

## Resolution No. 464 (LS)

Introduced by:

D. Parkinson  
H. A. Cristobal  
F. E. Santos

A. L. G. Santos	A. C. Lamorena V
T. C. Ada	C. Leon Guerrero
J. P. Aguon	L. Leon Guerrero
E. Barrett-Anderson	T. S. Nelson
A. C. Blaz	S. L. Orsini
J. M. S. Brown	V. C. Pangelinan
F. P. Camacho	J. T. San Agustin
M. C. Charfauros	A. R. Unpingco
M. Forbes	J. Won Pat-Borja



Relative to requesting that the United Nations continue its monitoring of the situation of the non-self-governing Territory of Guam; to requesting that the United Nations support the efforts of the people of Guam relative to the Guam Commonwealth Act, as drafted by the people of Guam; to requesting the sending of another United Nations Visiting Mission to Guam; to requesting that the United Nations continue to support the right of the Chamorro people to self-determination; and to request that Guam not be removed from the United Nations list of non-self-governing territories, pending the exercise of self-determination by the Chamorro people.

### BE IT RESOLVED BY THE LEGISLATURE OF THE TERRITORY OF GUAM:

**WHEREAS**, the people of Guam, upon their own initiative, drafted the Guam Commonwealth Act, and subsequently, through democratic processes approved it in 1988; and

**WHEREAS**, the Guam Commonwealth Act is the people of Guam's proposal for an interim federal-territorial relationship, pending the exercise of Chamorro self-determination; and

**WHEREAS**, the people of Guam have yet to achieve a satisfactory resolution of the numerous issues contained within the draft Guam Commonwealth Act through our negotiations with our administering Power; and

**WHEREAS**, designated representatives and bureaucratic instrumentalities of the United States continue to oppose the right of the Chamorro people to exercise self-determination; and

**WHEREAS**, the first and last United Nations visiting mission sent to Guam was in 1979; and

**WHEREAS**, since many changes have occurred during the intervening years seventeen (17) years, it is appropriate that another United Nations visiting mission be sent to Guam; and

**WHEREAS**, the United States is inappropriately misrepresenting the draft Guam Commonwealth Act as an act of self-determination, which it is not; and

**WHEREAS**, the United States continues to inappropriately lobby and pressure the members of the United Nations to remove Guam from the United Nations list of non-self-governing territories, prior to the legitimate exercise of self-determination by the Chamorro people; and

**WHEREAS**, the continuing presence of Guam upon the United Nations list of non-self-governing territories is critical in that it insures that the Chamorro people of Guam shall continue to have their rights monitored, to include their right to exercise self-determination, by the world community pursuant to a binding treaty commitment; now, therefore, be it

**RESOLVED**, that the Twenty-Third Guam Legislature does hereby on behalf of the people of Guam call upon the United Nations Special Committee on Decolonization, the Special Political and Decolonization Committee (the Fourth Committee), and the United Nations General Assembly to support the people of Guam in their effort to establish the Commonwealth of Guam, as proposed and approved by the people of Guam through democratic processes in 1987; and be it further

**RESOLVED**, that the Twenty-Third Guam Legislature invites the United Nations Special Committee on Decolonization to send another visiting mission to Guam in the immediate future; and be it further

**RESOLVED**, that the Twenty-Third Guam Legislature calls upon the United Nations to continue to strongly support the right of the Chamorro people to exercise self-determination, and to include a clear, unequivocal statement on same in the 1996 General Assembly Resolution relative to Guam; and be it further

**RESOLVED**, that the Twenty-Third Guam Legislature request that Guam not be removed from the United Nations list of non-self-governing territories, pending the full exercise of self-determination by the Chamorro people, evidenced by a binding vote of the indigenous people of Guam to determine their ultimate political status; and be it further.

**RESOLVED**, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the Chairman, United Nations Special Committee on Decolonization; to the Chairman, Special Political and Decolonization Committee (Fourth Committee); to the President of the United Nations General Assembly; to the Secretary General of the United Nations; to the United States Mission to the United Nations; to Guam's Washington Delegate; and to the Governor of Guam.

DULY AND REGULARLY ADOPTED ON THE 16TH DAY OF JULY, 1996.

  
DON PARKINSON  
Speaker

  
JUDITH WON PAT-BORJA  
Senator and Legislative Secretary

check 469

received

NOV 25 1996

Submitted to: Committee on U.S. Federal, and Foreign Affairs  
Twenty-Third Guam Legislature

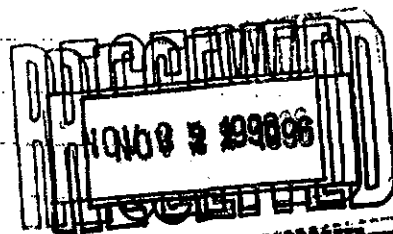
in support of Bill # 765

By: Cecilia C.T. Perez

P.O. Box 20428

CMF, GU 96921

Tel. # (671) 734-5591



Buenas yan hafa adai. Si Cecilia Perez yo', taotao  
i Isla Marianas Guahan, Faotao Tano. Ha nahe  
hatom esti papot yan dangkulo' na rispota para i  
manñela-ta yan i manñaina-ta.

I submit this statement in support of  
Bill # 765 which would create the Commission on Decolonization  
for the Implementation and Exercise of Chamorro Self-Determination.

I am borne of Chamorro ~~parents~~ <sup>have</sup> ~~grandparents~~ <sup>maintain</sup> parentage  
and residency in Guam for most of my 36 years.

