

March 17, 2017 9:00 A.M. Public Hearing for Resolution Nos. 51-34 (LS) and 52-34 (LS)

Jose Garrido testimony

“Si yu’us ma’ase un guifan nena kuentes. Guahu si Jose Ulloa Garrido, I belong to the Garrido clan of the Harmon cliff line, the volcano is smoking, I think there was enough said, by the way I support both resolutions, I think there was enough said about the history of Guam, the Marianas Island actually, because we were separated in 1898. And so that history before that is Marianas history, I know a little bit of the anthropological background of the island, I know a little bit of the archaeological background of Guam and the Marianas Island, I know the histories of the Marianas Island and Guam. I am not an expert but I certainly can find answers to any questions that you might like to ask. I am also a World War II veteran; I am a victim of the most brutal treatment of Japanese occupation. I did not die as you can see but I was in Manenggon, I was in Matat Talofofu, where we lived for four years, and then we moved to Asan, where I grew up to be an encourage able young man, going about their business, just being a happy go lucky, young man, until I found out that maybe, I shouldn’t be that happy. Enough had been said I know that Attorney Phillips have actually rendered enough answers to the questions that we could understand but were not all attorney’s. And I don’t claim to be a lawyer, but I do know a little about laws, and its contradictory ramification and I know in some part some of these problems that we are encountering recreated ourselves. And I am not blaming our past leaders, for putting us in such terrible situation as far as our human rights is concerned. They were only trying to help us, to protect us, and the best they could imagine and if we were U.S. citizens that the federal government will not step all over us. That’s the basic history of why our former leaders decided to go to Congress or to the President and ask for us to become U.S. citizens. And we’ve been asking since 1899 and we’ve been turned down, until 1950. In any case, move fast forward, I can ask the question, how can **3:07:29 “In Acamolie?** How can our Samoans not be a Samoan? So my question is to the district court and to the Department of Justice is how can I as a Chamorro not be a Chamorro? How can I? The perspective that I have because this is the thought process as Chamorro’s that were looking out for the best interest of the people and they say that is racist. I don’t want to mention that anymore that racist issue. Racial blame? But let me say something about that ruling. Judge Gatewood listened to that Dave Davis and I bet she listened attentively, very attentively. It took her about having six months and I bet you that her advisers are two racists from the Navy, who were attorney’s and every now and then where there’s case in the District Court, they would ask them to become deputy U.S. Attorney General. One being their last names, Lynch, and the other one being Schwab. They might be another one, whose last name is Sheldon, I know them well. Basically these were attorney’s who work for the federal government and are anti Chamorros. I know them well. I’ve been in this business since 1987. I’m seventy three almost right now, and quite frankly I am tired of being an activist. I’m a nationalist so I don’t have to be going around being an activist physically but I can be a nationalist in all aspects of all my life. When Judge Gatewood said, I’m sorry I understand that the Chamorros are colonized for one thousand years, and they have been dealt with all kinds of

human rights violations, I have to rule in favor of Dave Davis, because of the fourteenth and fifteenth amendments rights are being violated. For what? His right was being violated because we didn't allow him to participate to determine our political status. The question is who is the self in the self determination. The self is quote and unquote not only the Chamorro people but every community that has become colonized and not exercised of their right as self determination. The non self governing people is the self in every plebiscite. And there are at least seventeen or nineteen non self governing people including the Chamorro people that have not yet be given the right to self determination. It's recognized internationally and affirmed on their international law. That we, the Chamorro people, on Guam are the colonized people. Davis wanted to make sure that he be given the right to determine the political status of the colonized community. And that's where it gets deeper, when a person is given by the district court by the power of the constitution to participate and to be with the people who are colonized to determine the political status of the colonized people, Davis was given a special right. Which means that his right is paramount over us. Why? Because in fact he's not making a determination of the political status of the island. He's making a political status or a decision of the political status of the Chamorro people should have these rights didn't have before he had a civil right that was accorded to him by the United States as an American citizen and you know what he had those full rights that we never did. That's why I'm saying if you look at this angle that a person was given a right to determine the same Davis the judgment gave me the right to determine what this colonized Chamorro right status is. Am I equal? No. I am higher than her because I am determining the political status of Trini? Why there was no self determination the highest power of determination is self determination in other words the person who is colonized shall exercise the right to decide by herself or himself with outside interference to determine whether he or she wants to be enslaved for ten thousand years, or to be free forever. And we were give three political options. Which of course really isn't statehood it's not really freely association of the United States, actually the original is integration, full integration without independent countries. So we could have been we could have voted maybe if they allow us to be fully integrated with Australia for example. Or we could have free association with New Zealand. But no we decided to be colonized with the United States for one hundred ten years we decided maybe we stick around with. I admit senators the United States are the best colonizers in the world, but that's not the argument here the argument is human rights and under the principle of decolonization, economics and your population of the colonized is irrelevant. If there is two or one Chamorro on Guam and he is the only remaining Chamorro in the world he has the right to self determination to determine what political status he want to be in it has nothing to do with population. In any case that's just my argument not being an attorney how I can legally articulate that but I'm just saying that the ruling that was handed down by Judge Gatewood, poor Judge Gatewood, is that he gave Mr. Arnold Dave Davis special power the right over us to determine our future. I don't know if you can see that but are we supposed to interchange our testimony or shift to Chamorro Land Trust because I have a document here that I don't know if your folks have ever seen it I just want to explain maybe two minutes.

