

Pacific Daily News

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HAGA ADAL, IT'S TUESDAY

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Guam PDN.com
GUAM'S COMPLETE SOURCE

Don't forget to vote in today's Pacific Daily News poll. Today's question:

Do you think the Chamorro Land Trust program is discriminatory?

Results from yesterday's PDN poll are on **PAGE 2**

Feds investigate Land Trust

Agency looks at possible housing discrimination

TO THE POINT

▲ The U.S. Justice Department is investigating whether the GovGuam's land use policies and the Chamorro Land Trust Act violate federal laws on housing discrimination.

By **Gaynor Dumato-Daleno**
Pacific Daily News
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The U.S. Department of Justice's Civil Rights Division is investigating whether the government of Guam's land use policies and practices discriminate based on race or

INSIDE

▲ Learn more about the Land Trust regulations. Fair Housing Act. Page 4

national origin.

The Justice Department in Washington, D.C., informed Guam Attorney General Leonardo Rapadas in a

▲ See **Land Trust**, Page 4

LAND TRUST: AT A GLANCE

▲ The Chamorro Land Trust holds public land in trust for the benefit of the island's indigenous Chamorros, as defined by Guam law, which means anyone who became a citizen by virtue of the Organic

Act of Guam, or their descendants. The commission issues residential and commercial leases to eligible Chamorros and leases other land to generate revenue for the trust.

Pacific Daily News files

GW High work begins

Back to SCHOOL

STEM project: BME & Sons Inc.'s Angelito Paguio, right, removes vinyl tiles from a classroom floor as Matthew Hunter looks on at George Washington High School yesterday. Seventeen classrooms at the school are being upgraded into science, technology, engineering and math, or STEM, classrooms. The project is expected to be completed within 60 days, Hunter said.

▲ See **Story**, Page 2



Rick Cruz/Pacific Daily News/rmcruz@guampdn.com



PHOTOS ONLINE

▲ For more photos, go to www.GuamPDN.com.

Gutierrez resigns as party head

By **Brett Kelman**

Pacific Daily News
bmkelman@guampdn.com

Former Gov. Carl Gutierrez resigned as chairman of the Democratic Party of Guam to pursue the nonpartisan post of public auditor.

Gutierrez previously said he didn't plan to resign from the party unless he was elected, but the former governor sent a resignation letter to the Guam Election Commission yesterday.

The Election Commission's legal counsel Jeff Cook said during a meeting last night that he believed local law would have required Gutierrez to resign. No candidate for public auditor is allowed to accept any support, material or financial, from a political party, he said.

Cook also said that, as long as Gutierrez defeats all other



Brooks



Gutierrez

INSIDE

▲ What the law says: election information. Page 4

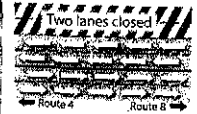
▲ See **Gutierrez**, Page 4

In Your Voice
Post your comment on www.guampdn.com

108 days

since roadwork began at the Agaña Bridge

Southbound lanes have been shifted to the center median area adjacent to the northbound lanes.



Hagåtña ROAD CLOSURE

All lanes are set to open again by July 2013. The overall project is set to be completed by December 2013.



CRUISING TRICKSTAR

Motorcycle enthusiasts share their love of riding.

SEE STORY, **PAGE 16**

2012 London OLYMPICS

TOUGH DAY
Derek Mandell finishes last in 10-meter heat.

Boyge London
Jojo Santa Tomas

SEE STORY, **PAGE 32**

ALL-NEW 2012 MAZDA CX-5

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Chuuk first lady visits DYA inmates

By Arvin Temkar
Pacific Daily News
aktemkar@guampdn.com

The first lady of Chuuk visited young inmates at the Department of Youth Affairs yesterday, encouraging the incarcerated children to strive for success.

There's an "overrepresentation" of Chuukese youth at DYA, said Director Adonis Mendiola.

Though Chuukese kids make up about 34 percent of DYA clients, people from Chuuk make up about 11 percent of Guam's population, according to Pacific Daily News files.

Bersita Elimo, wife of Chuuk Gov. Johnson Elimo, reminded a group of boys that many of their parents came to the island to find a better life, and stressed the educational opportunities available in Guam.

In Chuuk some students must walk miles to reach their schools, and when they get there they don't even have chairs to sit on, she said.

"You're so lucky you have everything," said Bersita Elimo, who is also the leader of secondary schools



Arvin Temkar/Pacific Daily News/aktemkar@guampdn.com

First lady: Bersita Elimo, center, the first lady of Chuuk, encourages clients to strive for their best during a visit to the Department of Youth Affairs, yesterday.

in Chuuk. Education, she said, is the path to success.