I have had formal educational training as well as grass  
roots educational training in the discipline of Chamorro History.

I believe in the principle of Chamorro Self-Determination  
as defined by the United Nations Charter and as set forth  
by Chamorro History. The Chamorro Archipelago, though carrying a  
variety of appellations, has been the source, sustenance and  
homelands of the indigenous Chamorro from time immemorial.

Centuries before Las Españas became Spain, before  
the lands of American Indian Nations became known as The  
Americas, the Chamorro were sovereign. We had a sustainable  
economy and trafficked the open seas.

This principle for I ManNamoru, I ManChamoru to define, to determine our political status ~~is imperative to~~ ~~the~~ cannot continue to be ignored or underwritten. It shapes and ensures the vitality of The People, the First People of Guam, I Tdotto Tdno. Whatever the political outcome, it must be a decision of The People of the Land.

Ginen i menhalom na siniente-ku, ~~yan~~ i hinasso'ku,  
yan i istorian i ManNamoru, I ManChamoru, hu sapopotte'  
~~not~~ as i Bill # 765. I support the principle of Chamoru  
Self Determination as embodied in this proposed legislation.

Sincere yan Magahot,  
zi Cecilia Lopez  
25 Nubembre 1996

**NASION CHAMORU**

P.O. BOX 1609  
AGANA, GUAM 96932  
Ph: 734-8018

November 19, 1996

Senator Hope A. Cristobal (D)  
Chairperson, Committee on Federal  
and Foreign Affairs  
Suite 201 Quan Bldg.  
326 West Soledad Ave.  
Agana, Guam 96910

Hafa Adai Madam Chair:

First of all Chamoru Nation opposes the signing of Executive Order 96-19 which gives the authority to GEDA to formulate a Land Use Plan for Excess Federal Lands identified under the 1994 Guam Land Use Plan (GLUP 94). It is our position that all lands be returned back to original land owners as a result of the land takings by the Federal Government.

In our analyses of all the proposed legislation heard before your committee, we have found that relative to bills 707, 714, 750 and 765, that such bills provides a timely redress to a long injustice suffered by our people. The Chamoru Nation wholeheartedly and vehemently supports the immediate passage of such bills into law. We hope to encourage each member of your committee and the entire legislative body to support all the bills enumerated above. Thank you for your time.

Dangkolo na si Yu'os Ma'ase'

Buen Salut, Biba Taotao Tano', Biba Guahan



Nasion Chamoru, Maga'lahi

Landowners — Angel Cruz Santos  
or  
(heirs) Amanda W.G. Santos  
Anita M. San Nicolas  
Enrique R. Cruz

Hafa Adai Madam Chair,  
It is our position that all lands  
be returned back to original land  
owners as a result of the land  
takings by the Federal Government.  
We have found that relative to bills  
707, 714, 750, 765, that such bills provides  
a timely redress to a long injustice  
suffered by our people. We wholeheartedly  
supports the immediate passage of  
such bills in law. We encourage  
each member of your committee and  
the entire legislative body to support  
all the bills enumerated above. Thank  
you for your time.

Si xulos Malase!

Amanda W.G. Santos	586-05-5531
Angel C. Santos	586-01-7352
Anita M. San Nicolas	586-62-7309
Enrique R. Cruz	

**COMMITTEE ON FEDERAL & FOREIGN AFFAIRS**

Senator Hope A. Cristobal, Chair

PUBLIC HEARING

**BILL 765-** An act to create a comission on decolonization for the implementation and exercise of Chamorro self-determination.

WEDNESDAY, NOVEMBER 20, 1996

9:00 AM

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**Twenty-Third Guam Legislature**  
**Committee on Federal and**  
**Foreign Affairs**  
**SENATOR HOPE A. CRISTOBAL**  
Chairperson

9:00am, Wednesday, November 20, 1996  
155 Hesler Street, Agana



**Agenda**

**1. Confirmation hearing on the  
appointment of  
Colonel Benny Paulino**  
to the position of Adjutant General,  
Guam National Guard.

**2. Reuse Plan for  
GLUP '94 Properties**  
*All original landowners and the  
homeless are invited to present  
testimonies.*

**3. BILL 707-(H.A.Cristobal)**  
An act to require the Department of Revenue  
and Taxation to conduct an audit of property  
tax payments for the past twenty years to  
identify and publish a listing of people and  
amounts to be refunded. Repeals the statute of  
limitations so property owners will be able to  
collect the monies owed to them.

**4. BILL 714-(A.Santos)**  
An act to develop a land use policy and plans  
for certain parcels of excess federal properties  
identified in the 1994 Guam Land Use  
Plan(GLUP).

**5. BILL 750-(H.Cristobal)**  
An act to compensate landowners whose lands  
have been taken by the Government of Guam  
and its agencies without due process and just  
compensation since 1945. Addresses property  
taxes on government easements.

**6. BILL 765-(H.A.Cristobal)**  
An act to create a commission on  
decolonization for the implementation and  
exercise of Chamorro self-determination.

**All interested parties should attend.**  
For more information contact the  
Office of Senator Hope Alvarez Cristobal at  
Phone:472-3581/2/3 Fax:472-3585

PDN 11/16+18/96

# CHAMORRO REGISTRY & DECOLONIZATION BILLS

We as individuals as a group, and as citizens of this Territory hereby, appeal and petition all of the leaders of this Territory to pass into law Bill 673, the Chamorro Registry Bill and Bill 765 establishing a Committee on Decolonization.

