nonvoting Members.
Section 20028.	Same: Duties and Responsibilities.
Section 20029.	Same: Same: Provisions of Forms.
Section 20030.	Same: Same: Informational Brochures.
Section 20031.	Same: Powers of the Advisory Board.

Section 20001. Definitions. For the purpose of this Title:

(a) **Chamorro** means those persons defined by the U.S. Congress in Section IV of the Organic Act of Guam (Act of August 1, 1950, 64 Stat. 384), pursuant to Article IX of the Treaty of Peace between the United States and Spain (signed in Paris, December 10, 1898, and proclaimed April 11, 1899), and their descendants:

- 1) All inhabitants of the island of Guam on April 11, 1899, including those temporarily absent from the island on that date, who were Spanish subjects, who after that date continued to reside in Guam or other territory over which the United States exercises sovereignty, and have taken no affirmative steps to preserve or acquire foreign nationality; and
 - 2) All persons born in the island of Guam, who resided in Guam on April 11, 1899, including those temporarily absent from the island on that date, who after that date continued to reside in Guam or other territory over which the United States exercises sovereignty, and who have taken no affirmative steps to preserve or acquire foreign nationality.
- (b) **Descendant** means a person who has proceeded by birth, such as a child or grandchild, to the remotest degree, from any Chamorro as defined above and who is considered placed in a line of succession from such ancestor where such succession is by virtue of blood relations.
- (c) **The Chamorro Registry** means the index of names established by the Guam Election Commission for the purposes of registering and recording the names of Chamorros.
- (d) **The Commission** means the Guam Election Commission.
- (e) **The Board** means the Chamorro Registry Advisory Board established under the Guam Election Commission for the purposes of guiding the establishment, administration, and maintenance of the Chamorro Registry.

Section 20002. Affidavit of Registration. No person shall be registered with the Chamorro Registry except by affidavit of registration made before the registration clerk of the district or municipality wherein such person resides, or before a registration

clerk in the office of the Guam Election Commission. The Commission shall prepare forms for the collection of data pertaining to registration eligibility, Chamorro family name, and residency. The Commission shall also require the submission of such additional information and proper documentation as will enable it to comply with this Chapter. The affidavit shall then be made in duplicate and shall set forth all the facts required to be set forth by this Title. Any change of residency must be reported to the Commission within thirty (30) days of such change.

Section 20003. Persons Entitled to Register or be Registered.

Every person who is Chamorro, as defined in Section 20001 above, or who is descended from a Chamorro is entitled to register or, in the case of minors, be registered with the Chamorro Registry.

Section 20004. Same: Minors. Individuals below the age of eighteen (18) years, who are eligible under Section 20003 of this Chapter to be registered with the Chamorro Registry, are considered minors and must be registered by a parent or legal guardian. Such parent or guardian must register such minor by affidavit of registration made before the registration of the district or municipality wherein such minor resides, or before a registration clerk in the office of the Commission. The Commission shall also require the submission of such additional information and proper documentation as will enable it to verify the relationship between parent/guardian and said minor and to comply with the rest of this Chapter. Any change of residency for such minor must be reported to the Commission within thirty (30) days of such change.

Section 20005. Same: Off-island Chamorros. Persons, who are eligible under Section 20003 of this Chapter to register with the Chamorro Registry, but who are not on Guam at such time as they intend to register, may complete and submit, via certified mail, a notarized affidavit of registration to the Commission. Affidavits of registration shall be made available by the Commission. The Commission shall also require from such persons the submission of such additional information and proper documentation as will enable

it to comply with this Chapter. Any change of residency must be reported to the Commission within thirty (30) days of such change.

Section 20006. Same: Same: Minors. Individuals below the age of eighteen (18) years, who are eligible under Section 20003 of this Chapter to register with the Chamorro Registry, but who are not on Guam at such time as they are to be registered, may be registered by a parent or legal guardian who shall complete and submit, via certified mail, a notarized affidavit of registration to the Commission on behalf of said minor. The Commission shall require from such parent/guardian the submission of such additional information and proper documentation as will enable it to comply with this Chapter. Any change of residency must be reported to the Commission within thirty (30) days of such change.