Vice Speaker: Yes but technically the hearing is separate but I'll allow you to give your testimony for Resolution 52.

Are we doing Chamorro Land Trust testimony today?

Vice Speaker speak: The resolution 52 is after this hearing resolution 51 but I'll allow you to if you can conclude it in two minutes. I'll allow you right now.

I actually took four hours of annual leave to be here but I got to go back but I'm still an activist but I do have to work for a living so you know unlike Dave Davis he didn't have to. Let me show you something here I hope I articulated enough with in regards to my testimony on the ruling that our rights it gets exercised all by ourselves is unconstitutional alright. But this when you see sometimes when you are an activist you live in a state of confusion and chaos. In any case I'm holding a document here that gave birth to the Chamorro Land Trust and the entity that required to have, that is the U.S. Congress this one is the United States Department of the Interior Office of the Secretary, February 26, 1952. I don't know if you seen this, my dear Governor Skinner and it was a letter from the Director Chapman, the Secretary of the Interior back then. He said by virtue of this convenes the Government of Guam obtains a feasible and determinable title to the lands sole transfer the Government of Guam may without the approval of the Secretary of the Interior sell or lease or otherwise dispose of these lands thirty thousand acres. They thought that they took too many acres of the Chamorro's in fact at the time they owned acres eighty percent of Guam so they realized man they got to give those lands back so they gave thirty thousand back when they first established the Government of Guam by the Organic Act. Lease or otherwise dispose any of these lands for (1) rehabilitation and resettlement purposes (2) homestead purposes they convenes have been made the Government of Guam in order to ensure the successful completion of the Guam Rehabilitation and Resettlement Program which was initiated by the federal government to make lands available for homestead purposes to enable the Government of Guam to give adequate consideration to the matter and other long range public purposes and to accommodate substantially the legitimate desire and aspiration of the people of Guam that the public lands of Guam be administered locally and be made readily available to meet their land requirements. They're not talking about Dave Davis, they are talking about us, Chamorro's Let me show you what is you know there is a lot of legal written words in here but let me go down whereas in section 40 public law 33 of the first Guam Congress approved August 29, 1951. Directs the following priorities shall be observed with respect to the sell and lease of Government real property for residential or agricultural purposes. First, person who have had all their land they used the nice word acquire but let me change that person who have had all their lands taken by the United States, the Naval Government of Guam, and the Government of Guam and who have own no other land since January 01, 1946. Saying that these returned lands is to give some of those properties to those Chamorro peoples lands that were taken. Second, person who have had a substantial portion of their land taken by the United States, Naval government, Government of Guam, since July 01, 1944. Which is my grandfathers property included. The remaining portion whose land is not adequate or sufficient for reasonable agricultural or

residential purposes. The rest is for rehabilitation of the war torn, PTSD Chamorro people. And this is the purpose that gave birth to the Chamorro Land Trust it was not a Chamorro Land Trust it became the Arendo but many of our people didn't follow through with the intent and so quite a few lands can develop and I don't want to be ensuring that because everybody be making a mistake but senator the late senator late Paul Bordallo and everybody with him decided to sit down and say let's see if we can accomplish some dignity here and give answers to our people and our home and village and all that and they came up with the Chamorro Land Trust this is the answer to that Dave Davis because those lands in the land trust did not we did not receive that through the goodness of the United States those were lands that were actually taken from our people and to somebody to say that is unconstitutional I'm just letting you know that the land trust did not develop initially by our people it was develop by Congress in allowing the Secretary of Interior to come up with some kind of redress for all the things that were done to our people. And many of us have suffered for that. I don't have any lands in the land trust right now but all our property were taken by the military on both my mother's side and my father's side. And am I bitter? What do you think? I wasn't born in closing I wasn't born an American citizen, I was not never was they passed the Organic Act when I was seven nobody ask me to be an American citizen. What they forgot to do is that even our own people of congress is to pass a law that says once a Chamorro that reach an age of eighteen they should go in a federal office, the district court and declare your citizenship. I don't believe they could pass a law that make people citizens and when they passed the Organic Act, that made citizens of the United States here on Guam they made a thousand of people who had died U.S. citizens. Think about that, pass a law that make people U.S. citizens in Pigo cemetery. My grandfather and my mom and my father and my grandfather my grandparents were not U.S. citizens they have been abused and misused and their human rights have been violated by the United States and counting. I'll continue to fight this by any means at some point in the future if we can't resolve diplomatically we'll resolve it in other means."



