



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

JAN 23 1997

Refer to
Legislative Secretary

The Honorable Antonio R. Unpingco
Speaker
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

RE: OVERRIDE OF SB765 BY TWENTY-THIRD GUAM LEGISLATURE.

Dear Speaker Unpingco:

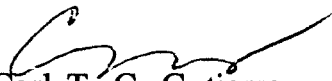
Enclosed please a copy of Substitute Bill No. 765, vetoed by the Governor on December 31, 1996 and apparently overridden by the Twenty-Third Guam Legislature on January 5, 1997. The bill is entitled: "AN ACT TO CREATE THE COMMISSION ON DECOLONIZATION FOR THE IMPLEMENTATION AND EXERCISE OF CHAMORRO SELF-DETERMINATION".

This bill was never transmitted to the Governor by the Speaker of the Twenty-Third Guam Legislature during that Legislature's term of office.

It was subsequently received at the Governor's Office under certification and signature of Senator Ted S. Nelson on January 15, 1997.

If SB765 was properly enacted into law, it has been designated as Public Law No. 23-147.

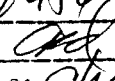
Very truly yours,


Carl T. C. Gutierrez
Governor of Guam

Attachment
000030

RECEIVED
JAN 23 1997
LEGISLATIVE

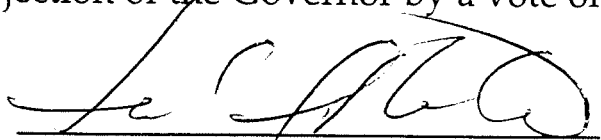
OFFICE OF THE LEGISLATIVE
SECRETARY
SEN. MARK FORRES

Office of the Speaker
ANTONIO R. UNPINGCO
Date: 1/23/97
Time: 2:56
Rec'd by: 
Print Name: Charles D.

TWENTY-THIRD GUAM LEGISLATURE
1996 (SECOND) Regular Session

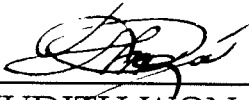
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 765 (LS), "AN ACT TO CREATE THE COMMISSION ON DECOLONIZATION FOR THE IMPLEMENTATION AND EXERCISE OF CHAMORRO SELF-DETERMINATION", returned to the Legislature without approval of the Governor, was reconsidered by the Legislature and after such reconsideration, the Legislature did, on the 5th day of January, 1997, agree to pass said bill notwithstanding the objection of the Governor by a vote of sixteen (16) members.



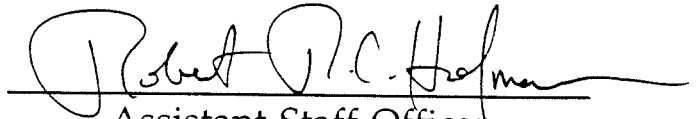
TED S. NELSON
Acting Speaker

Attested:



JUDITH WON PAT-BORJA
Senator and Legislative Secretary

This Act was received by the Governor this 15th day of January
1997, at 1:35 o'clock P.M.



Assistant Staff Officer
Governor's Office

Public Law No. 23-147

TWENTY-THIRD GUAM LEGISLATURE
1996 (SECOND) Regular Session

Bill No. 765

As substituted by the author

Introduced by:

H. A. Cristobal

AN ACT TO CREATE THE COMMISSION ON
DECOLONIZATION FOR THE IMPLEMENTATION
AND EXERCISE OF CHAMORRO SELF-
DETERMINATION.

1 **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**

2 **Section 1. Statement of Legislative Findings and Purpose.** The
3 Legislature recognizes that all the people of the territory of Guam have
4 democratically expressed their collective will and has recognized and
5 approved the inalienable right of the Chamorro people to self-determination.
6 This includes the right to ultimately decide the future political status of the
7 territory of Guam as expressed in Section 102 (a) of the draft Commonwealth
8 Act, as approved by the people of Guam in a plebiscite held in September
9 1988. Consistent with this intent, the people of Guam have petitioned the
10 United States Congress to also recognize this inalienable right on behalf of
11 the American people. Noting that it has been almost nine (9) years since the
12 people of Guam have transmitted the draft Commonwealth Act to the federal
13 government and that Section 102 (a) has been significantly changed to
14 warrant rejection of this section of the document, the Legislature, in the
15 interest of the will of the people of Guam, desirous to end colonial
16 discrimination and address long-standing injustice of a people does, hereby,

1 establish the Commission on Decolonization for the Implementation and
2 Exercise of Chamorro Self-Determination.

