

ROBERT A. UNDERWOOD
Box 3159, Hagatna, GU 96932

March 16, 2017

Vice Speaker Therese M. Terlaje

Therese M. Terlaje
Vice-Speaker, 34th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagatna, Guam 96910

MAR 16 2017

Time: 3pm

Received by: CRAM

Dear Vice-Speaker Terlaje,

I am writing you to alert you about the maximum danger point which the Chamorro people face today. I could write about my passion (fino' Chamorro) or the Chamorro Land Trust which is also being threatened. But I want to draw your attention to the matter of Chamorro Self-Determination. This is the inflection point of not just the continued existence of the Chamorro people, but a test of whether we understand Guam's unique history. Ultimately, it is a question of respect for the Chamorro people.

As a long time history teacher, I warn students to avoid thinking that history began when they came along or when they started thinking about it. History is a long and, frequently, tortured story. Acting on the political status future for Guam is a historical project that belongs to the Chamorro people and goes back several centuries. It is an attempt to understand the past, inform the present and fuel the future. It isn't a "future" project. It is a connective project based on the principles of respect and inafa'maolek.

People who migrated to Guam in the past few decades brought their assumptions about their own past and their own future primarily in terms of American jurisprudence and authority. I do not contest that nor do I seek to deny them that point of view. I only ask that they understand that the Chamorro people are the ones that have historically been colonized and that they deserve the opportunity to decolonize their homeland. I ask them, just as I remind fellow Chamorros, that the native people of Guam had their own unique experience that continually kept them from exercising the right to make a political decision on their own terms with various options available to them.

The legal authorities have recently spoken. The US District Court in Guam has stated that it is not Constitutionally permissible to allow a vote of Chamorro self-determination even if it was not binding. It is dispiriting and discouraging although not unexpected. Ironically, opponents of Chamorro self-determination appealed to an entirely different set of historical circumstances (American law, Constitutional amendments coming out of the American Civil War, Supreme Court decisions designed to place territories in a perpetual colonial status) in order to defeat the

Chamorro historical experience. In the American Legal battlefield, they prevailed. But while the battle may have been lost, the struggle continues.

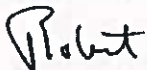
We have been at this low point before. I present to you a copy of a document prepared by the Organization of People for Indigenous Rights from 1982. In the document, you will read a clear statement about Guam's history. You will see familiar names like Bernadita Dungca, Clotilde Gould, BJ Cruz, Ron Teehan, Nerissa Lee, Marie Pablo, Al Lizama, Chris Perez Howard, Rosa Palomo and Hope Cristobal. These individuals provided Guam the opportunity to reflect upon Guam's past and future and the existence of Chamorro self-determination.

They were derided and belittled. They were called "half breeds," told that they were inauthentic Chamorros and questioned because they weren't even Chamorro. I can speak from personal experience that members of the Guam Legislature at that time avoided us except for a handful. We didn't wring our hands and we were not disrespectful to anyone. We simply presented our case. The case is still the same. In many ways, the opposition arguments sound painfully similar.

I ask you to take the time to read the document and learn about the political status development of Guam. I ask you to pursue a strategy that honors and respects the Chamorro people in the quest for self-determination. I believe that it is possible to do so without the compromise of multi-colored ballots or simply treating it as another election.

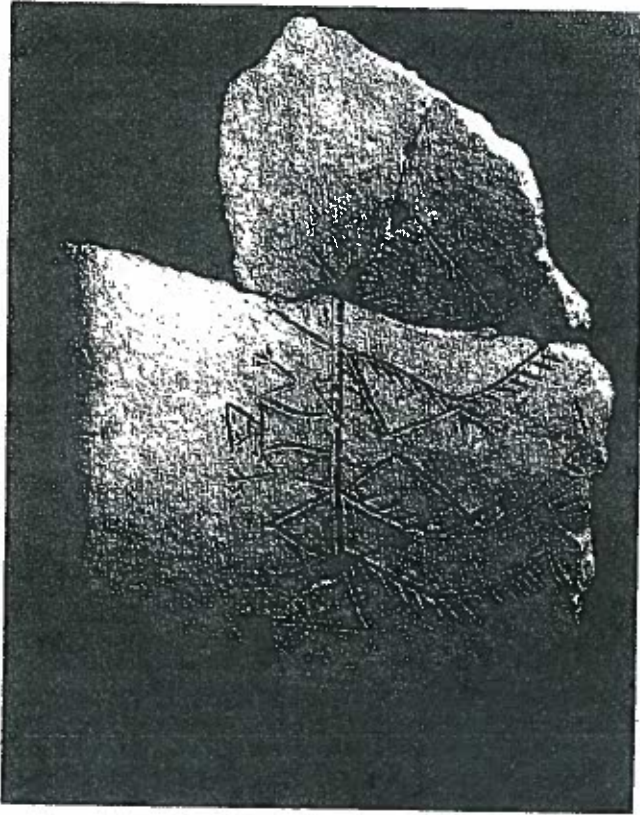
I will be happy to discuss any concern about Chamorro self-determination that you may have. I will be happy to discuss alternative strategies. At a minimum, we must continue the struggle in the US Courts and the United Nations. These are not necessarily the venues that will resolve the issue, but they are the venues which are currently available to us.

Biba taotao tano'! Biba Guahan!



si Robert A. Underwood

Self-Determination:



A People's Right

Paid for by members and friends of The Organization of People for Indigenous Rights

Post Office Box 7932
Tamuning, Guam 96911

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OPI(R)

Hafa Adai!

The Organization of People for Indigenous Rights was organized by concerned individuals in response to the Government of Guam's current political process to change Guam's political status without recognizing the Chamorro's right to self-determination.

