

Interior OKs compact-impact funding

By Jerick Sablan
Pacific Sunday News
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The Department of Interior has approved the administration's requests for compact-impact funding for fiscal 2013.

"The requests we made for FY2013 compact-impact funds reflect the priorities we had for this fiscal year to cover the needs of our community," Gov. Eddie Calvo stated in a press release from his office.

Different agencies will receive additional money through the compact-impact funding.

The funding is given to Guam to help host regional migrants. In recent years, Guam has consistently received about \$16 million of what's

called compact-impact funding, which helps Guam and other U.S. jurisdictions cope with regional migrants. The Compacts of Free Association allow citizens of the Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands to immigrate freely to the United States.

Calvo made the request last August. U.S. DOI Director of Insular Affairs Nikolao Pula approved the request this week, the release states.



Calvo

BY THE NUMBERS
\$2.52 million for public safety communication system
\$350,000 for new police cars
\$6 million to Guam Memorial Hospital to pay medical related outstanding debt
\$350,000 to fix Department of

The Guam Police Department will receive an initial \$2.52 million investment to ensure the islandwide public safety communications system remains operational, the release states. The system runs and networks all police and other law enforcement radios and radar. An additional \$350,000 will be used to purchase

Public Works seven satellite facilities
\$200,000 to Department of Integrated Services for Individuals with Disabilities for individualized budget program
\$300,000 to Bureau of Statistics and Plans for centralized data center project

Pacific Sunday News

police cars to augment the existing fleet, the release states.

Guam Memorial Hospital will get \$6 million to provide financial assistance to the hospital for payment of medical-related outstanding debt.

The Department of Public Works will receive \$350,000 to renovate and repair its seven satellite facilities

which are in bad condition, the release states.

The Department of Integrated Services for Individuals with Disabilities will receive \$200,000 for its individualized budget program. This funding will provide about 100 individual grants to help consumers with disabilities to lead more independent lives, the release states.

The Bureau of Statistics and Plans will receive \$300,000. It will use \$200,000 to create a "one-stop" data clearinghouse, the release states. Another \$100,000 will be used to image and archive documents, allowing for web-based search and document retrieval, the release states.

Davis appeals plebiscite suit to 9th Circuit

By Brett Kelman
Pacific Sunday News
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A controversial lawsuit over plans for a Chamorro-only plebiscite vote has been appealed to a higher court in California.

Local resident Arnold Davis filed a notice of appeal in the District Court of Guam on Thursday. A District Court judge dismissed Davis' lawsuit earlier this month.

The details of the appeal are not yet available. Although the appeal has been filed in the 9th Circuit Court of Appeals in California, the case documents aren't yet accessible.

Political status

The plebiscite is intended to measure the preferred political status of Guam's native inhabitants. The plebiscite is limited to people who fit the legal definition of "Chamorro" — those who became American citizens by the Organic Act of Guam in 1950. The vast majority of these residents also are ethnically Chamorro.

Davis, who is neither legally nor ethnically Chamorro, argued that the proposed plebiscite was discriminatory on racial grounds.

Lawsuit dismissed

His lawsuit was dismissed because GovGuam has not scheduled any plebiscite in the near future, which the court said made his arguments moot. GovGuam officials have said they hope to hold a plebiscite vote in 2014, but nothing has been scheduled.

Although Chief Judge Frances Tyindgo-Gatewood dismissed the plebiscite lawsuit, she didn't rule on any of the questions it raised about ethnicity or discrimination. If a plebiscite vote is scheduled at a later date, the lawsuit can be re-filed, Tyindgo-Gatewood said in her order.

The new appeal in this case seeks to reverse the dismissal. If successful, the appeal would force the District Court of Guam to tackle the lawsuit regardless of whether a plebiscite vote has been scheduled.

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Plebiscite suit on appeal to 9th Circuit Court

By Geraldine Castillo
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Variety News Staff

JUST a few weeks after a lawsuit against the local government and the Guam Election Commission was dismissed in federal court, Yigo resident Arnold "Dave" Davis is taking his case to the Ninth Circuit Court of Appeals.

The appeal, filed Jan. 31 by Davis' attorneys, comes three weeks after District Court Chief Judge Frances Tydingco-Gatewood issued her decision to dismiss the case.

The lawsuit was dismissed without prejudice, which means Davis can choose to re-file his case if he can demonstrate a plebiscite has been scheduled.

"Until the plebiscite he seeks to register for is 'certainly impending,' he has no claim," the chief judge had said.

Shortly after the ruling, Davis' attorney, J. Christian Adams, expressed disappointment and said they intend to appeal the case to the Ninth Circuit where they are hopeful existing Supreme Court precedent will lead to a reversal and remand.

