

HJR

62

COMPARISON BETWEEN GUAM AS A U.S. POSSESSION AND GUAM AS A COMMONWEALTH.

POLITICAL RELATIONSHIP

Possession:

- Federal government has control over the property and people.
- Federal government sets rules and can change them as they wish.
- Local government created by and exists at the wishes of the U.S. government.

Commonwealth:

- Partnership with U.S. government through mutual consent.
- Guam would be self-governing by limiting federal action and through the creation of a constitutional government by the people of Guam.
- Recognition of the Chamorro people to make a determination of Guam's ultimate political status.

APPLICATION OF FEDERAL LAWS

Possession:

- U.S. government can apply any law to Guam without Guam's representation or consent.
- American citizenship is unprotected by U.S. Constitution.

Commonwealth:

- U.S. laws would not apply without Guam's consent.
- Constitutionally guaranteed American citizenship.
- Federal laws extended to Guam would have to meet local needs.

IMMIGRATION

Possession:

- U.S. immigration laws apply to Guam as they do to the entire U.S. mainland.
- Strain on Guam's infrastructure, public services, and limited property due to the increased, unregulated population rate.
- Guam's native people are becoming a minority in their own island.

Commonwealth:

- Immigration policies would fit the conditions of our small island.
- Labor needs would be met by the creation of a new class of non-immigrant alien workers.
- The migration of aliens to Guam for U.S. citizenship would be limited, and the sponsorship "chain" of continuing migration for citizenship would be broken.

AIRLINES

Possession:

- Limitation on potential economic expansion by restrictions on foreign airline service to Guam.
- U.S. government uses Guam as a bargaining chip in negotiations with foreign governments over airline routes.

Commonwealth:

- Guam may sponsor foreign airline services to the island.
- Maintenance of standard passenger and cargo service between Guam and the U.S.
- U.S. must consult with Guam when adding or changing existing routes.

TELECOMMUNICATIONS

Possession:

- High cost of overseas telex, telephone, satellite, and undersea cable transmission due to our status as a foreign entity with the Federal Communication Commission.

Commonwealth:

- Conversion of our foreign status to a domestic status, therefore providing lower telecommunications cost.

TAXATION

Possession:

- Guam is allowed to adopt its own tax code, but the Department of Treasury or Department of Interior could change or cancel Guam's tax system.
- Stateside tax laws which are not necessarily suitable to our island or attracting different types of investment.

Commonwealth:

- Ability to construct our tax system to attract more business investors and to adjust it according to our needs.
- Non-requirement of federal approval of our tax system, and tax right would be covered by mutual consent.

SHIPPING

Possession:

- Jones Act which requires only U.S. vessels to be used in bringing U.S. goods to Guam applies.
- High shipping rates as a result of U.S. carriers overcharging Guam clients.
- Most vessels in Guam's waters must be U.S. built — a cost factor that is passed on to consumers.

Commonwealth:

- Lower priced goods due to foreign vessels being allowed to bring U.S. goods to Guam.
- Local residents would be allowed to buy, register, and use foreign built boats in Guam.
- Removal of costly restrictions, allowing easier and cheaper methods of sending fish and fish products off island.

OUR COMMONWEALTH DESTINY

"Commonwealth" is a status that is vaguely defined in American law. Some States are "commonwealths," and both the Northern Mariana Islands and Puerto Rico are "Commonwealths." Our Commonwealth Act is like the CNMI's and Puerto Rico's, but it more clearly sets out the rights of Guam citizens to self-government by limiting the powers of the federal government to interfere with our internal affairs.

Commonwealth was selected because it best suited Guam's needs and was most likely to receive federal support. Commonwealth would continue Guam's long relationship with the United States while giving us a full measure of local self-government leaving defense and national security matters in the hands of the U.S. government.

Following a 1982 vote which selected Commonwealth, the Commission on Self-Determination drafted a document which would give Guam the most amount of self-government while maintaining a partnership with the U.S. The document, which received a majority vote of the people of Guam in 1987 included many specific federal-Guam relations issues such as trade, land return, natural resource rights, transportation, continued federal funding and U.S. defense rights, under the umbrella of a new political status protected by mutual consent.

Since Guam's voters selected Commonwealth, the Presidential vote or voting representation in Congress were not included in the draft Commonwealth Act; under the U.S. Constitution only States have these rights. A change in the U.S. Constitution would be required for Guam to receive these state-like voting powers and would open up Guam being treated as a State for the purposes of federal taxation. Subsequently, Guam, which currently retains nearly half a million in taxes it collects, would have to turn over these taxes to the federal government, and also levy an equal amount of taxes from the people just to maintain an existing level of services provided. This would result in a minimum of over one billion dollars to Guam taxpayers if Guam citizens were to receive state-like voting powers. This unequal representation, with full taxation would not meet our needs.