We are a non-profit organization composed of people from all walks of life, of different ethnic groups, religious and political beliefs, and political status preference. Our common bond is our belief that only the indigenous inhabitants of Guam, the Chamorro people, have the right to determine their political destiny by changing Guam's political status from a non-self governing territory to a status considered as having a full measure of self government. This right is called the right of self-determination and is defined as "the right of a people to determine the way in which they shall be governed and whether they shall be self governed or governed by another power."

This right has been legally and morally recognized and supported by the United States in numerous documents and in correspondence to the Government of Guam. Why the Government of Guam is failing to uphold the Chamorro right to self-determination is perplexing and there is no indication that the present political status process will change. Our organization is confident that with your support we can halt this unjust action and help to open the way for the Chamorro people to exercise their right to self-determination.

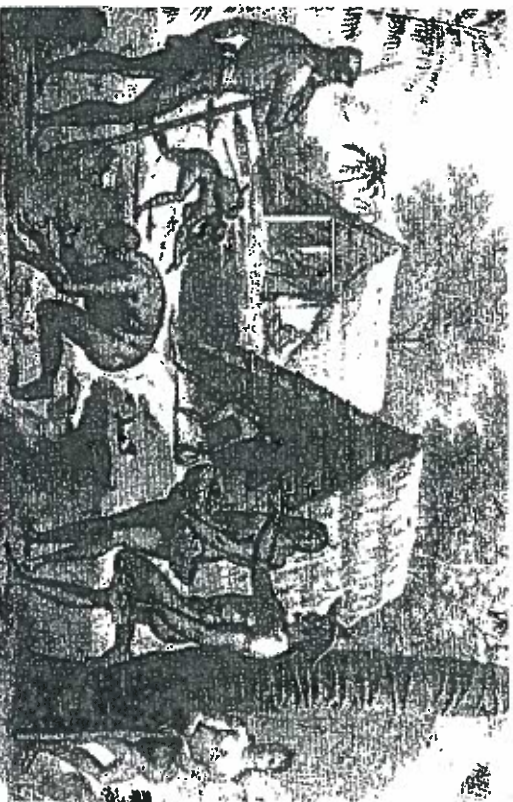
Green Peace International, Inc. and the World Wildlife Fund have been selected as the official environmental partners of OPI(R).



Si Yu'os ma'ase'

In memory, Phil Gutler, rez. active member and supporter, who passed away this year.

OPI(R) wishes to thank all supporters for their contributions. Continued support and donations are still needed to continue the struggle of the Chamorro rights and recognition as a people. Please send inquiries and donations to: OPI(R) P.O. Box 7932, Tamuning, Guam 96911.



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Chamorro Self-Determination

Historical

For over 300 years the Chamorro people have been subject to outside nations, without the Chamorro people's consent. Since World War II nearly all of the world's other colonies have become independent states or permanently integrated into existing nations by exercising their right to self-determination. Guam remains a possession of the United States, the Chamorro people not having exercised their right.

Legal

Articles 112) and 65 of the United Nations Charter, proclaim the principle of self-determination and Article 73 obligate all administrators of non-self governing territories to protect and assist the people of the territories in their development towards full self-government.

The responsibility is a treaty obligation which the United States recognizes as law and which has been acknowledged and quoted by both Federal and Territorial policy statements on political status for the past two decades. United Nations General Assembly Resolution

(OPI) CHRONOLOGY OF EVENTS

12/5/81: Saturday: A group of people got together in the morning at the Guam Legislature Room in Agaña for two reasons. They felt that:

1. The people of Guam needed to be educated on the meaning of self-determination;
2. The people of Guam should be limited to the indigenous people of Guam.

The group called itself the "Organization of People for Indigenous Rights" whose acronym is OPI(R). OPI(R) means "to respond" and the "R" stands for "rights." Officers elected that day, were: Tun Mariano Santos - Chairman, Bernice Miller - Vice Chairperson, Ron Teahan - Secretary and Bernadita Dunga - Treasurer. The group collected \$130 and decided to use it for bumper stickers publicizing the organization. Meetings were then held in different villages to reach out to the grassroots. Flyers explaining reasons for an indigenous vote were distributed to different villages and various Government of Guam agencies.

12/10/81: Bernice Miller stepped down as Vice Chairperson and Eddie Cruz was voted to that position.

12/18/81: Motorcycle was held to announce the planned rally. Because of heavy rains, the "round the island" motorcycle was limited to the central villages where they were passed out.

1/6/82: Rally for the indigenous vote was held at 6:00 p.m. at the Plaza de Espana. Father Tony Apuron, Agaña Rector, said the opening prayers and blessings. Host was Jesus Charrauro "Chamorro" and guest speakers were: Cecilia Bamba, Conrad Sillman, George Bouffon, Jackson Nyfergas, Mrs. Priscilla Torres, Robert Underwood and Tun Mariano Santos. David Camacho, Jesse Lagunas and Sebastian Camacho provided Chamorro music. A set was also presented by UOG's Chamorro Club. And, former Senator Richard Taiseno's letter supporting the cause was read at the rally. Alejandro Urbana created a design depicting the organization's struggle which was used on T-Shirts.

1/7/82: A petition drive to limit the January 30 Plebiscite to the indigenous people began. The drive gathered 3,000 signatures. This petition was later presented to the United Nations in Japan by Ron Teahan and David Rosario.

1/9/82: Some members of the organization had a private meeting with Pedro Sanjuan at 11:45 a.m. at Government House. Though the scheduled meeting was for 10 minutes, the actual meeting lasted 25 minutes. Two important points stated at the meeting were:

1. Sanjuan acknowledged Chamorro existence by saying that unlike the Virgin Islands and Puerto Rico, the Chamorros still control the

government and the political system.

2. Sanjuan will talk to the State Department concerning the indigenous vote.

1/4/82: Bill 609 was heard by the Legislature Committee on Criminal Justice. Testimonials against Bill 609 were given by members and supporters of the Organization. This Bill did not pass Committee because of a lack of quorum.