"Mr. Davis had argued that a citizen is injured when they are denied the right to fully participate in any political process. Even GovGuam did not find the ripeness argument to have enough merit to bring it in the first place," he said in an issued statement in January. "Regardless, no plebiscite election will ever take place on Guam without the discriminatory problems being fully litigated."

Davis filed his complaint more than a year ago, alleging discrimination in the voting process after he was denied from registering with the Guam Decolonization Registry, which was to be used for a plebiscite. The plebiscite was to gather the votes of those in the registry on their preferred political status for Guam. The choice would then be communicated to the U.S. Congress; however, it would not determine the island's political status.

David claimed racial discrimination and a violation of his voter rights. Davis was unable to register because he did not meet the requirement of being a "native inhabitant of Guam," which was defined "as a person who became a U.S. citizen by virtue of the 1950 Organic Act and a descendant of such person."

Tydingco-Gatewood dismissed the case at the recommendation of Magistrate Judge Joaquin Manibusan on grounds that no plebiscite has been scheduled to merit his claims of discrimination in the voting process.

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VERTICAL FILES
AND PUBLIC LIBRARY SYSTEM
MAY 2, 2013

Second Adelup briefing discusses more improvements

By Zita Y. Taitano
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Variety News Staff

THE implementation of a new system at the Guam International Airport Authority was among the topics discussed yesterday during the second briefing given by Frank Arriola, the governor's chief of staff.

According to Arriola, GIAA has reduced traffic at Immigration from 60 minutes to as low as 10 minutes through a new program called the Electronic System of Travel Authorization, or ESTA.

ESTA costs passengers \$14 and takes three days to process. Arriola noted that most of the passengers coming from Japan and Korea already have the new system, which was implemented in the final quarter of 2010.

The airport also introduced a barcode reader for baggage, making it faster to accept and sort baggage so customers don't have to wait for a long period of time. The barcode reader was implemented on March 28.



▲ Frank Arriola, the governor's chief of staff, speaks to the media during his second weekly briefing to keep the public aware of government operations. Arriola is holding the weekly briefings to help ensure transparency within the Executive branch.

DISID

During the briefing, Ben Servino, director of the Department of Integrated Services

Court approves Anne Hattori 'amicus' brief

By Zita Y. Taitano
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Variety News Staff

DISTRICT Court of Guam Magistrate Judge Joaquin Manibusan Jr. has approved the motion to file a brief as amicus curiae for University of Guam Professor Ann Perez Hattori.

The motion was filed on her behalf by attorney Julian Aguon.

The document was in connection with the plebiscite case filed by Arnold "Dave" Davis, who claims his voting rights were violated when he was prevented from registering in the Decolonization Registry because he's not a native inhabitant of Guam.

Aguon said the court formally granted the motion and accepted the amicus curiae.

He explained the brief was intended solely to elucidate their contention that the lawsuit is not right for adjudication.

The court document notes that Hattori meets the definition of a "native inhabitant of Guam" defined as those who

are descendants of residents who gained U.S. citizenship through the Guam Organic Act.

The court document also noted that Hattori has a "direct personal interest" in the case if any decision is made.

In the brief in support of the motion to dismiss, it was stated that the lawsuit by Davis does not deal with the discrimination of race or safeguarding of civil rights, but only "seeks to deny a multi-racial, multi-ethnic group of people, namely the pre-1950 residents of Guam and their descendants, from effectively exercising their right to express by plebiscite their desires regarding their future political relationship with the United States of America."

The actual court hearing on the plebiscite isn't expected to be heard until April 22, 2013 at 9:30 a.m. before District Court Chief Judge Frances Tydingco-Gatewood. Prior to that, there will be a preliminary pre-trial conference hearing set up this year and early next year.

ERRATUM

In the Monday, April 9, 2012 edition of the Variety, the outline for the page 1 photo should have read that the DSV Deepsea Challenger and the unmanned lander DOV Mike met up at about 1,100 meters below the surface. In addition, the Deepsea Challenge article on page 3 of the same issue should have read that the Challenger Deep measured 35,756 feet below the surface of the ocean. The Variety regrets the errors.

for Individuals with Disabilities, clarified the plan to dock employees' pay if they come in late for work.

Servino explained that the situation would be on a case-by-case basis.

"The rules have been so lax in the past. I'm trying to make the employees understand that accountability needs to be addressed," he said, adding he's checked the time sheets which showed at least 90 percent of the employees now come in before 8 a.m.


GFD

Arriola also touched briefly on the Guam Fire Department entering the next phase of its ambulance billing contract with LifeQuest Services

regarding Laptop/Toughbook training.


GFD spokesman Lt. Ed Artero said representatives from LifeQuest Services are on-island this week to conduct training and introduce the ambulance billing software. All uniformed personnel in GFD will be undergoing training this week at the Guam Homeland Security/Office of Civil Defense facility in Agaña Heights and at the Outrigger Hotel in Tumon.

