

## CHAMORRO TRIBE

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### Cultural Genocide and Racism

#### (The American Way)

Written by Greg Schacher | Opinion | Tuesday, 22 December 2009

Marianas Variety Weekend Editio

Though authority granted by the United States Constitution, the Treaty of Paris, and the Treaty of San Francisco; the Congress of the United States of America has the power to determine the political status of this island and her native people.

In 1950 the Congressional Amendment to Title 48 of the United States Code (The Organic Act of Guam) changed our status from United States Nationals to Statutory Citizens of the United States, because Article 14, line 1 of the U.S. Constitution does not recognize Statutory Citizenship as a method of becoming a United States Citizen, we do not enjoy Constitutional rights or protection. We are granted privileges by Congress, which can be taken away from us by the will of the Congress.

In 1995, the United States Congress exercised its authority to determine our Political Status by designating us as – Native American Pacific Islanders, by doing so, the Congress established that the Native Inhabitants of this island should be afforded the same rights, protection, and privileges as American Indians, Alaska Natives, Native Hawaiians, and all other Native Americans.

In 1999 the Supreme Court of the United States of America upheld the decision of the Appellate Court in the case of the Government of Guam, Guam Economic Authority vs. The United States of America. In its decision, the court ruled that the Government of Guam does not have the authority to represent the Aboriginal Rights of the native inhabitants of this island, those rights may only be represented by a Tribe or under special circumstances, a Tribal Member.

We are currently facing a very important event concerning our island and the existence of our culture as well as our race. That is of course the planned military build-up. The relocation of 78,000 non-Chamorro to our island without the institution and enforcement of laws protecting our lands, our water, our culture, and our inherent right to exist, as a race would result in the

genocide of our culture and our race. Yet our Territorial Government leaders and the Department of Defense continue to ignore this fact. Although the Chamorro people have been designated as Native Americans, and those Federal Laws already in place, protect the rights of Native Americans, they choose to ignore those laws as well as our inherent rights, while they are busy playing the “who gets what game”.

Even more appalling than this situation is the fact that the Department of Interior, who has been assigned Administrative Authority over our island, as well as the responsibility to protect Native Americans, also ignores those laws, our designated status and our inherent aboriginal rights.

A classic example of this is the Draft E.I.S., where in all of the listed concerns which directly involves those aboriginal and inherent rights are to be mitigated with the Government of Guam, not the Native Inhabitants or the Tribe, as ruled by the Supreme Court.

By continuing to ignore our status as Native Americans and continuing to deny us the same rights, protections, and privileges as all other Native Americans, the Departments of Interior and Defense are racially discriminating against the Chamorro people of Guam and promoting the cultural and racial genocide of our people, all with the full support of the Territorial Government of Guam.

It’s time for all Chamorro people to pay attention and stand up for our rights. If we don’t fight now, our children won’t have a future.

Greg Schacher is the Vice Chairman of the Chamorro Tribe, Inc.

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### **The fast lane to first-class U.S. citizenship**

*Posted: Nov 18, 2009 9:42 AM Updated: Nov 18, 2009 9:42 AM*



by John Davis

As our government plans to begin the education portion of our quest towards political self determination, there's another avenue that appears to bear more fruit than determining our island's political status. That avenue is having our people recognized as a Native American tribe. Attempts to gain recognition of the Chamorro people as Native American tribes don't effect the Guam quest for political self determination.

In fact, I view it as an enhancement to the current relationship with the U.S. Government.

Currently Chamorros are entitled to 2nd class U.S. Citizenship thanks to the passage of the Organic Act and the signing of the Treaty of Paris over a century ago. I say 2nd class citizenship or statutory citizenship because we don't vote for president and we do not have equal representation in congress. We elect a delegate to congress, but they have no voting power on the floor. What makes matters worse is only certain parts of the U.S. Constitution and Basic Human Rights apply to Chamorro people because the U.S. Supreme Court recognized them and gave us those rights to 2nd class citizenship.

If Chamorro's are recognized as a Native American tribe, members will be incorporated into an already existing federal law called the United States and the Indian naturalization Act. If the United States and Indian naturalization Act applies to members of the Chamorro Tribe, our existence as 2nd class U.S. citizens will end. Members of this Chamorro Tribe will be able to cast their vote for President, we might even get a vote that counts in the Electoral College and we will have equal voting representation in the U.S. Congress.