1/15/82: A cable was sent to the United Nations in New York requesting support of the indigenous vote. A further cable was also sent to President Ronald Reagan.

1/21/82: Tun Mariano Santos was made Honorary Chairperson and Chris Perez Howard was voted Chairperson.

1/25/82: Nerissa Lee and Marie Pablo gathered signatures of 88 but one (Nicolas Francisco Of Mangilio) Island Commissioner requesting that the Plebiscite be delayed until the question of the indigenous vote was settled.

1/28/82: B.J. Cruz, lawyer and member, filed an injunction to stop the January 30 Plebiscite in the District Court. Since Judge Chancel Duenas was off-island, Judge Abalala appointed Judge Ralfo to hear the case. It was "thrown out" because the hearing was held in the wrong court. It should have been heard in the Superior Court.

1/28/82: A similar injunction was filed in the Superior Court presided by Judge Ramon Diaz. Case was thrown out because "lawyer cannot appear an election" and in both Courts, the merits of the case were never discussed.

1/29/82: The Organization sent Ron Teahan and David Rosario to the United Nations Office in Japan for the following reasons:

1. To deliver a statement of protest on the conditions under which the January 30 Plebiscite was being held; i.e., the failure to limit the vote to the indigenous population.
2. To deliver the petition requesting the Plebiscite to be limited to the indigenous population.
3. To lobby with various embassies in Japan for support.

7/29/82: The Organization sent Chris Perez Howard, Robert Underwood and Ron Reihman to the United Nations in New York. They were heard by the Committee of Twenty-four. The delegates delivered a presentation explaining the situation of Guam and asked for a resolution supporting the rights of the indigenous people of Guam.

11/16/82: The Organization's representative, Nerissa Lee presented the organization's position on self-determination to the Micronesian Education and Solidarity Conference held at the Legislature's Session Hall in Agaña.

12/2/82: Chris Perez Howard stepped down as Chairperson and Hope A. Cristobal was elected Chairperson. Ron Teehan remained as Corresponding Secretary, Maria Teehan was voted Recording Secretary and Melissa Lee was voted Treasurer.

12/20/82: Three OPIIR members visited with Governor R.J. Bordallo in his Transition Office in hopes of establishing communication on the Chamorro self-determination issue. A copy of OPIIR's position and presentation to the United Nations was given to the Governor. One important suggestion made to the Governor was that the question of who is indigenous can be readily requested from the U.S. Congress.

2/16/82: Bill 100 was heard by the Legislature's Committee on Justice, Federal, Foreign and Legal Affairs. OPIIR Chairperson gave a written testimony against the Bill and attached a copy of OPIIR's presentation to the United Nations.

DISCRIMINATION

The central position of OPIIR is that self-determination is the legal right of a people that has historically been denied the right to freely choose their political future. Such a right does not belong to pieces of land, but to people. It is a right that is inalienable meaning that it cannot be bought, sold or transferred. To allow any individual freedom to participate in a self-determination process that was clearly intended for the "Guamanian people" is in fact to discriminate against and violate the rights of the Guamanian people.

Historically, it is Chamorro people who had an anomalous, unclear relationship to the U.S. Government. The Chamorro people, who were renamed Guamanians in the post World War II period, never participated in a binding plebiscite on their own future. Changing U.S. policies on entry-exit to Guam and Congressional decisions about Guam should not impede hinder or discriminate against this inalienable right.

OPIIR position does not deny anyone any rights, since non-Chamorros were never promised implicitly or overtly a right to Guam's self-determination. This process of self-determination began after World War II and always has been stated in all U.S. and United Nations documents as a right belonging to the Guamanian or Chamorro people.

To discriminate against someone's rights is to recognize that others have a right in the beginning. All of the citizens of major nations in the Pacific rim and the peoples of the islands have begun to or have already exercised their right to self-determination. For these same individuals to now participate in the Chamorro people's right is the clearest and most flagrant form of discrimination.

THE QUESTION OF IDENTIFICATION OR, WHO IS INDIGENOUS?

The question of identifying the Chamorro people for purposes of political self-determination has frequently been raised more as an obstacle to debate than as a serious question. The Chamorro people are a readily identifiable ethnic, social and historical group. For purposes of self-determination, OPIIR's position is that all Chamorros who are currently on Guam are those who have the legitimate right to self-determination freely recognized by the United States after World War II. Politically and historically reliable sources of data are as follows:

1. The 1940 U.S. Census
2. The 1946 U.S. Navy Census
3. The 1960 U.S. Census
4. Those who obtained citizenship through the Organic Act.

In all the above, those individuals who were clearly Chamorros or Guamanians are clearly identified. The direct descendants of these individuals also possess the right of self-determination. Chamorros who currently live off-island could reclaim, this right by establishing residence on Guam.

GUAM HYMN

The Guam Hymn was composed by Ramon Mansalay Sablan in 1930. The Chamorro version was translated by Lagrimas L.G. Umalen in 1974.

(Chamorro)

Fenohge' Chamorro,
Put i tano-ta,
Kansa i metuna-ia
Gi todu i legat.
Pasa i oana,
Pasa i gloria,
Aiboa i lala
Sh perat.

Gi Todu i tiempo
I pas pena i lapa
Yan ghem i lapa
Ya bendelion.
Kansa i peligro,
Ya fiansadu' ham,
Yu'oe prutahi
I lalan Guam.

(English)

Stand ye, Guamanians,
For your country
And sing her praise
From shore to shore
For her glory
For her honor
Exalt our island
Forever more.

May everlasting
Peace reign o'er us
May heaven's blessing
To us come
Against all perils
Do not forsake us
God protect
Our island, Guam.