3 **Section 2. Definitions.**

4 (a) **Self-Determination.** Freedom of a people to determine the
5 way in which they shall be governed and whether or not they shall be self-
6 governed.

7 (b) **Chamorro people of Guam.** All inhabitants of Guam in
8 1898 and their descendants who have taken no affirmative steps
9 to preserve or acquire foreign nationality.

10 **Section 3. Legal and Moral Basis.** The following documents provide
11 and support the moral and legal basis for Chamorro Self-Determination: the
12 1898 Treaty of Peace between the United States and Spain; Chapter XI of the
13 United Nations Charter; United States yearly reports to the United Nations
14 on the Non Self-Governing Territory of Guam; 1950 Organic Act of Guam;
15 UN Resolution 1541 (XV); UN Resolution 1514 (XV); Sec. 307 (a) of the
16 United States Immigration and Nationality Act; Part I, Article 1, Paragraph 1
17 and 3 of the International Covenant on Civil and Political Rights.

18 **Section 4. Creation and Membership of Commission.** There is
19 established a Commission on Decolonization for the Implementation and
20 Exercise of Chamorro Self-Determination for the people of Guam which
21 shall be composed of (10) members including the Chairperson. The Governor
22 shall serve as the Chairperson of the Commission. Three (3) members of the
23 Commission shall be appointed by the Governor, of which (2) shall be
24 members of Chamorro rights organizations; three (3) members of the
25 Legislature, of which one (1) shall be a member of and be selected by, the
26 Legislature's minority, one (1) member to be the Chairperson of the

1 Committee on Federal and Foreign Affairs, and one (1) to be appointed by the
2 Speaker, who may appoint self; and one (1) member of the Mayors' Council
3 shall be appointed by the Mayors' Council; one (1) member to represent the
4 judiciary to be appointed by the Presiding Judge; and one (1) member to
5 represent the youth of Guam to be appointed by the Speaker of the Youth
6 Congress from among the qualified members of the Congress or he may
7 appoint self. The Commission shall choose a vice-chairperson from among
8 the members of the Commission. No person shall be eligible to serve as a
9 member of the Commission unless he or she shall be a citizen of the United
10 States qualified to vote on Guam. Members (except for the Chairman) shall
11 serve throughout the life of the Commission and shall elect among
12 themselves a Vice-Chairman who shall serve as Chairman in the absence of
13 the Governor. Vacancies in the membership shall be filled in the same manner
14 as the original appointment.

15 **Section 5. Function.** The general purpose of the Commission on
16 Decolonization is to ascertain the desire of the Chamorro people of Guam as
17 to their future political relationship with the United States. Once the desire
18 of the Chamorro people of Guam is ascertained, the Commission shall
19 transmit that desire to the President and Congress of the United States and
20 the Secretary General of the United Nations.

21 **Section 6. Creation of Task Forces.** The Commission shall create three
22 (3) Task Forces. Each task force shall be composed of seven (7) members,
23 appointed by the Commission, who are advocates for the status for which
24 they are appointed. The three task forces are: (1) Independence Task Force;
25 (2) Free Association Task Force; and (3) Statehood Task Force.

1 **Section 7. Function of Task Forces.** The three task forces shall draw
2 upon the resources of the Commission on Decolonization, and no later than
3 four (4) months from the date of their appointment, after conducting an
4 extensive study, including input from the general public, each task force shall
5 present a position paper to the Commission on its respective political status
6 option for Guam.

7 **Section 8. Office and Employees of the Commission.** Considering that
8 the majority of the activities of the Commission on Self-Determination have
9 been fulfilled, the office and employees of the Commission on Self-
10 Determination shall also serve as the office and employees of the
11 Commission on Decolonization.

12 **Section 9. Public Information Program.** The Commission, in
13 conjunction with the Commission's task forces shall conduct an extensive
14 public education program, throughout the island, based on the position
15 papers submitted by each task force.

16 **Section 10. Plebiscite Date and Voting Ballot.** At the next Primary
17 election, the Guam Election Commission, or any successors to it, shall
18 conduct a political status plebiscite at which the following question shall be
19 asked of the Chamorro people entitled to vote:

20 "In recognition of your right to self-determination, which of
21 the following political status options do you favor?" (Mark
22 ONLY ONE):

- 23 1. Independence ()
24 2. Free Association ()
25 3. Statehood ()

1 **Section 11. Run-off Plebiscite.** If one political status does not receive the
2 majority votes cast in the above plebiscite, a run-off plebiscite shall be held
3 sixty (60) days from the date thereof between the two (2) political status
4 options receiving the highest number of votes.

