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STATEMENT

BY

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(Guam)

# Issues and Concerns of Civil Society on Guam

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## HISTORICAL PERSPECTIVES

The island is the southern-most tip of the Marianas Archipelago located in the Micronesian region of Oceania. Guam is a mere 212 square miles in area and is barely bigger than a dot in most world maps. While the island and her people remained in relative isolation from the Western world for over 3,500 years from first indications of settlement, its strategic geographical location as a crossroad between the East and West has historically resulted in colonization by various world superpowers. Spain was the island's first colonizer having stumbled upon Guam in 1521 and continued its control until the end of the Spanish-American War in 1898. Spain was followed by the United States; when Guam, a spoil of war, became a possession of the U.S. The island experienced a brief interruption of American colonization during World War II, when it was invaded and occupied by the Japanese Imperial Army from 1941-1944. Today, the island remains a possession of the United States as an "unincorporated territory"; a manifestation of neo-colonialism in a professed era of democratization by the U.S.

Chamorros (Chamorro), the native inhabitants of Guam and the Mariana Islands, migrated into the region as early as 4,000 years ago as part of the Austronesian descent into the Pacific. Chamorros' continuous colonial history is one of the longest of all colonized peoples in the world. As an unincorporated territory, island residents do not have the rights of full U.S. citizens – they are not eligible to vote in the U.S. presidential elections, nor does their one elected congressional representative have a right to vote on the floor level of Congress. While the representative has the right to vote at the committee level of congressional activity, the vote is void if it is a tie-breaker. Further, Guam is limited in its ability to develop a viable economy as prescribed in specific federal-territorial policies. In addition, the island has territorial caps established by the federal government that limit its share of federal funding for programs such as Medicare. In light of this political status, Chamorros are on the United Nations' list of Non-Self-Governing Territories (NSGTs) of the World. The list was established by the United Nations in an effort to end the colonization and exploitation of the world's peoples by recognizing and supporting their right to political self-determination.

Chamorros lived in harmony and with deep respect for the environment; recognizing that the land and sea provided sustenance for living. Society was hierarchical with a class system that provided a complimentary place for all of its members to thrive. Chamorro society was also matriarchal, in which women were revered for their ability to give birth to children. As part of their matriarchal responsibilities, women were the decision-makers and the transmitters of clan land. Ancient Chamorros were also noted for their scientific ability in the construction of aerodynamic canoes or *proas*, which were described as "flying" because of their swiftness.

Traditional Chamorro values continue to be practiced today. For example, in ancient times, Chamorros engaged in ancestral veneration and this deep sense of spirituality is still expressed in their reverence for the *iaotao-mona* or ancestral spirits. In addition, core Chamorro values that have sustained time include *fa'iaotao* (a deep respect for treating others as should be afforded fellow members of humanity) and *inafa'maolek* (protecting the peace and harmony in the community by getting along). Traditional practices such as *chen'chule* or reciprocity are also practiced today, in which Chamorros help each other particularly during significant life events such as in the birth of a child, marriage, or at the time of death with offerings of money, food, material goods, helping hands, and so forth. Considering Chamorros' history of colonization by world superpowers for over 350 years, their very existence is a testament of their sustainability and resilience over time. The planned United States mega-base build-up for Guam presents the current major threat to the survival of the Chamorro people on the island.

#### **Militarization's Impact on Guam and Her People**

Guam and her native people have a history with militarization that parallels its 350 year-old colonization. The Spanish Era of Guam's history spanned from 1668 through 1898, when Father Diego Luis de San Vitores established a Catholic mission on the island. This period evidenced a multitude of Spanish-Chamorro wars, wherein Chamorros (typically led by their chief) resisted the Spanish and the ideology they preached. *Maga'lahi* (Chief) Hurao was one such chief who is most noted for his articulate speech that captures the essence of the time. Below is an excerpt from the speech delivered by *Maga'lahi* Hurao in 1671:

*The Spaniards would have done better to remain in their own country. We have no need of their help to live happily. Satisfied with what our islands furnish us, we desire nothing. The knowledge which they have given us has only increased our needs and stimulated our desires. They find it evil that we do not dress, if that were necessary, nature would have provided us with clothes. They treat us as gross people and regard us as barbarians. But do we have to believe them? Under the excuse of instructing us, they are corrupting us. They take away from us the primitive simplicity in which we live.*

*They dare to take away our liberty, which should be dearer to us than life itself. They try to persuade us that we will be happier, and some of us had been blinded into believing their words. But can we have such sentiments if we reflect that we have been covered with misery and illness ever since those foreigners have come to disturb our peace?...*

*The Spaniards reproach us because of our poverty, ignorance and lack of industry. But if we are poor, as they tell us, then what do they search for? If they didn't have need of us, they would not expose themselves to so many perils and make such efforts to establish themselves in our midst. For what purpose do they teach us except to make us adopt their customs, to subject us to their laws, and to remove the precious liberty left to us by our ancestors? In a word, they try to*



*make us unhappy in the hope of an ephemeral happiness which can be enjoyed only after death...*

*Let us not lose courage in the presence of our misfortunes. They are only a handful. We can easily defeat them. Even though we don't have their deadly weapons which spread destruction all over, we can overcome them by our large numbers. We are stronger than we think! We can quickly free ourselves from these foreigners! We must regain our former freedom!*

The Spanish Era was followed by the American Naval Era from 1898 until war time occupation by the Japanese Imperial Army in 1944. The Naval Era on Guam began when the island was purchased by the United States from Spain following the Spanish-American War. Guam was (and continues to be) a perfect example of colonial control and non-democratization in America. Native Chamorros were not afforded any form of representative government and were subjects of the auspices of shifting naval officers serving two-year terms in the capacity of governor. While some naval officers were more sympathetic to the local people than others, the relationship with the U.S. federal government was consistently cold and disempowering. There were a number of initiatives on the part of ruling Naval administrators that sought to give people on Guam a semblance of participation in government, such as in the establishment of a Guam Congress in 1917 that was solely an advisory body to the Naval administrators and the proposed Bill of Rights for the Chamorro people in an effort to establish civil rights recognized by the government. In the case of the latter, these efforts received no response from federal counterparts. Perhaps the most common experience of Chamorros during the Naval Era of Guam's history was the regulation of their lives by naval ordinances that prescribed daily living. Those who lived through this era described it as living on a Naval ship. Children were trained to march militantly in schools, public health officials conducted village inspections to ensure that communities were properly sanitized, and those ill with leprosy were confined to a specific part of the island and eventually exiled to the Philippines.

Guam's Naval Era was followed by the World War II Era from 1941 through 1944, when the Japanese Imperial Army invaded the island. The island's native people suffered major atrocities of war; including numerous group massacres, rapes, work encampment, and the enslavement of *palao 'an guerra* or comfort women to satisfy the sexual urges of Japanese soldiers. The war was a crime against the entire island, wherein the land, sea, way of life, and small scale economies of the island were destroyed. Guam's leaders and victims of war continue to testify in Congress to obtain compensation for the personal atrocities committed against Chamorros during the war period. The bill titled the Guam World War II Loyalty Recognition Act (HR44) is the more recent attempt at getting compensation. This pilgrimage to Congress continues even if it has been 66 years since the end of World War II. There were more than 22,000 people who lived through the war on Guam. Of that group, less than 1,000 are alive today, and more continue to die without compensation. Seeking war reparations in Congress is a flagrant example of the disregard for Chamorro human rights. Particularly because Chamorros were only colonial subjects and non-U.S. citizens at the time of the war, yet, Guam was invaded on account of being a U.S. possession.