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MR. CHRIS PEREZ HOWARD
P.O. BOX 2991 AGANA, 96910

MAP137-7 WISH INFORM YOU THAT COMMITTEE GRANTED YOUR REQUEST FOR HEARING. AS DISCUSSED IF YOU WISH TO BE HEARD BY THE COMMITTEE I SUGGEST YOU ARRIVE IN NEWYORK DURING FIRST WEEK IN AUGUST. REGARDS (T. TANAKA SECRETARY SPECIAL COMMITTEE OF 24) COL MAP137-7

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OPIIR member Bennett Dungea poses the question of Chamorro right to self-determination at a meeting with Pedro Sanjuan, assistant interior secretary for territorial and international affairs, and Sanjuan aide Chuck Downs at Government House.



Political action chairperson Robert A. Underwood giving OPI (R) statement at the United Nations accompanied by Chris Perez Howard, former chairperson, and secretary Ron Teahan Jr.

Text of Statement at United Nations

Text of Statement
at United Nations

OPI (R) PRESENTATION TO THE SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION OF THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

A very warm Hefe Adel from the people of Guam. We are the official representative of a group called the Organization of People for Indigenous Rights (OPI-RI). Our group's main reason for existence is to insure that the rights of the Chamorro people are understood, respected and, most importantly, honored by the political entities which currently exercise some measure of control or influence over the future of the Chamorro people. These entities are namely the Government of Guam, the Government of the United States and your Committee on behalf of the General Assembly of the United Nations.

There were many alternative paths available to us in structuring our presentation today. We want to be sure that the information, ideas and sentiments which we present are accurate and reflective of a significant portion of the population of Guam. We are also concerned that we do not take up your valuable time by presenting information

which is readily available to you. However, we do not wish to miss the important opportunity to present much of the relevant information regarding our position. Consequently, we have organized our presentation into three distinct parts. We hope that you will bear with us while we present to you the Chamorro perspective on the question of political self-determination for Guam. We can state without exaggeration that it is the perspective of those who are the true people of Guam.

Our statement is divided as follows:

I. The Chamorro People, Colonization and Self-Determination

II. Efforts to Exercise Guam's Political Self-Determination

III. Obstacles to Chamorro Self-Determination and Some Solutions

Please recognize that this is a particularly emotional time for us and if we appear vituperative toward anyone, we apologize for it in advance. It is a particularly critical juncture for us in the history of the Chamorro people and the failure of any agency to act at this time cannot be interpreted by us as anything less than an unstinting or insensitive attitude. We believe that to be the first time any individuals from Guam (who are not connected with the U.S. government) have made a presentation before a United Nations body. We, as individuals, have risked much in making this

Journey to New York, including the scorn of those who misunderstand our position and those who see us as aspiring to undo the harmonious relationship between Guam and the United States. We cannot help but have the feeling that in making this presentation, U.S. government representatives may interpret our statements in a negative light. For many on Guam, the idea of going to the United Nations is seen as dangerous and likely to rattle the United States Government. Trusting in your good judgment and the characteristic American belief in fair play, we know that all of this will be sympathetic once the situation on Guam is perfectly understood.

Before we go into the substance of our presentation, we would like to make clear three points upon which we have developed this extended statement. First and foremost, OPI-R as an organization does not advocate independence or political separation from the United States. As individual members of the organization, we have our individual preferences and opinions about Guam's future political development. However, the organization is firmly united by one belief. This belief is that political self-determination for Guam involves in the people of Guam who have been denied political self-fulfillment for over three hundred years. Self-determination does not involve residence in a non-self-governing territory, especially when that residence is made possible by the existence of colonial structures. Secondly, the organization is not interested in making a United States of America. The U.S. has given much to Guam and continues to be supportive of the Chamorro people in many direct and indirect ways. The U.S., as a rule, is a generous and democratic nation whose intentions are usually beyond reproach. However, we do feel strongly that there exist certain blind spots about the political self-determination process on Guam as a result of the strong military posture of the U.S. in the Western Pacific. Guam plays a major role in this military presence. Lastly, we are convinced that OPI-R represents a majority opinion of the Chamorro people. If we were not firm in this conviction, we would not have made this journey to New York. The Chamorro people are culturally resistant to suppress sentiments openly and the mass media is dominated by non-Chamorro or temporary residents on the island. Consequently, our position may not be favorably reported in the island's media, from which much of your information about Guam is extracted by your Committee's researchers.

Our trip was made possible by donations from the people of Guam. We continue to receive personal messages of congratulations and support. Furthermore, we are convinced that should your Committee respond positively to our suggestions, more people will appreciate this issue at hand. Whether you recognize it or not, a statement from you on this issue will receive much coverage on Guam and provide a new basis upon which the issue will be further understood.

I. THE CHAMORRO PEOPLE, COLONIZATION AND SELF-DETERMINATION

Over 4,000 years ago the Marianas Islands were settled by a group of people who eventually came to be known as the Chamorro. In their isolation from the rest of the world, the Chamorro people developed a complex caste social structure and lived in relative harmony with their environment and each other. Their existence was rudely and weakly disrupted by "discovery" by Europeans and eventual settlement of their islands by foreigners. Spanish missionaries came in 1688 and brought a garnison of soldiers for the purpose of protection. Thus, the Chamorro people have the dubious distinction of being the first group of Pacific Islanders to be colonized by the West.

In the short thirty year period from 1688 until the end of the seventeenth century, war and new diseases had caused the decimation of the Marianas to a few thousand natives. Estimates of the pre-contact population have ranged as high as one hundred thousand for the entire chain. The islands were governed as a unit in the Spanish Empire until the Spanish-American War in 1898. During most of Spanish rule over the Marianas, only the islands of Guam and Rota were inhabited. The natives had been concentrated on those two islands to make them more manageable. Spain was eventually re-populated in the latter part of the 18th century with natives from Guam.

