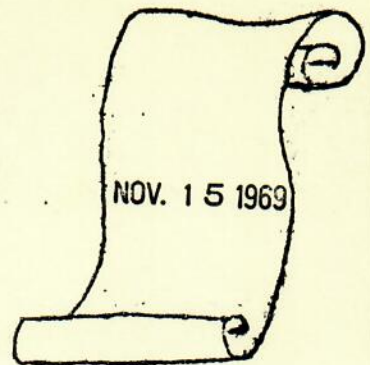


PUBLIC INFORMATION OFFICE

PEREZ BROTHERS BUILDING, SECOND FLOOR
BOX 1, AGANA, GUAM



At Convention Hearing

Protests Aid To Private Schools

A very successful public hearing was held by the Constitutional Convention's Legislative and Judicial Council Wednesday in Dededo. Significant contributions were made concerning public aid to private education, collective bargaining wiretapping, a code of ethics, the death penalty, academic freedom, and judicial and legislative organization.

Protesting public aid to private education Jose Guerrero said, "If we give money to the private schools, the public schools will be lacking even more than they are now. We are far behind stateside salaries for teachers, and our teachers are complaining about this. Their salaries should be raised, and we can't afford to do this if we give our money to the private schools."

Mrs. Romana Mendiola registered support of limited aid to the private schools. She felt that aid should be granted for the purchasing of textbooks and certain types of equipment but that building or teacher salary costs should not be subsidized by public money. She said, "They're also taxpayers and entitled to some aid. I am in favor of limited aid."

This sort of limited aid is being proposed by the Convention's Bill of Rights Committee.

Other proposals for the new Bill of Rights brought these comments: Jose Guerrero advocated the guarantee of the right to collectively bargain. He said, "If it's done correctly, it will

be helpful to all people here--including the government." He cited the present situation facing Guam's teachers which has resulted from the government's hesitation to grant collective bargaining rights to them.

The guarantee of privacy from wiretapping was not defended as vigorously, however. Guerrero stated, "I believe in privacy 100%. But I think that if someone is suspected of committing a crime, this kind of evidence may be needed in the court."

A code of ethics for the government was approved by Guerrero and Mrs. Mendiola. Guerrero said, "A code of ethics is long overdue. This has been an issue in the Legislature for four years, and has never passed. If it doesn't pass, there must be something 'funny' going on."

Mrs. Mendiola said she would like to see a code of ethics, as there were "too many injustices" occurring right now. She said that if such a code were created, it must be enforced.

One of the Bill of Rights Committee's proposals protects all people from the death penalty. However, the opinions expressed in Dededo seem to indicate that the public desires "an eye for an eye". Jose Guerrero, Romana Mendiola and Patricia Potter defended having the death penalty on Guam.

Guerrero said, "In the last five years there has been more killing on the island than in the last thirty--outside of the war.

When a person who has committed murder is given a two year suspended sentence and a fine of \$250 (the same amount as a fine for certain traffic violations), why shouldn't he commit murder?"

Mrs. Mendiola also feared the increasing crime rate and felt that the death penalty must exist "to keep people from taking crime too lightly."

Patricia Potter agreed and said that capital punishment should exist - particularly in the case of murder.

Speaking to the Bill of Rights Committee chairman, Joseph Ada, Mrs. Potter also made these requests: "I feel government employees should have the right of every citizen to freely engage in campaigning after his working hours." Presently campaigning by government employees is prohibited at all times. Mrs. Potter said, "Before 8:00 a.m. and after 5:00 p.m. he should have the right to campaign as any other citizen."

She felt that "the right to know" as guaranteed by the proposed Bill of Rights should be included in the new constitution as a guarantee to all taxpayers. She said, "Any taxpayer should have the right to look at any governmental records at any time."

Another progressive proposal for the new Bill of Rights is the prohibition of the condemnation of any printing machinery or other materials used for publications of any kind. Mrs. Potter caution-

ed the committee members however, that printed matters judged to be indecent or "abnormal" should not be protected against such confiscation.

Both Mrs. Potter and Mrs. Mendiola recommended only limited academic freedom. Mrs. Potter felt that only at the university level should academic freedom be guaranteed. "At secondary and elementary levels it can be too dangerous."