Once completed, the company will provide laptops/toughbooks to all ambulance and ALS units to increase GFD's ability to collect ambulance service fees at a faster rate.



GHURA

Guam Housing and Urban Renewal Authority
Aturidat Ginima' Yan Rinueban Siudad Guahan
117 Bien Venida Avenue • Sinajana, Guam 96910
Phones: (671) 477-9851 • Fax: (671) 300-7565 TTY# (671) 472-3701



Edward J.B. Calvo
Governor

Raymond S. Tenorio
Lieutenant Governor

**NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND
NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS**
Project 1: Sagan Linahan Rental Rehabilitation
Project 2: Staff Housing Rental Rehabilitation
THIS AD PAID FOR WITH HUD FUNDS by GHURA

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the Guam Housing and Urban Renewal Authority.

REQUEST FOR RELEASE OF FUNDS

On or about the April 24, 2012, the Guam Housing and Urban Renewal Authority (GHURA) will submit two requests to the Director of the Office of Community Planning and Development, U.S. Department of Housing and Urban Development, Hawaii State Office-Pacific/Hawaii Region, for the release of funds of the Community Development Block Grant, Title I of the Housing and Community Development Act of 1974; Grant #B-11-ST-66-0001. The funds will be used for the rehabilitation of homes in the following areas: (Project 1) 10 homes at Saha Linahan, Dededo, and (Project 2) 5 homes of the former teacher staff housing at Talofoto and 5 homes of the former teacher staff housing in Merizo.

	Project / ID Number	Project Locations	Budget Amount
PROJECT 1	CDBG/B11-12	Tract 1113, off of Route 28 and Chalan Hilltai in Dededo, adjacent to the Astumbo Elementary School (10 homes)	\$650,000
	TOTAL		\$650,000
PROJECT 2	CDBG/B11-13	Tract 261, on Togcha Street and Sabana Drive in Talofoto (5 homes) Lot 402, on Halaoan Street and Cruz Avenue in Merizo (5 homes)	\$675,000
	TOTAL		\$675,000

FINDING OF NO SIGNIFICANT IMPACT

GHURA has determined that these projects will have no significant impact on the human environment. Therefore, Environmental Impact Statements under line National Environmental Policy Act of 1969 are not required. Additional project information is contained in the separate Environmental Review Records (ERRs) at GHURA's Main Office, located at 117 Bien Venida Avenue, Sinajana, Guam and may be examined or copied weekdays 8:00 a.m. to 5:00 p.m.

PUBLIC COMMENTS

Any individual group or agency disagreeing with this determination or wishing to comment on either both projects may submit separate written comments for each project to GHURA's Main Office, Attention: Albert Santos, Architectural and Engineering Division. All comments received by April 20, 2012 will be considered by GHURA prior to submission of a request for release of funds. Commenters should specify which notice they are addressing and which project they are addressing.

RELEASE OF FUNDS

GHURA certifies to the Director of the Office of Community Planning and Development, U.S. HUD, Hawaii State Office-Pacific/Hawaii Region that the Honorable Eddie Baza Calvo in his capacity as Governor of Guam consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. The U.S. Department of HUD Hawaii State Office's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows GHURA to use program funds.

OBJECTIONS TO RELEASE FUNDS

The Office of Community Planning and Development, U.S. HUD Hawaii State Office-Pacific/Hawaii Region will accept objections to its release of funds and the GHURA certification received by April 24, 2012 + 15 days or a period of fifteen days from its receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer or other officer of GHURA approved by the Director of the Office of Community Planning and Development, U.S. HUD Hawaii State Office-Pacific/Hawaii Region (b) GHURA has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient or other participants in the project have committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by the U.S. HUD Hawaii State Office-Pacific/Hawaii Region; or (d) another Federal agency acting pursuant to 40 CFR 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to Mr. Mark Chandler, Director, Office of Community Planning and Development Division, U.S. Dept of Housing and Urban Development, Hawaii State Office-Pacific/Hawaii Region at 1132 Bishop Street, Suite 1400, Honolulu, Hawaii 96913; (808) 457-4678. Potential objections should contact the aforementioned office to verify the actual last day of the objection period.

EDDIE B. CALVO
Governor of Guam

* District court of Guam

Davis files for class action certification in discrimination suit

By Janela Buhain Carrera
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Variety News Staff

ARNOLD "Dave" Davis yesterday filed a motion in the District Court of Guam to certify his lawsuit as a class action. Davis is challenging the Guam decolonization plebiscite, that it is unconstitutional as it discriminates against non-Chamorros.

Additionally filed were the declarations of Davis' attorneys, J. Christian Adams and Michael E. Rosman.

Davis argues that the lawsuit should be certified as a class action as the proposed class consists of all registered voters of Guam "who cannot register to vote in the plebiscite solely because they are not 'native inhabitants of Guam.'"