As a result of the Spanish occupation, the people endured many changes and eventually developed a hybrid culture by blending the ancient traditions with Roman Catholicism and the practices of the Hispanic world. However, there was never any doubt that the identity of the Chamorro people remained intact. They were distinct in language and manner, and despite Spanish efforts to the contrary, the people of the Marianas never thought of themselves as Spaniards or as a Hispanic group of people. In fact, one of Spain's last governors lamented the fact that despite over 200 years of Spanish rule, the natives remained very unlike the inhabitants of the rest of the Empire.

At the conclusion of Spanish rule, the Chamorros had remained an identifiable ethnic, cultural and national group with historical roots to a time long before they were conquered by the Europeans. They defied the fact that they were the first Pacific Islanders to experience the path of foreign domination. We present this historical perspective not to inspire you with the story of the survival of a small, but proud group of people. The story is small in many parts of the world and is not unique in its plot nor the cast of characters. Rather, we present it to you so that you may understand how the forces of colonialism may work on the opportunity of an entire people. Without the opportunity to control the social institutions which they had

under, the Chamorro people were not merely subjected to the perspective of the outside world. They eventually internalized it. For many generations, the Chamorro people were told that to be Chamorro was to be inferior, ignorant and backward. Moreover, they were advised by foreign historians and administrators with respect to motives, that the Chamorro people did not in fact exist. The people of Guam were told that the Chamorro had been attracted from the face of the earth and, unfortunately, many of our people believed it.

Despite academic evidence to the contrary and, more importantly the sheer tenacity of a group of people who continued to defiantly proclaim themselves to be Chamorro, many refuse to acknowledge the existence of the Chamorro people. Some of us are beginning to harbor the suspicion that this denial of the existence of the Chamorro people is calculated to facilitate the denial of their inalienable rights. It has certainly made some of the past colonial practices regarding the insensitivity to Chamorro language and culture easier since some doubt was cast on the very existence of the Chamorro people.

The islands and the Chamorro people were divided after the Spanish-American War with Spain ceding Guam to the United States and selling the remainder of the island chain to Germany. Germany subsequently lost the Northern Marianas as a result of World War I. The United States eventually occupied the Northern Marianas as part of the Trust Territory of the Pacific Islands subsequent to World War II.

Although the people were split apart by the fortunes of international politics, the Chamorro were a unified cultural and national group with many individuals having close relatives on the other side of the political boundary. The pre-World War II Naval Government of Guam recognized the identity of the Chamorro people as did both the Japanese and the American administrators of the Northern Marianas. The Chamorro were the legitimate heirs of the political destiny of the islands which they inhabited and even the most imperialistic nations in past history have recognized their distinct status and legitimate right to exist, albeit begrudgingly.

For Guam, political life under the U.S. umbrella meant uncertainty, neglect and inattention to basic human and civil rights for most of the time since 1898. Guam languished under a Naval Government from 1898 to 1950, except for a three year occupation by Japanese forces during World War II. The status of Chamorro before World War II is best characterized by the Navy Department's Court Marshal Order No. 1523 issued on April 30, 1923, which read:

Hold: While a native of Guam owns perpetual allegiance to the United States he is not a citizen thereof nor is he an alien and there are no provisions under which he may become a citizen of the

United States by naturalization.

While this action gave the Chamorro people no particular status, it is still instructive. If nothing else, it recognized that the Chamorros were an identifiable group for political purposes. Decisions regarding the political status of Guam were obviously questions involving the future of the native inhabitants.

This concept had been made clear earlier in the treaty which ceded Guam to the United States. In the Treaty of Paris of 1898, the following provision applied to Guam:

The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.

Since 1898, the ultimate political status of Guam has yet to be decided either by Congressional action or otherwise.

During the course of naval rule over Guam, the U.S. relationship to the people of Guam was one of guardian to ward. This fiduciary relationship can be seen in the following comments drawn from various documents regarding Guam:

The Secretary of the Navy will take such steps as are necessary to give [the Territory of Guam] necessary protection and government. (Presidential Executive Order No. 1024, 1898)

As a result of the unique interest of the Navy in the island of Guam, the natives... have been considered wards of the Navy... The inhabitants of the island have been under the special and sole protection of the Navy Department.

(H.R. Report No. 1125; letter from Acting Secretary Sam Rayburn, June 9, 1946)

The general policy of the Naval Government is to guard [the inhabitants of Guam] from exploitation by outsiders and to protect their lands... They are not self-supporting and require not only federal economic assistance but also careful training and supervision from their paternal island government. (Letter of Secretary of the Navy Claude Swenson to U.S. Senate, 1927)

It is clear from these documents that the U.S. recognized their obligations to the people of Guam as a dependent people. Moreover, it is rather obvious that the terms "inhabitants of Guam, people of Guam, natives of Guam and the Chamorro people" are all synonymous. Both in official reports and in common usage, the people of Guam were the Chamorro and no one else.

Out of the ashes of World War II, the world was swept by new trends which recognized the sanctity of self-determination and which brought new meaning to the concept of human rights. Although these ideas have not always prevailed, many of them are embodied in the United Nations Charter, one of the legacies of World War II.

Both new nations and the old colonial powers

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recognized that dependent peoples should no longer be subjected to the whims of the nations which governed them. These new ideas gave birth to the Trusteeship system and the Declaration on Non Self-Governing Territories. Recognizing its responsibilities on the matter, the U.S. voluntarily placed Guam on the list of non-self governing territories in 1946. By Guam's continued presence on that list, the U.S. continues to recognize the existence of a dependent status for the people of Guam and acknowledges that self-determination has not yet been exercised.

In the administrative power's first report to the United Nations in 1948, the report describes the people of Guam in the following manner:

People—The natives of Guam are called Chamorros. The origin of the ancient Chamorros is obscure, but it is probable that they were a group that became detached and isolated in the Mariana Islands from the proto-Malays (sic) in their migration eastward from the mainland of Asia.

