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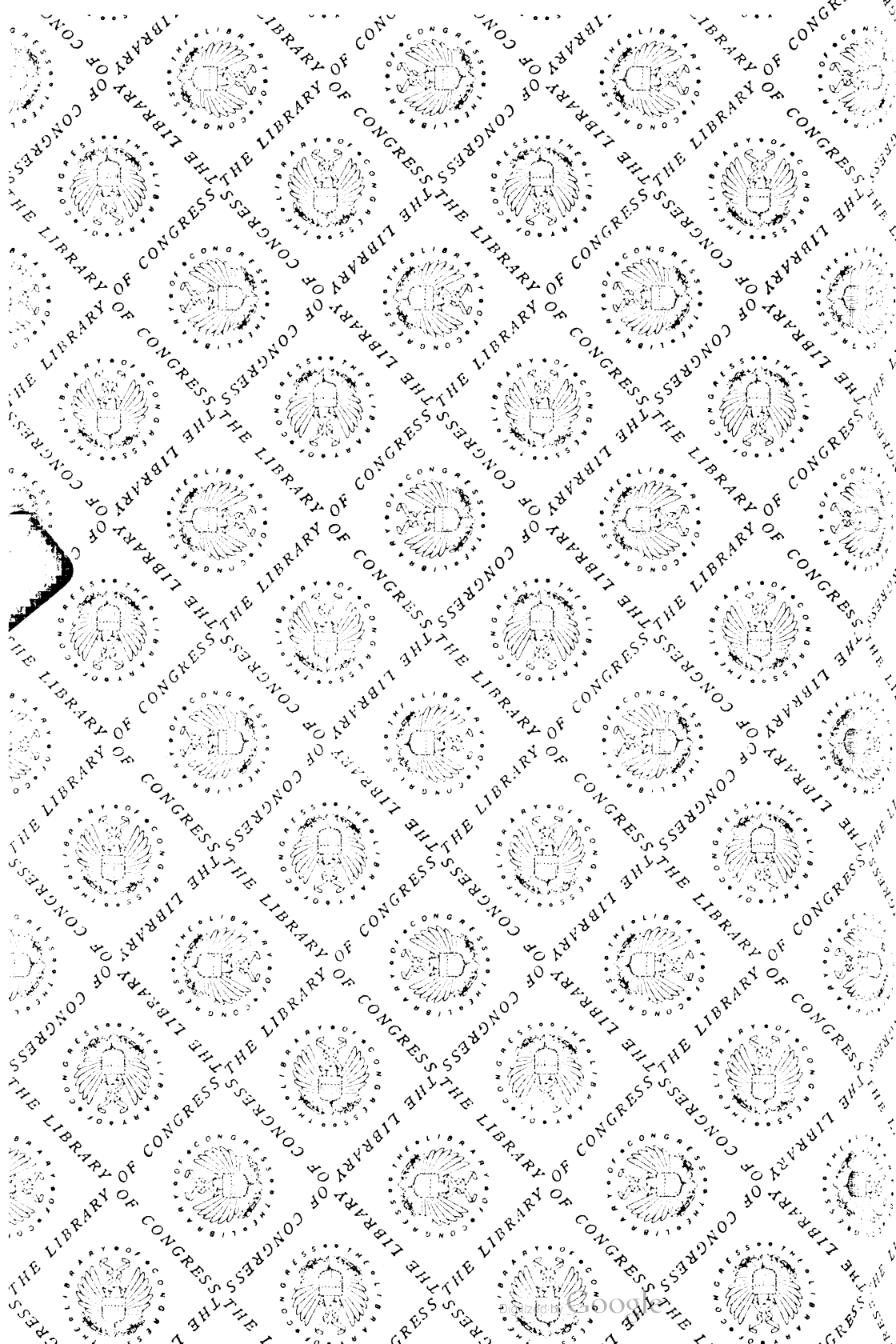
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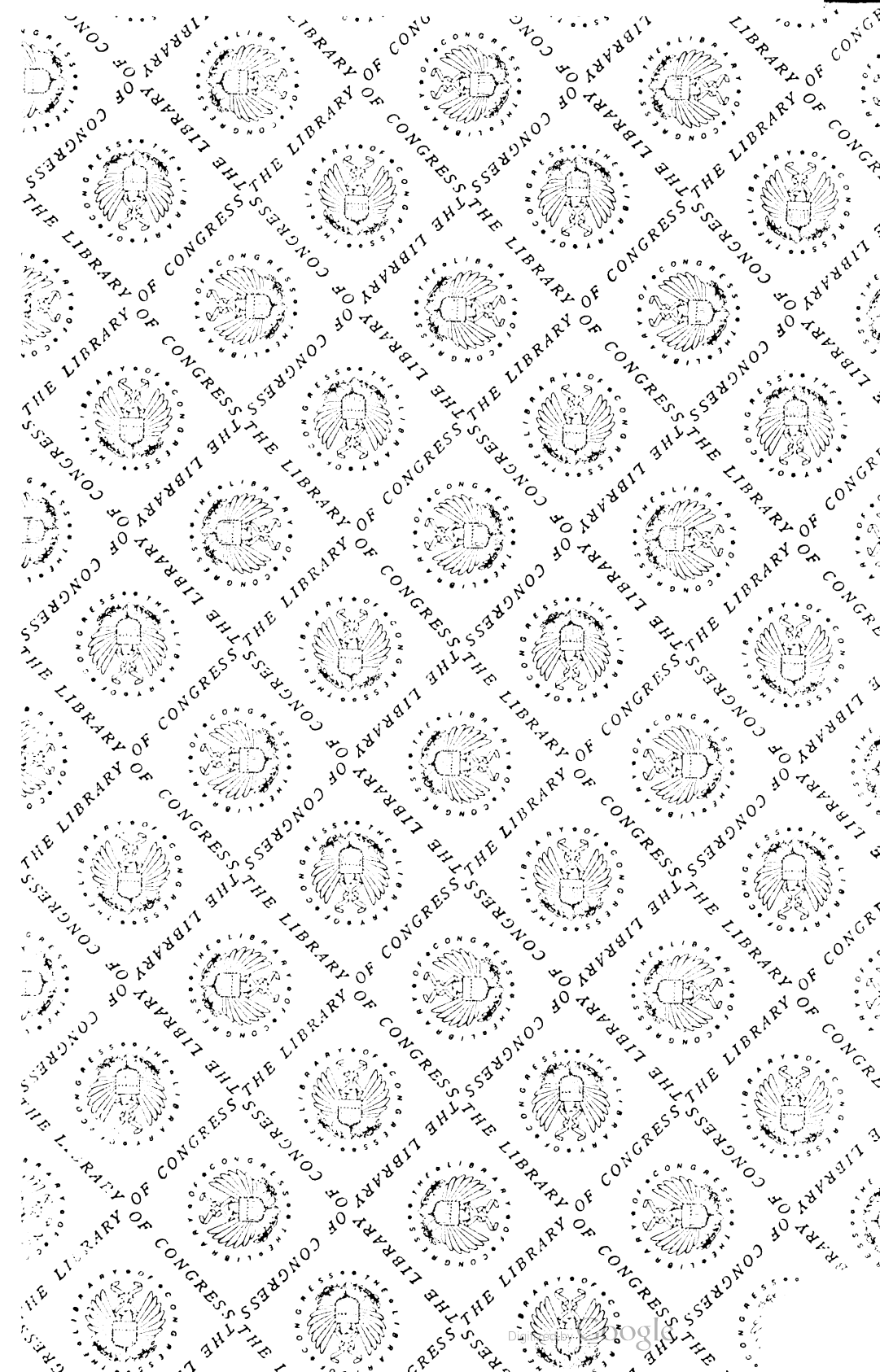
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# GUAM—ELECTIVE GOVERNOR