Davis then cites the prerequisites for the class action under Rule 23(a) of the Federal Rules of Civil Procedures. He believes that although he is the only plaintiff identified by name, "requirements of numerosity, commonality and typicality are met unambiguously by this class."

Violated

Davis claims his voting rights were violated when he tried to register for the Decolonization Registry but was denied because he is not a native inhabitant of Guam.

The lawsuit has drawn partisan and contrasting reactions from both the American left and the right-wing conservative block.

The Guam Decolonization Registry was created to delineate Guam residents who are entitled to vote for Guam's political status plebiscite, or self-determination.

The only individuals who can register are those who became U.S. citizens under the 1950 Organic Act of Guam and their descendants.

Stop

Davis is seeking to stop the Guam Election Commission from utilizing the Decolonization Registry to determine Guam's future political status.

Atty. Julian Aguon in January submitted a motion on behalf of University of Guam Professor Anne Perez Hattori, who is a descendant of a Guam resident who became a U.S. citizen through the 1950 Organic Act of Guam.

Aguon stated in a brief that Davis' lawsuit has nothing to do with the discrimination of race or the safeguarding of civil rights. Aguon said people who became U.S. citizens through the

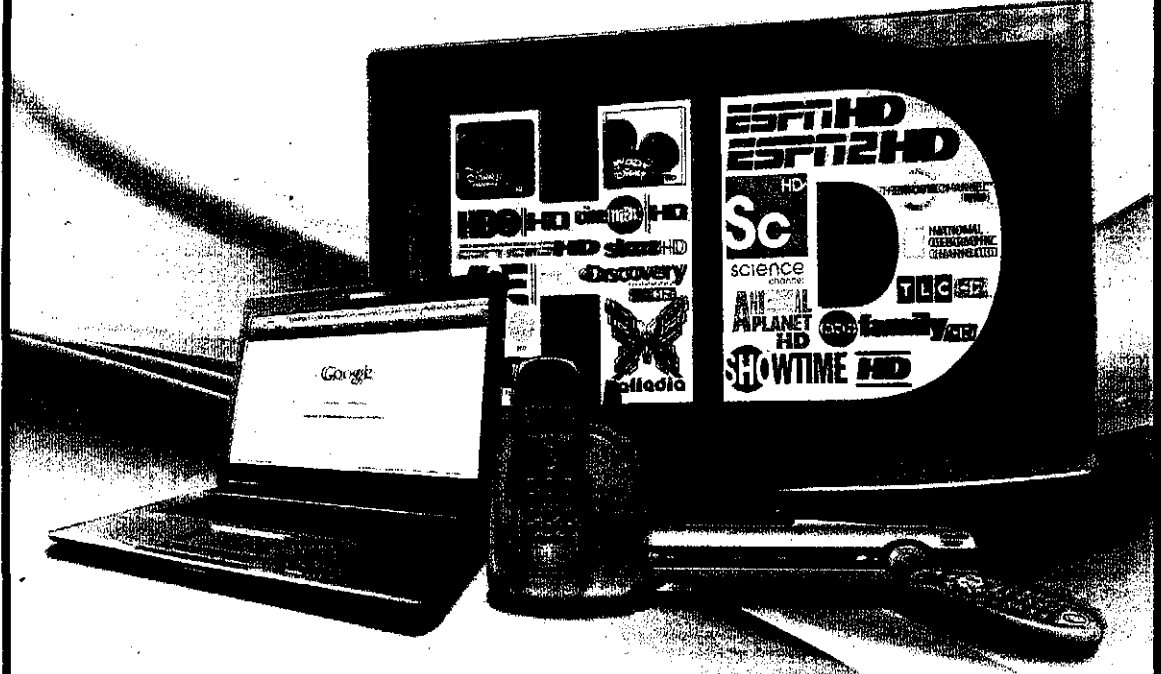
Davis is seeking to stop the Guam Election Commission from utilizing the Decolonization Registry to determine Guam's future political status. Atty. Julian Aguon stated in a brief that Davis' lawsuit has nothing to do with the discrimination of race or the safeguarding of civil rights.

Organic Act of Guam and their descendants are now comprised of diverse racial and ethnic groups, to include Caucasians.



Students of Simon Sanchez gathered again Monday to bring more attention to the road leading to their school and how the road is being littered again so soon after their cleanup effort. Some of the students who participated were, front row from left, Stanley Rice, Elisa Balbuena, Anne Quijano, Ohren Ohry, Shaaka McNeil, and, back row from left, Rafael Sabtan, Michelle Quichocho, T.mar Celis, and Jusper Tardoc. David Castro / For Variety

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"District Court"
VERTICAL FILES
Guam Public Library System
Mevae M. Flores Memorial Library
2/28/12

Thieves make botched attempt at stealing Coast360 ATM

By Zita Y. Taitano
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Variety News Staff

LIKE a scene out of the movie "Barbershop," thieves attempted to steal an ATM early yesterday morning from the UR Market in Dededo, only to abandon it near the store.