Later in the report, the U.S. states that the 1901 "Guamanian" population was 9,630 and that the 1946 Guamanian population was 22,698. The 1946 report further states that although the Guamanians are conversant in English, "they continue to use the ancient Chamorro tongue." It also lists the civil status of the "inhabitants of Guam" as nationals of the United States.

On the basis of this initial report by the U.S. to the United Nations, it is obvious that the people of Guam being discussed for the purpose of fulfilling the obligation under Article 73 are, in fact, the Chamorro people. The term Guamanian, which was invented after World War II, was and is synonymous with the term Chamorro. Today, the common use of Guamanian as being an ethnic marker (as being identical with Chamorro) is still prevalent on Guam. Of even greater significance, the fiduciary status (readily acknowledged to exist under Naval administration) had become the non-self-governing status as described under Article 73. We need not remind you that the Charter is a treaty and as such, functions as law within the U.S. as provided for in the U.S. Constitution.

Part of the difficulty of those who wish to pursue legalistic arguments, has been the term Guamanian. After World War II, the term Chamorro fell into disuse for official purposes and the term Guamanian was used instead. In recent years, the term Chamorro has become increasingly used for purposes of identification on Guam. However, the federal government still utilizes the term Guamanian as a national origin term for Chamorro. In the 1960 Federal census, Guamanian was included as the term embodying those who are Chamorros (except for the North Mariana Chamorros). It is time that U. N. Resolutions and U. S. Reports make it clear what is meant by the term Guamanian people. From the historical record, it is obvious that it is the Chamorro people that are in a dependent status to

the U. S. and consequently, have not yet engaged in an act of self-determination.

The document which most clearly acknowledges the separate political existence of the Chamorro people is the Organic Act of 1950. When it was first passed by the U. S. Congress, it included a provision which gave Chamorro preference in government promotions and appointments. Aside from being further evidence of this fiduciary relationship, it gave legitimacy to the notion of special rights for the natives of Guam. It read:

The Governor... in making appointments and promotions, preference shall be given to qualified persons of Guamanian ancestry. With a view to insuring the fullest participation of Guamanians in the Government of Guam, opportunities for higher education and inservice training facilities shall be provided to qualified persons of Guamanian ancestry.

In a more significant part of the Organic Act, the U.S. citizenship provision declared the people to be U.S. citizens according to two criteria. One required being native-born and the other required ancestry on Guam from before 1898. Failing that, it amended the Nationality Act of 1940 to include a new subparagraph "Guamanian and persons of Guamanian descent."

In the only Congressional act that ever openly altered the political status of Guam, it is clear that it was on behalf of the Chamorro people that legislation was being passed. However, they were officially called the Guamanian people. It is instructive to note that despite the Organic Act, the U.S. continued to submit reports on Guam to the U.N. in recognition of the fact that full self-determination had yet to be exercised. Indeed, how could such an assertion be made when the Organic Act originated in the halls of the U.S. Congress and was not even given the benefit of a perfunctory referendum.

Since 1950, both provisions have been repealed from the Organic Act without the knowledge or agreement of the people of Guam. However, this does not alter the reality that the Chamorros are a distinct national people with political legitimacy to pursue self-determination.

Guam has changed significantly since 1950. The Chamorro proportion of the civilian population has continued to drop rapidly to the point where the natives are approximately 50% of the population. The fact that the U.S. government controls entry into the territory from foreign nations through its Immigration and Naturalization Service and allows free access from the U.S. through so-called rights of U.S. citizens to travel freely within U.S. borders, has contributed to this reality. Moreover, the application of U.S. Supreme Court decisions regarding residency for voting has meant that any U.S. citizen can come to vote in any Guam election as soon as they get off the plane.

Historically, many U.S. citizens came to Guam as a result of military activities and decided to

12, 1982 that the "indigenous right to self-determination" be recognized. However, because of the political risks of such a position in the election for governorship and legislative seats in 1982 the very same politicians who supported the Chamorro right to self-determination began to self-censor their stances immediately after.

Even the Pacific Daily News which was suspicious in the beginning began to understand the issue in a historic framework. On November 18, 1981, editor Joe Murphy wrote, "Each people should, in my opinion, have a chance to vote for their own self-determination. The Guamanian people have never had that chance. The U.S. moved into Guam with the USS Charleston, a gang of cannon, and some Marines and physically took the island. That takeover was endorsed later by the Treaty of Paris. The island people have never had an opportunity to vote for self-determination, or to be Americans." From the island's only daily newspaper, the social definition of Guamanian is obvious. It means the Chamorro people.

The bill to recognize the right of the Chamorro people to self-determination died for lack of majority support in the Guam Legislature's Committee on Criminal Justice on January 19, a scant eleven days prior to the scheduled plebiscite. The following day, attempts to bring the bill to the floor proved futile. Our organization consequently filed motions in the Superior Court of Guam and U.S. District Court in order to postpone the election. Interestingly, the Courts refused the motion for legal technicalities. Our attorney argued that the "plebiscite" was not binding since it was not authorized by the U.S. Congress, the body which has U.S. Constitutional jurisdiction over American territories.

OPLR also sent a two man delegation to the U.N. Office in Tokyo under the mistaken assumption that such office was more than an information center. We expressed our dissatisfaction with Guam's political status process to your Committee at that time through delegates. We also sent a telegram to the President of the United States.

The election occurred on January 30 and only 37.2% of the registered voters participated. In our opinion, two factors contributed to the low turnout in an area which always brings out 80% of the electorate in elections. The first was the general confusion about the political status options which was prevalent among the population and the second was the indigenous right to self-determination issue. Although there was no organized boycott of the election, it was clear that the people wanted a firm decision on the right of the Chamorro to self-determination and needed further clarification of the political status options. The grassroots leaders of Guam, the village committees, attempted to make this clear to the Guam Legislature. Essentially the same statement has been made by the Commissioners to this Committee. We, as administering authority, are standing along with this report. It is signed by all but one of the village commissioners.