The re-organization of Guam's courts was a subject which generated many comments from the Dededo residents. To stimulate discussion the delegates presented a plan to the people which separates the federal courts from the local courts. This system is employed by all the states and there has been some discussion about adopting such a plan for Guam.

As David Terlaje, chairman of the Legislative and Judicial Council, explained, the District Court now handles both local and federal cases. If two separate

court systems were created, all local cases would begin in the Police Court or Island Court, depending on the nature of the crime, and would end, if appealed; in a n island supreme court. If the defendant is unsatisfied with the Guam Supreme Court's decision, he could then appeal his case to the U.S. Supreme Court. However, Terlaje pointed out that only one out of every one-hundred cases appealed in this manner is actually heard by the U.S. Supreme Court.

When David Lujan asked, "What is wrong with our present set-up?", Terlaje gave this example: "The Federal Government is condemning the land along Marine Drive. Suppose a man from Dededo has his land condemned and he chooses to protect the action in court. Now he would go to the District Court which hears federal and local cases. His chances would be better in a purely local court wherein the judge is aware of the fair market value of the land. A federal judge could be prone to protect federal interest. This is the same feeling you find in any state."

Lujan opposed the separation of federal and local courts, however, on the grounds that the cost would be higher.

Legislative organization was also considered. Unicameral and bicameral systems received equal support, with Mrs. Potter favoring the former on the basis that the territory is not large enough to warrant a bicameral legislature, and Mrs. Mendiola supporting the latter because of the more thorough review of legislation when two houses exist.

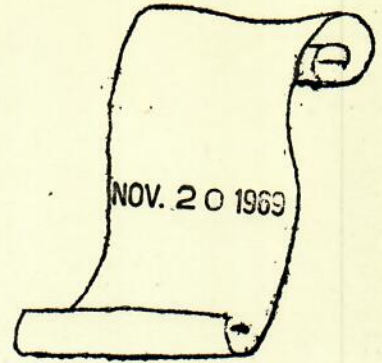
Mrs. Potter favored districting but suggested that Guam follow the example of Hawaii by excluding the military from the population census to determine districts.

Jose Guerrero, on the other hand, said, "We should include those military people who wish to vote here. We forget that most of our tax money comes from the military and federal employees. We get their tax money and we love it. Why now do we set them aside? Let's make them feel welcome like we welcome the tax money!"

FIRST CONSTITUTIONAL CONVENTION OF THE TERRITORY OF GUAM

PUBLIC INFORMATION OFFICE

PEREZ BROTHERS BUILDING, SECOND FLOOR
BOX I, AGANA, GUAM



Districting Wins Favor In Mongmong

Districting was favored by the residents of MongMong attending the public hearing held there Saturday night by the Legislative and Judicial Council of the First Constitutional Convention.

Jesus Villagomez, Reverend Henry Dykema, and Jose Farfan, commissioner of MongMong-Toto-Maite, all spoke in favor of requiring district representation in the Guam Legislature.

Villagomez said that each district, with its own peculiar needs would be better served in the Legislature if it had its own senator. Reverend Dykema said, "Districting will give the community better and more responsible representation in the Legislature...it will enhance and improve our legislative body."

Commissioner Farfan advocated dividing the island into seven districts, each district being allowed two senators. Seven senators would be elected at large to give a total of twenty-one. He felt that each district would have a better chance of obtaining needed services this way. Presently, it is difficult for small districts to attract attention to their problems.

While speaking about improvements needed in Guam's judiciary Farfan said he believed that the commissioners' court should be dissolved, because the commissioner is also a peace officer and could not, therefore, fairly dispense justice. He favored creating a local Supreme Court, but added that if the federal government chooses to move the District Court (which would be a purely federal court if Guam created its own local court system) to the mainland, this could cause problems of expense for the people to be tried in that court.

Reverend Dykema spoke on the issue of public aid to private education and cautioned the delegates to leave the possibility for such aid open in the Organic Act. He said that although now may not be the right time to grant such aid, the time may come in the future when it is the wise thing to do.