According to Guam Police Department spokesman Officer A.J. Balajadia, officers from

the Dededo Precinct responded to a burglary in progress at the market at around 4:13 a.m., where a white van was reportedly pulling the Coast360 Federal Credit Union ATM from the establishment.

The Variety spoke with John Wong, part owner of the store, who said the business is equipped with video surveillance which caught the suspects in the act.

He indicated the van—with two people inside—was driven onto the parking lot at around 4 a.m.

Wong further said the suspects cut the chained gate and broke the glass door, but the alarm was activated when the door was pushed in.

He believes the suspects used the chain and tied it around the ATM then pulled out with the van, but because of the machine's

weight, the chain broke.

Officers located the ATM about 100 feet from the store. The machine was reported to be heavily damaged, but the money boxes were still intact with no amount missing.

Officers also recovered the van near a residence adjacent to the store. The van was discovered stolen Wednesday night or early yesterday from the parking

lot of the Seafood Chef Restaurant in Tamuning.

The case is currently under investigation. The community is asked to contact the Guam Police Department at 475-8615 or Guam Crime Stoppers at 477-HELP (4357). Residents can also log on to www.guam.crimestoppersweb.com if they have any information regarding this case.

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Pro Hac Vice grants off-island attorneys for plebiscite lawsuit

By Zita Y. Taitano
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Variety News Staff

THE decolonization plebiscite civil complaint filed last week in the ~~_____~~ court by Arnold "Dave" Davis is moving along in the system.

Named in the complaint is the island of Guam, GEC board members Alice M. Taijeron, Martha C. Ruth, Joseph F. Mesa, Johnny P. Taitano, Donald I. Weakley, former member Joshua F. Tenorio, the Guam Election Commission, and Attorney General of Guam Lenny Rapadas.

The island of Guam and Rapadas will be represented by Assistant Attorney General Robert Weinberg. Representing the GEC and the commissioners is their legal counsel, Jeff Cook, of Cunliffe & Cook.

On Wednesday, a request was granted for off-island attorneys Christian Adams, of the Election Law Center in Virginia, and Michael Rosman, of the Center for Individual Rights "Pro Hac Vice."

Pro Hac Vice grants special permission for out-of-state attorneys to be part of a particular case, even though the lawyer is not licensed to practice in the state wherein the case is being heard. Signing off on the court documents was Magistrate Judge Joaquin Manibusan Jr.

Marianas Variety-Guam Edition is circulated by home and office delivery, consignments, and vending machines throughout Guam, as mail delivery to the Federated States of Micronesia, the Marshall Islands, South Pacific, Hawaii, Japan and the continental U.S. Daily coverage can also be read from our website www.mvguam.com.

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VERTICAL FILES
Guam Public Library System
Moses M. Flores Memorial Library

More arguments filed in plebiscite suit

By Brett Kelman

Pacific Daily News
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A man who is suing to stop a Chamorro-only plebiscite vote has filed new arguments opposing the government of Guam's effort to toss his lawsuit out of federal court.

The plaintiff's legal arguments state that GovGuam has presented its own plebiscite as "meaningless," and compares the Chamorro Registry to hypothetical discrimination in the American south.

In November, a class action lawsuit was filed on behalf of Guam resident Arnold Davis and others in the District Court of Guam. Davis was barred from registering for the political status plebiscite because he is neither legally nor ethnically Chamorro.

The registry requires plebiscite voters to be "native inhabitants of

Guam," which means their bloodline can be traced back to an island resident who was made an American citizen by the Organic Act of 1950.

In December, Attorney General Leonardo Rapadas argued that Davis' lawsuit was flawed because the plebiscite vote doesn't have any direct result on the future of Guam's political status. Therefore, the denial of Davis' vote has no legally cognizable "impact," Rapadas wrote.

In his response, Davis states that the plebiscite is not meaningless, and even if it was, that is not justification to allow racial discrimination.

"Defendants seek a safe harbor by arguing that the plebiscite is meaningless, that it is no more than a public opinion poll, without effect," Davis argues. "Of course, if

that were true, those advocating for the plebiscite could save the government substantial time, significant expense and the trouble of this lawsuit by conducting a private opinion poll of Chamorros and publicize the results. It is precisely the imprimatur of the government conducting this election and transmitting the results as a sovereign to another sovereign

that gives the plebiscite results weight."

Davis argues that the registry still is racially discriminatory even if the voter requirement is not based on ethnic lines but rather on legal terms that just happen to parallel ethnic lines.

Otherwise, GovGuam's reasoning could justify actions that are "unquestionably illegal," Davis said.