## HEARINGS

BEFORE THE

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### SUBCOMMITTEE ON TERRITORIAL AND INSULAR AFFAIRS

OF THE

U.S. Congress, House, COMMITTEE ON  
 INTERIOR AND INSULAR AFFAIRS, *L*  
 HOUSE OF REPRESENTATIVES

NINETIETH CONGRESS

SECOND SESSION

ON

### H.R. 7329 and related bills

TO PROVIDE FOR THE POPULAR ELECTION OF THE  
 GOVERNOR OF GUAM, AND FOR OTHER PURPOSES

HEARINGS HELD

AGANA, GUAM—JANUARY 24, 1968

WASHINGTON, D.C.—FEBRUARY 20 AND 21, 1968

### Serial No. 90-21

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Note: The chairman, Hon. Wayne N. Aspinall, and the ranking minority member, Hon. John P. Saylor, are ex officio members of each subcommittee.

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# PROVIDING FOR THE POPULAR ELECTION OF THE GOVERNOR OF GUAM

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WEDNESDAY, JANUARY 24, 1968

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON TERRITORIAL  
AND INSULAR AFFAIRS OF THE  
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,  
*Agana, Guam.*

The subcommittee met, pursuant to notice, at 9 a.m., in the hearing room, Congress Building, Agana, Guam, the Hon. Hugh L. Carey (chairman of the subcommittee) presiding.

Congressman CAREY. The Subcommittee on Territorial and Insular Affairs of the Committee on Interior and Insular Affairs of the House of Representatives is in session for the opening of hearings on H.R. 7329, a bill to provide for the popular election of the Governor of Guam, and for other purposes. The Chair will state at the opening of the hearing that it is, I think, opportune and appropriate that we open these hearings on an informal basis in the U.S. territory of Guam. I hope it indicates we mean to be expeditious and give a judicious, full, and effective hearing on this legislation. The business of having to elect a Governor could be done in a bill with a few lines. However, other very important considerations require a bill which will serve to give the chief executive of the territory of Guam all of the power he needs and all of the services necessary to provide good government for the territory of Guam.

In addition, certain provisions of the bill provide for appropriate fiscal and financial controls. These controls are not in any way meant to inhibit the good government of the people of Guam by the chief executive. But since the people of Guam are part of the 190 million taxpayers of the United States, their assets, their resources and revenues, must be under constant surveillance by appropriate control. And these provisions, in one form or another, are in this bill.

The Chair will ask unanimous consent at this point that the Senate bill, S. 449, be included in the record in order that it may be considered with the House bill. At the conclusion of the hearing we will bring forth the bill which constitutes the consensus and is the best judgment of the subcommittee after full consideration of both bills.

(The bills follow:)

[H.R. 7329, 90th Cong., first sess.]

**A BILL** To provide for the popular election of the Governor of Guam, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 6 of the Organic Act of Guam (64 Stat. 384, 386; 48 U.S.C. 1422), is amended to read as follows:

"Sec. 6. The executive power of Guam shall be vested in an executive officer whose official title shall be the 'Governor of Guam'. The Governor of Guam, together with the Lieutenant Governor, shall be elected by a majority of the votes cast by the people who are qualified to vote for the members of the Legislature of Guam. The Governor and Lieutenant Governor shall be chosen jointly, by the casting by each voter of a single vote applicable to both offices. If no candidates receive a majority of the votes cast in any election, on the fourteenth day thereafter a runoff election shall be held between the candidates for Governor and Lieutenant Governor receiving the highest and second highest number of votes cast. The first election for Governor and Lieutenant Governor shall be held on November 5, 1968. The Governor and Lieutenant Governor shall hold office for a term of two years and until their successors are elected and qualified.

"The term of the elected Governor and Lieutenant Governor shall commence on the first Monday of January following the date of election.

"No person shall be eligible for election to the office of Governor or Lieutenant Governor unless he is able to read and write the English language, is and has been for five consecutive years immediately preceding the election a citizen of the United States and a bona fide resident of Guam and will be, at the time of taking office, at least thirty years of age. The Governor shall maintain his official residence in Guam during his incumbency.

"The Governor shall have general supervision and control of all the departments, bureaus, agencies, and other instrumentalities of the executive branch of the government of Guam. He may grant pardons and reprieves and remit fines and forfeitures for offenses against local laws. He may veto any legislation as provided in this Act. He shall appoint, and may remove, all officers and employees of the executive branch of the government of Guam, except as otherwise provided in this or any other Act of Congress, or under the laws of Guam, and shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of Guam and the laws of the United States applicable in Guam. Whenever it becomes necessary, in case of disaster, invasion, insurrection, or rebellion, or imminent danger thereof, or to prevent or suppress lawless violence, he may summon the posse comitatus or call out the militia or request assistance of the senior military or naval commander of the Armed Forces of the United States in Guam, which may be given at the discretion of such military commander if not disruptive of, or inconsistent with, his Federal responsibilities. He may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, proclaim the island, insofar as it is under the jurisdiction of the government of Guam, to be under martial law. The members of the legislature shall meet forthwith on their own initiative and may, by a two-thirds vote, revoke such proclamation.

"The Governor shall make to the head of the department or agency designated by the President under section 3 of this Act an annual report of the transaction of the government of Guam for transmission to the Congress and such other reports at such other times as may be required by the Congress or under applicable Federal law. He shall have the power to issue executive orders and regulations not in conflict with any applicable law. He may recommend bills to the legislature and give expression to his views on any matter before that body.

"There is hereby established the office of Lieutenant Governor of Guam. The Lieutenant Governor shall have such executive powers and perform such duties as may be assigned to him by the Governor or prescribed by this Act or under the laws of Guam."

SEC. 2. Section 7 of the Organic Act of Guam (64 Stat. 384, 387; 48 U.S.C. 1422a), is deleted and replaced by the following new provision, also designated section 7:

"SEC. 7. Any Governor or Acting Governor of Guam may be removed from office by the people registered to vote in Guam if (a) 75 per centum of the persons registered to vote shall vote in favor of recall at a referendum election, and (b) the removal of the Governor or Acting Governor is approved by the President of the United States. The referendum may be initiated by the Legislature of Guam, following a two-thirds vote of the members of the legislature in favor of a referendum, or by a petition to the legislature of 25 per centum of the people registered to vote in Guam."

SEC. 3. Section 8 of the Organic Act of Guam (64 Stat. 384, 387; 48 U.S.C. 1422b), as amended, is amended to read as follows:

"SEC. 8 (a) In case of the temporary disability or temporary absence of the Governor, the Lieutenant Governor shall have the powers of the Governor.

"(b) In case of a permanent vacancy in the office of Governor, arising by reason of the death, resignation, removal by impeachment, or permanent disability of the Governor, or the death, resignation, or permanent disability of a Governor-elect, or for any other reason, the Lieutenant Governor or Lieutenant Governor-elect shall become the Governor, to hold office for the unexpired term and until his successor shall have been duly elected and qualified at the next regular election for Governor.