SIGNATURE	ADDRESS	PHONE NUMBER
Peter E. S. G.	188 REDONDO CATAN, DELEDO	632-3803
Natividad E. B. G.	171 LORETA ST	638-7516
Edmund T. G. Mungilio		N/A
Juan R. Cruz Yona		789-1972
Vicente C. Santa Sinajana		N/A
Marquinta E. Canoch	128 FERNANDEZ ST DELEDO	632-2668
Amanda L. Santos	(P) BOX 21806 G.M.F.	(734-5091)
Angel C. Santos	(P) BOX 21806 G.M.F.	(734-5091)
Juan L. Torres	PITI-BX 892	477-0384
G. P. Crutch	Talofso	Box 22223 G.M.F. 789-0015
Enrique Jones	Yona	Box 1713 Agaña, Guam 789-2895
Jose C. Mendo	Sinajana	637-7971 (Mather)
Mario Perez	Sinajana	477-1482
Pablo Rosas	Sinajana	649- <del>4903</del> 4903
Maria Lillo	Tam	649-6433
Julia L. Luntara	Tam	649-3378
Maria Lillo	Tam	649-6433
Julia E. Dega	Delede	632-2039
Josefina B. Barakent		632-2192
Maria B. Pangolinan		637-5744
Miguel C. Goz		477-5883
Tommy A. B. G.	137 FERNANDEZ ST Yona	789-2338 ED pr filler
Comandante	Delede	789-1343



No.	SIGNATURE	ADDRESS	PHONE NUMBER
1.	<i>Walter B. Pantoja</i>	P.O. Box 57837 Barrigada, GU	632-4073
2.	<i>Secundina Pantoja</i>	P.O. Box 4186 Yigo, GU 96929	632-4042
3.	<i>Juan D. Suarez</i>	AMANG RD, AGAT	565-1005
4.	<i>V. B. B. B.</i>	8 N SANTA CRUZ ST AGAT, GUAM	565-5189
5.	<i>C. S. P.</i>	P.O. Box 20426 CMF	734-5591
6.	<i>[Signature]</i>	P.O. Box 5491 Hagat Rd	653-6467
7.	<i>[Signature]</i>	9-A EROK LANE SANJANA	477-1165
8.	<i>[Signature]</i>	P.O. Box 9474 Santa Rita, GU	505-4438
9.	<i>[Signature]</i>	PO Box 167	
10.	<i>[Signature]</i>	Agana 96910	789-0310
11.	<i>[Signature]</i>	P.O. Box 27335 CMF	637-4931
12.	<i>[Signature]</i>	Box 27335 Agana, GU	734-9269
13.	<i>[Signature]</i>	114 DEKVI CT. DEDEDO GU 96912	632-7968
14.	<i>[Signature]</i>	Santa Rita	565-2107
15.	<i>[Signature]</i>	P.O. Box 1239 Agana 96932	649-6433
16.			
17.			
18.			
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20.			
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25.			

# CHAMORRO REGISTRY & DECOLONIZATION BILLS

We as individuals as a group, and as citizens of this Territory hereby, appeal and petition all of the leaders of this Territory to pass into law Bill 673, the Chamorro Registry Bill and Bill 765 establishing a Committee on Decolonization.

No.	SIGNATURE	ADDRESS	PHONE NUMBER
1.	<i>[Signature]</i>	Harmor	646-4345
2.	<i>Anna M. Lando</i>	Dededo	632-1337
3.	<i>Catherine McColl</i>	TAMUNING	649-5008
4.	<i>Yvon A. Cruz</i>	Yona	789-1972
5.	<i>Vicente C. Santo</i>	Sinajano	N/A
6.	<i>Maria S. Lito</i>	Iloilo	789-3084
7.	<i>Eddie C. Matague</i>	Iloilo	189-3084
8.	<i>Ed. Pocigie</i>	127 R. B. Outaost Yona 100904	789-2101
9.	<i>Josephine M. Lando</i>	Dededo	632-1337
10.	<i>Anna M. Baiza</i>	Dededo	632-1016
11.	<i>Guillermo J. Lito</i>	Yona	789-2845
12.	<i>Elizabeth Lina</i>	Barrigada	734-1983
13.	<i>Edward Pocigie</i>	Yona	789-2101
14.	<i>MARILYN CRUZ</i>	YFO	655-7011
15.	<i>Amanda B. Santos</i>	BARR. PO BOX 4312	734-5091
16.	<i>Edward D. Cruz</i>	AGANA, GU 96932	646-8908
17.	<i>Martha Hume</i>	Santa Rita	565-41632 472 4744
18.	<i>Conchita Echeverra</i>	MINER	P.O. BOX 10497 SINAJANO
19.	<i>Martha Echeverra</i>	Dededo	646 20 66
20.	<i>Jerry Dacan</i>	P.O. BOX 11405	TAMUNING, GU
21.	<i>Vincent M. Lito</i>	P.O. BOX 1595	Dededo
22.	<i>RAYMOND GARRINO</i>	246 Dededo Catao DEDEDO GU. 96912	632-3977
23.	<i>Olympia P. Cruz</i>	P.O. BOX 2349	789-4006
24.	<i>Rodolfo Ponguen</i>	Agana	P.O. BOX 2433 789-2760
25.	<i>Alexander T. Lito</i>		671 2708