5 **Section 12. General Powers of the Commission.** The Commission on
6 Decolonization shall have, and may exercise, the following general powers in
7 carrying out the activities of the Commission :

- 8 (a) To acquire, in any lawful manner, any property real and
9 personal, mixed, tangible or intangible - to hold, maintain, use
10 and operate the same; and to sell, lease or otherwise dispose of
11 the same, whenever any of the foregoing transactions are
12 deemed necessary or appropriate to the conduct of the
13 activities authorized by this Chapter, and on such terms as may
14 be prescribed by the Commission.
- 15 (b) To enter and perform such contracts, cooperative agreements or
16 other transactions with any person, firm, association,
17 corporation or any agency and instrumentality of the
18 government of Guam or the United States or any country,
19 state, territory or the United Nations, or any subdivision
20 thereof, as may be deemed necessary or appropriate to the
21 conduct of the activities authorized on this Chapter, and on
22 such terms as may be prescribed by the Commission.
- 23 (c) To execute all instruments necessary or appropriate in any of its
24 functions.
- 25 (d) To appoint, without regard to the provisions of the Personnel
26 and Compensation Laws, such officers, agents, attorneys,

1 consultants and employees as may be necessary for the conduct
2 of business of the Commission; to delegate to them such
3 powers and to prescribe for them such duties as may be deemed
4 appropriate by the Commission; to fix and pay such
5 compensation to them for their services as the Commission
6 may determine, without regard to the provisions of the
7 Personnel and Compensation Laws. In the appointment of
8 officials and the selection of employees, agents and consultants
9 for the Commission, no political test or qualification shall be
10 permitted or given consideration, but all such appointments
11 shall be given and made on the basis of merit and knowledge.
12 The Commission shall give due consideration to residents of
13 Guam in the selection of its officials, attorneys, agents,
14 consultants and employees.

15 (e) To accept gifts or donations of services, or of property - real,
16 personal or mixed, tangible or intangible - in aid of any of the
17 activities authorized by this Chapter.

18 (f) To adopt rules and regulations governing operations of the
19 Commission and to take such other action as may be necessary
20 or appropriate to carry out the powers and duties herein
21 specified or hereafter granted to or imposed upon it.

22 **Section 13. Commission on Self-Determination.** Nothing in this Act
23 shall preclude the activities of the Commission on Self-Determination.

24 **Section 14. Repository for Commission Documents.** The Nieves Flores
25 Memorial Library shall be the depository of all public records and materials
26 pertaining to political status of the territory of Guam. The Commission on

- 1 Decolonization and its Office shall transfer all of its official public documents
- 2 upon completion of its work to such depository.

TWENTY-THIRD GUAM LEGISLATURE

1996 (SECOND) Regular Session

Overridden

Date: 1/5/97

VOTING SHEET

Bill No. VB 765

Resolution No.

Question: Notwithstanding the provisions of

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	✓			
AGUON, John P.				✓
BARRETT-ANDERSON, Elizabeth /		✓		
BLAZ, Anthony C.	✓			
BROWN, Joanne S.	✓			
CAMACHO, Felix P.	✓			
CHARFAUROS, Mark C	✓			
CRISTOBAL, Hope A.				✓
FORBES, MARK	✓			
LAMORENA, Alberto C., V	✓			
LEON GUERRERO, Carlotta	✓			
LEON GUERRERO, Lou	✓			
NELSON, Ted S.	✓			
ORSINI, Sonny L.				✓
PANGELINAN, Vicente C	✓			
PARKINSON, Don	✓			
SAN AGUSTIN, Joe T.				✓
SANTOS, Angel L. G.	✓			
SANTOS, Francis E.	✓			
UNPINGCO, Antonio R.	✓			
WONPAT-BORJA, Judith	✓			

TOTAL

16 — 1 — 0 — 4

CERTIFIED TRUE AND CORRECT:

Recording Secretary

15/197
23-147



OFFICE OF THE GOVERNOR
TERRITORY OF GUAM

DEC 31 1996

RECEIVED BY THE SPEAKER

The Honorable Don Parkinson
Speaker
Twenty-Third Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

OFFICE OF THE SPEAKER	
Date:	12-31-96
Time:	12:51 pm
Received By:	[Signature]
Print Name:	Energy Gumabom

Dear Mr. Speaker:

Enclosed please find Substitute Bill No. 765 (LS), "AN ACT TO CREATE THE COMMISSION ON DECOLONIZATION FOR THE IMPLEMENTATION AND EXERCISE OF CHAMORRO SELF-DETERMINATION", which I have **vetoed**.

