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**Honorable Benjamin J, Cruz**  
Speaker, 34<sup>th</sup> Guam Legislature

**Honorable Therese M. Terlaje**  
Vice-Speaker, 34<sup>th</sup> Guam Legislature

Hafa Adai Honorable Madam Chair, Mr. Speaker & members of the 34<sup>th</sup> Guam Legislature,

**FOR THE RECORD**

As a native inhabitant of Guam and a Chamorro, I hereby submit my testimony in SUPPORT of Resolution 51-34 (LS) and Resolution 52-34(LS).

Madam Chair, Mr. Speaker and all members. NOW is the time to fight! The “native inhabitants and their descendants” are tired of being marginalized. The U.S. District court of Guam has no business interfering and meddling with Guam’s decolonization process. Judge Frances Tydingco-Gatewood’s recent ruling in Civil Case #100035-17 shows a grave disrespect and insult to the U.S. Congress and the United Nations Resolution that all territories have a right to self-determination. In Judge Tydingco-Gatewood’s ruling she failed in her fiduciary responsibility to fully interpret the constitution and laws fairly and impartially. WE strongly believe

that Judge Tydingco-Gatewood's ruling was in it-self racially and politically bias!

Madam Chair, Judge Tydingco-Gatewood failed the test. She failed to ask the most fundamental question: Does Equal Protection under the 14<sup>th</sup> Amendment protect everyone? The answer can be found U.S. Supreme court case Young v. UPS. The answer, "Equal Protection may not protect everyone equally."

Madam Chair, WE have the GOD given right to "self-determination" and to determine our "political status." WE have been oppressed and under colonial occupation for over .300 years NOW is the time to fight to become a sovereign people. It is in the wisdom and vision of the late Senator Paul J. Bordallo, former Senator Hope Cristobal, Chamorro Rights Activist Ron Rivera and the late Ed Benavente, the late Senator Angel L.G. Santos, former Governor Paul M. Calvo, former Governor Joseph F. Ada and our Maga Lahi Eddie Baza Calvo (just to name a few), that through decolonization we have the God given right for self-determination.

Thousands have declared and have committed to asserting their rights as Chamorros to become a Sovereign Nation...a great Chamorro Nation! NOW is the time to fight! It's time to fight for the injustices imposed upon our people. NOW is the time to fight in our struggles. Let's continue the fight where organizations like OPI-R and the Chamorro Nation left off. The fight for the return of all federal excess lands, true liberation, the ability to control our immigration laws, fishing rights, and free trade just to name a few. NOW is the time to fight to let our federal counterparts know that we will settle for nothing less than partners and that they don't own us. NOW is

the time to fight to control our destiny! Let's not give up the fight against unfunded federal mandates and discriminatory federal court rulings.

Lets continue this fight to decide our own political status without outside inference...a decision that should be made by the "native inhabitants of Guam."

WE thank Mr. Arnold Davis for his service to the United States and his service to Guam while serving in the United States Air Force. However, Mr. Davis will only be one thing. A welcomed visitor and a colonizer.

The injustices and sufferings must stop now. Our manamkos are dying shackled and mouths taped. NOW is the time to fight for our children's future...it's time to set them free.

In closing I share a famous quote by late Senator Anghet Leon Guerrero Santos the most prolific Chamorro rights activist in this era.

"We cannot be passive or silent when human beings endure sufferings or humiliation. We must step forward and take sides. At times, we may make mistakes. But we must never make the mistake of failing to try. People deserve nothing less." –Angel L. Santos

WE join you in this fight. WE will fight a long your side! Fanohge Chamoru and Biba Chamoru!

Dankalo na Si Yu'os Ma'ase yan Put Respetu',

ORIGINAL SIGNED

Harold Cruz

NOTES

## The first Legislative Commission on Political Status, 1973-1974

The first Political Status Commission was created through Public Law 12-17 by the 12th Guam Legislature in 1973. It was the first official body set up to address Guam's political status as a specific issue. Unlike the previous Political Status Subcommittee and the Governor's Advisory Council, the Political Status Commission was established to provide information to the general public about the legal and political status of Guam with the United States. The commission was chaired by Senator Frank G. Lujan and was comprised of nine senators, including: [Joseph F. Ada](#), [Antonio M. Palomo](#), Adrian C. Sanchez, Francisco R. Santos, Richard F. Taitano, [Paul M. Calvo](#), Jesus U. Torres, and Paul J. Bordallo. An informational report was generated and released in September 1974.

## The second Special Commission on Political Status, 1975-1976

The 13th Guam Legislature created the second Political Status Commission in 1975. The commission did not take a position on the ultimate status for Guam but was tasked with educating the public about the different political status options and to formally open negotiations with the federal government. Public Law 13-24, which created the commission, identified the specific problems the commission was to try and resolve, including shipping, immigration, greater regional participation and other restrictions to Guam's economy as a result of the Organic Act or other federal controls. Unlike the first commission, the second Political Status Commission was comprised of 15 members from both political parties and two village commissioners (mayors). Republican Speaker Joseph Ada appointed four senators of the majority party and three members from the public-at large. The Democratic minority selected three Democrat senators and Democrat [Governor Ricky Bordallo](#) selected three members of his administration. Republican Senator Frank Blas was selected as Chair of the commission and members included Edward Duenas, Thomas V. C. Tanaka, Jr., former Lt. Governor Kurt Moylan, Dr. Pedro Sanchez, and Democrats [Carl T. C. Gutierrez](#), Adrian Sanchez, Francisco R. Santos, Edward Charfauros, Delfina Aguigui, James McDonald, Eugene Ramsey and Joseph Rios. PL 13-134 expanded the membership to include appointees from the Commissioners' Council Gregorio A. Calvo and Roman Quinata.

### POLITICAL STATUS REGISTRY

**Who can Register?** Any person born or migrated to Guam prior to the implementation of the 1950 Organic Act of Guam. To include the descendants of those born or those who migrated to Guam prior to the implementation of the 1950 Organic Act of Guam.

Many things claimed as uniquely American—a devotion to individual freedom, for example, or social opportunity—exist in other countries. But birthright citizenship does make the United States (along with Canada) unique in the developed world. [...] Birthright citizenship is one expression of the commitment to equality and the

expansion of national consciousness that marked Reconstruction. [...] Birthright citizenship is one legacy of the titanic struggle of the Reconstruction era to create a genuine democracy grounded in the principle of equality.<sup>[42]</sup>

The original interpretation of the United States Bill of Rights was that only the Federal Government was bound by it. In 1835, the U.S. Supreme Court in Barron v Baltimore unanimously ruled that the Bill of Rights did not apply to the states. During post-Civil War Reconstruction, the 14th Amendment was adopted in 1868 to rectify this condition, and to specifically apply the whole of the Constitution to all U.S. states. In 1873, the Supreme Court essentially nullified the key language of the 14th Amendment that guaranteed all "privileges and immunities" to all U.S. persons, in a series of cases called the Slaughterhouse cases. This decision and others allowed post-emancipation racial discrimination to continue largely unabated.

Later Supreme Court justices found a way around these limitations without overturning the Slaughterhouse precedent: they created a concept called Selective Incorporation. Under this legal theory, the court used the remaining 14th Amendment protections for equal protection and due process to "incorporate" individual elements of the Bill of Rights against the states. "The test usually articulated for determining fundamentality under the Due Process Clause is that the putative right must be 'implicit in the concept of ordered liberty', or 'deeply rooted in this Nation's history and tradition.'" Compare page 267 Lutz v. City of York, Pa., 899 F. 2d 255 - United States Court of Appeals, 3rd Circuit, 1990.