Guam's World War II Era ended in 1944, when the United States came back to reoccupy the island. The recapture of the island resulted in a massive U.S. military bombardment to retake the island. Following the American re-entry onto the island, the island's people were moved into concentration camps while the

Navy rezoned the land. As a result of this process, those who lived in the coastal village of Sumay were relocated to the neighboring village of Santa Rita so that Sumay could be used for the U.S. Naval base in the southern part of the island. Following World War II, up to 82% of the island was taken by the Department of Defense for military purposes at its highest level of occupation. Since then, lands have been periodically returned resulting in the current occupation of roughly one-third of the island. Through advocacy of grassroots organizations such as *I Nasion Chamorro* or The Chamorro Nation, land programs have been initiated at the local level. However, the U.S.'s current military build-up plans entail additional land takings that will increase the percentage of U.S. military occupation of Guam to about 40%.

Another area of great concern for people living on Guam as a result of militarization is the impact of U.S. bases on the physical environment. In a correspondence dated February 8, 2010 from the Department of the Navy's Joint Guam Program Office (JGPO), Director John Jackson stated the following of the island's military cleanup sites:

*Of the 95 Air Force and Navy IRP [Installation Restoration Programs] sites on Guam, 41 have been cleaned up and the actions associated with those sites are complete; 22 sites have had all clean-up actions completed and are awaiting final administrative actions to be finalized before they are declared complete; 16 sites are in a long-term management status; 7 sites are undergoing clean-up; and 9 sites are undergoing feasibility studies or investigation to determine what future actions, if any, are required at those sites.*

It is disconcerting to know that on an island of 212 square miles, there are a total of 95 toxic sites. While there has been some progress made toward clean-up by the Department of Defense, it is worrisome that 16 sites are in a long-term management status and that nine sites are "undergoing feasibility studies and investigation to determine what future actions, if any, are required at those sites." What are the implications on the health status of the island's people if there is no action taken on such designated toxic sites?

While the island is ridden with military cleanup sites akin to an ecological disaster area, this does not take into account its radiation exposure as a result of the U.S. atomic bomb testing that occurred in the Marshall Islands between the 1940s and 1960s. According to Guam's Senator Ben Pangelinan, the National Research Council and the National Academy of Sciences have acknowledged that, "Guam did receive measurable fallout from atmospheric testing of nuclear weapons in the Pacific." Efforts to address the presence of radiation on Guam have not been made by the Department of Defense. While the Pacific Association for Radiation Survivors (PARS) continues to advocate for the inclusion of Guam on the Radiation Exposure Compensation Act (RECA) of Congress as downwinders; the island is only recognized in the compensation category of on-site participants, of which only those connected to military service on the island qualify and not the total exposed population of the island as in the case of downwinders compensation.

Indications of poor health outcomes have been reported for people on Guam- particularly for native Chamorros. The 2003-2007 Cancer Facts and Figures publication stated, "There has been an 18% increase in the annual, age-adjusted incidence rates, and a minor increase in mortality rates per 100,000



population" on the island (GCCCP, 2009, p. 2). It also indicated that there were reportedly disproportionately higher incidence rates of the following types of cancers for Chamorros: mouth and pharynx, nasopharynx, lung and bronchus, cervix, uterus, and liver. Scientific research has established the connection between exposure to toxic environmental sites and incidence of cancer. In addition, presentations from the Department of Public Health and Social Services personnel have indicated a recent rise in birth defects inclusive of the absence of eyeballs in babies and malformations of internal organs.

Another byproduct of militarism is the deferral of the inherent right of the Chamorro people to political self-determination. The continued colonial status of Guam affords the United States "maximum flexibility" with its Department of Defense expansion projects, implying the non-consent of the people. According to Captain Robert Lee, "... Guam is ideal for us because it is a U.S. territory and therefore gives us maximum flexibility." In the case of bases in foreign countries, the U.S. would have to enter into a Status of Forces Agreement, however, this is not necessary in the case of Guam. The population influx connected to the increased military presence has contributed to the political minoritization of indigenous Chamorros. This process is consistent with the colonial experience of indigenous peoples in nations such as Hawai'i, the aboriginal peoples of Australia, Native American tribes in the U.S., and the Taino Indians of Puerto Rico. The process of political minoritization ensures a lack of political power for native peoples in their respective homelands.