NOV 12 1996

TWENTY-THIRD GUAM LEGISLATURE  
1996 (SECOND) Regular SessionBill No. 765 (LS)  
Introduced by:H.A. Cristobal *H. Cristobal***AN ACT TO CREATE THE COMMISSION ON  
DECOLONIZATION FOR THE IMPLEMENTATION AND  
EXERCISE OF CHAMORRO SELF-DETERMINATION.**

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

3 **Section 1. Statement of Legislative Findings and Purpose.** The  
4 Legislature recognizes that all the people of the territory of Guam have  
5 democratically expressed their collective will and have recognized and  
6 approved the inalienable right of the Chamorro people to self-  
7 determination. This includes the right to ultimately decide the future  
8 political status of the territory of Guam as expressed in Section 102(a) of  
9 the Guam Commonwealth draft Act as approved by the people of Guam  
10 in a plebiscite held September 1988. Consistent with this intent, the  
11 people of Guam have petitioned the United States Congress to also  
12 recognize this inalienable right on behalf of the American people.  
13 Noting that it has been almost 9 years since the people of Guam have  
14 transmitted the Guam Commonwealth draft Act to the federal  
15 government and that Section 102(a) has been significantly changed to  
16 warrant rejection of this section of the document, the Legislature in the  
17 interest of the will of the people of Guam, desirous to end colonial  
18 discrimination and address long-standing injustice of a people, does

1 hereby, establish the Commission on Decolonization for the  
2 Implementation and Exercise of Chamorro Self-Determination.

3  
4 **Section 2. Definitions.**

5 (a) **Self-determination.** Freedom of a people to determine the  
6 way in which they shall be governed and whether or not they shall be  
7 self-governed.

8 (b) **Chamorro people of Guam.** All inhabitants of Guam in  
9 1898 and their descendants who have taken no affirmative steps to  
10 preserve or acquire foreign nationality.

11  
12 **Section 3. Legal and Moral Basis.** The following documents provide  
13 and support the moral and legal basis for Chamorro Self-Determination:  
14 the 1898 Treaty of Peace between the United States and Spain; Chapter  
15 XI of the United Nations Charter; United States yearly reports to the  
16 United Nations on the Non Self-Governing Territory of Guam; 1950  
17 Organic Act of Guam; UN Resolution 1541 (XV); UN Resolution 1514  
18 (XV); Section 307(a) of the United States Immigration and Nationality  
19 Act; Part I, Article 1, Paragraph 1 and 3 of the International Covenant on  
20 Civil and Political Rights.

21  
22 **Section 4. Creation and Membership of Commission.** There is  
23 established a Commission on Decolonization for the Implementation and  
24 Exercise of Chamorro Self-Determination for the people of Guam which  
25 shall be composed of (10) members including the Chairperson. The  
26 Governor shall serve as the Chairperson of the Commission. Three (3)  
27 members of the Commission shall be appointed by the Governor, of  
28 which two (2) shall be members of Chamorro rights organizations; three  
29 (3) members of the Legislature: of which one (1) shall be a member of  
30 and be selected by the Legislature's minority; one (1) member to be the

Chairperson of the Committee on Federal and Foreign Affairs; and one (1) to be appointed by the Speaker, who may appoint self; and one (1) member of the Mayors Council shall be appointed by the Mayors Council; one (1) member to represent the judiciary to be appointed by the Chief Justice of the Supreme Court of Guam, who may appoint self; and one (1) member to represent the youth of Guam to be appointed by the Speaker of the Youth Congress from among the qualified members of the Congress, who may appoint self. The Commission shall choose a vice-chairperson from among the members of the Commission. No person shall be eligible to serve as a member of the Commission unless he or she shall be a citizen of the United States qualified to vote on Guam. Members (except for the Chairperson) shall serve throughout the life of the Commission and shall elect among themselves a Vice-Chairperson who shall serve as Chairperson in the absence of the Governor. Vacancies in the membership shall be filled in the same manner as the original appointment.

**Section 5. Function.** The general purpose of the Commission is to ascertain the desire of the Chamorro people of Guam as to their political relationship with the United States. Once the desire of the Chamorro people of Guam is ascertained, the Commission shall transmit that desire to the President and Congress of the United States and the Secretary General of the United Nations.

**Section 6. Creation of Task Forces.** The Commission shall create three (3) Task Forces. Each task force shall be composed of seven (7) members, appointed by the Commission, who are advocates for the status for which they are appointed. The three task forces are: (1) Independence Task Force; (2) Free Association Task Force; and (3) Statehood Task Force.

1       **Section 7. Function of Task Forces.** The three task forces shall draw  
2       upon the resources of the Commission, and no later than four (4) months  
3       from the date of their appointment, after conducting an extensive study,  
4       including input from the general public, each task force shall present a  
5       position paper to the Commission on their respective political status  
6       option for Guam.

7  
8       **Section 8. Office and Employees of the Commission.** Considering  
9       that the majority of the activities of the Commission on Self-  
10      Determination have been fulfilled, the office and employees of the  
11      Commission on Self-Determination shall also serve as the office and  
12      employees of the Commission on Decolonization.

13  
14      **Section 9. Public Information Program.** The Commission, in  
15      conjunction with the Commission's task forces shall conduct an  
16      extensive public education program throughout the island based on the  
17      position papers submitted by each task force.