On Monday, the Chuuk first lady met with Department of Education officials to discuss the barriers some immigrants face in the public school

system. Some of those challenges include learning English and adjusting to a new culture.

Superintendent Jon Fernandez, who met Bersita Elimo yesterday, said when he was visiting schools

this summer he met a fifth-grade newcomer who was only then learning the alphabet.

"We know we have a big job on our hands," he said.

Education

Guam is home to thousands of people from the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, who are allowed to immigrate freely to the United States through the 1986 Compacts of Free Association.

The number of immigrants from these freely associated states have nearly tripled to 30,000 since a decade ago, according to Pacific Daily News files.

At public schools, FAS students made up 23 percent of the Guam Department of Education's 31,000 students, PDN files said.

Some schools have successfully reached out to parents of Micronesian children by using volunteer translators to translate important documents in the languages of the immigrants.

But dealing with this particular

issue has been "school by school," said Superintendent Fernandez.

Some schools are ahead of the curve, while others are still trying to get translators, he said.

"I think we need to take a broader approach," he said.

Previous visit

Chuuk Gov. Elimo visited DYA in March. He told DYA officials that there is no juvenile detention facility, or prison, in Chuuk, according to PDN files.

The first lady is planning to return to Guam in September for a school visit, said Marlene Stomka, a friend who accompanied the dignitary on her DYA tour.

Alcohol

Another factor that drives teens to commit crimes is alcohol abuse, said the DYA director.

The first lady said store owners in Chuuk often sell to people under 18. In Guam, prices for alcohol are less than in Chuuk, according to PDN files. She estimated the price for a 24-pack of beer to be around \$30 in the FSM state because of high taxes.

Land Trust: Probe prompted by discrimination suit

▲ Continued from Page 1

It gave their land away for "penalties" under the impression it was the right thing to do, and thinking land would be returned.

The recipients of Chamorro Land Trust properties are descendants of "loyal and patriotic" people, he said.

"The Department of Justice should be spending time on other investigations," he said. "There are crimes going on in the nation that

they should be focusing on."

The federal investigation was prompted by a 2009 complaint filed by Arnold "Dave" Davis of Yigo, who alleged he was unlawfully denied a Chamorro Land Trust land lease because he isn't Chamorro, according to PDN files.

Davis filed the complaint with the U.S. Department of Agriculture's Housing and Urban Development agency, which forwarded it to the Justice Department, PDN files said. The Justice Department is inves-

ON THE NET

▲ See what the law says about Chamorro Land Trust property online at www.GuamPDN.com.

tigating whether the Chamorro Land Trust violates the Fair Housing Act by limiting housing benefits to "native Chamorros," PDN files said.

A native Chamorro is defined by Guam law as "any person who became a U.S. citizen by virtue of the authority and enactment of the Or-

ganic Act of Guam, or descendants of such person."

The Justice Department has asked Guam's Office of the Attorney General to provide five years of records showing anyone who has been denied a lease of Chamorro Land Trust Act land, PDN files said.

"It's clearly wrong to say we are non-compliant," said Monte Mafnas, director of the Land Trust. "We do not give residential leases to those who are not qualified."

"If Davis proves he's a bona fide

farmer, then we can help him with his farm," he said.

DOJ officials should also remember Chamorro native rights, and other areas that have rights for native inhabitants, he said. The land trust mirrors the Department of Hawaiian Home Lands, Mafnas said.

The Department of Hawaiian Home Lands was established under the Hawaiian Homes Commission Act, which set aside 200,000 acres for native Hawaiian homesteads.

Weather: Keep driving carefully

▲ Continued from Page 1

showers will fall on various parts of the island.

The central and northern parts of the island took the brunt of yesterday's passing thunderstorm, prompting the warning for flood-prone areas. The rate of rainfall contributes to the flooding on Guam's streets, Middlebrooke said.

Last September, rain showers saturated the land, drowning parts of the island that usually aren't crippled by passing storms, according to Pacific Daily News files. The widespread and massive flooding cut off access to the southern part of the island, leaving many residents stranded in their homes.

Caution

Guam Police Department and Guam Waterworks Authority were out last night securing manhole covers on Guam roads.

"We're asking residents to drive very cautiously down the streets," said Alyssa Benito, Guam Homeland Security/Office of Civil Defense spokeswoman.

She added that Homeland Security didn't receive any calls for help last night.

Benito noted that as residents get back on the streets today, they should drive with caution and avoid areas of the road where rain water has pooled.