This legislation undermines the work of the Commission on Self Determination, which at this time is bringing to a close lengthy and intense negotiations with the Clinton Administration on the provisions of the Commonwealth Draft Act.

The Commission on Decolonization proposed by this legislation would have duplicative powers already given in previous legislation to the Commission on Self Determination. It also appears that the proposed Commission on Decolonization would be starting the same process over again, assessing public interest in independence, free association, and statehood as possible political status destinations for Guam. Interestingly, the political status of commonwealth is omitted.

Should the current status negotiations fail to yield some positive results very soon, legislation will need to be considered which outlines Guam's future course of action and which takes into account the current wishes of Guam's people. Passing this particular legislation at this time is premature and unproductive.

A copy of Governor's message and the bill have also been delivered to the Office of the Legislative Secretary.

Very truly yours,

Madeleine Z. Bordallo
Madeleine Z. Bordallo
Acting Governor of Guam

Attachment
231609

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By:	[Signature]
Time:	12:55 pm
Date:	12/31/96



OFFICE OF THE GOVERNOR
TERRITORY OF GUAM

RECEIVED
DEC 31 1996

DEC 31 1996

The Honorable Hope A. Cristobal
Acting Legislative Secretary
Twenty-Third Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

Dear Madame Legislative Secretary:

Enclosed please find a copy of Governor's message and copy of Substitute Bill No. 765 (LS), "AN ACT TO CREATE THE COMMISSION ON DECOLONIZATION FOR THE IMPLEMENTATION AND EXERCISE OF CHAMORRO SELF-DETERMINATION", which I have **vetoed**.

Governor's message and the original bill have been delivered to the Office of the Speaker.

Very truly yours,

Madeleine Z. Bordallo
Madeleine Z. Bordallo
Acting Governor of Guam

Attachments

231617

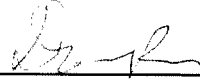
(Same as Doc. No. 231604)
for file purposes only

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<i>J. Allie</i>
Time	_____
Date	12/31/96

TWENTY-THIRD GUAM LEGISLATURE
1996 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 765 (LS), "AN ACT TO CREATE THE COMMISSION ON DECOLONIZATION FOR THE IMPLEMENTATION AND EXERCISE OF CHAMORRO SELF-DETERMINATION," was on the 13th day of December, 1996, duly and regularly passed.



DON PARKINSON
Speaker

Attested:



SONNY LUJAN ORSINI


Senator and Acting Legislative Secretary

This Act was received by the Governor this 19th day of December,
1996, at 11:30 o'clock 9 .M.



Assistant Staff Officer
Governor's Office

APPROVED:



MADELEINE Z. BORDALLO

Acting Governor of Guam

Date: _____

Public Law No. _____

TWENTY-THIRD GUAM LEGISLATURE
1996 (SECOND) Regular Session

Bill No. 765

As substituted by the author

Introduced by:

H. A. Cristobal

AN ACT TO CREATE THE COMMISSION ON
DECOLONIZATION FOR THE IMPLEMENTATION
AND EXERCISE OF CHAMORRO SELF-
DETERMINATION.

1 **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**

2 **Section 1. Statement of Legislative Findings and Purpose.** The
3 Legislature recognizes that all the people of the territory of Guam have
4 democratically expressed their collective will and has recognized and
5 approved the inalienable right of the Chamorro people to self-determination.
6 This includes the right to ultimately decide the future political status of the
7 territory of Guam as expressed in Section 102 (a) of the draft Commonwealth
8 Act, as approved by the people of Guam in a plebiscite held in September
9 1988. Consistent with this intent, the people of Guam have petitioned the
10 United States Congress to also recognize this inalienable right on behalf of
11 the American people. Noting that it has been almost nine (9) years since the
12 people of Guam have transmitted the draft Commonwealth Act to the federal
13 government and that Section 102 (a) has been significantly changed to
14 warrant rejection of this section of the document, the Legislature, in the
15 interest of the will of the people of Guam, desirous to end colonial
16 discrimination and address long-standing injustice of a people does, hereby,

1 establish the Commission on Decolonization for the Implementation and
2 Exercise of Chamorro Self-Determination.