All it takes to be recognized as Native American is the approval of the Secretary of the U.S. department of interior. It doesn't require an act of congress or special consideration from the president, but if it does happen, Guam and it's Chamorro Native American tribe members will begin to reap real benefits from the federal government.

If Chamorro's on Guam and abroad are recognized as a Native American tribe, members of the tribe would be able to help our island government with the upcoming military buildup, guaranteeing money before, during and after the buildup will stay on Guam. There is existing federal government policy related to the issuance of federal contracts that will help members of the Tribe.

That federal government policy entitles 30 percent of all federal government contracts to be awarded to Native American tribes. Native American tribes are also allowed to bid up to 30 percent over the contract amount and still receive special consideration as a Native American tribe. In fact, there is already a company doing business on Guam as a Native American Alaskan tribe, imagine the consideration they're getting now and the consideration a Chamorro tribe would get if recognized by USDOJ? Now that makes dollars and cents instead of dollars and nonsense.

Every year, money from the federal government is appropriated to recognized Native American tribes for schools, homes, businesses, public safety and healthcare. Our healthcare, education and public safety systems in our government could use some extra cash, which will be available if our people are recognized as a Native American tribe.

If you're not a member of the Chamorro Tribe, sign up and get involved. Even the United Nations Expert on Political Status agreed gaining recognition as a Native American tribe was the express lane to equal treatment and equal representation from the U.S. Government. I say we follow his lead, but lead the way for our people.

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### **Concerns raised on military buildup village meetings**

**Written by Therese Hart | Variety News Staff | Monday, 26 January 2009**

#### **MARIANAS VARIETY GUAM EDITION**

ALTHOUGH the Joint Guam Program Office (JGPO) has begun its village meetings to update residents on the draft Environmental Impact Study which will affect Guam residents during the impending military buildup, Sen. Ben Pangelinan and Frank Schacher, chairman of the Chamorro Tribe, have concerns about the process and format of the meetings. Pangelinan recently wrote a letter to David Bice, executive director of JGPO, saying that the village meetings hosted by JGPO "appears (as if) the military are there to 'solicit' information rather than a two-way collaboration on what the final draft of the EIS will consist of."

Pangelinan also questioned the military's surveying of properties that are not federal lands.

Pangelinan, in his letter, asked Bice to make the EIS findings of each phase available and transparent.

"This will allow the people of Guam to be truly part of the process and be involved at the phases where our concerns can be addressed before the final outcome. How can our people ask the pertinent questions when it is unclear what any of the findings are?" the senator asked.

Pangelinan said that residents should not have to wait until the public comment stage.

"By then, our input will be superfluous. The people of Guam must be included in all plans for the military buildup and not just peripherally," said Pangelinan.

## **Violate**

Schacher, in a letter to John Jackson of JGPO, stated that the military buildup with the full consent of "native inhabitants of this island," would violate articles as outlined in the Charter of the United Nations as well as the intent of the U.S. Constitution.

"In these troubled times wherein our new president and his cabinet face the daunting task of rebuilding America's tarnished image, this action without conformance to the Constitution... would not only be another slap in the face of the Chamorro people, it would also be damaging to the efforts of our president, his cabinet and the American people," said Schacher.

Schacher added that the military buildup, without the full consent of Guam residents, "sends a clear message to the world that the United States does not honor its obligations under the U.N. treaty and does not conform to its own Constitution."

### Related Links:

- [Tribal Letter to Director: Joint Guam Program Office.pdf](#)

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## **Recent CLTC actions concern Chamorro Tribe Leader**

**By Sabrina Salas Matanane | KUAM.com | January 2, 2009**

Chamorro Tribe vice-chairman Greg Schacher is concerned about the way that the Chamorro Land Trust Commission is leasing its properties. According to Schacher, federal law defines aboriginal peoples of any island under U.S. possession as Native American Indians; furthermore he says federal law requires that such residents should own at least 51% of the businesses that the government helps develop.

"They seem to think that they can just lease property out to any offshore investor or any domestic company and it's just not fair for the aboriginal Chamorros, which was the intent of the Chamorro Land Trust," he explained.

Schacher adds the CLTC needs to focus on what it was originally intended to do - provide opportunities for native Chamorros.