Section 20007. Times for Registration. A person may register with the Chamorro Registry at any time during the year except at such times when the Commission shall close the registration rolls for the purposes of conducting elections or plebiscites. At such times, the registration rolls shall be closed ten (10) days prior to such election or plebiscite.

Section 20008. Place of Registration. Registration for Chamorros with the Chamorro Registry shall be in progress at the main office of the Commission during such hours as the office is open for business, prior to any closing of the registration rolls. Upon enactment of this Act, the Commission shall deputize as many volunteers to serve as registration clerks in each of the villages, for an undetermined period after the date of enactment, as is necessary for the purposes of registering eligible persons with the Chamorro Registry. Such registration shall take place at each mayor's office or any other place within the village designated by the Commission. Chamorros shall also be able to register with the Chamorro Registry at such times and places within the Territory as the Commission shall deem advisable and convenient, and the Commission shall deputize volunteers for such purposes as well.

Section 20009. Unlawful Registration as a Crime. Any person who willfully cause, procure, or allows himself or any person to be registered with the Chamorro Registry, knowing himself or that other person not to be entitled to register with the Chamorro Registry, knowing himself or that other person not to be entitled to registration, is guilty of perjury as a misdemeanor. An individual who is guilty of submitting a false affidavit of registration with the Chamorro Registry shall have such affidavit of registration automatically revoked.

Section 20010. Permanence of Records. The registration of a Chamorro is permanent for all purposes.

It shall be the duty of the Commission to send to each registered Chamorro a card indicating that such person has been registered with the Chamorro Registry.

Section 20011. Qualification of Registration Clerks for the Chamorro Registry. The Commission may appoint any qualified adult as a registration clerk. No person holding an elective office or who is a candidate for elective office shall be appointed as a registration clerk. Under no circumstances may such a volunteer clerk deny registration to a person eligible to register or be registered with the Chamorro Registry.

Section 20012. Compensation for Registration Clerks. Section 3111, Chapter 3, Title 3, applies.

Section 20013. Registration Clerks Empowered to Take Affidavits. Section 3112, Chapter 3, Title 3, applies.

Section 20014. Registration Clerks Not to Charge Fees. Section 3113, Chapter 3, Title 3, applies.

Section 20015. Return of Documents by Registration Clerks. All registration clerks shall return all affidavits of registration and all books or pads in their possession containing stubs, spoiled affidavits, or unused affidavit blanks to the Commission which shall file the original and copy of each affidavit separately in securely locked

container or storage space. The timetable for submission of documents by registration clerks and the organization of affidavits shall be determined by the Commission. The original affidavit of registration shall be kept, at all times, in the office of the Commission. The duplicates shall be bound in suitable book or form.

Section 20016. Penalties for Acts or Omissions. Any person having charge of affidavits of registration is guilty of a misdemeanor who:

- (a) Neglects or refuses to make all the entries provided for in this Title; or,
- (b) Fails or neglects to comply with any provision of this Chapter.

Section 20017. Reports to the Attorney General. The Commission shall report to the Attorney General of Guam, under oath, the names of any registration clerk who has not complied with the provisions of this Chapter.

Section 20018. Costs to Registration Clerks. Section 3118 of Chapter 3, Title 3, applies.

Section 20019. Certified Copy of Registration as Evidence. Section 3119, Chapter 3, Title 3, applies.

Section 20020. Report of Deaths. Section 3123 of Chapter 3, Title 3, applies.

Section 20021. Action to Compel Registration. If a registration clerk refuses to register any person eligible to register with the Chamorro Registry, such person may appeal such refusal to the Commission, and if the Commission upholds or affirms the ruling of the registration clerk, such person may proceed by action in the Superior Court to compel his registration. In an action under this Section, as many persons may join as plaintiffs, as have causes of action.