3 **Section 2. Definitions.**

4 (a) **self-determination.** Freedom of a people to determine the
5 way in which they shall be governed and whether or not they shall be self-
6 governed.

7 (b) **Chamorro people of Guam.** All inhabitants of Guam in
8 1898 and their descendants who have taken no affirmative steps
9 to preserve or acquire foreign nationality.

10 **Section 3. Legal and Moral Basis.** The following documents provide
11 and support the moral and legal basis for Chamorro Self-Determination: the
12 1898 Treaty of Peace between the United States and Spain; Chapter XI of the
13 United Nations Charter; United States yearly reports to the United Nations
14 on the Non Self-Governing Territory of Guam; 1950 Organic Act of Guam;
15 UN Resolution 1541 (XV); UN Resolution 1514 (XV); Sec. 307 (a) of the
16 United States Immigration and Nationality Act; Part I, Article 1, Paragraph 1
17 and 3 of the International Covenant on Civil and Political Rights.

18 **Section 4. Creation and Membership of Commission.** There is
19 established a Commission on Decolonization for the Implementation and
20 Exercise of Chamorro Self-Determination for the people of Guam which
21 shall be composed of (10) members including the Chairperson. The Governor
22 shall serve as the Chairperson of the Commission. Three (3) members of the
23 Commission shall be appointed by the Governor, of which (2) shall be
24 members of Chamorro rights organizations; three (3) members of the
25 Legislature, of which one (1) shall be a member of and be selected by, the
26 Legislature's minority, one (1) member to be the Chairperson of the

1 Committee on Federal and Foreign Affairs, and one (1) to be appointed by the
2 Speaker , who may appoint self; and one (1) member of the Mayors Council
3 shall be appointed by the Mayors Council; one (1) member to represent the
4 judiciary to be appointed by the Presiding Judge; and one (1) member to
5 represent the youth of Guam to be appointed by the Speaker of the Youth
6 Congress from among the qualified members of the Congress or he may
7 appoint self. The Commission shall choose a vice-chairperson from among
8 the members of the Commission. No person shall be eligible to serve as a
9 member of the Commission unless he or she shall be a citizen of the United
10 States qualified to vote on Guam. Members (except for the Chairman) shall
11 serve throughout the life of the Commission and shall elect among
12 themselves a Vice-Chairman who shall serve as Chairman in the absence of
13 the Governor. Vacancies in the membership shall be filled in the same manner
14 as the original appointment.

15 **Section 5. Function.** The general purpose of the Commission on
16 Decolonization is to ascertain the desire of the Chamorro people of Guam as
17 to their future political relationship with the United States. Once the desire
18 of the Chamorro people of Guam is ascertained, the Commission shall
19 transmit that desire to the President and Congress of the United States and
20 the Secretary General of the United Nations.

21 **Section 6. Creation of Task Forces.** The Commission shall create three
22 (3) Task Forces. Each task force shall be composed of seven (7) members,
23 appointed by the Commission, who are advocates for the status for which
24 they are appointed. The three task forces are: (1) Independence Task Force;
25 (2) Free Association Task Force; and (3) Statehood Task Force.

1 **Section 7. Function of Task Forces.** The three task forces shall draw
2 upon the resources of the Commission on Decolonization, and no later than
3 four (4) months from the date of their appointment, after conducting an
4 extensive study, including input from the general public, each task force shall
5 present a position paper to the Commission on its respective political status
6 option for Guam.

7 **Section 8. Office and Employees of the Commission.** Considering that
8 the majority of the activities of the Commission on Self-Determination have
9 been fulfilled, the office and employees of the Commission on Self-
10 Determination shall also serve as the office and employees of the
11 Commission on Decolonization.

12 **Section 9. Public Information Program.** The Commission, in
13 conjunction with the Commission's task forces shall conduct an extensive
14 public education program, throughout the island, based on the position
15 papers submitted by each task force.