"Along with (the weather service) we've been urging residents to drive cautiously, avoid areas that typically flood and stay away from pooling," Benito said.

Philippines: 9 buried in Quezon landslide

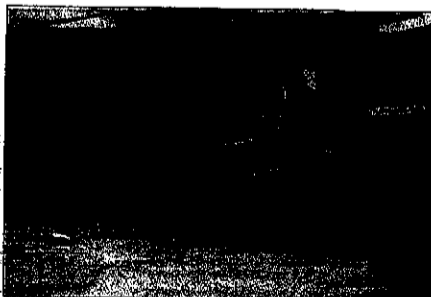
▲ Continued from Page 1

"It's like a water world," said Benito Ramos, head of the government's disaster response agency. He said the rains flooded 50 percent of metropolitan Manila on Monday evening, and about 30 percent remained under waist- or neck-deep waters Tuesday.

He urged residents in areas prone to landslides and floods to stay in evacuation centers. Because the soil is saturated, even a little rain could be dangerous, he added.

"Now that it's getting dark, I would like to repeat, if the rains are heavy you should be at the evacuation centers," he said, warning that rescue operations are more difficult at night and could put responders at risk.

Manila's weather bureau said a tropical storm off eastern China had intensified monsoon rains in the Philippines, which were forecast to last until Thursday.



The Associated Press

Torrential rains: A man looks at the deep floodwaters outside his house in suburban Quezon City, north of Manila, Tuesday. Torrential rains pounding the Philippine capital on Tuesday paralyzed traffic as waist-deep floods triggered evacuations of tens of thousands of residents and the government suspended work in offices and schools.

In Manila's suburban Quezon City, a landslide hit a row of shanties perched below a hill, burying nine people, according to Ramos.

Army troops and police dug frantically to save those buried, including four children, as sur-

viving relatives and neighbors wept. All the victims were recovered, some of whose bodies were found near an entombed shanty's door as they apparently tried to flee.

"My wife, children and grandchild are down there," a

drenched Jessie Bailon told The Associated Press while watching rescuers dig into a muddy mound where his shanty once stood.

National police chief Nicanor Bartolome went to the scene and ordered all other slum dwellers to be evacuated from the still-soggy area.

TV footage showed rescuers dangling on ropes to bring children and other residents to safety from flooded houses across the city. Many residents trapped in their homes called radio and TV stations desperately asking for help.

"We need to be rescued," Josephine Cruz told DZMM radio as water rose around her house in Quezon City, saying she was trapped in her two-story house with 11 other people, including her 83-year-old mother. "We can't get out because the floodwaters are now higher than people."

ABC-CBN TV network reported receiving frantic calls from people whose relatives were trapped in the deluge, many without food since Tuesday morning.

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Carl Gutierrez

Carl Gutierrez resigns

Steps down as Democratic Party chair

By Mar-Vic Cagurangan
For Variety

FORMER Gov. Carl Gutierrez, a write-in candidate for Public Auditor, yesterday stepped down as chairman of the Democratic Party of Guam to pave the way for discussions of more important issues related to the tasks of the Office of Public

Accountability, according to Carlo Branch, the party's executive director.

Gutierrez's resignation came on the heels of Public Auditor Doris Flores Brooks' statement that OPA, a non-partisan office, would be exposed to politicization if her challenger would remain the head of his party while running his campaign.

GUTIERREZ continued on page 2

INSIDE

BINGO APPROVED FOR BALLOT PLACEMENT

AT A Guam Election Commission meeting held late yesterday afternoon, the commission approved the certification for the "For Profit Bingo Initiative." Page 5

THE SURF CHANNEL SET TO LAUNCH IN SEPTEMBER



Page 15

WHAT IS HYPERPARATHYROIDISM?

HYPERPARATHYROIDISM is excessive production of parathyroid hormone by the parathyroid glands. Page 14

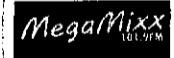
USAIN IN THE MEMBRANE



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LISTEN

Catch today's headlines ON AIR through our radio station partners:



Broadcast partner:



Hagåtña substation upgrade

GovGuam officials led by Gov. Eddie Calvo, Lt. Gov. Ray Tenorio, Consolidated Commission on Utilities Chairman Simon Sanchez, Guam Power Authority General Manager Joaquin Flores, and other CCU commissioners cut the ceremonial ribbon marking the completion of GPA's Hagåtña substation upgrade. See story and additional photo on page 6. Matt Weiss / Variety

MMA fighter Alex Castro sentenced

See story on page 2

DOJ probing Guam land use policies

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

THE Department of Justice is investigating whether policies and practices of the Chamorro Land Trust Act are in violation of the Fair Housing Act, or FHA, on the basis of race or national origin.