An example of the Federal position on the issue of statehood is clearly seen in the case of Puerto Rico. Recent attempts by Puerto Rico to get U.S. support for the statehood option were killed by the U.S. Congress. Statehood, then, does not even appear to be acceptable to the U.S. for Puerto Rico and its 3.2 million citizens.

Instead of representation on the same basis as States, the Commonwealth Act would give Guam direct representation in the process of federal decision-making that affects us. Through our consent to federal law applications, the Commonwealth Act would give Guam a powerful stand in which to represent our interests.

Commonwealth would give Guam a period of maximum self-government while retaining our partnership with the United States. A final act of self-determination — which the Guam Constitution would establish — would establish Guam's ultimate political status.

Guam Commission on Self-Determination
P.O. Box 2950
Agana, Guam 96910
Tel: (671) 472-2829/2804 Fax: (671) 477-4826

Governor Joseph F. Ada, Chairman
Senator Francisco R. Santos, Vice-Chair
Presiding Judge Alberto C. Lamorena III
Senator Marilyn D. Manibusan
Senator Pilar C. Lujan

Mayor Francisco N. Lizama
Attorney David Lujan, Public Member
Mr. Pete Perez, Public Member
Mr. Leland R. Bettis, Executive Director

FISCAL NOTE

No. 1

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Bill Version: CSHJR 62 STA

(H) Publish Date: 3-13-92

Revision Date: _____ Department Affected: Legislative Affairs Agency

Title: Support Commonwealth Status BRU: _____
for Guam

Sponsor: H) ITT Committee Component: _____

Requestor: House State Affairs Committee COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
FUND SOURCE:						
TOTAL	0	0	0	0	0	0

POSITIONS: N/A

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: House State Affairs Committee Phone: 465-4859

Division: _____ Date: 2-21-92

Approved by Commissioner: Representative Gene Kubina, Chairman *[Signature]*

Agency: House State Affairs Committee Date: 2-21-92



Twenty-first Guam Legislature

155 Hesler St.
Agaña, Guam 96910

Tel. (671) 472-3461

Fax: (671) 477-1715

February 6, 1992

Reverend Tagi Pefu
Pastor of the Samoan First Assembly of God
605 N. Hoyt Apt. C
Anchorage, Alaska 99508

Dear Reverend Pefu:

On behalf of Sens. George Bamba and Marilyn Manibusan of the Twenty-First Guam Legislature, I thank you for the support you wish to extend to Guam. I understand from Rep. Max F. Gruenberg of the Alaska State Legislature you are willing to advance his effort in introducing a resolution to promote the island's quest for commonwealth status.

I have enclosed two documents which may help you in drafting a letter of support for the resolution. The first is an overview of Guam's commonwealth quest delivered by the Gov. Joseph F. Ada, to the House Interior Subcommittee in Honolulu in 1989. The second is a general outline of how commonwealth will affect the island's citizens and where we intend to go with it in the future.

I hope this information proves helpful. Should you need any further material or would like any questions answered, please do not hesitate to contact me at either senator's office at the address listed above. Alternatively, I can be reached by telephone on (671) 472-3458, or by facsimile on (671) 477-8648.

Thank you for your time and attention, they are indeed much appreciated.

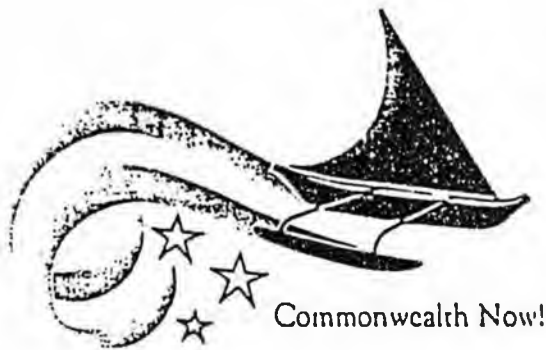
Sincerely,

Anna Ulloa
Special Assistant
Senator George Bamba's Office
Senator Marilyn Manibusan's Office

cc: Senator George Bamba
Senator Marilyn Manibusan
Representative Max F. Gruenberg

attachments

~~CONFIDENTIAL~~
LETTER - GUAM LEGISLATORS



HOW COMMONWEALTH WILL AFFECT YOU

*by Joseph F. Ada
Governor of Guam*

To properly answer the question of how Commonwealth will affect each of us, we need to consider where we are today—and how we got to this point.