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON 25, D. C.

FEB 26 1952

Air Mail

My dear Governor Skinner:

I am happy to be able to transmit herewith a document signed by me today conveying to the Government of Guam, for the consideration of one dollar, title to the lands which were placed under the administrative supervision of the Secretary of the Interior by Executive Order No. 10178, dated October 30, 1950 (15 F.R. 7313).

By virtue of this conveyance the Government of Guam obtains a fee simple determinable title to the lands so transferred. The Government of Guam may, without the approval of the Secretary of the Interior, sell, lease or otherwise dispose of any of these lands for (1) rehabilitation and resettlement purposes in accordance with section 40 of Public Law 33 of the First Guam Congress, and (2) for homestead purposes in accordance with Article 8 of Public Law 33. The conveyance would also make these lands available for designation by the Government of Guam for conservation, recreational and other public purposes. Under the terms of the conveyance, however, the sale, lease or disposal of these lands for other than homestead or rehabilitation and resettlement purposes would automatically cause a reversion to the United States of title to any parcel or parcels of land so disposed of unless prior approval of the Secretary had been obtained.

This conveyance has been made to the Government of Guam in order to ensure the successful completion of the Guam rehabilitation and resettlement program which was initiated by the Federal Government to make land available for homestead purposes; to enable the Government of Guam to give adequate consideration to the matter of setting aside sufficient areas of land for conservation, recreational and other long range public purposes; and to accommodate substantially the legitimate desires and aspirations of the people of Guam that the public lands of Guam be administered locally, and be made readily available to meet their land requirements. (Chapman)

Sincerely yours,

Donna L. Chapman
Secretary of the Interior

Hon. Carlton Skinner
Governor of Guam
Agaña, Guam

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*for rehabilitation and
resettlement purposes
for homestead purposes.*

INTERIOR DEPARTMENT TRANSFERS
FEDERAL LANDS TO GOVERNMENT OF GUAM

*Carbon to
Linn
3/8/52*

Secretary of the Interior, Oscar L. Chapman, today announced the transfer to the Government of Guam of title to all public domain lands on the island which are under the jurisdiction of the Department of the Interior.

By this conveyance, the people of Guam regain jurisdiction over lands which were claimed by the Spanish Crown during the Spanish occupation, beginning in the 16th Century. These lands, amounting to approximately 30,000 acres, were ceded to the United States by the Treaty of Paris in 1898. This acreage constitutes about 21 percent of the total land area of the island.

In announcing the transfer, Secretary Chapman said, "This conveyance is in accordance with United States policy to extend to the people of the territories the fullest measure of self-determination consistent with local development.

"Governor Carlton Skinner has assured me that the Guamanian people are eminently qualified to administer these lands, and in the public interest he has repeatedly urged that the lands be transferred.

"I have been most impressed by the progress made by the people of Guam in the 18 months since enactment by Congress of the Organic Act of Guam. The First Guam Legislature is to be highly commended for its ability to formulate basic policies."

out in accordance with the above priorities.

The conveyance also provides that the Government of Guam may make available for homesteads vacant and unreserved lands, in accordance with Article 8 of the Guam Public Lands Act.

Section 52 of Article 8 authorizes the Department of Land Management, subject to approval by the Governor, to subdivide such areas of unreserved public domain as may be suitable for agricultural or grazing purposes into parcels not exceeding four hectares in the case of agricultural lands and not exceeding ten hectares in the case of grazing lands. Such parcels may be allotted to qualified persons for the purpose of farming and raising livestock with the right to acquire clear title upon fulfillment of conditions provided in the Public Lands Act.

Section 53 of Article 8 provides that:

"Every person who is the head of a family, eighteen or more years old, a citizen of the United States, a resident of Guam for at least five years immediately preceding the date of application and who has neither purchased more than one half hectare of land from the Naval Government of Guam or the Government of Guam since July 1, 1944, nor homesteaded any land on Guam for fifteen years preceding the date of application may, in accordance with the provisions of this article, be authorized to enter upon, occupy and improve a tract of Government real property for the purpose of homesteading."

In addition, the conveyance provides that the Government of Guam may set aside such of the transferred lands as are found suitable for recreation, conservation, or other public purposes. Disposition of the lands involved in the present transfer for other than the rehabilitation program and the homestead program requires the prior approval of the Secretary.

The text of the conveyance follows:

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