In a letter dated Aug. 6 to Attorney General

DOJ continued on page 2

"A Guam resident filed a complaint with the United States Department of Housing and Urban Development against the government of Guam alleging that he was unlawfully denied a residential lease of land subject to the Chamorro Land Trust Act because he is not Chamorro. ... We believe that both the public interest and the interests of Guam will best be served by our having complete and accurate information about the CLTC's land use practices."

— Steven H. Rosenbaum,
Chief of the Housing and Civil Enforcement Section



GUAM'S QUICKEST AND FAIREST INSURANCE CLAIMS

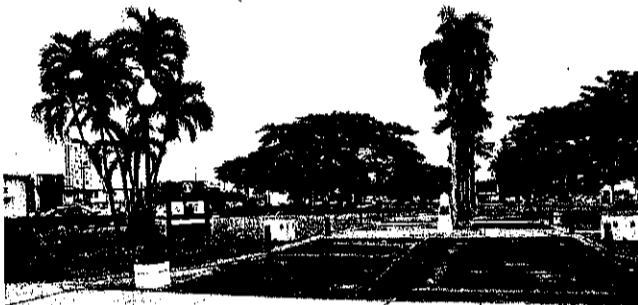
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Skinner Plaza closer to being site for Guam Museum



Skinner Plaza may soon be placed under the control of the government of Guam. Matt Weiss / Variety



Supporters of Bill 454-31 provide testimony on the measure, from left, Joe Santos, of Department of Land Management; Monte Mesa, Guam Museum Foundation chairman; Joe Cameron, Department of Chamorro Affairs president; and Cathy Gogue, PBS Guam general manager. Zita Y. Taitano / Variety

By Joy White
joy@mvguam.com
Variety News Staff

SKINNER Plaza has moved one step closer to becoming the official site of the Guam Museum. A public hearing was held yesterday to review Bill 454-31, which, if signed into law, will transfer control of Skinner Plaza to the government of Guam in order to build an educational cultural facility.

According to Vice Speaker Benjamin J.F. Cruz, the author

of the bill, \$27 million was allocated for the creation of an educational and cultural facility through the hotel occupancy tax bonds.

The first choice for the museum had been Fort Apugan, aka Fort Santa Agueda, in Agaña Heights. But it would have cost more to build the museum at this site. Another option had been Oka Point in Tamuning.

It was Gov. Eddie Calvo who requested to have the museum in

the center of Hagåtña.

"The governor wanted to restore Hagåtña and wanted to revive Hagåtña into a thriving downtown area and historical district," stated Cruz, who had been in discussions with the governor.

To accommodate the museum, parking spaces in the area will be changed from parallel spaces to angled parking. Streets in the surrounding area will also become uni-directional.

The project is expected to be

completed by 2014. Currently, the project is in the schematic design phase, which should be completed by the first week of September. The groundbreaking for the museum is anticipated for the beginning of 2013.

"We can execute this construction and really illustrate the revitalization [and] restoration of our capital city and make it the centerpiece of Hagåtña," stated Monte Mesa, Guam Museum Foundation chairman.

The museum will be more than

just a tourist attraction, assures Joseph Cameron, president of the Department of Chamorro Affairs.

"We need to know where we are from, but we also must include the community at large. We're looking at other communities that live within our home here on Guam and who claim their home right here on Guam. We're very excited for this multi-ethnic grouping of individuals who will share this same space," Cameron said.

Gutierrez
continued from page 1

Branch said Gutierrez "adamantly believes" that quitting as party chair was not a requirement for a write-in candidate, "but he wanted to end the red herring

and smokescreen debate and begin the real conversation as to how we, as a community, can make the Office of Public Accountability relevant and accountable to the people of Guam."

Gloria Nelson, vice chair of the Democratic Party, now assumes the party leadership as interim

chair, Branch said.

In a press statement issued Sunday, Brooks — a former Republican senator — cited the OPA enabling act, which states, "No candidate for the position of Public Auditor shall declare a political party affiliation."

But Branch called Brooks'

statement into question, recalling that she attended the Republican National Convention in Philadelphia in 2000 when she was running for Public Auditor.

Gutierrez and Brooks first faced off during the 1994 elections, in which she ran for lieutenant governor with gubernato-

rial candidate Tommy Tanaka. Gutierrez won the race with his lieutenant governor, Madeleine Bordallo, and got re-elected for another term. In the September primary, Gutierrez is required to obtain 4 percent of the ballots cast to be able to advance to the November general election.