18  
19      **Section 10. Plebiscite Date and Voting Ballot.** At every Primary  
20      election hereafter, until such time as a final status for the territory of  
21      Guam is determined by the Chamorro people, the Guam Election  
22      Commission, or any successors to it, shall also conduct a political status  
23      plebiscite at which the following question shall be asked of the  
24      Chamorro people:

25                *"In recognition of your right to self-determination, which of the*  
26      *following political status options do you favor?"* (Mark ONLY ONE):

- 27                1. Independence                   (    )  
28                2. Free Association               (    )  
29                3. Statehood                     (    )

1       **Section 11. Run-off Plebiscite.** If one political status does not receive  
2       the majority votes cast in the above plebiscite, a run-off plebiscite  
3       between the two (2) political status options receiving the highest number  
4       of votes shall be held within sixty (60) days from the date thereof.

5  
6       **Section 12. General Powers of the Commission.** The Commission  
7       shall have and may exercise the following general powers in carrying out  
8       the activities of the Commission :

9               (a) To acquire, in any lawful manner, any property real and  
10       personal, mixed, tangible or intangible, to hold, maintain, use and  
11       operate the same; and to sell, lease or otherwise dispose of the same,  
12       whenever any of the foregoing transactions are deemed necessary or  
13       appropriate to the conduct of the activities authorized by this Chapter,  
14       and on such terms as may be prescribed by the Commission.

15              (b) To enter and perform such contracts, cooperative agreements  
16       or other transactions with any person, firm, association, corporation or  
17       any agency and instrumentality of the government of Guam or the United  
18       States or any country, state, territory or the United Nations, or any  
19       subdivision thereof, as may be deemed necessary or appropriate to the  
20       conduct of the activities authorized on this Chapter and on such terms as  
21       may be prescribed by the Commission.

22              (c) To execute all instruments necessary or appropriate in any of  
23       its function.

24              (d) To appoint, without regard to the provisions of the Personnel  
25       and Compensation Laws, such officers, agents, attorneys, consultants and  
26       employees as may be necessary for the conduct of business of the  
27       Commission; delegate them such powers and to prescribe for them such  
28       duties as may be deemed appropriate by the Commission; to fix and pay  
29       such compensation to them for their services as the Commission may  
30       determine, without regard to the provisions of the Personnel and

1 Compensation Laws. In the appointment of officials and the selection of  
2 employees, agents and consultants for the Commission, no political test  
3 or qualification shall be permitted or given consideration but all such  
4 appointments shall be given and made on the basis of merit and  
5 knowledge. The Commission shall give due consideration to residents of  
6 Guam in the selection of its officials, attorneys, agents, consultants and  
7 employees.

8 (e) To accept gifts or donations of services or of property, real,  
9 personal or mixed, tangible or intangible, in aid of any of the activities  
10 authorized by this Chapter.

11 (f) To adopt rules and regulations governing operations of the  
12 Commission and to take such other operations of the Commission and to  
13 take such other action as may be necessary or appropriate to carry out the  
14 powers and duties herein, specified or hereafter granted to or imposed  
15 upon it.

16  
17 **Section 13. Commission on Self-Determination.** Nothing in this Act  
18 shall preclude the activities of the Commission on Self-Determination.

19  
20 **Section 14. Repository for Commission Documents.** The Guam  
21 Public Library shall be the depository of all public records and materials  
22 pertaining to political status of the territory of Guam. The Commission  
23 and Office shall transfer all of its official public documents upon  
24 completion of its work.

25  
26  
27





OFFICE OF THE GOVERNOR  
TERRITORY OF GUAM

DEC 31 1996

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

7.2

OFFICE OF THE SPEAKER

Date: 12-31-96  
Time: 12:51 PM  
Received By: [Signature]  
Print Name: Philip G. Gumban

Dear Mr. Speaker:

Enclosed please find Substitute Bill No. 765 (LS), "AN ACT TO CREATE THE COMMISSION ON DECOLONIZATION FOR THE IMPLEMENTATION AND EXERCISE OF CHAMORRO SELF-DETERMINATION", which I have vetoed.

This legislation undermines the work of the Commission on Self Determination, which at this time is bringing to a close lengthy and intense negotiations with the Clinton Administration on the provisions of the Commonwealth Draft Act.

The Commission on Decolonization proposed by this legislation would have duplicative powers already given in previous legislation to the Commission on Self Determination. It also appears that the proposed Commission on Decolonization would be starting the same process over again, assessing public interest in independence, free association, and statehood as possible political status destinations for Guam. Interestingly, the political status of commonwealth is omitted.

Should the current status negotiations fail to yield some positive results very soon, legislation will need to be considered which outlines Guam's future course of action and which takes into account the current wishes of Guam's people. Passing this particular legislation at this time is premature and unproductive.

A copy of Governor's message and the bill have also been delivered to the Office of the Legislative Secretary.

Very truly yours,

*Madeleine Z. Bordallo*  
Madeleine Z. Bordallo  
Acting Governor of Guam

Attachment  
231609

OFFICE OF THE LEGISLATIVE SECRETARY  
ACKNOWLEDGMENT RECEIPT

Received By: [Signature]  
Time: 12:55 PM  
Date: 12/31/96

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. 765 (LS), "AN ACT TO CREATE THE COMMISSION ON DECOLONIZATION FOR THE IMPLEMENTATION AND EXERCISE OF CHAMORRO SELF-DETERMINATION," 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: \_\_\_\_\_

Public Law No. \_\_\_\_\_

*Davidson* 11/5/97

TWENTY-THIRD GUAM LEGISLATURE  
1996 (SECOND) Regular Session

Bill No. 765

As substituted by the author

Introduced by:

H. A. Cristobal

---

AN ACT TO CREATE THE COMMISSION ON  
DECOLONIZATION FOR THE IMPLEMENTATION  
AND EXERCISE OF CHAMORRO SELF-  
DETERMINATION.