"(c) In case of the temporary disability or temporary absence of the Lieutenant Governor, or during any period when the Lieutenant Governor is acting as Governor, the speaker of the Guam Legislature shall act as Lieutenant Governor.

"(d) In case of a permanent vacancy in the office of Lieutenant Governor, arising by reason of the death, resignation, removal by recall, or permanent disability of the Lieutenant Governor, or because the Lieutenant Governor or Lieutenant Governor-elect has succeeded to the office of Governor, the Governor shall appoint a new Lieutenant Governor, with the advice and consent of the legislature, to hold office for the unexpired term and until his successor shall have been duly elected and qualified at the next regular election for Lieutenant Governor.

"(e) In case of the temporary disability or temporary absence of both the Governor and the Lieutenant Governor, the powers of the Governor shall be exercised, as Acting Governor, by such person as the laws of Guam may prescribe. In case of a permanent vacancy in the offices of both the Governor and Lieutenant Governor, the office of Governor shall be filled for the unexpired term in the manner prescribed by the laws of Guam.

"(f) No additional compensation shall be paid to any person acting as Governor or Lieutenant Governor who does not also assume the office of Governor or Lieutenant Governor under the provisions of this Act."

SEC. 4. (a) The second and third sentences of subsection (a) of section 9 of the Organic Act of Guam (64 Stat. 384, 387; 48 U.S.C. 1422c(a)) are deleted.

(b) The first sentence of subsection (b) of section 9 of the Organic Act of Guam (64 Stat. 384, 387; 48 U.S.C. 1422c(b)) is deleted.

SEC. 5. Effective on the date of enactment of this Act, section 9 of the Organic Act of Guam (64 Stat. 384, 387; 48 U.S.C. 1422(c)) is amended by adding immediately after the end of section 9 the following new section 9-A :

"SEC. 9-A. (a) The Secretary of the Interior shall appoint a government comptroller who shall receive an annual salary at a rate established in accordance with the standards provided by the Classification Act of 1949, as amended. The government comptroller shall hold office for a term of ten years and until his successor is appointed and qualified unless sooner removed by the Secretary of the Interior for cause. The government comptroller shall not be eligible for reappointment.

"(b) The government comptroller shall audit and settle all accounts and claims pertaining to the revenues and receipts from whatever source of the government of Guam and of funds derived from bond issues; and he shall audit and settle, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the government of Guam, including those pertaining to trust funds held by the government of Guam.

"(c) It shall be the duty of the government comptroller to bring to the attention of the Secretary of the Interior and the Governor of Guam all failures to collect amounts due the government, and expenditures of funds or uses of property which are irregular, unnecessary, or not pursuant to law. The audit activities of the government comptroller shall be directed so as to (1) improve the efficiency and economy of programs of the government of Guam, and (2) discharge the responsibility incumbent upon the Congress to insure that the substantial Federal revenues which are covered into the treasury of the government of Guam are properly accounted for and audited.

"(d) It shall be the duty of the government comptroller to certify to the Secretary of the Interior the net amount of government revenues which form the basis for Federal grants for the civil government of Guam.

"(e) The decisions of the government comptroller shall be final except that appeal therefrom may, with the concurrence of the Governor, be taken by the party aggrieved or the head of the department concerned, within one year from

the date of the decision, to the Secretary of the Interior, which appeal shall be in writing and shall specifically set forth the particular action of the government comptroller to which exception is taken, with the reasons and the authorities relied upon for reversing such decision.

"(f) If the Governor does not concur in the taking of an appeal to the Secretary, the party aggrieved may ask relief by suit in the District Court of Guam if the claim is otherwise within its jurisdiction. No later than thirty days following the date of the decision of the Secretary of the Interior, the party aggrieved or the Governor, on behalf of the head of the department concerned, may seek relief by suit in the District Court of Guam, if the claim is otherwise within its jurisdiction.

"(g) The government comptroller is authorized to communicate directly with any person having claims before him for settlement, or with any department officer or person having official relation with his office. He may summon witnesses and administer oaths.

"(h) As soon after the close of each fiscal year as the accounts of said fiscal year may be examined and adjusted, the government comptroller shall submit to the Governor of Guam, the President of the Senate, and the Speaker of the House of Representatives an annual report of the fiscal condition of the government, showing the receipts and disbursements of the various departments and agencies of the government.

"(i) The government comptroller shall make such other reports as may be required by the Governor of Guam, the Comptroller General of the United States, or the Secretary of the Interior.

"(j) The office of the government comptroller shall be under the general supervision of the Secretary of the Interior, but shall not be a part of any executive department in the government of Guam.

"(k) The office and activities of the government comptroller of Guam shall be subject to review by the Comptroller General of the United States, and reports thereon shall be made by him to the Governor, the Secretary of the Interior, and to the Congress.

"(l) The salary of the government comptroller and the expenses of his office shall be paid by the United States from funds to be covered into the treasury of Guam pursuant to section 30 of the Organic Act of Guam, but such salary and expenses shall not exceed such amounts as may be specified annually in Federal appropriation Acts.

"(m) All departments, agencies, and establishments shall furnish to the government comptroller such information regarding the powers, duties, activities, organization, financial transactions, and methods of business of their respective offices as he may from time to time require of them; and the government comptroller, or any of his assistants or employees, when duly authorized by him, shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records of any such department, agency, or establishment."

SEC. 6. Section 19 of the Organic Act of Guam (64 Stat. 384, 389; 48 U.S.C. 1423i) is amended by deleting its fifth, sixth, seventh, eighth, and ninth sentences and by substituting therefor the following: "If, after such reconsideration, two-thirds of all the members of the legislature pass the bill, it shall be a law."

SEC. 7. (a) Effective on the date of enactment of this Act, subsection (c) of section 26 of the Organic Act of Guam (64 Stat. 384, 391; 48 U.S.C. 1421d(c)) is repealed.

(b) Effective January 4, 1971, section 26 of the Organic Act of Guam (64 Stat. 384, 391; 48 U.S.C. 1421d), as amended, is amended to read as follows:

"SEC. 26. The salaries and travel allowances of the Governor, Lieutenant Governor, the heads of the executive departments, other officers and employees of the government of Guam, and the members of the legislature, shall be paid by the government of Guam at rates prescribed by the laws of Guam."

SEC. 8. Effective on the date of enactment of this Act, section 5 of the Organic Act of Guam (64 Stat. 384, 385; 48 U.S.C. 1421b), is amended by adding at the end thereof the following new subsection (u):

"(u) The provisions of paragraph 1 of section 2 of article IV and section 1 of amendment XIV of the Constitution of the United States shall have the same force and effect within the unincorporated territory of Guam as in the United States or in any State of the United States."

SEC. 9. Effective on the date of enactment of this Act, chapter 15 of the General Military Law (70A Stat. 15, 16; 10 U.S.C. 331-334) is amended by adding at the end thereof the following new section 335:

"SEC. 335. For purposes of this chapter, 'State' includes the unincorporated territory of Guam."

SEC. 10. Those provisions necessary to authorize the holding of an election for Governor and Lieutenant Governor on November 3, 1970, shall be effective on January 1, 1970. All other provisions of this Act, unless otherwise expressly provided herein, shall be effective January 4, 1971.

SEC. 11. This Act may be cited as the "Guam Elective Governor Act."

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[S. 449, 90th Cong., first sess.]