The final impact of the militarization of Guam to be discussed is the people of Guam's dangerously high rates of enlistment in the U.S. Armed Forces. A number of private and public high schools on the island, as well as the University of Guam all host J/ROTC programs. Two reasons that contribute to the high rate of enlistment are the limited economic opportunities on the island, as well as the high level of patriotism to the United States that came out of the World War II experience. While the choice to enlist in the U.S. armed forces certainly provides opportunities for employment, it also entails a number of safety risks. Consistent with high enlistment rates is the significant number of local people returning home deceased or disabled from wartime service.

### **History of Decolonization Efforts on Guam**

Public Law 23-147 which created the Commission on Decolonization supplanted the Commission on Self-Determination which was established in 1980 and mandated to conduct a public education program on five political status options: Independence, Free Association, Statehood, Commonwealth and Status Quo. After a series of public meetings, which were classified as educational efforts, a plebiscite was conducted in 1982. All registered voters of Guam were permitted to vote. In that plebiscite, the status options of Statehood and Commonwealth garnered the highest number of votes – however, neither option garnered 50% +1 to establish a majority. A run-off was held in which the Commonwealth status garnered the greatest number and a clear majority of the votes. *(A review of the Draft Commonwealth Act will reveal that Commonwealth status was never considered a permanent political status but rather a transitional mechanism through which the final status would be resolved and established.)*

In 1983, then Governor Ricardo J. Bordallo initiated efforts to develop a Draft Commonwealth Act, which was placed before the people on an Article by Article basis. Of the Articles that were placed before the people – two failed to garner the required 50%+1 to be accepted. A subsequent vote was held

on the two articles and both were passed. The Draft Commonwealth Act was then presented to the U.S. Senate and U.S. House of Representatives. The Draft Act was referred to the Committee on Resources and subsequently to the Subcommittee on Insular Affairs, Chaired by Virgin Islands Delegate, the Honorable Ron DeLugo, and on which Guam Delegate Antonio B. Won Pat was a Member.

The first hearing on the Draft Act was held in Honolulu by the Subcommittee. The Guam Commission on Self Determination was present at that subcommittee hearing and providing testimony were the following:

1. Governor Joseph F. Ada, Commission Chairman
2. Senator Francisco R. Santos, Vice Chairman and Chairman of the Guam Legislature's Committee on Federal and Foreign Affairs
3. Senator Madeleine Z. Bordallo, representing the Legislative Majority
4. Senator Marilyn Manibusan, representing the Legislative Minority
5. Judge Alberto Lamorena, representing the Superior Court of Guam
6. Mayor Francisco N. Lizama, Mayors Council Member
7. Attorney David Lujan, Public Member
8. Mr. Rufo Taitano, Public Member

Major disagreements surfaced at the public hearing, primarily objections posed by the Executive Branch of the Federal Government, voiced by then Assistant Secretary of Interior Richard Montoya, on the following provisions:

1. The article in the Draft Commonwealth Act which limits the final vote on self-determination to indigenous Chamorros as defined in the Draft Act was an issue of contention. The U.S. Department of Justice noted that there would be Constitutional Issues with such.
2. The article in the Draft Commonwealth Act which calls for MUTUAL CONSENT on any proposed changes to the Commonwealth Act after enactment. The U.S. DOJ argued that this would grant Guam veto power over the Congress and the federal government.
3. The article containing provisions for certain local authorities in the area of immigration.
4. The article containing provisions recognizing the independence of the Guam Judiciary (recognition of the decisions and citations by the Guam courts and the length of the probationary period when all decisions of the Guam courts would be reviewed by the 9<sup>th</sup> Circuit Court).

The Department of Interior, Office of Insular Affairs, was tasked with conducting negotiations between a federal task force (consisting of several federal agencies) to develop language that would be acceptable to both sides. Chair of the DOI team were Asst. Secretary Richard Montoya and Asst. Secretary Stella Guerra. Agreements were reached on several articles and issues, including the issue of immigration and the issue of independence for the Guam Judiciary.