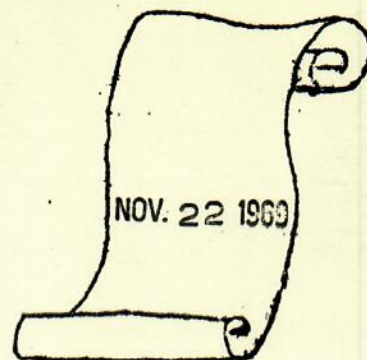
He said, "When the state took the responsibility for educating its citizens, it was bound to refrain from imposing religious views in the school. However, I believe that whether education is taught in a private or a public school, there is still a sense of values or morals which is used as a perspective. It may not be taught formally, but it does develop certain concepts which constitute a religious perspective. When only public schools are given money, the government is discriminating against a certain religious perspective. I think the possibility for religious schools to be given aid should be left open."

Reverend Dykema also spoke against capital punishment, thus favoring the proposal of the Convention's Bill of Rights Committee to include a guarantee of protection from capital punishment in the new constitution. He said, "There's always a slight possibility of making an error. If one person is executed who is later found to be innocent, we have brought something terrible upon ourselves."

Commissioner Farfan felt that the right to recall public officials from their offices should be guaranteed to the people. He said, "If I'm derelict in my duties, I deserve to be removed."

PUBLIC INFORMATION OFFICE

PEREZ BROTHERS BUILDING, SECOND FLOOR
BOX I, AGANA, GUAM



Agat Residents Express Concern Over Just Compensation For Land

Residents of Agat expressed concern Tuesday over the apparent neglect of Section 5 (f) of the Organic Act which states that private property may not be taken by the government without just compensation.

Jose Rivera stated that much land has been confiscated by both the federal and local governments and that the original owners were not compensated.

Andrew Gayle, legal counsel for the Convention, reminded the people that the person who feels he has been unfairly treated must assert his rights within a reasonable period of time (before the statute of limitations runs out.) If all witnesses have died or the records have been lost, the claim will have no proof.

Commission Tomas Muna of Agat complained that much of the land in Agat was condemned by the government but the private owners are still paying taxes on it.

Joaquin Chaco added that some people whose lands were taken by the Navy did receive payments, but that when the Government of Guam took over, the land, the payments stopped.

In general, there seemed to be much dissatisfaction with the process of compensation for land claimed by the government; however, Andrew Gayle told the people that those who have been unfairly treated should petition the Legislature to pass special le-

gislation regarding this issue. He felt that a constitution, as a general document, should not contain provisions to deal with a specific situation such as this.

The Bill of Rights for the new constitution was discussed, and the following recommendations were made: Marshall Sablan favored capital punishment to be used in cases of treason or of the murder of a police officer. He also felt that discharged felons should be granted the right to vote.

Antonio Sablan recommended a change in the following clause: "The employment of children under the age of fourteen years in any occupation injurious to health or morals or hazardous to life or limb is prohibited." Sablan suggested that the age of fourteen as stated in the provision be changed to sixteen. This, he felt, would be more in keeping with the end of compulsory school attendance at age sixteen.

James H. Allendoerfer asked the delegates about that proposed guarantee of academic freedom: "What is academic freedom? How does this guarantee

improve on the already existing guaranteed of free speech?" He suggested that the classroom activities of a teacher or professor are usually controlled by the administrators of the individual school or university and expressed doubt that it is necessary to spell out such a freedom by statute.

When it was explained that implicit in this guarantee is an assurance that tenure will not be lost as a result of teaching methods or philosophy, Allendoerfer said that he felt the existing situation of having most teachers and professors here on two year contracts eliminated this supposed advantage of the guarantee.

Both Allendoerfer and Edward Aguon opposed the reorganization of Guam's courts to separate local courts from federal courts. Aguon stated that only five to eight cases are appealed from the District Court on Guam to the Ninth Circuit Court in San Francisco each year. So to establish a Supreme Court on Guam (which would be necessary if the two court systems were separated) would not be worth the cost.

Allendoerfer said, "If we had our own Supreme Court, we would have to pay the salaries of many new judges, have a new courthouse, publish all opinions of the court, pay for juries in felony cases, and pay all grand juries." He felt the island is not ready for this extra burden.

His second point was that presently Guam has only two judges with legal training. He said that those judges who would sit in a Supreme Court must have not only wisdom but also legal training.

Antonio Sablan then suggested that the delegates consider amending the Organic Act to state that all persons considered for appointment to the bench must have legal training. He said, "Education--not just experience--is essential. How can a person be given the right to pronounce judgment without this?"