AN ACT To provide for the popular election of the Governor of Guam, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 6 of the Organic Act of Guam (64 Stat. 384, 386; 48 U.S.C. 1422), is amended to read as follows:

"SEC. 6. The executive power of Guam shall be vested in an executive officer whose official title shall be the 'Governor of Guam'. The Governor of Guam, together with the Lieutenant Governor, shall be elected by a majority of the votes cast by the people who are qualified to vote for the members of the Legislature of Guam. The Governor and Lieutenant Governor shall be chosen jointly, by the casting by each voter of a single vote applicable to both offices. If no candidates receive a majority of the votes cast in any election, on the fourteenth day thereafter a runoff election shall be held between the candidates for Governor and Lieutenant Governor receiving the highest and second highest number of votes cast. The first election for Governor and Lieutenant Governor shall be held on November 3, 1970. Thereafter, beginning with the year 1974, the Governor and Lieutenant Governor shall be elected every four years at the general election. The Governor and Lieutenant Governor shall hold office for term of four years and until their successors are elected and qualified.

"No person who has been elected Governor for two full successive terms shall be again eligible to hold that office until one full term has intervened. The term of the elected Governor and Lieutenant Governor shall commence on the first Monday of January following the date of election.

No person shall be eligible for election to the office of Governor or Lieutenant Governor unless he is able to read and write the English language, is and has been for five consecutive years immediately preceding the election a citizen of the United States and a bona fide resident of Guam and will be, at the time of taking office, at least thirty years of age. The Governor shall maintain his official residence in Guam during his incumbency.

"The Governor shall have general supervision and control of all the departments, bureaus, agencies, and other instrumentalities of the executive branch of the government of Guam. He may grant pardons and reprieves and remit fines and forfeitures for offenses against local laws. He may veto any legislation as provided in this Act. He shall appoint, and may remove, all officers and employees of the executive branch of the government of Guam, except as otherwise provided in this or any other Act of Congress, or under the laws of Guam, and shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of Guam and the laws of the United States applicable in Guam. Whenever it becomes necessary, in case of disaster, invasion, insurrection, or rebellion, or imminent danger thereof, or to prevent or suppress lawless violence, he may summon the posse comitatus or call out the militia or request assistance of the senior military or naval commander of the Armed Forces of the United States in Guam, which may be given at the discretion of such military commander if not disruptive of, or inconsistent with, his Federal responsibilities. He may, in case of rebellion or invasion, or imminent danger thereof when the public safety requires it, proclaim the island, insofar as it is under the jurisdiction of the government of Guam, to be under martial law. The members of the legislature shall meet forthwith on their own initiative and may, by a two-thirds vote, revoke such proclamation.



"The Governor shall make to the Secretary of the Interior under section 3 of this Act an annual report of the transactions of the government of Guam for transmission to the Congress and such other reports at such other times as may be required by the Congress or under applicable Federal law. He shall have the power to issue executive orders and regulations not in conflict with any applicable law. He may recommend bills to the legislature and give expression to his views on any matter before that body.

"There is hereby established the office of Lieutenant Governor of Guam. The Lieutenant Governor shall have such executive powers and perform such duties as may be assigned to him by the Governor or prescribed by this Act or under the laws of Guam."

SEC. 2. Section 7 of the Organic Act of Guam (64 Stat. 384, 387; 48 U.S.C. 1422a) is deleted and replaced by the following new provision, also designated section 7:

"Sec. 7. Any Governor of Guam may be removed from office by the people registered to vote in Guam if a majority of two-thirds of the persons registered to vote shall vote in favor of recall at a referendum election. A referendum election, for purposes of this section, shall be initiated by the legislature of Guam following: (1) a two-thirds vote of the members of such legislature in favor of a referendum; or (2) a petition for referendum to the legislature by 25 per centum of the people registered to vote in Guam."

SEC. 3. Section 8 of the Organic Act of Guam (64 Stat. 384, 387; 48 U.S.C. 1422b), as amended, is amended to read as follows:

"Sec. 8. (a) In case of the temporary disability or temporary absence of the Governor, the Lieutenant Governor shall have the powers of the Governor.

"(b) In case of a permanent vacancy in the office of Governor, arising by reason of the death, resignation, removal by recall or permanent disability of the Governor, or the death, resignation, or permanent disability of a Governor-elect, or for any other reason, the Lieutenant Governor or Lieutenant Governor-elect shall become the Governor to hold office for the unexpired term and until his successor shall have been duly elected and qualified at the next regular election for Governor.

"(d) In case of a permanent vacancy in the office of Lieutenant Governor, arising Governor, or during any period when the Lieutenant Governor is acting as Governor, the speaker of the Guam Legislature shall act as Lieutenant Governor.

"(c) In case of the temporary disability or temporary absence of the Lieutenant Governor, by reason of the death, resignation, or permanent disability of the Lieutenant Governor, or because the Lieutenant Governor or Lieutenant Governor-elect has succeeded to the office of Governor, the Governor shall appoint a new Lieutenant Governor, with the advice and consent of the legislature, to hold office for the unexpired term and until his successor shall have been duly elected and qualified at the next regular election for Lieutenant Governor.

"(e) In case of the temporary disability or temporary absence of both the Governor and the Lieutenant Governor, the powers of the Governor shall be exercised, as Acting Governor, by such person as the laws of Guam may prescribe. In case of a permanent vacancy in the offices of both the Governor and Lieutenant Governor, the office of Governor shall be filled for the unexpired term in the manner prescribed by the laws of Guam.

"(f) No additional compensation shall be paid to any person acting as Governor or Lieutenant Governor who does not also assume the office of Governor or Lieutenant Governor under the provisions of this Act."

SEC. 4. (a) Effective on the date of enactment of this Act, the second and third sentences of subsection (a) of section 9 of the Organic Act of Guam (64 Stat. 384, 387; 48 U.S.C. 1422c(a)) are deleted.

(b) The first sentence of subsection (b) of section 9 of the Organic Act of Guam (64 Stat. 384, 387; 48 U.S.C. 1422c(b)) is deleted.

SEC. 5. Effective on the date of enactment of this Act, section 9 of the Organic Act of Guam (64 Stat. 384, 387; 48 U.S.C. 1422c) is amended by adding immediately after the end of section 9 the following new section 9-A:

"SEC. 9-A. (a) The Secretary of the Interior shall appoint in the Department of the Interior a government comptroller for Guam who shall be under the general supervision of the Secretary of the Interior, shall not be a part of any executive department in the government of Guam, and whose salary and expenses of office shall be paid by the United States from funds otherwise to be covered into the treasury of Guam pursuant to section 30 of this Act.

"(b) The government comptroller shall audit and settle all accounts and claims pertaining to the revenues and receipts from whatever source of the government of Guam and of funds derived from bond issues; and he shall audit and settle, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the government of Guam including those pertaining to trust funds held by the government of Guam.

"(c) It shall be the duty of the government comptroller to bring to the attention of the Secretary of the Interior and the Governor of Guam all failures to collect amounts due the government, and expenditures of funds or uses of property which are irregular, unnecessary, or not pursuant to law. The audit activities of the government comptroller shall be directed so as to (1) improve the efficiency and economy of programs of the government of Guam, and (2) discharge the responsibility incumbent upon the Congress to insure that the substantial Federal revenues which are covered into the treasury of the government of Guam are properly accounted for and audited.