Section 20022. Action to Compel Cancellation. Any person may proceed by action in the Superior Court to compel the Commission to cancel any registration made illegally. If the person whose registration is sought to be canceled is not a party to the action, the Court may order him to be made a party defendant. The Commission, and as many persons as there are causes of action against, may be joined as defendants.

Section 20023. Preservation of Registration Affidavits. The Commission shall preserve all uncanceled affidavits of registration, and the canceled duplicates, made for the purpose of procuring registration. The affidavits of registration shall constitute the Chamorro Registry required to be kept by the provisions of this Chapter.

Section 20024. Index of Registrations. The Commission shall prepare an index of the Chamorro Registry and provide sufficient copies thereof.

Section 20025. Copies of Index to Candidates. Upon written demand of any member of the public, the Commission shall furnish to him one (1) copy of the index of the Chamorro Registry at a charge prescribed by the Commission. All moneys so collected shall be covered into the Treasury of the Government of Guam.

Section 20026. Establishment of Chamorro Registry Advisory Board: Composition; Removal of Members; Chairperson; Quorum. There is hereby established a Chamorro Registry Advisory Board with the following provisions:

- (a) There is within the government of Guam and under authority of the Guam Election Commission the Chamorro Registry Advisory Board. The Board shall consist of five (5) members, all of whom shall be Chamorros, as defined in Section 20001 above. The Governor shall appoint the five (5) members who shall have the following qualifications:

- (i) two (2) members who have had extensive work experience in the administration of a local Chamorro cultural agency or Chamorro cultural program;
- (ii) two (2) members who have had a strong background in Chamorro historical or genealogical work; and
- (iii) one (1) member who has a strong understanding of the issue of indigenous peoples or has been extensively involved in the work towards the future exercise of Chamorro self-determination.

The members of the Board shall serve for a term of two (2) years. If a vacancy should occur on the Board, said vacancy shall be filled for the remainder of the term only, and by the method originally prescribed for its appointment. Every member of the Board who is not in the service of the Government, for which he receives an annual compensation, shall be paid Twenty-Five Dollars (\$25.00) for each attendance of a meeting upon his duties.

- (b) Any member may be removed for misconduct in office by a resolution duly adopted by a vote of two-thirds of the members elected to the Legislature.
- (c) The Advisory Board shall annually elect one (1) of its members as Chairperson. The Chairperson shall preside at all meetings of the Board.
- (d) A majority of the members of the Board shall constitute a quorum. The vote of a majority of the Board shall be required to make any action of the Board effective. The Board shall promulgate all other rules and regulations as are necessary for its effective operation.

Section 20027. Same: Ex-officio and Nonvoting Members. The Executive Director of the Election Commission, Chairperson of the Election Commission, Executive Director of the Commission on Self-Determination, Executive Director of the Chamorro Heritage Institute

once established, and the Chairperson of the Committee on Federal and Foreign Affairs of the Legislature shall serve as ex-officio members of the Board but shall not be voting members thereof. The Executive Director of the Election Commission shall also serve as the ex-officio secretary for the Board.

Section 20028. Same: Duties and Responsibilities. The Board shall have direct and immediate supervision over the registration clerks designated in accordance with this Chapter to perform duties relative to the establishment, administration, and maintenance of the Chamorro Registry. Where such duties overlap with duties relative to the conduct of elections, the Board shall make recommendations to the Commission relative to the supervision of said clerks, and the Commission shall have the final decision-making authority.

The Board shall recommend to the Commission the suspension from the performance of said duties any of said clerks who shall fail to comply with its instruction, orders, decisions or rulings, and the appointment of temporary substitutes. Upon the recommendation of the Commission, the Governor may remove any and all clerks who shall be found guilty of nonfeasance or misfeasance in connection with the performance of their duties relative to the Chamorro Registry.

