

Group 6 Reading: Guam Constitutional Conventions (ConCon)

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The second Guam Constitutional Convention

The second Guam Constitutional Convention was convened on 1 July 1977 to create a constitution for Guam that would redefine the island's relationship with the US rather than merely modifying the existing relationship. The convention met periodically through 31 October 1977 and drafted a constitution to govern Guam as an unincorporated territory of the United States. The constitution was based on the latest constitutional models in the 50 states.

The proposed constitution incorporated social, economic, cultural, political, and administrative reforms, and departed significantly from the US-written and imposed Organic Act of Guam of 1950. Federal authority to create a Guam Constitution was provided by US Public Law 94-584 (90 Stat. 2899) as amended by US Public Law 96-597 (94 Stat. 3479). These statutes also authorized the US Virgin Islands to create a constitution.

At the time of its passage in 1976, the US was involved in political status negotiations with the Northern Mariana Islands. The Northern Mariana Islands, which was part of the Trust Territory of the Pacific Islands (TTPI) administered by the US under the mandate of the United Nations, had selected a commonwealth status similar to Puerto Rico. The rest of the TTPI became independent countries and negotiated separate free association agreements with the US. These include the Republic of the Marshall Islands, the Federated States of Micronesia (Yap, Chuuk, Kosrae and Pohnpei), and the Republic of Palau.

The Guamanian leadership expressed widespread dissatisfaction with Guam's status quo and feelings of perceived inequity were caused by direct US negotiations with the Northern Mariana Islands. This dissatisfaction was organized and addressed by political status commissions established in 1973 and 1975, and through informal polls and a plebiscite in 1976, whereby voters of Guam elected to pursue a closer union with the US. Public Law 13-202 was enacted on 10 December 1976 to establish the framework to pursue drafting the constitution, and a non-partisan election was held on 16 April 1977 to elect 32 delegates. US citizens qualified to vote on Guam were eligible to become elected delegates. Although Chamorros and non-Chamorros were elected, only two delegates were women—Judith P. Guthertz and Judith T. Won Pat. Delegates included a retired judge, senators, village commissioners (mayors), bankers, lawyers, students, journalists, public employees, federal civil servants, educators and government officials. Carl T. C. Gutierrez, who had served as a Senator in the Guam Legislature, was elected convention president.

Over the course of its term, several controversial proposals were discussed and acted upon by convention delegates. These include the following:

1. Future Governors and Lieutenant Governors of Guam must be born on island or be direct descendants of native-born Chamorros (defeated)
2. The rights of the unborn child to be protected (tabled)
3. That pregnant women not be denied the right to abortions (tabled)
4. Guam's 19 villages be merged into 10 districts with a 22-member legislature (passed)

5. That homosexuals be given the right to marry (defeated)
6. That capital punishment be banned on Guam unless the voters decide otherwise in a referendum (passed)
7. That Chamorro and English be the official languages of Guam and that Chamorro also be used in official actions of public record (passed)
8. That a "Right-to-Work" provision be included in the Constitution (defeated)
9. That persons born of married or unmarried parents have equal rights (passed)

Thirty-four elected delegates signed the Guam Constitution on 15 December 1977 at their offices in the Bank of Tokyo Building in Hagåtña. Witnessing the event were Governor Ricardo J. Bordallo, Speaker Joseph F. Ada, and Guam Delegate Antonio B. Won Pat, among many others.

Among the provisions included in the Guam Constitution were as follows:

1. Fifteen-year residency requirement for Governor and Lt. Governor
2. Legislature shall consider a Two-Year Budget
3. Sixty-day default approval for all executive appointees unless otherwise rejected by the Legislature
4. Elected Auditor General (single term, non-partisan, restricted political activities)
5. Elected Attorney General (single term, non-partisan, restricted political activities)
6. Order of succession is different, as the Speaker, Vice-Speaker and legislative leadership do not have default duties to act in the absence of both the Governor and Lt. Governor
7. Clear authority to change the allocation of departments and their functions, powers and duties are provided to the Governor (Reorganization)
8. Guam Legislature would be comprised of no more than 27 and no less than 15 members to be elected by 10 districts.
9. Impeachment proceedings would be initiated by the Legislature and then decided by a Judicial Council comprised of attorneys and non-attorneys (no judicial officers would serve on the Council)
10. Elected Boards of Education
11. Official fruit of Guam would be the betel nut and coconut

Governor Bordallo and Convention President Gutierrez presented the Guam Constitution to US President Jimmy Carter. President Carter approved the constitution, as did the US Congress led by Senator Spark Matsunaga (D- Hawaii), Chairman of the Senate Energy Committee, and Congressmen Mo Udall (D-Arizona) and Manuel Lujan (D-New Mexico), Chairman and Vice Chairman of the House Committee on Interior and Insular Affairs. Matsunaga called the Guam Constitution a model for other Pacific territories at US Senate hearings in May 1978.