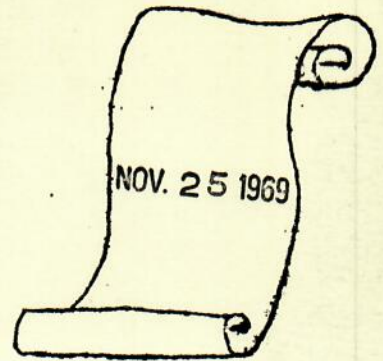


FIRST CONSTITUTIONAL CONVENTION OF THE TERRITORY OF GUAM

PUBLIC INFORMATION OFFICE

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



## Suggest Organic Act Change

Former Guam legislator Paul D. Palting suggested an amendment to the Organic Act to the delegates of the First Constitutional Convention at the public hearing held in Tamuning.

His recommendation is to exclude "all aliens, civil service employees, military personnel and their dependents, and all transients who maintain their legal residence elsewhere" from inclusion in the population census for the purpose of districting.

Palting felt that this would eliminate the present problem of attempting to provide district representation for the island using the Federal Census as is required by the Organic Act.

Palting's recommendation would seem to be the answer to the complaints of most people who have attended public hearings of the Legislative and Judicial Council and who have voiced their approval of districting but their distaste for including the large transient population.

Palting did say, however, that "it might be equitable to provide some means by which military and civil service groups can express their points of view in our Legislature." He suggested that these groups be allowed to have representatives who would serve on committees, have the right to be heard on the floor, and have the right to introduce bills. However, they would not be allowed to vote.

Palting opposed reorganization of the judiciary branch to create two separate court systems--local and federal. He said, "I am not in favor of two separate and distinct court systems with no appeals (except involving Federal questions) beyond the highest local court."

In answer to the delegates' question: "Should judges be elected on a partisan basis?" he said "Judges should be removed from politics and should not be elected on a partisan basis."

The proposals of the Bill of Rights Committee brought forth these comments from Tamuning residents:

Pete Sgro on public aid to private education: "We should assist them. They are entitled to some aid. The parents of those children are taxpayers, too."

Frank D. Perez on granting the right to vote to a felon after he has served his term: "If a person serves his sentence, he should be given the same rights as any other individual. If he elects to run for office, I am for that, too."



# Agat Tells Committee How It Is

Guam's constitution-writers got an earful in Agat when the Legislative and Judicial Committee of the First Constitutional Convention held the scheduled public hearing there.

In January, following three rounds of village meetings, delegates to the convention will meet to write the document, designed to replace the Organic Act of 1950 as the basic law of government in Guam.

In Agat, one bone of contention was the apparent neglect of the section of the Organic Act which guarantees that private property may not be taken by the government without just compensation.

Jose Rivera said 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, he said, the claim will have no proof.

Commissioner Tomas Muna

of Agat complained that much of the land in Agat was condemned by the government but that 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.

Gayle told the people that those who have been unfairly treated should petition the Legislature regarding this issue. He felt that a constitution, as a general document, should not contain provisions to deal with a specific grievance.

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 guarantee 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, he argued, 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."

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.

The Organic Act requires that districting be done on the basis of the federal census — which include the military.

Sablan asked, "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?"

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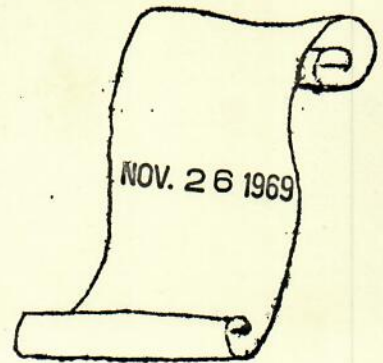
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PEREZ BROTHERS BUILDING, SECOND FLOOR  
BOX I, AGANA, GUAM



# Views on Education, Census, Judiciary Discussed at Tamuning

Paul D. Palting, former member of the Legislature, suggested at a public hearing of the First Constitutional Convention in Tamuning recently that any districting of the legislature should exclude all but bona fide residents of Guam from the basis for such districts.

His recommendation is to exclude "all aliens, civil service employees, military personnel and their dependents, and all transients who maintain their legal residence elsewhere" from inclusion in the population census for purpose of districting.