As an example, Davis argues that GovGuam's logic could hypothetically be used by the Alabama Legislature to ascertain how state residents felt about affirmative action, but only counting the opinions of those whose ancestors attended the University of Alabama when it was founded in 1831.

"Naturally, nearly all the citizens eligible to register for this non-binding election will be of one race, but Alabama could emphasize the statutory silence in that regard," Davis argues. "After the election, government resources would be used to compile and transmit the results to the federal government. Yet no further action is contemplated on this hypothetical law, and everyone thereafter is free to ignore the results."

Davis' lawsuit continues in federal court. A summons has been issued but no court hearing has been scheduled.

LOCAL NEWS

Man charged in ukulele assault

A man who allegedly bashed his cousin in the face with a ukulele has been charged with misdemeanor family violence and assault after being arrested by police. Anson Joseph allegedly told police he struck the woman with the wooden instrument because he was angry, according to Superior Court of Guam documents. The alleged attack occurred about 7:30 p.m. Dec. 16 in a Dededo apartment, court documents state.

Guitar allegedly used to smash window

A man who allegedly smashed the window of a Sinajana home with a guitar has been arrested on suspicion of misdemeanor criminal mischief. John M. Quidachay, 34, allegedly smashed the window after an argument with his girlfriend around 2 a.m. yesterday. Quidachay allegedly admitted breaking the window, Superior Court of Guam documents state.

Pacific Daily News

New Year's weekend sends police on more disturbance calls

By Brett Kelman

Pacific Daily News
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Guam police responded to an above average number of disturbance calls over the long weekend, but reports of gunfire and homemade cannons were lower than expected.

Between 6 p.m. Friday and 6 a.m. Tuesday, police received about 97 disturbance calls but only 21 reports of gunshots and 11 reports of homemade cannon fire, police spokesman Officer A.J. Balajadia said in a press release.

Normally, on New Year's holidays, GPD gets more reports of gunfire and cannons, Balajadia said.

"It would seem not as many people reported this year," Balajadia wrote in an email. "This may be due to the community (becoming used) to it. ... It's illegal and it should be reported."

Guam has struggled with New Year's Eve gunfire for years, and in 2009 a young girl was wounded after a stray bullet struck her head, but the problem continues.

Balajadia said the number of disturbance calls increased to above average numbers but it was expected because of the holiday weekend.

Violent crimes were not abnormally high, although police did respond to five assault reports and one aggravated assault report — involving a suspect who allegedly wounded a man with a cleaver.

REPORT STATISTICS

Here are some of the other report statistics from the long weekend:

Vehicle crashes	50
DUIs	5
Riot calls	2
Terrorizing	3
Criminal sexual conduct	2
Loud music	7

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District Court of Guam

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VERTICAL FILES
Guam Public Library System
Nieves M. Flores Memorial Library

GDOE running out of money

» **INSIDE**
SEE INSERT



By **Therese Hart**
 therese@mvguam.com
 Variety News Staff

BEFORE Gov. Eddie Baza Calvo decides to move Untalan Middle School to the interim Tiyan campus, funding for the move will have to be identified;

but another concern is the Guam Department of Education running out of money in June. If this were to happen, GDOE will have no option but to shut down all operations, interim GDOE Superintendent Taling Taitano said.

Last week, the Governor's

Office cancelled a press conference that was to be held regarding Untalan Middle School. No reason for the cancellation was given by the Governor's Office.

Taitano said she has already written to the governor requesting that the funds be released.

Sen. Ben Pangelinan has also written several letters to Calvo, urging him to release the funds.

The reserved funding amounts to approximately \$30 million, Taitano said, which includes the salaries and benefits of all GDOE

GDOE continued on page 2

ENTERTAINMENT

RUSSELL BRAND-KATY PERRY
 14-MONTH MARRIAGE OVER
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HEALTHY LIVING

HEALTHY BAKING - PUMPKIN MUFFINS
 JENNIFER Steele is a professional baker in North Carolina who specializes in healthy but delicious products. Here is her recipe for Pumpkin Muffins.
 Page 14

SPORTS

BYNUM POWERS LAKERS PAST NUGGETS

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LISTEN

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Fireworks light up the sky above Tumon as part of the annual New Year's fireworks display held this year near Gov. Joseph Flores Memorial Beach Park. Matt Weiss / Variety

Brief supports motion to dismiss Davis lawsuit

By **Zita Y. Taitano**
 zita@mvguam.com
 Variety News Staff

GUAM attorney Julian Aguon has submitted a motion on behalf of University of Guam professor Anne Perez Hattori as "amicus

curiae" to dismiss the plebiscite case filed in the District Court of Guam by Arnold "Dave" Davis. Named in the lawsuit are Guam, the Guam Election Commission, GEC members, and Attorney General Lenny Rapadas.