Guam is, first and foremost, our home. Most of us were born here. We grew up here. We are working and raising our children here. And Guam is a good place to do all of these things. Our island home has become a leader in the western Pacific. We have the ability to meet the needs of our people of Guam while not spending more than we take in. Our standard of living is higher than it has ever been. Improvements in infrastructure are being made to better our living.

We are also taking steps to ensure that our island's natural beauty is preserved—that growth is for the benefit of our people—that Guam remain an island paradise. And we are succeeding. Guam is truly the pearl of the Pacific. But as good as Guam is today, as fortunate as we have been, things could be better. Guam faces many obstacles that have no good reason to exist; difficulties which can be overcome through the protective umbrella of Commonwealth.

All that we have today can be lost tomorrow. Our people, for example, have no input in trading decisions which have time and again killed any real attempts to establish light industries such as garment or watch manufacturing. We have no input on shipping decisions which have time and again increased the cost of goods being shipped to Guam. We are paying more for food, medical supplies, construction materials, cars, and household goods because of decisions made outside of Guam!

Our people have no input on political decisions made in Washington—decisions in which Guam's needs never even come up in conversation—but decisions which prove to be to the detriment of our people. The Immigration Act of 1990 is an example of an Act designed to serve the needs of the U.S. but which could seriously jeopardized our island's ability to bring in the necessary temporary labor to continue construction for housing and development. Also, shipping rates have been raised without justification despite business increase in the shipping lines.

Guam is good now. But we want to ensure that it stays good for generations to come. We need the protective umbrella of Commonwealth. We need the stability of Commonwealth.

We need a stable trading relationship with the United States, one which recognizes our island's need for a diversified economy. We need the return of federal land in Guam which now lies idle—which the federal government cannot justify holding onto. We need to plan properly for adequate housing, schools, and infrastructure for both those who regard Guam as home and those who immigrated here but in order to do so, we need to control immigration. Most of all, we need mutual consent—the assurance that decisions made in Washington which affect our people are made with the full input, cognizance, and approval of our people.

These things and the many more contained in Commonwealth will ensure the stability of our island home for generations to come. And that is how Commonwealth will affect you—by giving you the assurance that all you are working for today will not be lost; that the goodness and richness we enjoy today will be here for your children and your children's children.

HOUSE SPECIAL COMMITTEE ON INTERNATIONAL TRADE AND TOURISM

ALASKA STATE LEGISLATURE

P.O. BOX V, JUNEAU 99811
(907) 465-2973



MEMORANDUM

TO: Representative Gene Kubina, Chair
House State Affairs Committee

FROM: Representative Tom Moyer, Chair *TM*
Special Committee on International Trade
and Tourism

DATE: January 28, 1992

RE: Hearing request for HJR 62

I would like to formally request that you schedule HJR 62, relating to providing commonwealth status for Guam, at your earliest convenience.

Attached is a copy of the resolution and background information that Representative Max Gruenberg and I received from Senator George Bamba's office in Guam and from U.S. Representative Ben Blaz in D.C. I've included the Governor of Guam's presentation before the congressional hearings two years ago in Honolulu. At those hearings, Governor Joseph Ada provided an overview of Guam's commonwealth status and the history of their fight for independence.

As you may already know, Guam is an unincorporated territory of the United States and they are currently seeking self-government status. A bill in Congress, HR 98, which is referred to as the Commonwealth Act, calls for a recognition of their right to self-determination. Representative Don Young is listed as a co-sponsor of this legislation.

Under the Territorial Clause of the U.S. Constitution, Congress has plenary powers to govern the territories. This broad power also includes the power to restructure political relationships with the territories.

Please contact me or Alexis Miller, who is the staff aide for the International Trade and Tourism Committee, at 465-2973.

REP. MOYER MEMO



Indigenous Rights

Self-Government

U.S. Constitution and Federal Laws

Foreign Affairs/Defense

Immigration

Trade

Taxation

Business

Land and Marine Resources

Federal Assistance

Civil Liberties

Courts

GUAM COMMONWEALTH BILL

U.S. recognizes right of the Chamorro people to determine the final form of government for Guam. U.S. will promote the Chamorro language, culture, and the training of Chamorros for employment as professionals, skilled workers and leaders in business and industry. Establishes a Chamorro land trust to receive excess federal lands for the benefit of Chamorros.