When legislative organization was discussed, all those who spoke expressed the desire for district representation. However, they opposed including the military in the population count to determine districts. Now the Organic Act requires that districting be done on the basis of the Federal Census--which does include the military. Antonio Sablan stated: "Why do we have to use the Federal Census? Can we have our own local census? The military does not participate in campaigning or voting--why should they be included in districting?"



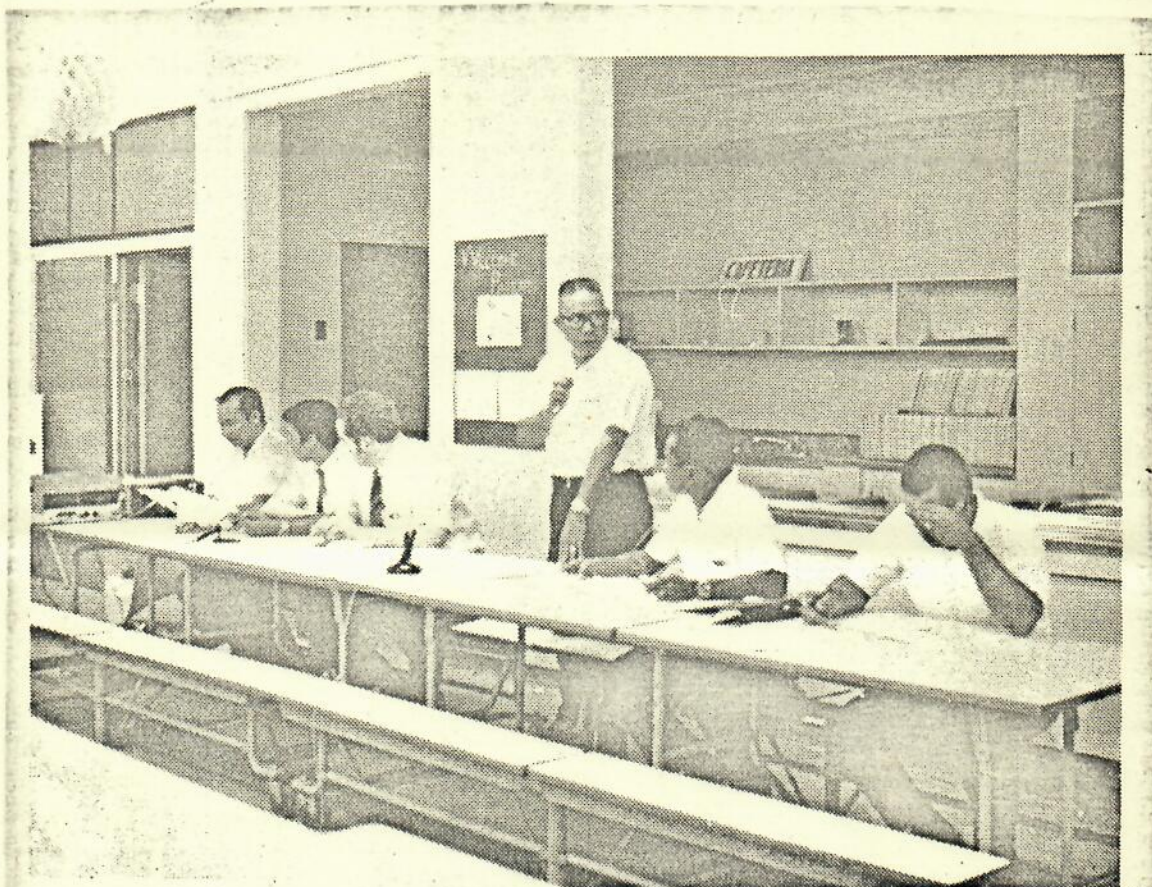
Antonio Babauta opposed counting the military for purposes of districting.



James Allendoerfer speaks against court reorganization, stressing the fact that it would be too costly for Guam. He said, "We would have to pay the salaries of many new judges, publish the court opinions, have another courthouse, and pay for grand juries."



Joe Rivera asked the delegates to re-evaluate the portion of the Bill of Rights which guarantees just compensation for property taken by the government.



Delegates of the Convention are introduced to the people of Agat during the hearing held there last week. Left to right are Charles Toves, William Flores, Andrew Gayle (legal counsel), Joe Quintanilla, Joe Nededog, and Greg Borja.