Section 20029. Same: Same: Provision of Forms. It shall be the responsibility of the Commission to provide all necessary forms as prescribe by the Board for the establishment of the Chamorro Registry.

Section 20030. Same: Same: Informational Brochures. It shall be the responsibility of the Board to prepare and promulgate informational brochures providing basic information pertaining to the establishment of the Chamorro Registry, eligibility requirements, guidelines for registration, and any other such information as the Board should deem necessary for the purposes of educating the general public. The content of the brochures shall be subject to approval by the Commission and by the Governor. Such brochures shall be made available at the main office of the Commission, from

registration clerks, and at other locations recommended by the Board and approved by the Commission.

Section 20031. Same: Powers of the Advisory Board. The Board shall have the power to summon the parties to a controversy pending before it, issue *subpoenas duces tecum* and otherwise to take testimony in any investigation or hearing pending before it and delegate such power to any officer. Any controversy submitted to the Board shall be tried, heard, and decided within fifteen (15) days counted from the time corresponding petition giving rise to said controversy is filed. If either party wishes to appeal the decision or ruling of the Board, appeal may be made to the Commission for further consideration of hearing. The Board shall have the power to certify to the Superior Court of Guam for contempt.”

Section 3. Powers of Guam Election Commission. A new Section 2108 is added to Chapter 2 of Title 3, GCA, to read:

“**Section 2108. Same: The Chamorro Registry and Advisory Board.** It shall be the responsibility of the Election Commission to administer the Chamorro Registry with the advice of the Chamorro Registry Advisory Board. It shall also be the duty of the Commission to consider for approval the content of other informational brochures issued by the Board, with the approval to be submitted for consideration by the Governor. When a controversy is brought up and heard before the Board, the Commission shall serve as an appellate board for any ruling rendered by the Board.”

Section 4. Effective Date. This Act shall become effective within ninety (90) days of its enactment.

Committee on Federal and Foreign Affairs

Senator Hope A. Cristobal, Chair

Committee Report on Bill 673 -- An Act to Establish the Chamorro Registry

Overview:

The Committee on Federal and Foreign Affairs, having purview over all matters relating to United States treaties, compacts, and agreements affecting Guam and on all matters relating to the eventual political status of Guam, conducted a Public Hearing on Bill 673, An Act to Establish the Chamorro Registry, which took place on Friday, August 2, 1996, in the Legislative Public Hearing Room at 9:30 a.m.

Committee members present at the Public Hearing include the following: Senator Hope Cristobal (Chairperson), Senator Lou Leon Guerrero, Senator Carlotta Leon Guerrero, Senator Sonny Lujan Orsini, and Senator Mark Forbes.

Presenting testimony at the Public Hearing were the following:

Attorney Michael F. Phillips, Phillips and Bordallo
Mr. Norbert Perez, President of the Republic of Guahan
Mr. Alejandro Lizama, Department of Parks and Recreation
Dr. Katherine B. Aguon, Chamorro Heritage Institute
Mr. Ed Benavente, Nasion Chamoru
Ms. Sarah Thomas-Nededog, Guam Assoc. of Ret. Persons
Ms. Mary Ann Taijito, Kumision i Fino' Chamorro
Governor Carl T.C. Gutierrez, CSD
Mr. Henry A. Torres, Guam Election Commission
Mr. Paul J. Bordallo
Ms. Rosario S.N. Cave
Ms. Judy Jackson
Ms. Ramona Castro