Davis claims his voting rights were violated when he tried to register for the Decolonization Registry but was denied because he is not a native inhabitant of Guam. According to court documents,

Hattori, who meets the definition of a "native inhabitant of Guam" due to being a descendant of residents who gained U.S. citizenship via the Guam Organic Act, has a "direct personal interest" in

LAWSUIT continued on page 2

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Disputes court / Attorney general

Hawaii district court judge dismisses Págat case

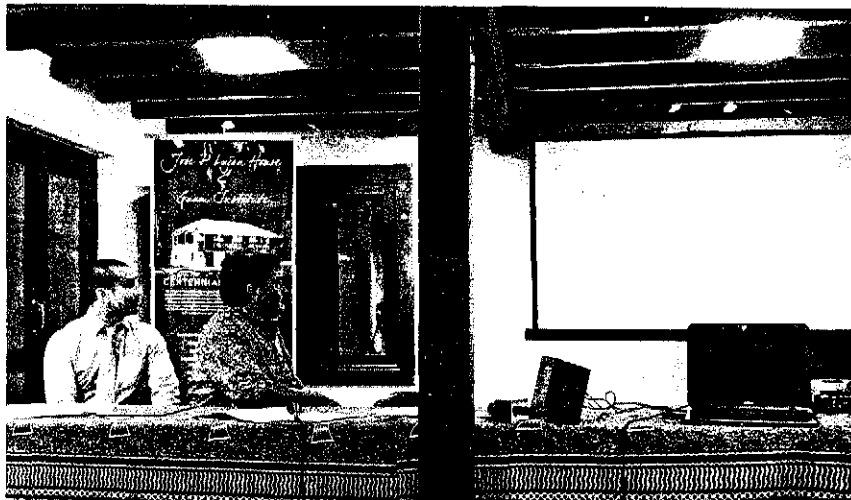
By Zita Y. Taitano
zita@mvguam.com
Variety News Staff

HAWAII District Court Judge Leslie Kobayashi has granted the Navy's motion to dismiss the Págat case, saying the case is already moot.

The order issued last Friday came about a month after the Department of Defense announced it would conduct a supplemental environmental impact statement to re-evaluate firing ranges for the Marine Corps when they transfer to Guam.

In the decision, Kobayashi noted the Record of Decision, which the Department of the Navy and the Department of the Army issued in September 2010, was not a final decision as to the location of the live-fire firing range complex discussed.

Atty. Leevin Camacho, a member of We Are Guáhan, issued a statement regarding the decision of the Hawaii



We Are Guáhan spokesman Leevin Camacho and Joe Quinata, chief program officer for the Guam Preservation Trust, hold a video conference with Department of Defense officials with regard to the Págat case. A Hawaii District Court judge has dismissed the case as moot. Zita Y. Taitano / Variety

District Court.

"We wanted the court to continue to oversee the process," Camacho said, "but we are hopeful that DOD will live up to its legal obligations

this time and ensure that the supplemental EIS process is open and honest without the need for court intervention."

The DOD filing stated it would formally commence

the supplemental EIS process in 2012 by holding scoping meetings before preparing and releasing a draft supplemental EIS for comment.

This level of public involve-

ment and participation is something DOD had previously refused to agree to in its motion for voluntary remand filed earlier in 2011.

"Our goal from day one has been to ensure that DOD followed the law," Camacho said. "The preparation of a supplemental EIS is the first victory – a necessary victory – along the way to achieve our ultimate goal of saving Págat Village."

The lawsuit was filed in November 2010 by the Guam Preservation Trust, the National Trust for Historic Preservation, and We Are Guáhan, in order to protect the ancient village of Págat and the surrounding area, which is comprised of two fresh water caves (Págat cave and Marbo cave) as well as significant sites where residents go swimming and fishing.

Meanwhile, a more detailed written order on the decision is expected to follow.

GOOD

employees. The reserved amount is equal to four pay periods.

The 15 percent reserve will also negatively impact the University of Guam by reducing their Fiscal Year 2012 budget by almost \$4 million and the Guam Community College by more than \$2 million, Pangelinan said.

Untalan

Meanwhile, Sen. Judi Guthertz last week implored the governor to move Untalan Middle School from its rapidly deteriorating complex to an interim campus at Tiyan.

Guthertz said the 25-acre property was an educational opportunity that should not be allowed to slip away.

"Ideas for utilization of the property are endless and could tie in well with the 'classroom-to-careers' initiative that you've proposed. Perhaps even a new Career and Technical High School could be possible," Guthertz wrote.

The senator also urged



The decrepit state of the Untalan Middle School campus has prompted officials to move for the school's transfer to the former temporary JFK campus in Tiyan. Variety file photo

Calvo to use his executive powers to declare Untalan unsafe to allow its relocation to Tiyan.

