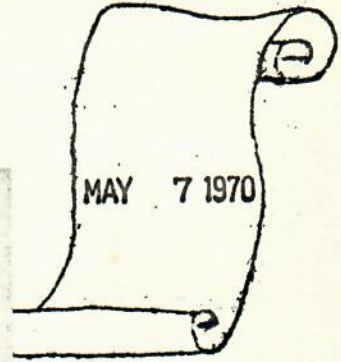


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FIRST CONSTITUTIONAL CONVENTION OF THE TERRITORY OF GUAM

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A large number of the propositions offered by delegates of the First Constitutional Convention affect the Organic Act's Bill of Rights.

The Bill of Rights guarantees fundamental rights and privileges to a people which may not be violated by the state. Improvements in Guam's Bill of Rights are sought by delegates Joseph Ada, Francisco Aguon, Joe Nededog, and Jose Barcinas--all of whom have proposed amendments to Section 5 of the Organic Act.

Joseph Ada, as chairman of the Bill of Rights Committee, has proposed most of the amendments. One of these is to guarantee the 'right of association' along with the rights of free speech, press, and assembly. This guarantee would ensure that no person could be prohibited from associating with a group for the advancement of beliefs and ideas not contrary to the law.

Ada supports this proposition with several references from the Hawaii Constitutional Convention Studies: '...the constitutional protection, extended to associations in recent years by the Supreme Court marks, in the opinion of some observers, one of the most important gains for civil liberties in constitutional history..Furthermore, the freedom of association encompasses all human interests, for it is immaterial whether the beliefs sought to be advanced by associations pertain to political, economic, religious, or cultural matters...

'The right to associate is not a mere synonym for free speech, press, assembly, and petition; rather, it imports a protective scope of its own not coincidental with that of the other First Amendment freedoms. Freedom of speech is the right to advocate beliefs and ideas; freedom of association is the right to associate for such advocacy.'

Another proposition by Ada guarantees the right of employees to collectively bargain through representatives of their choosing. Ada stated with regard to this that 'like private employers, government employees are able to band to-

gether to work out the details and conditions of their employment.' The proposition also states that labor organizations may not strike 'if such would threaten the health or well-being of the people of Guam.'

The present statute guaranteeing just compensation in case of the condemnation of property is considerably strengthened by another of Ada's propositions which states: 'Private property shall not be taken or damaged, as such latter term is defined by law, for public use of purpose without just and timely compensation; such compensation to include the fair market value, at the time of taking, of the good will of private businesses, as defined by the legislature, and such taking, to be subject to due notice and public hearing as to the necessity thereof as provided by law.'

Restoration of the voting rights of a felon who has been discharged is granted by a proposition which Ada defends with this statement from the Hawaii Constitutional Convention Studies: 'This amendment recognizes the fact that our prison system is designed to rehabilitate felons. After their release, they ought to re-enter society and feel that they are playing a full role in it. Excluding them from voting emphasizes their second class status and hinders rehabilitation.'

The increasing use of electronic devices and the enlarge-

ment of government's role in modern life instigated the insertion by Ada of a guarantee against 'unreasonable invasion of privacy' in the Bill of Rights.

The great progress in surveillance technology, including various sorts of tapping devices, lie detectors, and computers has awakened public awareness to the problem of the state's intrusion in the privacy of the individual. Ada stated that the states of Maryland, New York, Arizona, and Washington guard against this danger by providing protection in their constitutions.

Propositions affecting the judicial system have been submitted by Ada and Jose Barcinas. Ada's proposition would guarantee free counsel for indigent dependents in criminal cases. Barcinas' proposition guarantees the right to trial by jury except in cases where the accused is charged with a petty offense. In common law suits of less than \$20.00 trial by jury is not guaranteed.

Joe Nededog's addition to the Bill of Rights would ensure protection of the people from dangerous military activities in peace time.

Francisco Aguon's contribution is a general statement called the 'rights of man' and reads: 'All persons are free by nature and are equal in their inherent and inalienable rights. Among these rights are the enjoyment of life, liberty and the pursuit of happiness, and the acquiring and possessing of property.'

Improvements Sought In Guam's Bill Of Rights