Palting felt that this would eliminate the present problem of attempting to provide district representation for the island using the Federal Census as is required by the Organic Act.

Palting's recommendation would seem to be the answer to the complaints of most people who have attended public hearings of the Legislative and Judicial Council and who have voiced their approval of districting but their distaste for including the large transient population.

He did say, however, that "it might be equitable to provide some means by which military and civil service groups can express their points of view in our Legislature.

He suggested that these groups be allowed to have representatives who would serve on committees, have the right to be heard on the floor, and have right to introduce bills. However, they would not be allowed to vote.

Palting opposed reorganization of the judiciary branch to create two separate court systems—local and federal. He said, "I am not in favor of two separate and distinct court systems with no appeals except involving federal questions beyond the highest local court."

In answer to the delegates' question: "Should judges be elected on a partisan basis?" he said, "Judges should be removed from politics and should not be elected on a partisan basis."

The proposals of the Bill of Rights Committee brought forth these comments from Tamuning residents:

Pete Sgro on public aid to private education: "We should assist them. They are entitled to some aid. The parents of those children are taxpayers, too."

Frank D. Perez on granting the right to vote to a felon after he has served his term: "If a person serves his sentence, he should be given the same rights as any other in-

dividual. If he elects to run, for office. I am for that, too."

Palting disagreed with Perez, stating, "There should be no right to vote for felons. Each individual should be treated on a case by case basis and his right should be

restored only after he has demonstrated that he has earned such right.

Many states have either a legislative committee or other agency to pass on forfeited rights and determine whether or not they should be restored."



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# Villagers Continue Hearings On Constitutional Convention

A bill of rights and the legislative and judicial branches of government are the subjects under discussion in the current round of public hearings in the villages by the Constitutional Convention of Guam.

Early next year, the Convention will go into full session and its elected delegates will write the Constitution of Guam authorized by the Legislature.

The Constitution is anticipated to be the replacement for the Organic Act of 1950, Guam's present document of government, and it will have to be adopted by the U.S. Congress to have any force.

In recent public hearings, residents of Talofofo, Chalan Pago and Merizo had their say. Here are some of the opinions expressed:

Jesus Herrera, of Talofofo, favored a bicameral legislature because of the more thorough screening received by legislation passing through two houses. Francisco Cruz also felt that Guam should return to the prewar bicameral system such as forty-nine of the states have.

Marvin Zamora, of Chalan Pago, disagreed. He suggested that the additional expense associated with more staff,

greater building space, and additional salaries would be too large a burden for Guam.

Herrera also proposed the creation of a board to review the legislative budget. Andrew Gayle, the convention's legal counsel, said that some states have such boards, called Boards of Estimate, which study the budget before it is passed.

Zamora said that the terms of legislators should last for four years and that they should be staggered so that not all senators run for re-election at the same time.

The Bill of Rights Committee heard these reactions to their proposals during the hearings:

Favoring public aid to private education were Francisco Cruz of Talofofo and Larry Ramirez Jr. of Chalan Pago.

Dissatisfaction with the apparent lack of adherence to the Organic Act requirement that just compensation be paid for private property taken for public use was expressed by Commissioner Francisco Chargalauf and Jose C. Baza of Merizo.

Chargalauf said certain lands in Merizo were taken for use as public roads but that the original owners are still paying the property tax on the

land.

Juan Cruz of Merizo recommended changing the compulsory school ages from the present 6 to 16 to 5 to 18.

Marvin Zamora of Chalan Pago favored the guarantee of the right of collective bargaining — especially to government employees. He also favored granting the public the rights of initiative, referendum, and recall to give the people a direct voice in law-making.

He argued if the people had the right to recall their public officials, these officials would be "kept on their toes" at all time and would be constantly reminded that they are public servants.

In the same vein, Zamora said he felt a code of ethics would serve to prevent public officials from developing unconcerned or blase attitudes.

Zamora further stated that he was "not for or against public aid to private education, but that it is unconstitutional as stated in the Organic Act."

He concluded by saying that the jurisdiction in the territory with regard to violations of both local and federal laws.