16 **Section 10. Plebiscite Date and Voting Ballot.** At the next Primary
17 election, the Guam Election Commission, or any successors to it, shall
18 conduct a political status plebiscite at which the following question shall be
19 asked of the Chamorro people entitled to vote:

20 "In recognition of your right to self-determination, which of
21 the following political status options do you favor?" (Mark
22 ONLY ONE):

- 23 1. Independence ()
24 2. Free Association ()
25 3. Statehood ()

1 **Section 11. Run-off Plebiscite.** If one political status does not receive the
2 majority votes cast in the above plebiscite, a run-off plebiscite shall be held
3 sixty (60) days from the date thereof between the two (2) political status
4 options receiving the highest number of votes.

5 **Section 12. General Powers of the Commission.** The Commission on
6 Decolonization shall have, and may exercise, the following general powers in
7 carrying out the activities of the Commission :

8 (a) To acquire, in any lawful manner, any property real and
9 personal, mixed, tangible or intangible - to hold, maintain, use
10 and operate the same; and to sell, lease or otherwise dispose of
11 the same, whenever any of the foregoing transactions are
12 deemed necessary or appropriate to the conduct of the
13 activities authorized by this Chapter, and on such terms as may
14 be prescribed by the Commission.

15 (b) To enter and perform such contracts, cooperative agreements or
16 other transactions with any person, firm, association,
17 corporation or any agency and instrumentality of the
18 government of Guam or the United States or any country,
19 state, territory or the United Nations, or any subdivision
20 thereof, as may be deemed necessary or appropriate to the
21 conduct of the activities authorized on this Chapter, and on
22 such terms as may be prescribed by the Commission.

23 (c) To execute all instruments necessary or appropriate in any of its
24 functions.

25 (d) To appoint, without regard to the provisions of the Personnel
26 and Compensation Laws, such officers, agents, attorneys,

1 consultants and employees as may be necessary for the conduct
2 of business of the Commission; to delegate to them such
3 powers and to prescribe for them such duties as may be deemed
4 appropriate by the Commission; to fix and pay such
5 compensation to them for their services as the Commission
6 may determine, without regard to the provisions of the
7 Personnel and Compensation Laws. In the appointment of
8 officials and the selection of employees, agents and consultants
9 for the Commission, no political test or qualification shall be
10 permitted or given consideration, but all such appointments
11 shall be given and made on the basis of merit and knowledge.
12 The Commission shall give due consideration to residents of
13 Guam in the selection of its officials, attorneys, agents,
14 consultants and employees.

15 (e) To accept gifts or donations of services, or of property - real,
16 personal or mixed, tangible or intangible - in aid of any of the
17 activities authorized by this Chapter.

18 (f) To adopt rules and regulations governing operations of the
19 Commission and to take such other action as may be necessary
20 or appropriate to carry out the powers and duties herein
21 specified or hereafter granted to or imposed upon it.

22 **Section 13. Commission on Self-Determination.** Nothing in this Act
23 shall preclude the activities of the Commission on Self-Determination.

24 **Section 14. Repository for Commission Documents.** The Nieves Flores
25 Memorial Library shall be the depository of all public records and materials
26 pertaining to political status of the territory of Guam. The Commission on

- 1 Decolonization and its Office shall transfer all of its official public documents
- 2 upon completion of its work to such depository.

VOTING SHEET

Bill No. 765
 Resolution No. _____
 Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C. /	✓			
AGUON, John P. /	✓			
BARRETT-ANDERSON, Elizabeth /	✓			
BLAZ, Anthony C.	✓			
BROWN, Joanne S.	✓			
CAMACHO, Felix P.	✓			
CHARFAUROS, Mark C	✓			
CRISTOBAL, Hope A.	✓			
FORBES, MARK	✓			
LAMORENA, Alberto C., V	✓			
LEON GUERRERO, Carlotta	✓			
LEON GUERRERO, Lou /	✓			
NELSON, Ted S.	✓			
ORSINI, Sonny L.	✓			
PANGELINAN, Vicente C /	✓			
PARKINSON, Don	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Angel L. G.	✓			
SANTOS, Francis E.	✓			
UNPINGCO, Antonio R.				
WONPAT-BORJA, Judith	✓			<i>Excuse</i>

TOTAL 20 0 0 1

CERTIFIED TRUE AND CORRECT:

 Recording Secretary



Senator Hope Alvarez Cristobal

Twenty-Third Guam Legislature

Chairperson, Committee on Federal and Foreign Affairs

November 26, 1996

Honorable Don Parkinson
Speaker
Twenty-Third Guam Legislature
155 Hesler St.
Agana, Guam 96910

VIA: Chairman, Committee on Rules

Dear Mr. Speaker:

The Committee on Federal and Foreign Affairs to which was referred the **Bill 765- (H.A.Cristobal) AN ACT TO CREATE THE COMMISSION ON DECOLONIZATION FOR THE IMPLEMENTATION AND EXERCISE OF CHAMORRO SELF-DETERMINATION.**, submits its Committee Report to the Legislature with the recommendation **TO DO PASS**.