### Related Links:

- [Tribal Press Release: Chamorro Land Trust.pdf](#)

- [Chamorro Tribe Educational Meeting Videos](#)
- [Chamorro Land Trust Commission](#)

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## **Chamorros Deserve Native American Benefits**

**Written by Sen. Judith P. Guthertz | Marianas Variety | Thursday, 09 October 2008**

### **MARIANAS VARIETY GUAM EDITION**

As a longstanding supporter of Chamorro Rights and Self-Determination, I introduced, along with Senators B.J. Cruz and Rory Respicio, Resolution No. 191. The resolution urges Guam Delegate Madeline Z. Bordallo to request the U.S. Congress to fully acknowledge the Chamorro people as Native Americans. It also requests full inclusion for the Chamorros under Title 25 of the U.S. Code, which covers Native Americans.

I am proud to have sponsored this resolution because it asks that Congress grant the Chamorro people full recognition as Native Americans and integration and inclusion as a Native American Indian Tribe, to be called, "I Chamorro Na Taotaogui."

Chamorros should have the same recognition and rights as the other indigenous peoples who live on American soil, such as American Indians and Alaskan Eskimos.

If this goal were achieved, Chamorros would receive a number of benefits including greater access to federal contracts, which we believe will prove to be a significant advantage given the coming military buildup. The buildup is an enormous undertaking involving many billions of dollars, and we in Guam should receive our fair share of the business and our fair share of the prosperity that will result.

We had hoped that this issue could be discussed without bringing gambling into the picture, because the Native American status could open many doors for Guam-based businesses. As the laws are written, native groups that have been recognized under Title 25 have certain advantages when it comes to Federal contracts. It's possible that Native Americans from Alaska and the contiguous 48 states could have preference over our own local businesses in getting Federal contracts for the buildup in Guam.

However, some people are associating Resolution No. 191 with gambling. We do not want people to think that we are promoting gambling, because we do not support gambling." Senators Cruz, Respicio and I have decided to hold the Resolution back until after the November election so it won't have any effect on the vote on Proposal A, the "Responsible Gaming Act." Let me be very clear: we are all opposed to Proposal A.

It's unfortunate that the provisions of Title 25 are so broad, taking up 44 chapters on everything from child welfare to business development; from tribal land claims to forest resources management.

Included among them is legalized gambling: Title 25 allows the ruling councils of each of the indigenous groups to make decisions on a number of issues, and among the more well-known of these issues is the ability to legalize gambling (and build casinos) on Native American land.

There are other equally important benefits to be gained from becoming recognized as Native Americans, even beyond the ability to get federal contracts. The most important one is advancing federal recognition of Chamorros as an indigenous people. Federal authorities have yet to fully accept the cause of Chamorro Self-Determination, and the sovereign rights to which the Chamorro people are entitled under the provisions of the United Nations Charter.

Obtaining federal recognition of Chamorros as an indigenous tribe will provide another building block in our quest to secure Chamorro Self-Determination. The future political status of our island will be decided when the Chamorro Self-Determination vote is held. Our dream of Chamorro Self Determination will only be realized if we utilize all means at our disposal to secure federal recognition of the rights of the Chamorro people.

#### Related Links:

- [Resolution 191](#)

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#### Measure Seeks Native American Status For Chamorros

**By Mark-Alexander Pieper | Pacific Daily News | Tuesday, 07 October 2008**

Guam senator sees contract opportunities with military buildup- HAGATNA, Guam (Pacific Daily News, Oct. 6, 2008) – Guam Sen. Judith Guthertz wants public input on asking Congress to designate Chamorros, the island's indigenous people, as Native Americans.

Guthertz and Sens. Benjamin Cruz and Rory Respicio have introduced a resolution "urging" Guam Delegate Madeleine Bordallo to ask Congress to grant the people of Guam full constitutional citizenship, which would include presidential voting rights. It also asks Congress to designate the Chamorro people of Guam as a Native American Tribe "known as I' Chamorro Na Taotaogui."

The resolution states Guam would remain a territory of the U.S.

While the resolution has been introduced, it has not yet been referred to a legislative committee for a public hearing. Guthertz said before that happens, she's looking for input from the community. She's asking residents to call her office, e-mail, fax or to either provide testimony or schedule a meeting to discuss the issue.

"There's nothing hard and fast by it, and we're not going to even consider passing this unless there is adequate public support," Guthertz said. "But we're testing this because the people of Guam, including our indigenous people, have opportunities with this military buildup and this particular idea is one way to see if it can extend to the island this recognition so we can avail of these contract opportunities."