Throughout this process, the U.S. government has not acted decisively. Officials of the Department of Interior have not recommended that U.S. Congress pass legislation on the self-determination question for the people of Guam. Instead, they have written letters and made statements which say that the people of Guam will be listened to. A good example of federal inactivity on the issue was the January 1982 visit to Guam by Pedro San Juan, Interior's officer for territories. San Juan stated that the Reagan administration will do its best to support Guam in its status choice. He also assured the public that he would look into the possibility of securing federal funds for the self-determination process. In reference to indigenous rights, he told OPLR members that he would request the U.S. State Department to look into the question. To date, none of those have occurred.

In the meantime, Guam Delegates to the U.S. Congress, Antonio B. Won Pat has introduced two resolutions in the House of Representatives. The first H. Con. Res. 172 reads:

Whereas the people of Guam have never freely chosen the form of their present association with the United States; having been coerced to this course by the Spanish government in 1668; and
Whereas successive United States administrations since that time have continued to be publicly committed to the fundamental principle of self-determination for the people of Guam; and...

With the historical context set by the resolution, it is clear who the people of Guam are. The resolution's intent was to have the Congress take the "opportunity to reaffirm its commitment to respect and support the right of Guam to determine their own political future through a peaceful, open and democratic process."

It has not been passed by the U.S. Congress. A second resolution (HR Con Res 114) was again introduced by Won Pat. It is essentially identical to first. No action has been taken on either to date. This brief review of the steps taken to resolve the political status question indicates that the U.S. has not seriously lived up to its commitment to give the process legal legitimacy within the Constitutional framework of the U.S. system. Moreover, as the population of Guam continues to be altered under current federal laws and regulations, the issue of Chamorro self-determination becomes more urgent.

A fiduciary relationship exists between the dependent people and the administering authority. The dependent people of Guam need the cooperation of the U.S. to exercise their inalienable right to self-determination. It is unrealistic and a violation of the obligations outlined under Article 73 to expect a dependent people to unilaterally engage in self-determination without the support of the administering power. Yet this is precisely the situation on Guam.

Since the first request by Delegate Won Pat to President Nixon in the early 70's to discuss

political status, the people of Guam through their elected representatives have asked for negotiations, consultations or statements relative to the political self-determination of Guam. The Guam Legislature has passed numerous resolutions during the administrations of Presidents Nixon, Ford, Carter and Reagan relative to political self-determination. In return, the U.S. has acknowledged only the receipt of such documents, but never made a firm commitment to get the process underway.

Until such time as the administering power recognizes openly the right of Chamorro self-determination and engages in serious discussions of the topic, nothing can occur. The Commission on Self-determination on Guam has fallen on hard times and is currently inactive. It has lost the financial support of the Legislature and the runoff election scheduled for September is in question. The reasons for this unfortunate reality are many and varied. However, the overriding condition is the fact that the United States has not lived up to its responsibilities by recognizing legally, in accordance with its own Constitutional provisions, the Chamorro right to self-determination. Moreover, it has not educated the people on the options available to them and has not assisted the process in a serious and concerned manner. The administering power may hide behind the logic that it does not wish to unduly interfere in the political status process on Guam. However, the reality is that the U.S. has Constitutional provisions for such an eventuality and the U.S. is obligated to facilitate the process by its own democratic ethos and signature to the U.N. Charter.

III. OBSTACLES TO CHAMORRO SELF-DETERMINATION AND SOME SOLUTIONS

In this section, we will outline the main impediments to the free and unfettered exercise of Chamorro self-determination.

The most significant obstacle to the right of the Chamorro people to engage in an act of self-determination is the lack of seriousness attached to the question by the administering power. Under the Treaty of Paris, and Article Four of the U.S. Constitution, the U.S. Congress has plenary power over the territories of United States. Their legal jurisdiction on the issue is not in dispute.

Rather, we are hopeful that they exercise it by recognizing the right to self-determination of the people of Guam. In keeping with the provisions of the United Nations Charter, Article 73, such recognition should be specifically related to the people who are historically a non-self governing people. This cannot be interpreted in any reasonable fashion as meaning any other people than the Chamorros when discussing the case of Guam. Thus, a basis on documents and reports seized by the administering power itself. To date, the administering power has failed to take the political status process seriously by failing to legal-

ly recognize this inherent right in accordance with its own constitutional provisions.

Part of the problem is that the island of Guam simply does not have enough presence in the psychology of American politicians to require serious attention. Outside of the Pentagon, there are only a few people in Washington circles who are actively concerned about Guam's future. It is simply too small and too insignificant to worry about. Yet, it is precisely for these kind of reasons that the Non-Self Governing Territories system was organized. The reviewing process which you represent is designed to give the small dependent people of the world an opportunity to be taken with greater seriousness.

Of even greater significance is the presence of military bases on Guam. Guam's image to the world is not that of an island society struggling to survive as a political and social entity. Rather it is tied up with overwhelming reality of the presence of the U.S. military in large numbers. Your Committee has taken the stand that the presence of military bases should not be an impediment to the exercise of self-determination on Guam. Yet, any serious student of politics would recognize that it ultimately has a great deal of bearing on the question.

Approximately one-third of Guam's current acreage is devoted in military purposes. Guam represents an especially important component of America's advance defense posture on the Pacific and extension of political and military influence in the region. Viewed from the U.S. point of view, it would be foolish to jeopardize all the current benefits which accrue to the nation's foreign and military policy for the sake of Chamorro self-determination. Even if its eventual outcome were sure to be favorable, such a risk would simply be unusual to take for the sake of political principle. For example, the aim possibility of Guam's independence was categorically rejected on this basis by the White House Task Force Report in 1979 when it suggested that independence would be resisted by the U.S. It was noted in the report that this was especially applicable to Guam's case because of its strategic location. Geography and international intrigue have played a crucial role on the Chamorro people. By virtue of being born on a strategic piece of property, they apparently must be denied the right to self-determination.