The voting record is as follows:

 9 To Do Pass
 0 Not To Pass
 0 Abstain
 0 To place in Inactive File

Attached are all pertinent documents for your review.

Sincerely,


HOPE ALVAREZ CRISTOBAL
Senator


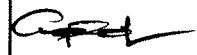




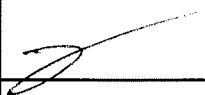
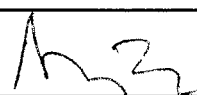
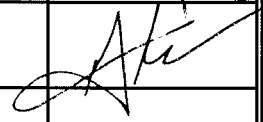
155 Hesler Street, Agana, Guam 96910 * Telephone: (671) 472-3581/2/3 * Facsimile: (671) 472-3585

Vice-Chairperson, Committee on Education * Member, Committee on Health, Welfare & Senior Citizens * Member, Committee on Judiciary & Criminal Justice, and Environmental Affairs * Member, Committee on General Governmental Operations and Micronesian Affairs * Member, Committee on Community, Housing & Cultural Affairs * Member, Committee on Youth, Labor and Parks & Recreation * Member, Commission on Self Determination * Member, Political Status Education Coordinating Commission * Member, Guam Finance Commission * Alternate Secretary General, Asian-Pacific Parliamentarians' Union * Member, Komitea Para Tiyon

Committee on Federal & Foreign Affairs

VOTING SHEET

BILL NO. 765 (H.A. Cristobal): AN ACT TO CREATE THE COMMISSION ON DECOLONIZATION FOR THE IMPLEMENTATION AND EXERCISE OF CHAMORRO SELF-DETERMINATION.

Committee Members	To PASS	NOT to PASS	To ABSTAIN	To Place in INACTIVE FILE	SIGNATURE
Sen. Hope A. CRISTOBAL Chairperson	✓				
Senator Angel SANTOS Vice-Chairperson	✓				
Senator Tom ADA Member	✓				
Senator J. WON PAT-BORJA Member	✓				
Senator Mark CHARFAUROS Member	✓				
Senator L. LEON GUERRERO Member	✓				
Senator V. PANGELINAN Member	✓				
Senator Francis SANTOS Member					
Sen. E. BARRETT-ANDERSON Member					
Senator Anthony BLAZ Member	✓				
Senator Mark FORBES Member	✓				
Senator C. LEON GUERRERO Member					

TWENTY-THIRD GUAM LEGISLATURE
1996 (SECOND) Regular Session

Bill No. 765
Introduced by:

H.A. Cristobal *H. Cristobal*

**AN ACT TO CREATE THE COMMISSION ON
DECOLONIZATION FOR THE IMPLEMENTATION AND
EXERCISE OF CHAMORRO SELF-DETERMINATION.**

1 **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF**
2 **GUAM:**

3 **Section 1. Statement of Legislative Findings and Purpose.** The
4 Legislature recognizes that all the people of the territory of Guam have
5 democratically expressed their collective will and have recognized and
6 approved the inalienable right of the Chamorro people to self-
7 determination. This includes the right to ultimately decide the future
8 political status of the territory of Guam as expressed in Section 102(a) of
9 the Guam Commonwealth draft Act as approved by the people of Guam
10 in a plebiscite held September 1988. Consistent with this intent, the
11 people of Guam have petitioned the United States Congress to also
12 recognize this inalienable right on behalf of the American people.
13 Noting that it has been almost 9 years since the people of Guam have
14 transmitted the Guam Commonwealth draft Act to the federal
15 government and that Section 102(a) has been significantly changed to
16 warrant rejection of this section of the document, the Legislature in the
17 interest of the will of the people of Guam, desirous to end colonial
18 discrimination and address long-standing injustice of a people, does

1 hereby, establish the Commission on Decolonization for the
2 Implementation and Exercise of Chamorro Self-Determination.

3
4 **Section 2. Definitions.**

5 (a) **Self-determination.** Freedom of a people to determine the
6 way in which they shall be governed and whether or not they shall be
7 self-governed.