"(d) The decisions of the government comptroller shall be final except that appeal therefrom may, with the concurrence of the Governor, be taken by the party aggrieved or the head of the department concerned, within one year from the date of the decision, to the Secretary of the Interior, which appeal shall be in writing and shall specifically set forth the particular action of the government comptroller to which exception is taken, with the reasons and the authorities relied upon for reversing such decision.

"(e) If the Governor does not concur in the taking of an appeal to the Secretary, the party aggrieved may seek relief by suit in the District Court of Guam if the claim is otherwise within its jurisdiction. No later than thirty days following the date of the decision of the Secretary of the Interior, the party aggrieved or the Governor, on behalf of the head of the department concerned, may seek relief by suit in the District Court of Guam, if the claim is otherwise within its jurisdiction.

"(f) The government comptroller is authorized to communicate directly with any person having claims before him for settlement, or with any department officer or person having official relation with his office. He may summon witnesses and administer oaths.

"(g) As soon after the close of each fiscal year as the accounts of said fiscal year may be examined and adjusted, the government comptroller shall submit to the Governor of Guam and the Secretary of the Interior an annual report of the fiscal condition of the government, showing the receipts and disbursements of the various departments and agencies of the government. The Secretary of the Interior shall submit such report along with his comments and recommendations, to the President of the Senate and the Speaker of the House of Representatives.

"(h) The government comptroller shall make such other reports as may be required by the Governor of Guam, the Comptroller General of the United States, or the Secretary of the Interior.

"(i) The office and activities of the government comptroller of Guam shall be subject to review by the Comptroller General of the United States, and reports thereon shall be made by him to the Governor, the Secretary of the Interior, and to the Congress.

"(j) All departments, agencies, and establishments shall furnish to the government comptroller such information regarding the powers, duties, activities, organization, financial transactions, and methods of business of their respective offices as he may from time to time require of them; and the government comptroller, or any of his assistants or employees, when duly authorized by him, shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records of any such department, agency, or establishment."

SEC. 6. Effective on the date of enactment of this Act, section 18 of the Organic Act of Guam (64 Stat. 384, 388; 48 U.S.C. 1423h) is amended to read as follows:

"SEC. 18. Regular sessions of the legislature shall be held annually, commencing on the second Monday in January (unless the legislature shall by law fix a different date), and shall continue for such term as the legislature may provide. The Governor may call special sessions of the legislature at any time when in his opinion the public interest may require it. No legislation shall be considered at any special session other than that specified in the call therefor or in any special message by the Governor to the legislature while in such session. All sessions of the legislature shall be open to the public."

SEC. 7. Section 19 of the Organic Act of Guam (64 Stat. 384, 389; 48 U.S.C. 1423i) is amended by deleting its fifth, sixth, seventh, eighth, and ninth sentences

and by substituting therefor the following: "If, after such reconsideration, two-thirds of all the members of the legislature pass the bill, it shall be a law."

SEC. 8. (a) Effective on the date of enactment of this Act, subsection (c) of section 26 of the Organic Act of Guam (64 Stat. 384, 391; 48 U.S.C. 1421d(c)) is repealed.

(b) Effective January 4, 1971, section 26 of the Organic Act of Guam (64 Stat. 384, 391; 48 U.S.C. 1421d), as amended, is amended to read as follows:

"SEC. 26. The salaries and travel allowances of the Governor, Lieutenant Governor, the heads of the executive departments, other officers and employees of the government of Guam, and the members of the legislature, shall be paid by the government of Guam at rates prescribed by the laws of Guam."

SEC. 9. Effective on the date of enactment of this Act, section 5 of the Organic Act of Guam (64 Stat. 384, 385; 48 U.S.C. 1421b), is amended by adding at the end thereof the following new subsection (u):

"(u) The provisions of clause 1 of section 2 of article IV and section 1 of amendment XIV of the Constitution of the United States shall have the same force and effect within the unincorporated territory of Guam as in the United States or in any State of the United States."

SEC. 10. Effective on the date of enactment of this Act, chapter 15 of the General Military Law (70A Stat. 15, 16; 10 U.S.C. 331-334) is amended by adding at the end thereof the following new section 335:

"SEC. 335. For purposes of this chapter, 'State' includes the unincorporated territory of Guam."

SEC. 11. (a) Section 3 of the Organic Act of Guam (64 Stat. 384; 48 U.S.C. 1421a), as amended, is further amended by deleting all after the words "Federal Government" and inserting in lieu thereof the words "in all matters not the program responsibility of another Federal department or agency, shall be under the general administrative supervision of the Secretary of the Interior."

(b) Section 28(c) of the Organic Act of Guam (64 Stat. 384, 392; 48 U.S.C. 1421f(c)), as amended, is amended by deleting the words "head of the department or agency designated by the President under section 3 of this Act"; and deleting from the proviso the words "head of such department or agency" and by substituting in each such instance the words "Secretary of the Interior".

SEC. 12. Those provisions necessary to authorize the holding of an election for Governor and Lieutenant Governor on November 3, 1970, shall be effective on January, 1, 1970. All other provisions of this Act, unless otherwise expressly provided herein, shall be effective January 4, 1971.

SEC. 13. This Act may be cited as the "Guam Elective Governor Act".

Passed the Senate May 9, 1967.

Attest:

FRANCIS R. VALEO, *Secretary*.

Congressman CAREY. Before we proceed with this hearing and the appearance of the first witness the Chair will ask if other members of the subcommittee wish to be recognized for brief statements at the opening of these hearings.

Congressman BURTON. Mr. Chairman, I would like to say and for the record, that when the history of Guam is written it is going to show your name as having played a very important part. Your bill, H.R. 7329, officially carries your name. You have been a constant champion of these people and I would like it to be known that we will really act on this bill in this year and have no objections to it. I think you can be very proud of the role that you have played in it and I hope that the local citizenry support this measure as fully as you do. Thank you, Mr. Chairman.

Congressman CAREY. Thank you, and we must observe that the bill was introduced on the 17th of March in 1967, and that this is a propitious date. This is the day of the feast of St. Patrick in New York and in all the United States. Generally it takes a St. Patrick's Day parade in New York for the people to turn out pretty well. He has been known as a Hibernian saint sometimes, and sometimes a Hebrew saint, and various saints, but St. Patrick is a good saint for everybody.

**Congressman BURTON.** I would like both to speak to some extent to the minority that certainly we in the minority party favor home rule for Guam. As to this specification in the bill, we will take a little bit better look at some of the language but there is no dispute between the majority, including myself. We are very happy to have the opportunity of being here on Guam and to be at this session.

**Congressman CAREY.** The gentleman from Washington, Mr. Meeds.

**Congressman MEEDS.** No.

**Congressman CAREY.** The Chair will call as the first witness then—excuse me. I apologize to the gentleman from Idaho who is leaning. I did not see the gentleman from Idaho. Mr. McClure?

**Congressman McCLURE.** I have no statement at this time, Mr. Chairman.

**Congressman CAREY.** I again apologize. I had not seen him in his seat. The first witness, then, on the opening of these hearings will be Mr. Jesus Sablan Camacho, Commissioner of Barrigada, President of District Council. Commissioner Camacho. (No response.) I suspect that Mr. Camacho is not visible. We will move forward to another witness and call Mr. Alberto T. Lamorena. He is an attorney and member of the Eighth Guam Legislature. Mr. Lamorena.