The administering power has also contributed to the general state of confusion on Guam by failing miserably in the past to advise the Chamorro people of their inherent right to self-determination. The administering power has audaciously evaded the question of any inherent or residual sovereignty on the part of the Chamorro people, by discussing self-government within the American political structure as if it were a foregone conclusion that the island must always be a part of the American political framework. Actions such as the Organic Act and the enabling legislation for the Guam Constitution of 1977 are indicators of this tendency. To behave legally in

in this fashion and then to make pronouncements to this world body that Guam does have a right to self-determination is clearly contradictory and confusing.

The people of Guam have never been apprised of their rights under the U.N. Charter nor has the U.S. government made it abundantly clear what their obligations are. Consequently, all discussions of political status are clouded in a miasma of contradictory statements and assurances about the future. The end result has been a variety of unilateral actions on the part of the Government of Guam and entreaties to the federal government. The net result of this activity has been minimal. It is naive for anyone to assume that the Government of Guam can decide for itself the parameters of the political status process and then implement it without the open and active concurrence and support of the U.S. government.

In the last part of our presentation, we wish to present some ideas as to how the process of Chamorro self-determination can finally be undertaken with the seriousness and concern that it deserves. Please bear in mind that the rather belittled treatment that Guam has received from the U.S. in the area of political status has led to our presence here today and made the following steps necessary in our opinion.

In view of the lack of federal encouragement to the political status process in Guam and the fact that full U.S. legal authority is needed to make the process a serious and solemn one, your Committee should encourage the administering power to:

Authorize and make legal a plebiscite of self-determination in accordance with the treaty obligations of the U.S. by being a signator to the U.N. In accordance with U.S. Congressional primary power over the territories as outlined in the U.S. Constitution.

In view of the failure of the administering power to make clear to the people of Guam their inherent right to self-determination and inform them of their status options and U.N. statements on the issue, your Committee should encourage the administering power to:

Fund and assist in conducting a thorough educational campaign on the available status options.

In view of the historical record of Guam, the establishment of a fiduciary relationship between the Chamorro and the U.S. and the countless documents which indicate that the Chamorro people referred to as having a right to self-

determination are in fact the Chamorro people, your Committee should encourage the administering power to insure:

That all binding plebiscites and referendums relative to the question of Guam's ultimate political status must recognize that it is the Chamorro people who have not yet engaged in self-determination and it is only they who shall be allowed to participate.

We urge the strongest possible arms in this matter and fully believe that no political status of Guam which does not proceed from an act of self-determination by the Chamorro people alone is valid.

Our last recommendation relates to the operations of your Committee. In view of the fact that the people of Guam are generally confused and uninformed about the role of the United Nations, your committee should:

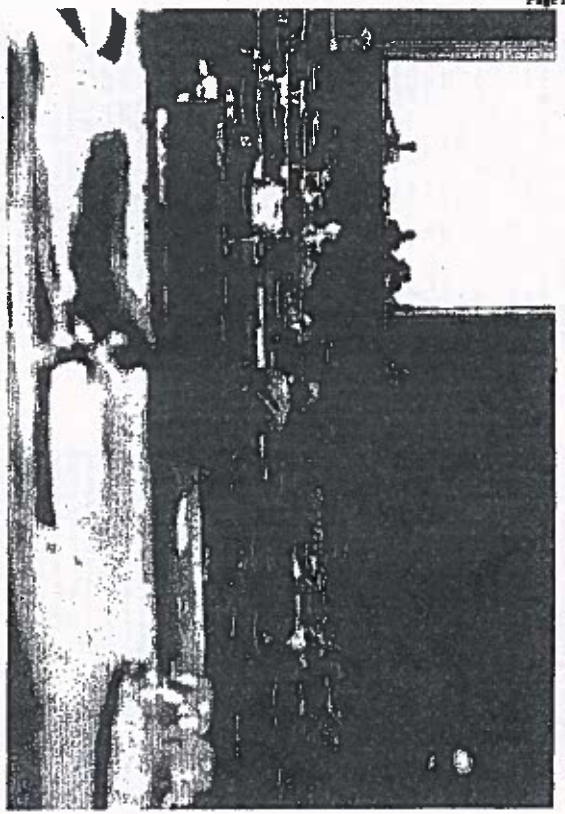
Make every effort to visit Guam and to advise your capability to hear the concerns of individuals, organizations and perspectives from whatever source on the political and social development of Guam.

We recognize that this lengthy statement contains many items of information which you may already have. However, we felt compelled to deliver our statement in this manner so that you can understand the depth of our sentiments regarding this issue. We have not come to you as a court of last resort. Instead, we come as representatives of a small group of people which Article 23 is designed to protect. We trust that our self-determination inherent in people and not land. In the case of Guam, those people are obviously the Chamorro people.

In saseohoy' hampyo na an rarakokias i dilaosion i Chamorro. For tabol, na fannama' i man-Chamorro chansa para u madetmama gi kasales na manwar' haki i dilaosion-nha para i hano' - naha. Si Yoos na sae' par i stansion-mhu yan si Vuos intanbawawak.

Thank you and we will happy to answer any questions.

(We urge you to recognize the rights of the Chamorro people. Please allow the Chamorro people the opportunity to determine in a complete fashion their destiny for their land. Thank you for the attention you have given us and may God bless you. - English translation of the Chamorro.)



Delegates of Committee of 24 hear OPI(R)'s statement at United Nations

July 22, 1982

July 22, 1981

Chairman: H. S. Frank S. Abolafia
 Special Committee of 24
 New York, New York, 10011

Chairman and Members of the Committee of 24:

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CO-CHAIRMAN: [Signatures]

MEMBERS: [Signatures]

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