"Let's roll up our sleeves and get to work on assisting the Guam Department of Education in responding to this critical need. Let's start the new year off

by blessing the students, parents, faculty and staff of L.P. Untalan Middle School with a safe and structurally sound learning environment. Even if the relocation occurs between now and summer, it is worth the effort," Guthertz said.

Lawsuit

the case if any decision is made on the matter.

In the brief in support of the motion to dismiss, the plebiscite case was likened to that of "a wolf in sheep's clothing."

Aguon stated the lawsuit by Davis has nothing to do with the discrimination of race or the safeguarding of civil rights, but "seeks to deny a multi-racial, multi-ethnic group of people, namely the pre-1950 residents of Guam and their descendants, from effectively exercising their right to express by plebiscite their desires regarding their future political relationship with the United States of America."

"If and when the time comes, Davis will lose this case on the merits. The Guam statutes he challenges here do not utilize any race-based classification," Aguon stated.

The court document also noted Davis won't be able to prove the plebiscite is race-based, especially since the people who became U.S. citizens from the Organic Act as well as their descendants are now comprised of diverse racial and ethnic groups, to include Caucasians.

Aguon further cited the attorney general's motion to dismiss the case that was filed early last month, which indicated the lawsuit failed to present a justifiable case or controversy. Aguon stated the lawsuit fails for

another reason and "is not ripe for adjudication."

He explained the claimant must "satisfy the threshold requirement imposed by Article III of the U.S. Constitution by alleging an actual case or controversy" and that the policy with regards to what is termed a ripeness doctrine is "to prevent the courts, through avoidance of premature adjudication, from entangling themselves in abstract disagreements."

Additionally, Aguon argued that ripeness of the lawsuit is more a question of timing, thus a federal court probably should not resolve issues on events that may not occur as hoped for or may not even happen.

It was pointed out the plebiscite can only be held on a date of the general election that has 70 percent of eligible voters registered as determined by the Guam Election Commission. There is currently no filing by GEC which shows that percentage was met.

Another issue brought forth was how Davis, who has lived on Guam since 1977, waited until 2009 to contact the Department of Justice over the alleged racial discrimination, and then another two years to file a lawsuit.

"Although much remains to be said on the substantive merits of this lawsuit, including that the Decolonization Registry at issue violates no provision of U.S. or Guam law, immediate dismissal of the above-captioned case is appropriate on ripeness grounds alone," Aguon states.

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Pangelinan: Plebiscite not a racial issue

By Zita Y. Taitano
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Variety News Staff

THE class action lawsuit filed in District Court claiming that the plebiscite to decide Guam's future relationship with the U.S. discriminates against non-native inhabitants is a mischaracterization and misstates the issue of race, said Sen. Ben Pangelinan, who has long been pushing for a political status plebiscite.

"The identification of the native inhabitants of Guam group was done by the U.S. Congress, and it says this is a group of people who were afforded a status based on an act of Congress which they had no say in," Pangelinan said.

"It's definitely not on point," the senator said, referring to the lawsuit.

"I'm calling upon U.S. Attorney Alicia Limtiaco and Attorney General Lenny Rapadas to defend the rights of Guam," he added.

With regard to the plebiscite, Pangelinan said "the right to self-determination is a right of every human being."

As for the claim that the

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Plebiscite lawsuit filed



Mun Su Park, a local attorney of the Law Offices of Park and Associates, talks to the media after filing a lawsuit alleging discrimination in the planned political status plebiscite. David Castro / For Variety

By Zita Y. Taitano
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Variety News Staff

A LAWSUIT has been filed in District Court against the Guam Election Commission (GEC), members of the GEC board and Attorney General Lenny Rapadas, alleging discrimination against individuals who are not "native inhabitants of Guam," preventing

them from voting on the decolonization plebiscite that would determine the island's future relationship with the U.S.

The complaint was filed on behalf of the plaintiff, Arnold "Dave" Davis, by local attorney Mun Su Park, of the Law Offices of Park and Associates; J. Christian Adams, of the Election Law Center PLLC in Alexandria, Va.; and Michael E.

Rosman, of the Center for Individual Rights in Washington D.C.

Named in the lawsuit are GEC board members Alice M. Taijeron, Martha C. Ruth, Joseph F. Mesa, Johnny P. Taitano, Donald I. Weakley, and former member Joshua F. Tenorio.

The lawsuit was filed after Davis, a retired U.S. Air Force officer who

PLEBISCITE continued on page 2

» INSIDE

BLAS FIRES OFF STRONGLY-WORDED LETTER ON OBAMA'S NO-SHOW
SEN. Frank Blas Jr. has written a sarcastic letter to President Barack Obama regarding the President's decision not to meet or see the people of Guam. Page 5

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IF you've ever wondered how water can cut through steel, high pressure is the answer. Page 14

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