Significant degree of self government, but not fully self governing until the Guam Constitution is established.

U.S. Constitution and federal laws limited to agreed levels. Authority to change federal laws which apply is subject to mutual agreement of Guam and the U.S.

U.S. is responsible for Defense and Foreign Affairs matters affecting Guam, but shall consult Guam's Governor with respect to any change in Defense activities in Guam. U.S. is obligated to support Guam's membership in international organizations as mutually agreed.

Local control of immigration for business, tourism and permanent residence.

Free trade with the U.S. No tariffs or quotas for products of Guam. Existing federal trade incentives are improved.

The mirror tax code continues until a Guam income tax code is locally enacted.

Guam will be exempt from federal shipping, transportation, and communication laws and regulations which restrict business investment.

U.S. right of eminent domain is limited. Guam controls marine resources out to 200 miles.

Federal financial assistance is authorized to compensate Guam for impact of federal activities. The level of assistance is subject to negotiation and Congressional appropriation. Federal benefits and programs available to the States will continue to be available to Guam.

The Bill of Rights in the Organic Act will continue until the Constitution of Guam is adopted with a new Bill of Rights. The U.S. Bill of Rights will continue to apply as under the Organic Act.

Similar to the current judicial system under the Organic Act, except Guam will be able to set up a local appellate court. Appeals from Guam's appellate court can be sent directly to the U.S. Supreme court.

COMMONWEALTH GOALS

To guarantee to the Chamorro people the ultimate authority to choose the form of Government in Guam, and to ensure the preservation and advancement of the culture.

To guarantee local control of political, social, and cultural issues.

To limit federal jurisdiction to a positive and acceptable limit.

To continue primary federal responsibility for Foreign Affairs and Defense, while giving Guam a greater voice in the decision making process.

To give the people of Guam control over who lives and works in the Commonwealth.

To remove current restrictions on trade between Guam and the U.S. Mainland.

To ensure local Government of Guam control of taxation.

To remove various federally mandated restraints which prevent economic growth.

To ensure Guam has title to all land and sea resources.

To properly compensate Guam for various federal and military activity.

To guarantee basic civil rights to all Guam citizens.

To give the Superior Court of Guam the standing of a State Court system.

One of the best ways to better understand the impact of our Commonwealth legislation is to compare it to two existing political relationships: our current Organic Act and the Commonwealth of the Northern Mariana Islands.

ORGANIC ACT

No clear recognition of the right of self determination for the Chamorro people. No protection for the Chamorro culture.

Large degree of local government, but subject to the supremacy of federal law.

Most of the U.S. Constitution applies to Guam. Unlimited U.S. authority to apply federal laws to Guam.

Same, except U.S. has no obligation to support Guam's participation in international organizations nor consult with Guam's Governor on Defense activities in Guam.

U.S. immigration law controls who lives and works in Guam.

Guam products are subject to quota and duty unless they meet the requirements of certain federal trade laws.

The U.S. controls income taxation in Guam under the Mirror Code.

Guam is subject to U.S. economic laws and regulations which inhibit business opportunity.

U.S. right of eminent domain extends to Guam. Marine resources are under federal control.

Federal monies flow to Guam from Defense spending and a variety of federal programs, including Interior Department authorizations, all of which are subject to Congressional appropriation.

Civil Liberties are guaranteed by the Bill of Rights in the Organic Act and the U.S. Constitution.

Guam's Superior Court is a local court of general jurisdiction with appeals to the appellate branch of the District Court of Guam. Appeals from the District Court go to the Federal Court of Appeals for the Ninth Circuit and then to the U.S. Supreme Court.

CNMI COVENANT

The indigenous people of the Northern Mariana Islands exercised their right of self determination by approving the Covenant of Political Union with the U.S. The local culture is protected by the CNMI Constitution.

Significant degree of local self government. Application of federal law and the U.S. Constitution limited by the Covenant between the CNMI and the U.S.

Same as the Guam Commonwealth Act.

Same as Guam Commonwealth Act.

Similar to the Commonwealth Act, but less local control.

Same as the Organic Act.

Same as the Guam Commonwealth Act.

Similar to the Guam Commonwealth Act.

Similar to the Guam Commonwealth Act.

Multi year funding provisions with periodic renegotiations.

The CNMI Constitution contains a Bill of Rights which exempts the CNMI from the U.S. Bill of Rights guarantee of a jury trial.

Similar to the Organic Act.

Ken Blay