Committee on Federal & Foreign Affairs
WITNESS SHEET

PUBLIC HEARING
Friday, August 2, 1996
9:30 am

BILL 673

NAME	AGENCY/ORGANIZATION	ORAL	WRITTEN	ADDRESS/CONTACT #
Mr. Michael Phillips		✓		477-2273
Norbert Perez	Republic of Guahan	✓		734-0543
Alisandro LEBLANC	" "	✓		475-6264
Kevin B. Aguirre	C H I Planning Group	✓	✓	477-6447
Cheryl Probst	Citizen Guam Resident	✓	✓	477-6679
Paul J. DORRILL	Nasion Chamorro	✓		734-8018
ED Benavente	Chamorro Language Commission		✓	475-0226/7
Mary Ann Taijito	Nasion Chamorro	✓		632-5138
Rosa S.A. CAVE	Nasion Chamorro	✓		632-5138
Judy M.C. JACKSON				
LEONA FINEBERG	GREYBAR SPINA	—	—	477-9014
Clara Thomas - Nabeley	Union Chamorro	✓		734-6447
Ramon C. Castro				

Digest of Testimonies

Oral Testimony

1) **Mr. Michael F. Phillips, Attorney-at-Law:**

Attorney Michael Phillips expressed his support for Bill 673 and congratulated the sponsor on her courage for introducing such a bill. He stated that the Chamorro Registry would finally reduce to writing the fact that Chamorros exist and that their names and history are important. Furthermore, the Chamorro Registry would finally help properly document Chamorro history so that no one can claim that Chamorros never existed. He said that it is a sad and embarrassing thing to have to establish this written registry, but it has to be done.

Attorney Phillips had two concerns with Bill 673. First, Section 20011, regarding grounds for cancellation of registration, should be looked at again because the Chamorro Registry should not be looked at as a club. He contended that there really isn't a choice; you either are or are not a Chamorro. He suggested that remove the cancellation provision.

Secondly, Section 20002, regarding persons entitled to be registered, should also be looked at. Instead of conditioning one's registration on whether or not the registrant followed the proper procedures for registration, it should be conditioned upon whether or not the registrant fulfills the qualifications of being a Chamorro.

Attorney Phillips believes that this Chamorro Registry is the right thing for the Chamorro people to do. If we don't memorialize our history in writing, our people will be criticized for not having our history in writing. We need to pass it on and make sure that the record is clear. Even if we lose, at least those who follow us will know that we tried, and they will know we did the right thing. In ten or twenty years, the vision that our leaders show will be vindicated.

Attorney Phillips also commented on the differences we have with the Hawaiians and with the various cultures which have inundated our homeland. You are either Chamorro in the sense as part of the people of

Guam which is how it was until a short time ago. Attorney Phillips suggested that the bill use language referring to Guam's compelling interest in enacting this legislation. If you were someone of Filipino, Korean, etc. ancestry, it doesn't matter whether you pass on your native tongues; whether you do or not does not affect the survival of your language. It's different on Guam where we do not have another homeland. If the Chamorro people do not survive on Guam, then it really doesn't matter how many carnivals we have in Vallejo, the Chamorro people are not going to survive.

2) Norbert Perez, Provisional President, Republic of Guahan and President of Guam Landowners Association:

Mr. Norbert Perez congratulated the sponsors of this legislation and claimed that the passage of Bill 673 would be one of best events for the Chamorro people for the year of 1996. He described the bill as important and unifying to the Chamorro people. Mr. Perez went on to say that many people may think the bill is discriminatory, but this only lends credence to the identity crisis our people have had for 450 years.

Mr. Perez claimed that we are a minority on our own island; the U.S. laws make us aliens in our own country and island. U.S. laws do not protect the Chamorro people, only a majority of the people. Even when we were the majority, Mr. Perez said that the laws did not protect us. This will recognize and legalize the Chamorro people as a member of this universe from a political and legal standpoint. This is also a cultural registry. The Chamorro people have never registered themselves as members of this race from a cultural and sociological standpoint. Mr. Perez contended that the Chamorro people need to identify where their roots lead us and that we have to keep track of our roots. Mr. Perez asked the Committee members to pass this.

3) Alejandro Lizama, Department of Parks and Recreation, Historic Resources Division.

Mr. Lizama spoke first of his exposure to many things in our history, especially the way that outsiders treated our people. He said that it made him angry that the people from the outside called us savages, but through