#### STATEMENT OF ALBERTO T. LAMORENA

**Mr. LAMORENA.** Mr. Chairman, members of the committee, and congressional staff, before I read my prepared speech I want to make it of record that the copy of the bill that was presented to our law office yesterday was the Senate version of elective Governors bill which, under my discourse and my speech today, is being talked upon as the bill that I am in favor of. I am Alberto T. Lamorena—

**Congressman CAREY.** Mr. Lamorena, if you will suspend for just a moment, the Chair will state that the Senate bill and the House bill are both before the subcommittee. So we speak for both bills which are before us. Therefore, the testimony at this point will be understood.

**Mr. LAMORENA.** Again, before I read my speech I would like to inform the committee that the House version of elective Governors bill not having been discussed in my speech or statement is then tantamount to say that I as a witness am against the House bill and I am in favor of the Senate version, S. 449.

I am Alberto T. Lamorena, a U.S. citizen, resident of Tamuning, Guam, and member of the Guam bar. I was also a member of the Eighth Guam Legislature.

At the outset I wish to personally greet you, "Hafa Adai," and hope that your brief official visit with us will be a most enjoyable and pleasant one.

Let the record show that I am testifying as a member of the Republican Party of Guam and that I speak for my party. We Republicans in Guam are in favor of bill S. 449. You will notice here that I had some crossing of bill H.R. 7329, because when I began to read the House version I believe there are some differences, especially in the tenure of office of the Governor and the date when this bill will take effect.

It is not amiss to also state that I was a member of the delegation of Eighth Guam Legislature that appeared before this same committee of

the 89th Congress in favor of bill H.R. 11775. Although the original version of that bill was passed, the Senate version of this bill failed to pass when it came back to the House. I prayerfully hope that bill S. 449 will not again find its way into the limbo of "inactive files" as other previous elective Governorship bills.

That your fellow U.S. citizens in Guam deserve the right to elect their Governor and Lieutenant Governor, like their counterparts in the U.S. mainland, is to me a moot question, for this matter was already resolved by both Houses during the 89th Congress when bill H.R. 11775 was considered. The word after "resolved," for the information of the committee, was an error in typewriting. It should have been "favorably" not "forwardly" here.

Many statements in favor of an elective Governor had already been given and the same may be found in the minutes of the hearing of bills H.R. 11775 and S. 449. May I suggest that their merits be considered in your deliberation. The reason for that is I don't want to confuse the record because the merits of the elective Governors bill are all there, and I hope that my fellow Republicans in the House will consider our plight. Succeeding witnesses that you will hear, I believe, will endorse favorably a more anomalous form of government in our island. I believe this is a (inaudible) legislation. I hope you don't mind me saying that because, to my understanding, elective Governors bills have already been presented several years ago, but as I have said in my speech today, these bills find their fate into the limbo of your inactive files. I hope this bill S. 449 will not suffer the same fate. Thank you.

Congressman CAREY. Thank you, Mr. Lamorena. Let me state that I am a new subcommittee chairman, having succeeded my very good friend and distinguished colleague and great leader of the people of Guam, the Honorable Leo O'Brien from New York, and we have a number of very young members of the subcommittee so we have not had time to develop a limbo of inactive files, and I think I can assure you that we will not have any limbo of inactive files because this is a very active subcommittee and we shall do our best to make certain nothing drops into such a vacuum.

Mr. LAMORENA. Thank you, Mr. Chairman. I have also some suggestions for an amendment, Mr. Chairman, which is not covered in my speech and as much as I am here I may just as well say it and I hope our recorder here will take this matter.

Congressman CAREY. We always welcome suggestions and amendments to our legislation especially when they come from former legislators such as yourself. So what amendment would you suggest?

Mr. LAMORENA. This is the House bill I am reading now. Do you have the Senate version of the bill? In other words, in the Senate version or the House version, Mr. Chairman, I have the House version here, it is concerning these departments and agencies and establishments—

Congressman BURTON. Excuse me, do you have the House version? Is this what you are reading from?

Mr. LAMORENA. You have the House version so I am talking about the Senate.

Congressman CAREY. What page are you looking at?

Mr. LAMORENA. In the House version page 10, line 16. I suggest that the words "All departments, agencies, and establishments" be deleted and the word "Governor" be inserted because to me we have a Governor here and whatever the Comptroller wants to do here in Guam must be through the Governor. Otherwise, the Governor will have no more say insofar as any information needed by the Comptroller is concerned. In other words, what it means here in the original version of the House bill, the Comptroller can go right away to the agencies and departments. We want that he should go to our Governor because our Governor is the spokesman of our government here. That's all I suggest.

Congressman CAREY. Mr. Lamorena, you put your finger on one of the matters which will be in active discussion in the subcommittee and this will be the question which was disclosed by the Senate in its hearings and to which we will address to ourselves as to what kind of ordinance controls and accounting we believe should best serve the interests of the people of the United States and the people of Guam, and your recommendation will be that the Governor as head of the executive branch will be the one who furnishes the records to the Comptroller (interruption by the passing of an airplane). To finish what the Chair was saying then, the point on the ordinance controlling an accounting of the funds of practices and expenditure of the Governor will be one of the major points in discussion, and the Chair is open on this to determine how we can best serve the interest of the people of the United States and the people of Guam in the proper control of the accounting and at the same time preserve the stewardship of the Governor in running the executive branch. So just a quick question, Mr. Lamorena. Do you favor 2 or 4 years for the Governor of Guam?

Mr. LAMORENA. Yes, sir.

Congressman CAREY. Which do you favor? The 2- or 4-year term?

Mr. LAMORENA. I want the 4-year term. It will not be amiss also to state that I was on the court revision commission of the government of Guam and that committee that I headed recommended 4 years. Two years is too short a term of a Governor, and I believe a 4-year term, the same term as now enjoyed by the President of the United States, has been recommended. In other words, for a full term, and that is provided for by the Senate version.

Congressman CAREY. The second question, Mr. Lamorena. We will suspend at that point. Would you recommend that the terms of the Governor be limited to two terms consecutively but thereafter he could not succeed himself?

Mr. LAMORENA. I believe that is in the Senate version; yes, sir.

Congressman CAREY. Third, the House bill calls for an election in November of 1968, and the other bill calls for an election in 1970, the reason being that we felt at that time a presidential election occurring in 1968 might have a disproportionate effect upon the proportion for the gubernatorial election in the U.S. territory of Guam. Which date for the first election of an elected Governor do you favor, 1968 or 1970?

Mr. LAMORENA. 1970 which is the Senate version, Mr. Chairman.

Congressman CAREY. Thank you for answering these questions. The Chair has no further questions. Any other questions of this witness? The gentleman from Texas.

Congressman WHITE. Counselor Lamorena, I notice in the reading of the bill on page 2, the provision that if no candidates receive a

majority of the votes cast in the election, on the 14th day after the election a runoff election should be held between the candidates for Governor and Lieutenant Governor receiving the highest and second highest number of votes cast. I presume that it goes on further to say that the election will be held in November so this would coincide with the general election in the United States.

I am not aware of any governorship in the United States that requires a runoff election in the event that the leading candidate does not receive a majority of the votes. Would you favor a runoff election, or would you favor just the top man to reach the post of Governor?

Mr. LAMORENA. In other words, Mr. Congressman, you are referring to the plurality votes alone that what the Congressman wants is the majority vote?