MMA fighter Alex Castro sentenced to three years in assault conviction

By Geraldine Castillo
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Variety News Staff

MIXED martial arts fighter Alex Castro is now behind bars, serving three years in prison after he was found guilty of aggravated assault, but his attorney has filed an appeal in an attempt to suspend the jail time.

Castro appeared for his sentencing hearing yesterday before Judge Alberto Lamorena III in the Superior Court of Guam, where he was sentenced to five years imprisonment with two years suspended and a \$5,000 fine.

Castro was convicted by a jury last month of aggravated assault as a third degree felony; assault as a misdemeanor; and reckless conduct as a misdemeanor for an incident back in 2010 where he was accused of hitting a Navy sailor while out at a Tumon nightclub. During the hearing, both Castro and his defense attorney Tom Fisher told Judge Lamorena that for the past two and a half

years since the incident, he's made changes and found ways to rehabilitate himself by being involved in the community. Fisher urged Lamorena to suspend any jail time.

"Ever since the allegations happened and I was out on pre-trial bail, I've been doing my best to make changes," Castro said, pointing out the community work he's done by going to schools and being proactive on anti-bullying.

"I'm sorry that I got into a fight," Castro apologized to Judge Lamorena. "I'm sorry that the [victim] got injured the way he did but I know I didn't hit him. I was obviously in a situation where I was under the influence ... and I was trying to protect some of my friends. Same time it ended up in a bar fight."

'Pillar of society'

Before reading the sentencing, Judge Lamorena spoke to Castro and told him he was held to higher standards, granted his reputation in the local MMA industry.

"You are a pillar of our society — although you are not an elected official or hold no governmental position, a lot of people look up to you, especially a lot of young men who try to emulate what you've achieved and what you set as an example for our young people. And what happened on this fateful day does not set a very good example for our young people," Lamorena said. He added, "You set a really bad example to all the young men and young women in this community who admire you as a mixed martial artist. And this court will show that this court does not tolerate that kind of action."

Shortly after the sentencing, Castro was remanded into custody. Fisher requested that Castro remain released pending an appeal of the sentencing; however, Judge Lamorena approved the government's recommendation of posting \$50,000 cash bail. If Castro posts bail, he may be released pending the outcome of the appeal.

Discrimination

ney General Lenny Rapadas, Steven H. Rosenbaum, chief of the Housing and Civil Enforcement Section, noted "a Guam resident filed a complaint with the United States Department of Housing and Urban Development against the government of Guam alleging that he was unlawfully denied a residential lease of land subject to the Chamorro Land Trust Act because he is not Chamorro."

According to the letter, the resident who filed the complaint is Arnold Davis, aka Dave Davis, and who also has another complaint in federal court against the Decolonization Registry process.

"The FHA prohibits, among other things, the refusal to lease dwellings on the basis of race or national origin; discrimination against persons in the terms, conditions, or privilege of rental of dwellings on the basis of race or national origin; publication of advertisements and statements that express a preference or limitation based on race or national origin; and

discrimination in the extension of credit and loan guarantees for residential purposes on the basis of race or national origin," Rosenbaum states in the letter.

He indicated the FHA authorizes the AGO to investigate the matter and take civil action to determine if there is any sign of discrimination.

"We believe that both the public interest and the interests of Guam will best be served by our having complete and accurate information about the CLTC's land use practices," Rosenbaum said.

He is also asking the AGO to provide information on people who were denied Chamorro Land Trust Act land leases "for failing to qualify as a native Chamorro or otherwise, over the last five years."

The Variety contacted AGO spokesperson Carlina Charfauros for comment on the matter, but she could only confirm they received the notification of the DOJ's investigation "into whether Guam's land use policies and practices discriminate on the basis of race or national origin in violation of the Fair Housing Act."

Letters to the Editor

Letters to the editor must carry the full name of the writer, village, and telephone number for verification. Letters addressed to other publications or to third parties and those endorsing particular political candidates are discouraged. All letters are subject to editing. Variety reserves the right to reject any letter. Name withheld and unsigned letters will not see print.

Thoughts on rhetoric and the political status plebiscite

A GOVERNMENT official recently described the legal challenge to the forthcoming plebiscite as “divisive.” But with all due respect, it’s not. And we should all thank God we have the Constitutional right to challenge in the courts any statute that may be unlawful. In any event, the court’s decision in this case will be helpful. It will serve to clarify the extent to which, in an unincorporated territory, the U.S. Constitution follows the flag.