In 2014, 8,000 U.S. Marines from Okinawa, and thousands more of their dependents, are scheduled to relocate to a new base in Dededo. The move is expected to bring \$15 billion in military construction projects here and increase the island's population by about 42,000 people over a five-year period, according to Pacific Daily News files.

Shawn Gumataotao, the governor's spokesman, said the governor will reserve comment until further action by the Legislature on the resolution.

Guthertz said she got the idea when she heard some federal officials, she did not recall whom exactly, on the radio suggest that Guam should look into the option so they can benefit as Native Americans in getting a leg up on federal contracts.

"The federal government extends certain benefits to Native American groups, as well as minority groups, in federal contracting," said Guthertz, who, like the other 14 incumbent Guam senators, is up for re-election next month.

"We've seen it sometimes with women getting special consideration on certain federal contracting or minority groups and Native American groups that have been historically under-represented in doing business with the federal government," Guthertz said. "And the Alaskans have been able to do this through legislation and, as a result, they established corporations that compete for federal contracts all over the United States."

Guthertz said she didn't think the resolution would lead the Chamorro people being given casino rights similar to that granted some Native American tribes in the U.S. mainland.

"That's certainly not the intent and it is the farthest thing from my mind. I'm not a proponent of gambling," she said. "I certainly wouldn't support anything that would be an avenue to support that agenda. My interest is just give the rights to our people so they can compete for the economic opportunities with the buildup."

The Indian Gaming Regulatory Act, passed by Congress in 1988, is the centerpiece of Indian gaming law today. By its terms it allows gaming, even if against state law, on "Indian Lands," which are defined as all lands within the limits of any Indian reservation, according to FindLaw.com.

The National Indian Gaming Commission is established within the Department of the Interior and given the authority and responsibility of administering the law. The act divides Indian gaming into three different categories:

Class I gaming, which includes social and traditional games and is within the exclusive jurisdiction of Indian tribes.

Class II includes bingo and similar games.

Class III gaming includes all types of gaming that is neither Class I nor Class II gaming and is the category in which casino gaming falls.

"Class III gaming must also occur in a state that permits that particular type of gaming for any purpose by any person or entity and must also be authorized by tribal resolution or ordinance," the Web site states. "In addition, there must be a compact negotiated between the tribe and state which defines how the Class III gaming will be conducted."



Guthertz said if designating the Chamorro people as Native Americans also provided casino rights, a provision could be put into the resolution requesting such a right wouldn't transfer to I' Chamorro Na Taotaogui. She said local law, unless changed by referendum, would prohibit it.

Source- Pacific Island News

Related Links:

- [Resolution 191](#)

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## **Chamorro Tribe lobbies for Federal Registration**

**Written by Community News | Guam Variety News | Monday, 25 August 2008**

A GROUP calling itself the Chamorro Tribe has been formed to pursue federal registration for the Chamorro people as a Native American tribe.

According to Chamorro Tribe chairman, Frank J. Schacher, Chamorros right now are "statutory citizens" because they received citizenship through the passage of the Organic Act. "The Organic Act is United States Code 48 Section 8A. Unfortunately, Article 14 of the United States Constitution has never been amended to include citizenship of unincorporated territories. Because Article 14 Line 1 of the United States Constitution states there are only two ways to be a United States citizen, you are either born a citizen or you are naturalized. You cannot be naturalized as a statutory citizen," Schacher said.

He added that only certain amendments of the Constitution that the US Supreme Court recognize as being basic human rights apply to Chamorros.

"The only true way for Guam and the Chamorro people to get United States true citizenship, which means full protection and full constitutional rights, is either Guam becomes a state, which is not going to happen because we do not have the population base and we are too far from the contiguous 48 states. The only other way for us to get constitutional citizenship is to become registered as a native American tribe so that we as a people become incorporated to the United States and the Indian Naturalization Act, which would automatically naturalize us, thereby, making us legal Constitutional citizens of the United States and affording us all protections and rights under the Constitution of the United States and making us eligible for all types of benefits as well as giving us additional constitutional rights, because Native Americans enjoy more constitutional rights than regular Americans," Schacher said.

He added that Native Americans have the constitutional right to discriminate based on race to protect their culture, heritage and race.

The group is now initiating educational meetings on the proposal.