We have a majority vote in Georgia. I believe there was a runoff when the Governor did not get the majority vote and they have that thing in Georgia.

Congressman WHITE. I didn't understand your answer, sir.

Mr. LAMORENA. I believe the runoff for Governor was held in Georgia because the constitution provides that the Governor must receive a majority vote. Do I understand from you, Mr. Congressman, that I would prefer to favor a plurality vote?

Congressman WHITE. Yes, sir. Or do you prefer the majority vote? In other words, suppose you have four parties, there are four of them in Guam, and all of the votes cast do not permit the leading candidate to get a majority. Then do you want another runoff election or do you want the leading candidate to receive the office?

Mr. LAMORENA. Personally, especially so now there seems to be three parties here in the island of Guam, personally, I would prefer the majority vote. I believe that the Governor should receive the mandate of a majority vote, not a plurality vote as are being now enjoyed by other States or countries. To me I believe an endorsement of the majority is more proper than a mere plurality vote. I know that it's taxing to get a runoff election where the highest candidate running for that elective office gets merely the plurality vote. But it is, I believe, to me a better system that the one who has the highest office in Guam should receive the mandate of the majority.

Congressman WHITE. Thank you. The next question I had was on page 3. As I read the bill, and unless I have overlooked something, it states that the Governor may veto any legislation as provided in this act.

I don't see in reading any of the bills that a provision for an overruling of the Governor in the event that the legislature decides to overrule his veto.

Mr. LAMORENA. I believe the Senate version, Mr. Congressman, provides for an overruling by the House, and that was sufficient. Presently when the legislature overrides the veto of the Governor it goes back again to the Governor for approval or in the event he overrules us it goes to us. I believe that provision of the Organic Act is now being deleted and in lieu thereof the Senate bill provides that the legislature can override the Governor's veto and after the overriding of such veto it becomes a bill.

Congressman WHITE. Is this your preference?

Mr. LAMORENA. Yes, sir. I believe the legislature, as any other legislature in the mainland, should have this power.

Congressman WHITE. May I ask one further question, if I may, Mr. Chairman. Do you contemplate a primary election in each party for your candidates for Governor, or do you contemplate a convention, and if you have some contemplation for a convention or a primary do you feel that in the reading of the bill this would be permitted?

Mr. LAMORENA. In Guam, Mr. Congressman, our official candidates are endorsed by convention of the respective parties. I don't favor too much of the primary that you have in the mainland. First of all, anyhow most of the people in the mainland seem not to like any more the primary, being too expensive, and we feel that by the mere endorsement of the party in a convention held for the purpose should be held sufficient.

Congressman WHITE. Do you think that the bill should spell out procedures on the selection of candidates, or do you feel that you have enough latitude for the selection of your candidates without it being mentioned in the bill?

Mr. LAMORENA. I don't think it is necessary to mention that procedure because we have already a practice which each of the parties follow and I believe to spell it out would just be superfluous, I believe.

Congressman WHITE. You could have about 30 candidates in your general election for Governor, I was just wondering if there is such a possibility.

Mr. LAMORENA. A candidate, Mr. Congressman, who does not come under the banner of the party does not have any chance of election.

Congressman FOLEY. Mr. Lamorena, you are speaking to some extent as the representative of the Republican Party of Guam and your testimony, especially to me, seems to be on that count. My interpretation is that every member of the present Ninth Guam Legislature is a member of the Democratic Party. Is that correct?

Mr. LAMORENA. Yes, sir.

Congressman FOLEY. And from previous experience there is some indication that if there were elective Governors authorized for Guam that perhaps the Republican Party initially, might have some difficulty in electing a Governor under a party banner. I want to ask your comment on that, or just a statement. Now, under those circumstances, wouldn't you think it desirable to have a primary election so that those who are in your party and other parties could participate in this election for a nominee? Doesn't the present situation of the party convention give a great deal of control to those who are active in the Democratic Party?

Mr. LAMORENA. I don't think so because you see, the system that we have here in Guam, sir, Mr. Congressman, is that in the convention held by each party we have some delegates who are representatives of the various districts here in Guam and these are the leaders of the people and for one to go again on a primary so that probably he may be endorsed by a certain party is to me too expensive a task for a candidate to follow, Guam is so small a place that your speech when you deliver it tonight in the southern portion could be heard almost an hour after that in Anderson Air Force Base, unlike in the mainland where you are speaking in the south portion of a certain state takes



several weeks before it could be heard in the northern side or the western side. And to Guam, small as it is. I believe the necessity of holding a primary is not in order, to me personally.

Congressman FOLEY. The gentleman will yield further on this point. I don't mean to suggest any argumentative position but in order for me to help understand your position better.

In many of our Southern States there has traditionally been what we call a one-party system and the Republican Party has not been seemingly active or successful for that matter in elections. Some of this is historical as a consequence of the War Between the States. In those States, however, there have been primary elections which have considered to be by citizens who reside there, and if I am incorrect my colleagues might advise me the principal election has been a primary election because it has been considered almost a foregone conclusion that whoever becomes the nominee of the Democratic Party would consequently be elected in the general elections.

My question to you is this: Without a primary election considering the fact that Guam to some extent approaches the one-party system, would the absence of a primary election not essentially deprive the people of the choice between candidates?

Mr. LAMORENA. Not necessarily.

Congressman FOLEY. I have one other question or series of questions that I would like to ask. Insofar as I have read, the present bill is silent on this point.

How do you contemplate that a person or persons would become candidates in the November election for Governor and Lieutenant Governor?

Mr. LAMORENA. How do we contemplate? I didn't get you when you say contemplate.

Congressman FOLEY. How does a person become a candidate? Would he pay a filing fee? Would the filing fee be so small that you—

Mr. LAMORENA. We don't have any filing fee here, Mr. Congressman. All we do as aspirants for Governor, for example, in a certain given party like the Republican or Democratic, or Territorial Party they are chosen in the convention held by the different parties here in Guam and when three candidates, for example, are aspiring for Governorship in the Territorial Party one among the three will be elected and the same token if the Republican Party will hold their convention and they also have four aspirants one will always be elected and the same holds true for the other party. Now, these standard bearers will fight in the general election. We don't have any fee here. All we have to do is for the secretary of the party to inform the Election Commissioner here in Guam that the standard bearer of a party is so and so, like that.

Congressman CAREY. Just a moment. The Chair will just observe that the question of how a candidate for Governor, if an elective bill is enacted, would be chosen, through what machinery and what procedures, conventions and so forth, I think the matter would fall properly under the jurisdiction of the Guam Legislature and that these procedures, I assume, are now set forth for the election of candidates for that Legislature under an election code, and I believe that these matters all could be in service to the elected governor law and

would set up the kind of machinery which the legislature deems appropriate to have a fair election.

Mr. LAMORENA. That's correct, Mr. Chairman.

Congressman FOLEY. Under those circumstances then, Mr. Chairman, I think the bill should say "under procedures determined by the Legislature of Guam," because it's silent now. Thank you very much, sir.

Congressman CAREY. The gentleman from Utah.

Congressman BURTON. Thank you, Mr. Chairman, and I thank you for a very fine statement, Mr. Lamorena.

You said that you would rather have the date of the election changed from 1968 as it is now to 1970; that you would prefer a 4-year term instead of a 2-year term. Should the subcommittee in its wisdom decide that we make both those changes this would give you an election for Governor on an off presidential year. I just wondered, is that the way you want it, or would you prefer to have the Governor elected during the presidential year?