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

2        **Section 1. Statement of Legislative Findings and Purpose.** The

3        Legislature recognizes that all the people of the territory of Guam have  
4        democratically expressed their collective will and has recognized and  
5        approved the inalienable right of the Chamorro people to self-determination.

6        This includes the right to ultimately decide the future political status of the  
7        territory of Guam as expressed in Section 102 (a) of the draft Commonwealth  
8        Act, as approved by the people of Guam in a plebiscite held in September  
9        1988. Consistent with this intent, the people of Guam have petitioned the  
10       United States Congress to also recognize this inalienable right on behalf of  
11       the American people. Noting that it has been almost nine (9) years since the  
12       people of Guam have transmitted the draft Commonwealth Act to the federal  
13       government and that Section 102 (a) has been significantly changed to  
14       warrant rejection of this section of the document; the Legislature, in the  
15       interest of the will of the people of Guam, desirous to end colonial  
16       discrimination and address long-standing injustice of a people does, hereby,

1 establish the Commission on Decolonization for the Implementation and  
2 Exercise of Chamorro Self-Determination.

3 **Section 2. Definitions.**

4 (a) **self-determination.** Freedom of a people to determine the  
5 way in which they shall be governed and whether or not they shall be self-  
6 governed.

7 (b) **Chamorro people of Guam.** All inhabitants of Guam in  
8 1898 and their descendants who have taken no affirmative steps  
9 to preserve or acquire foreign nationality.

10 **Section 3. Legal and Moral Basis.** The following documents provide  
11 and support the moral and legal basis for Chamorro Self-Determination: the  
12 1898 Treaty of Peace between the United States and Spain; Chapter XI of the  
13 United Nations Charter; United States yearly reports to the United Nations  
14 on the Non Self-Governing Territory of Guam; 1950 Organic Act of Guam;  
15 UN Resolution 1541 (XV); UN Resolution 1514 (XV); Sec. 307 (a) of the  
16 United States Immigration and Nationality Act; Part I, Article 1, Paragraph 1  
17 and 3 of the International Covenant on Civil and Political Rights.

18 **Section 4. Creation and Membership of Commission.** There is  
19 established a Commission on Decolonization for the Implementation and  
20 Exercise of Chamorro Self-Determination for the people of Guam which  
21 shall be composed of (10) members including the Chairperson. The Governor  
22 shall serve as the Chairperson of the Commission. Three (3) members of the  
23 Commission shall be appointed by the Governor, of which (2) shall be  
24 members of Chamorro rights organizations; three (3) members of the  
25 Legislature, of which one (1) shall be a member of and be selected by, the  
26 Legislature's minority, one (1) member to be the Chairperson of the

1 Committee on Federal and Foreign Affairs, and one (1) to be appointed by the  
2 Speaker , who may appoint self; and one (1) member of the Mayors Council  
3 shall be appointed by the Mayors Council; one (1) member to represent the  
4 judiciary to be appointed by the Presiding Judge; and one (1) member to  
5 represent the youth of Guam to be appointed by the Speaker of the Youth  
6 Congress from among the qualified members of the Congress or he may  
7 appoint self. The Commission shall choose a vice-chairperson from among  
8 the members of the Commission. No person shall be eligible to serve as a  
9 member of the Commission unless he or she shall be a citizen of the United  
10 States qualified to vote on Guam. Members (except for the Chairman) shall  
11 serve throughout the life of the Commission and shall elect among  
12 themselves a Vice-Chairman who shall serve as Chairman in the absence of  
13 the Governor. Vacancies in the membership shall be filled in the same manner  
14 as the original appointment.

15 **Section 5. Function.** The general purpose of the Commission on  
16 Decolonization is to ascertain the desire of the Chamorro people of Guam as  
17 to their future political relationship with the United States. Once the desire  
18 of the Chamorro people of Guam is ascertained, the Commission shall  
19 transmit that desire to the President and Congress of the United States and  
20 the Secretary General of the United Nations.

21 **Section 6. Creation of Task Forces.** The Commission shall create three  
22 (3) Task Forces. Each task force shall be composed of seven (7) members,  
23 appointed by the Commission, who are advocates for the status for which  
24 they are appointed. The three task forces are: (1) Independence Task Force;  
25 (2) Free Association Task Force; and (3) Statehood Task Force.

1       **Section 7. Function of Task Forces.** The three task forces shall draw  
2 upon the resources of the Commission on Decolonization, and no later than  
3 four (4) months from the date of their appointment, after conducting an  
4 extensive study, including input from the general public, each task force shall  
5 present a position paper to the Commission on its respective political status  
6 option for Guam.

7       **Section 8. Office and Employees of the Commission.** Considering that  
8 the majority of the activities of the Commission on Self-Determination have  
9 been fulfilled, the office and employees of the Commission on Self-  
10 Determination shall also serve as the office and employees of the  
11 Commission on Decolonization.

12       **Section 9. Public Information Program.** The Commission, in  
13 conjunction with the Commission's task forces shall conduct an extensive  
14 public education program, throughout the island, based on the position  
15 papers submitted by each task force.