8 (b) **Chamorro people of Guam.** All inhabitants of Guam in
9 1898 and their descendants who have taken no affirmative steps to
10 preserve or acquire foreign nationality.

11
12 **Section 3. Legal and Moral Basis.** The following documents provide
13 and support the moral and legal basis for Chamorro Self-Determination:
14 the 1898 Treaty of Peace between the United States and Spain; Chapter
15 XI of the United Nations Charter; United States yearly reports to the
16 United Nations on the Non Self-Governing Territory of Guam; 1950
17 Organic Act of Guam; UN Resolution 1541 (XV); UN Resolution 1514
18 (XV); Section 307(a) of the United States Immigration and Nationality
19 Act; Part I, Article 1, Paragraph 1 and 3 of the International Covenant on
20 Civil and Political Rights.

21
22 **Section 4. Creation and Membership of Commission.** There is
23 established a Commission on Decolonization for the Implementation and
24 Exercise of Chamorro Self-Determination for the people of Guam which
25 shall be composed of (10) members including the Chairperson. The
26 Governor shall serve as the Chairperson of the Commission. Three (3)
27 members of the Commission shall be appointed by the Governor, of
28 which two (2) shall be members of Chamorro rights organizations; three
29 (3) members of the Legislature: of which one (1) shall be a member of
30 and be selected by the Legislature's minority; one (1) member to be the

1 Chairperson of the Committee on Federal and Foreign Affairs; and one
2 (1) to be appointed by the Speaker, who may appoint self; and one (1)
3 member of the Mayors Council shall be appointed by the Mayors
4 Council; one (1) member to represent the judiciary to be appointed by the
5 Chief Justice of the Supreme Court of Guam, who may appoint self; and
6 one (1) member to represent the youth of Guam to be appointed by the
7 Speaker of the Youth Congress from among the qualified members of the
8 Congress, who may appoint self. The Commission shall choose a vice-
9 chairperson from among the members of the Commission. No person
10 shall be eligible to serve as a member of the Commission unless he or
11 she shall be a citizen of the United States qualified to vote on Guam.
12 Members (except for the Chairperson) shall serve throughout the life of
13 the Commission and shall elect among themselves a Vice-Chairperson
14 who shall serve as Chairperson in the absence of the Governor.
15 Vacancies in the membership shall be filled in the same manner as the
16 original appointment.

17
18 **Section 5. Function.** The general purpose of the Commission is to
19 ascertain the desire of the Chamorro people of Guam as to their political
20 relationship with the United States. Once the desire of the Chamorro
21 people of Guam is ascertained, the Commission shall transmit that desire
22 to the President and Congress of the United States and the Secretary
23 General of the United Nations.

24
25 **Section 6. Creation of Task Forces.** The Commission shall create
26 three (3) Task Forces. Each task force shall be composed of seven (7)
27 members, appointed by the Commission, who are advocates for the
28 status for which they are appointed. The three task forces are: (1)
29 Independence Task Force; (2) Free Association Task Force; and (3)
30 Statehood Task Force.

1 **Section 7. Function of Task Forces.** The three task forces shall draw
2 upon the resources of the Commission, and no later than four (4) months
3 from the date of their appointment, after conducting an extensive study,
4 including input from the general public, each task force shall present a
5 position paper to the Commission on their respective political status
6 option for Guam.

7
8 **Section 8. Office and Employees of the Commission.** Considering
9 that the majority of the activities of the Commission on Self-
10 Determination have been fulfilled, the office and employees of the
11 Commission on Self-Determination shall also serve as the office and
12 employees of the Commission on Decolonization.

13
14 **Section 9. Public Information Program.** The Commission, in
15 conjunction with the Commission's task forces shall conduct an
16 extensive public education program throughout the island based on the
17 position papers submitted by each task force.

18
19 **Section 10. Plebiscite Date and Voting Ballot.** At every Primary
20 election hereafter, until such time as a final status for the territory of
21 Guam is determined by the Chamorro people, the Guam Election
22 Commission, or any successors to it, shall also conduct a political status
23 plebiscite at which the following question shall be asked of the
24 Chamorro people:

25 *"In recognition of your right to self-determination, which of the*
26 *following political status options do you favor?"* (Mark ONLY ONE):

- 27 1. Independence ()
28 2. Free Association ()
29 3. Statehood ()
30
-