Various Chamorro activists argue that in 1950, because Chamorros were not given the opportunity to vote regarding U.S. citizenship and civil government, only they have the exclusive right in 2011 to vote in the plebiscite. As one blogger put it, “Our great grandparents were cheated, but the cheating is as fresh as it ever was.”

The previous assertion seems a bit overstated, especially when one reviews the requests and petitions of the Chamorro people as they sought citizenship and civil government. Looking at the actual history, one can see the U.S. wasn’t quite the malefactor, as it has often been portrayed locally. Consider the following chronology:

In 1925, members of the Guam Congress met with 11 visiting congressmen to request U.S. citizenship. In 1933, 1935 Chamorro leaders signed “A Petition for American Citizenship” and sent it to President Franklin Roosevelt. In November 1935, the Guam Congress presented to the visiting Secretary of War another petition supporting U.S. citizenship. In 1936, a two-man delegation from Guam consisting of Francisco Leon Guerrero and Balthazar Bordallo were sent to Washington to lobby for citizenship and civil government. On January 15, 1949, World War II intervened and the Guam Congress sent another petition for citizenship and self-government to the U.S. Congress.

In November 1949, a special committee from Congress’ Public Lands Committee held three days of hearings in Hagåtña, Guam. These hearings were in regard to a proposed Guam Organic Act. During this period, 23 changes were made to the draft, and of the estimated 100 witnesses who testified, none were opposed to the proposed bill.

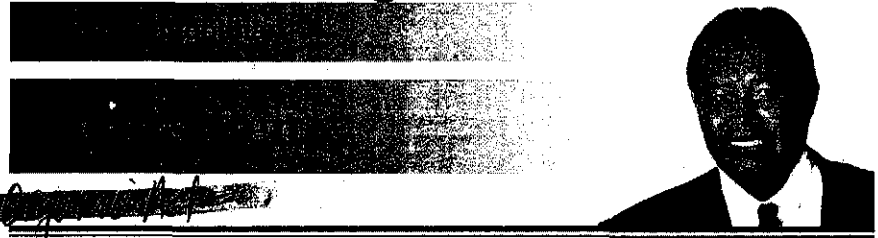
In April 1950, the Senate Committee on Interior and Insular Affairs held hearings on the Organic Act. Speaking to the Committee were six prominent Guamanians, including Antonio B. Won Pat, speaker of the Guam House of Assembly; and Francisco B. Leon Guerrero, member of the Guam House of Council.

Speaker Won Pat said, “The desire and aspiration of our people to have a legally constituted government and to become citizens of the only country to which we owe our unswerving allegiance have been manifested. Time and again we have asked, petitioned, and supplicated with ever increasing fervency, [for] our just cause.”

Notice the date of the Organic Act – 1950. Pedro Sanchez’s “History of Guam” was first published in 1964. Not one mention of self-determination or decolonization. The seminal tomes on decolonization by Albert Memmi and Frantz Fanon were not published until 1957 and 1960. UN Resolution 1514, which mandated self-determination for non-self-governing territories, was passed in 1960. Then there is UN Resolution 1541, which detailed the three political status options meeting UN requirements for decolonization. It too was passed in 1960.

The question is why do our local activist groups demonize the U.S. government for not having a self-determination election in 1950? Especially when the concept of self-determination had not yet been fully explicated and the UN had not yet passed its two important resolutions? And since by all accounts the people of Guam were jubilant over these political changes, why in 2011 is there the constant barrage of anti-U.S. rhetoric? Given the dates, I don’t think “our great grandparents were cheated.” And given their long struggle for citizenship, I don’t think these great grandparents felt that way either.

Phillip Dauterman,
Barrigada



A step forward, three backward

WHEN someone pays a government obligation using a credit card, the government must take a portion of that payment and pay a service fee to the company handling the transaction. For example, if the payment is for \$100, the government takes approximately \$2 of that \$100 to pay the service fee. This means the government has \$2 less to use for government functions.

This fee the government pays for a customer using a credit card means all those paying with cash or check are subsidizing those using credit cards for their convenience. The total amount that check and cash payers subsidize credit card payers has grown to more than \$4.5 million per year – a significant amount recently noted by the public auditor.

The Fiscal Year 2011 Budget Act required the Department of Administration (DOA) director to contract with a third party provider, effective Jan. 1, 2011, for the processing of credit card payments. This provider was to have the ability to accept credit card payments, but charge the fee to the payer. When it failed to meet this deadline, DOA was granted a three-month extension to put the system in place.