16       **Section 10. Plebiscite Date and Voting Ballot.** At the next Primary  
17 election, the Guam Election Commission, or any successors to it, shall  
18 conduct a political status plebiscite at which the following question shall be  
19 asked of the Chamorro people entitled to vote:

20                "In recognition of your right to self-determination, which of  
21 the following political status options do you favor?" (Mark  
22 ONLY ONE):

- 23               1.   Independence               ( )  
24               2.   Free Association           ( )  
25               3.   Statehood                 ( )



1       **Section 11. Run-off Plebiscite.** If one political status does not receive the  
2 majority votes cast in the above plebiscite, a run-off plebiscite shall be held  
3 sixty (60) days from the date thereof between the two (2) political status  
4 options receiving the highest number of votes.

5       **Section 12. General Powers of the Commission.** The Commission on  
6 Decolonization shall have, and may exercise, the following general powers in  
7 carrying out the activities of the Commission :

8       (a) To acquire, in any lawful manner, any property real and  
9       personal, mixed, tangible or intangible - to hold, maintain, use  
10       and operate the same; and to sell, lease or otherwise dispose of  
11       the same, whenever any of the foregoing transactions are  
12       deemed necessary or appropriate to the conduct of the  
13       activities authorized by this Chapter, and on such terms as may  
14       be prescribed by the Commission.

15       (b) To enter and perform such contracts, cooperative agreements or  
16       other transactions with any person, firm, association,  
17       corporation or any agency and instrumentality of the  
18       government of Guam or the United States or any country,  
19       state, territory or the United Nations, or any subdivision  
20       thereof, as may be deemed necessary or appropriate to the  
21       conduct of the activities authorized on this Chapter, and on  
22       such terms as may be prescribed by the Commission.

23       (c) To execute all instruments necessary or appropriate in any of its  
24       functions.

25       (d) To appoint, without regard to the provisions of the Personnel  
26       and Compensation Laws, such officers, agents, attorneys,

1 consultants and employees as may be necessary for the conduct  
2 of business of the Commission; to delegate to them such  
3 powers and to prescribe for them such duties as may be deemed  
4 appropriate by the Commission; to fix and pay such  
5 compensation to them for their services as the Commission  
6 may determine, without regard to the provisions of the  
7 Personnel and Compensation Laws. In the appointment of  
8 officials and the selection of employees, agents and consultants  
9 for the Commission, no political test or qualification shall be  
10 permitted or given consideration, but all such appointments  
11 shall be given and made on the basis of merit and knowledge.  
12 The Commission shall give due consideration to residents of  
13 Guam in the selection of its officials, attorneys, agents,  
14 consultants and employees.

15 (e) To accept gifts or donations of services, or of property - real,  
16 personal or mixed, tangible or intangible - in aid of any of the  
17 activities authorized by this Chapter.

18 (f) To adopt rules and regulations governing operations of the  
19 Commission and to take such other action as may be necessary  
20 or appropriate to carry out the powers and duties herein  
21 specified or hereafter granted to or imposed upon it.

22 **Section 13. Commission on Self-Determination.** Nothing in this Act  
23 shall preclude the activities of the Commission on Self-Determination.

24 **Section 14. Repository for Commission Documents.** The Nieves Flores  
25 Memorial Library shall be the depository of all public records and materials  
26 pertaining to political status of the territory of Guam. The Commission on



- 1 Decolonization and its Office shall transfer all of its official public documents
- 2 upon completion of its work to such depository.

TWENTY-THIRD GUAM LEGISLATURE  
1996 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

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\_\_\_\_\_  
DON PARKINSON  
Speaker

Attested:

\_\_\_\_\_  
JUDITH WON PAT-BORJA  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this \_\_\_\_\_ day of \_\_\_\_\_,  
1996, at \_\_\_\_\_ o'clock \_\_\_\_ .M.

\_\_\_\_\_  
Assistant Staff Officer  
Governor's Office

APPROVED:

\_\_\_\_\_  
CARL T. C. GUTIERREZ  
Governor of Guam

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

TWENTY-THIRD GUAM LEGISLATURE  
1996 (SECOND) Regular Session

Bill No. 765

As substituted by the author

Introduced by:

H. A. Cristobal

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AN ACT TO CREATE THE COMMISSION ON  
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AND EXERCISE OF CHAMORRO SELF-  
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1        **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF**  
2 **GUAM:**

3        **Section 1. Statement of Legislative Findings and Purpose.** The  
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5 have democratically expressed their collective will and has recognized  
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7 determination. This includes the right to ultimately decide the future  
8 political status of the territory of Guam as expressed in Section 102 (a)  
9 of the draft Commonwealth Act, as approved by the people of Guam  
10 in a plebiscite held in September, 1988. Consistent with this intent, the  
11 people of Guam have petitioned the United States Congress to also  
12 recognize this inalienable right on behalf of the American people.  
13 Noting that it has been almost <sup>nine</sup> 9 years since the people of Guam have  
14 transmitted the draft Commonwealth Act to the federal government  
15 and that Section 102 (a) has been significantly changed to warrant  
16 rejection of this section of the document, the Legislature, in the interest  
17 of the will of the people of Guam, desirous to end colonial

1 discrimination and address long-standing injustice of a people does,  
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24 Chairperson. The Governor shall serve as the Chairperson of the  
25 Commission. Three (3) members of the Commission shall be  
26 appointed by the Governor, of which (2) shall be members of

1 Chamorro rights organizations; three (3) members of the Legislature,  
2 of which one (1) shall be a member of and be selected by, the  
3 Legislature's minority, one (1) member to be the Chairperson of the  
4 Committee on Federal and Foreign Affairs, and one (1) to be  
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11 Commission shall choose a vice-chairperson from among the members  
12 of the Commission. No person shall be eligible to serve as a member  
13 of the Commission unless he or she shall be a citizen of the United  
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16 among themselves a Vice-Chairman who shall serve as Chairman in  
17 the absence of the Governor. Vacancies in the membership shall be  
18 filled in the same manner as the original appointment.