This type of system has been utilized by the Internal Revenue Service and other states and local governments in a similar effort to assist those governments in collecting all the taxes and fees owed to the government, while avoiding any related costs.

Starting Dec. 1, at the call of the governor, the point of service system of accounting for receipt of government payments was discontinued. The payments received are electronically transmitted and posted to the main accounting database at DOA.

Why the contract for this important financial management system tool was cancelled is beyond comprehension. Millions of dollars in revenue now collected must be manually posted in the DOA accounting system. A clerk or accountant now must enter thousands of transactions previously posted automatically in the accounting

ledger. This is a major step backward as it requires either employees to work overtime to keep the posting current, or the reporting of revenue will, in effect, be delayed. Now the government financial management faces difficult control measures and potential audit issues.

I wonder if this is a deliberate strategy on the part of the administration to delay the reporting of revenue collections and shield critical financial information from the Legislature and the people of Guam.

Whatever the reason, it is clear this administration is taking many steps backwards in the efficiency of this government by now having government employees spend endless hours manually entering revenue collections instead of having these transactions processed automatically by a computer. This is not good and efficient use of government resources, and it needs to be fixed right away – especially with the state of government finances as bad as the DOA director and the governor say it is.

In taking the accounting system back to obsolete methods, the governor has done a poor job of implementing the credit card convenience fee processing. For the last two weeks, people have been unable to pay money owed to the government of Guam with credit cards. The ability to use credit cards was halted on Dec. 1, because the government of Guam is transitioning to a new credit card processing vendor.

The establishment of this third-party provider would have saved the government of Guam about \$4.5 million a year and would have potentially prevented the discontinuation of processing credit card payments DOA had onerously executed on Dec. 1. Taking a step backwards in a time when the efficient use of government funds and resources are needed shows a lack of progress with this administration. We must continue to take the necessary steps forward in order to responsibly align the government’s revenues with expenditures. Only then will the government be able to cope with future issues that may arise.



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

Act of Congress settled judicial supremacy

By Howard Hills



Hills

As discussed in the first installment of this series, the political battle over organization of Guam's local courts was one of many dilemmas to arise from limited local self-government under the 1950 Organic Act. The implications of the court debate for future self-government may be profound and merit serious analysis.

The Superior Court of Guam had functioned under the Organic Act and local law for decades. The Legislature's attempt to organize a Supreme Court of Guam had been rejected by the federal courts decades earlier. It took several years for the Legislature to establish a local Supreme Court and for Congress to prescribe procedures for its rulings to be appealed up the federal judicial system.

Once a local Supreme Court was established, it was perhaps inevitable that authorities and responsibilities of the new appellate-level court and the long-established trial court would have to be reconciled under local law. It was essentially a budgetary and administrative problem, but local legislation to rationalize territorial court structure was blocked in the Guam Legislature due to competing views and interests in the local political process.

To break the impasse, local leaders aligned with the Supreme Court position advanced a proposal to have Congress intervene and amend the Organic Act to achieve a solution. That proposal was H.R. 521, reported out of the House Resources Committee in 2002, after a hearing at which the presiding judge of Guam's Superior Court was unable to persuade the committee to sustain its prior policy favoring a local solution to this problem, without federal intervention.

This was largely, if not entirely, because the Supreme Court's lobbyists were very effective

TO THE POINT
▲ The decision by Congress to intervene on the issue of judicial supremacy on Guam broke a 50-year policy of leaving it to local control.

persuading the committee members to reverse the long-standing policy of Congress that this was a local issue for Guam to resolve internally. H.R. 521 was scheduled for a vote, with approval in the House of Representatives expected.

Both the Supreme Court and Superior Court judges, along with their lobbyists, turned their attention to the Senate, where federal intervention was more strongly opposed. However, growing controversy in Washington surrounding the Superior Court's lobbyist, including but by no means limited to his actions on behalf of the Superior Court to block House action on H.R. 521, changed the political landscape dramatically in favor of the Supreme Court's position.

Key members of Congress became convinced to push for adoption of the federal legislation favored by the Guam Supreme Court. The prevailing view came to be that if intervention is what Guam needs and wants, intervention is what Guam should get.

Ironically, the shifting political winds in Washington appeared to soften hard-line positions in Guam and contribute to a breakthrough in the Legislature. Impasse was suddenly ended by local law reconciling the authority of the Supreme Court and the Superior Court through the Judicial Council. That, arguably, was a success story for local self-government under the Organic Act because it had not been necessary for Congress to intervene.