19 **Section 5. Function.** The general purpose of the Commission<sup>is</sup> is  
20 to ascertain the desire of the Chamorro people of Guam as to their  
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22 the Chamorro people of Guam is ascertained, the Commission shall  
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24 States and the Secretary General of the United Nations.

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*Decolonization*  
✓

1 seven (7) members, appointed by the Commission, who are advocates  
2 for the status for which they are appointed. The three task forces are:  
3 (1) Independence Task Force; (2) Free Association Task Force; and (3)  
4 Statehood Task Force.

5 **Section 7. Function of Task Forces.** The three task forces shall  
6 draw upon the resources of the Commission, <sup>in Dec 1998</sup> and no later than four (4) ✓  
7 months from the date of their appointment, after conducting an  
8 extensive study, including input from the general public, each task  
9 force shall present a position paper to the Commission on ~~their~~ <sup>it</sup> ✓  
10 respective political status option for Guam.

11 **Section 8. Office and Employees of the Commission.**  
12 Considering that the majority of the activities of the Commission on  
13 Self-Determination have been fulfilled, the office and employees of  
14 the Commission on Self-Determination shall also serve as the office  
15 and employees of the Commission on Decolonization.

16 **Section 9. Public Information Program.** The Commission, in  
17 conjunction with the Commission's task forces shall ~~conduct~~ <sup>conduct</sup> an ✓  
18 extensive public education program, throughout the island, based on  
19 the position papers submitted by each task force.

20 **Section 10. Plebiscite Date and Voting Ballot.** At the next  
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4           **Section 11. Run-off Plebiscite.** If one political status does not  
5 receive the majority votes cast in the above plebiscite, a run-off  
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9           **Section 12. General Powers of the Commission.** The  
10 Commission shall have, and may exercise, the following general  
11 powers in carrying out the activities of the Commission :

12           (a) To acquire, in any lawful manner, any property real and  
13               personal, mixed, tangible or intangible - to hold,  
14               maintain, use and operate the same; and to sell, lease or  
15               otherwise dispose of the same, whenever any of the  
16               foregoing transactions are deemed necessary or  
17               appropriate to the conduct of the activities authorized  
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21               agreements or other transactions with any person, firm,  
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23               instrumentality of the government of Guam or the  
24               United States or any country, state, territory or the  
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26               deemed necessary or appropriate to the conduct of the

1 activities authorized on this Chapter, and on such terms  
2 as may be prescribed by the Commission.

3 (c) To execute all instruments necessary or appropriate in any  
4 of its function.<sup>s</sup> ✓

5 (d) To appoint, without regard to the provisions of the  
6 Personnel and Compensation Laws, such officers,  
7 agents, attorneys, consultants and employees as may be  
8 necessary for the conduct of business of the  
9 Commission; ~~to~~ delegate ~~to~~ them such powers and to ✓  
10 prescribe for them such duties as may be deemed  
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15 In the appointment of officials and the selection of  
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12 and materials pertaining to political status of the territory of Guam.  
13 The Commission <sup>on Declassification</sup> and Office shall transfer all of its official public ✓  
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3 ✓ 1  
6/12/13/96

TWENTY-THIRD GUAM LEGISLATURE  
1996 (SECOND) Regular Session

Bill No. 765

As substituted by the author

Introduced by:

H.A. Cristobal *H. Cristobal*

AN ACT TO CREATE THE COMMISSION ON  
DECOLONIZATION FOR THE IMPLEMENTATION AND  
EXERCISE OF CHAMORRO SELF-DETERMINATION

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1       **Section 11. Run-off Plebiscite.** If one political status does not receive  
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11       operate the same; and to sell, lease or otherwise dispose of the same,  
12       whenever any of the foregoing transactions are deemed necessary or  
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30       determine, without regard to the provisions of the Personnel and

No.	SIGNATURE	ADDRESS	PHONE NUMBER
1.	Michael Mena	#40 Terrell St Toluca P.O. Box 12805	789-0565 649-5008
2.	Arthur M. Malla	Terrellville	649-5008
3.	[Signature]	PO Box 204 Agua, 60693	646-1370
4.	B. Aguilar	P.O. Box 8217 Toluca	649-1370
5.	M. Lopez	P.O. Box 8217 Toluca	649-1370
6.	[Signature]	Agua, 60693	477-2202
7.	[Signature]	P.O. Box 382 Agua, 60690	646-1205
8.	[Signature]	Toluca	646-1666
9.	Jose G. Aguilar	Agua	565-1005
10.	[Signature]	Chalchicomula	789-4646
11.	Jose C. Aguilar	Singapore	637-7971
12.	Donna F. Aguilar	P.O. Box 25384 Guatemala	735-4350
13.	Annie Borja	P.O. Box 27335 Guatemala	637-4931
14.	[Signature]	151 Ramon 55. Guatemala	789-1032
15.	[Signature]	Agua	565-1005
16.	[Signature]	San Antonio Pita Guatemala	565-2107
17.	Ramona C. Costa	Toluca	789-5219
18.	[Signature]	Toluca	789-0015
19.			
20.			
21.			
22.			
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24.			
25.			