However, supporters of a Congressional solution argued that additional issues remained and the Legislature's action could be undone by a future Legislature. Thus, when a new Congress convened, supporters of the Supreme Court's position advanced new federal legislation — H.R. 2400 — to take Guam's local judicial organization beyond the reach of the Legislature.

So H.R. 2400 became federal law. The battle over court organization was over, but it behooves us to consider the broader implications for federal-territorial relations.

Like all other amendments to the Organic Act, and, indeed, the Organic Act itself, H.R. 2400 was approved by a Congress in which the U.S. citizens of Guam do not have voting representation, and signed into law by a president elected without participation by the U.S. citizens of Guam. As such, at both the federal and local level, the Organic Act, as amended, including by H.R. 2400, neither results from nor by its nature implements the principle of government by consent of the governed.

In contrast, Congress adopted a policy of government by consent over internal affairs under local constitutions in the Philippines in 1934, Puerto Rico in 1950, and the NMI in 1976.

The Guam Organic Act of 1950 represents a federal statutory policy to implement a more limited form of local self-government for Guam than Congress already has extended to other territories. However, Congress determined to establish only the executive and legislative branches of the local government under the Organic Act, and allow those two political branches to establish the judicial branch, with the consent of the governed under local law.

The broader legal and political meaning of H.R. 2400, which reversed the 50-year policy of substantial local control of Guam's judicial branch, will be examined in the third and final installment of this series.

Howard Hills served in the White House National Security Council and the U.S. Department of State interagency offices responsible for Pacific island issues, and later as an adviser to Guam's Commission on Self-Determination. Prior to 2002 he also did research for the Guam Superior Court on judicial organization. Now that his role for the court in that matter has been clarified and he can discuss the issue, in this three-part series Hills reflects on the court reform issue in the larger context of self-government for Guam.

VOICE OF THE PEOPLE

Cell phone use while driving carries lots of risk

Cell phone usage in these times is extremely high. Joe Murphy is correct in his (Sept. 5 column) on this subject matter. What I am concerned about is the results of its usage and the increased accidents that will occur on the island.

California is heavily freeway-populated. I do a lot of driving both on the freeways and side streets, observing cell phone usage. Most, if not all, drivers who are using cell phones are not too conscious of driving activities and I have sighted too many close accidents on the road.

As an experienced driver and a cell phone user, I find myself losing my driving abilities while online. I, however, am not a heavy user. I will answer when called but not dial while driving.

With Guam's wet weather and roads that aren't in their best conditions, I can assume that if studies are to be made on the causes of all car accidents, cell phone usage while driving may be one of the primary reasons.

I have heard radio announcements that push the non-usage of cell phones while driving. I am not one who likes bumper stickers on my car but one that I would not mind having on my bumper is one that one can attain. It says: Don't use cell phones while driving.

FRED GARCIA
Whittier, Calif.

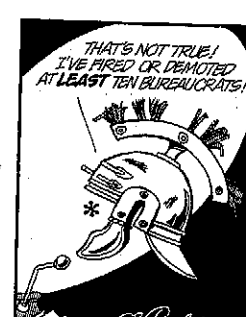
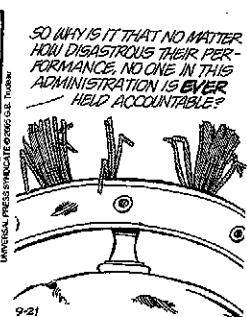
Little Leaguers did good job representing Guam

We have been watching the Little League World Series and want the team, coaches, families and sponsors to know that we are so very proud of them. Thank you so much for representing us worldwide. They are the best!

Thank you, Pacific Daily News, for being online and giving me the opportunity to keep up with what's happening on the island. Reading the PDN is the start of my day.

CHILANG TAISIPIC
AGUON-LAWLESS
Murphysboro, Ill.

Doonesbury



By Garry Trudeau

SUNDAY FORUM

Upcoming topics

The Pacific Daily News invites readers to join us in discussing some of the hot topics in the news.

▲ **Sunday: Should the CCU expedite outsourcing of the operations and management of Guam Waterworks?**

If you have some insight on these topics that can make a difference, or if you just want to join the discussion, we want to hear from you. We also welcome your suggestions. If you have a topic that you think would be perfect for discussion in the Sunday Forum, let us know.

Make contact

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Submit a letter

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Thought of the Day

"Peace I leave with you, my peace I give unto you: not as the world giveth, give I unto you. Let not your heart be troubled, neither let it be afraid."

(John 14:27)

Jesus Christ gives peace to the troubled, fearful heart. Trust him.
Harvest Baptist Bible Institute

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