Mr. LAMORENA. We have heard some statements to the effect that the election of the Governor may confuse with issues in the election for President of the United States. I don't find any merit to that because after all, we have Republicans here and you have Republicans there, Democrats here, and Democrats there. The issues in the mainland may probably be the issues here but not necessarily because we have some local issues too, and although I don't take sides as to whether it will fall within the same date that—I am referring to the election of the Governor—if it falls on the same date as the election of the President, to me it's immaterial. The only thing that I am interested in is the Governor. The Governor should have a 4-year term and that the first election should be in 1970. It is immaterial that officially there will be no election nationally in 1970 because the next election will be 1972.

Congressman BURTON. I was just pointing out to you that the effect of your two recommendations, 4-year term in 1970 date is a practical matter since it would be a gubernatorial election in an off presidential year. Is that the way you want it?

Mr. LAMORENA. Yes.

Congressman CAREY. The gentleman from New York.

Congressman KUPFERMAN. Well, I just wanted to commend the speaker and the Republican Party for the self-sacrifice in not wanting to participate in the Republican sweep of 1968, and I am referring to the proposal of the 1970 date. That's all, Mr. Chairman.

Mr. LAMORENA. Not exactly so, Mr. Congressman. For the record, this is not to say—this doesn't have anything to say against the Democrats here. We will participate because the election of a Republican President will also be our President here and any benefit that the election of our Republicans in the mainland is also a benefit not only to the Republicans but all the people of Guam, of course. Thank you.

Congressman CAREY. On that note the chairman will thank you, Mr. Lamorena. The gentleman from Washington.

Congressman MEEDS. Mr. Lamorena, in view of the fact that you said that you would like a 4-year term for the Governor, would you also support a 4-year term for the members of the legislature so that

the two terms coincide, or would you prefer the present 2-year term for members of the legislature, or 4 years?

Mr. LAMORENA. There is a statement about that would favor or that would also endorse that the Legislature should also enjoy a 4-year term. We here in Guam, for example, at election of commissioners, their term of office is 4 years. Now, the legislature would be left with 2-year terms. However, I believe it was from Congressman Saylor who said that it's always nice to have a change in the elective, I mean in the legislative office as often as possible because the more often the election the more active the country in matters of legislation.

Congressman MEEDS. So if I understand you correctly, you still favor the 2-year term for the legislative body?

Mr. LAMORENA. I am not prepared to answer that statement, but whether 2 years or 4 years it's immaterial to us. Of course, presently 2 years would be more favorable to us Republicans, I would say, because we want to—because to wait for 4 years would be too tedious waiting. So 2 years will be all right. However, personally, the 2 years or 4 years, gentlemen, I don't take sides. Two years is good, four is also good especially if we are clamoring for a 4-year term for Governor. If you feel that a 4-year term also for the legislature is in order, why, I have no objection to that.

Congressman MEEDS. Thank you, Mr. Lamorena.

Congressman CAREY. Thank you, Mr. Lamorena. The next witness is Commissioner Camacho, who has arrived. Commissioner, your statement in full will be in the record. At this point if you wish to summarize and refer to it we would then proceed with the questions directed to your statement. The Chair will note at this point—off the record. (Back on the record.) If you will proceed, Commissioner.

#### STATEMENT OF JESUS SABLAN CAMACHO

Mr. CAMACHO. Thank you, Mr. Chairman. Mr. Chairman, and distinguished members of the committee, My name is Jesus Sablan Camacho. I am the Commissioner of the Municipality of Barrigada, and I am the President of the District Government Council which is composed of the commissioners and assistant commissioners of the Municipalities of the Territory.

I am here to speak in the capacity as such President-Commissioner and also as a lifetime resident of Guam. We commissioners who are elected as executive officials in our municipalities, the "Gobenardocillos," to use the Spanish word, are close to the villagers, that is the people who elect us. We know their sentiments and we understand their aspirations, and I am here to state that the people of Guam overwhelmingly desire the right to elect their own chief executive. They feel, as do we commissioners, that they have proven their political maturity over the 18 years since U.S. citizenship was granted them. Let us look at the record of our claim to political maturity:

There have been nine regular elections to the Guam Legislature and five times the commissioners were elected, and several special elections since the passage of the organic act. In those elections the average turnout have been well over 80 percent, a record considerably higher than that in the typical election to State legislatures in the United States generally. There has never been an election campaign scandal nor any election fraud, although each campaign has been hotly contested with resulting contests and the like. Although much has been over the fact that many of Guam's Legislatures have been exclusively

of one party, it should be remembered that under the organic act all Guam senators run at large and thus the shift of 1 or 2 percentage points in the popular vote can make a tremendous difference. Thus, in one election there were less than two points separating the two parties and yet one party obtained 21 seats. This does not demonstrate the political maturity of the people of Guam but the inherent risk of at-large elections. Even with this handicap there have been several multi-party legislatures and there has always been a vigorous opposition party whether represented in the legislature or not.

In our party system the local Democratic Party has affiliated with the National Democratic Party and was represented for the first time in the 1964 convention in Atlantic City. The local Republican Party is affiliated with the National Republican Party and will be represented, I understand, at the next Republican national convention. The other local party is unaffiliated but is closely allied with the Republican Party. This vigorous political activity is entirely healthy and democratic, there never having been any cases of election corruption or fraud. I wish the members of this committee would be here during the local election. The village rallies of the two parties will last all night, and stump speakers go on for 2 or 3 hours at a time, the speeches being interrupted for entertainment and refreshment. A Guam election is an inspiring example of democracy in action.

The legislature resulting from these vigorous campaigns has proven itself to be, in my opinion and in the opinion of most of us on the local scene, mature and deliberative. Responsible legislation covering all aspects of local life has been enacted only after public hearing and extended public debate, much of which is broadcast over local radio. Very little local legislation has been declared invalid by the courts, and the pattern of Guam's legislative activity since the Organic Act reflects a modern up-to-date legislature which has kept current with the legislative trends among the States, legislative representatives from Guam having attended various legislative conferences and seminars in the United States for a number of years. Although there is a vigorous opposition which watches local legislative activities with an eagle eye, there has never been any proven case of legislative irregularity or fiscal impropriety, and if this statement is doubted I invite an examination of the outside audits annually made of Government of Guam expenditures. Although the legislature has certainly made mistakes and cannot claim to be perfect by any means, nevertheless, an examination of its history will demonstrate that it has carried out its responsibilities in enacting laws and appropriating moneys for the benefit of the people of Guam with fairness, dispatch, and skill.

In discussing Guam's political maturity I am somewhat hesitant in bringing up the proven patriotism of the people of Guam since it would appear that to some extent at least, patriotism of the old-fashioned kind is going out of style and it is not the "in" thing to declare your love of your country, being more fashionable to denounce it and criticize its leaders and behavior. Guam is to this extent old fashioned since it has made the highest per capita contribution to the war in Vietnam of any American community, already 26 local residents having died while in combat there, a number greater than that of several States. Guam has a very large number of its young men and women in the Armed Forces and we are all proud of them and of the record they

have made in the service of their country. This patriotism goes back a long way, the people of Guam being the only American community occupied by enemy forces during the Second World War. We were not then citizens of the United States but we nevertheless kept the faith, no collaboration taking place, and many dying at the hands of the enemy and on behalf of freedom. There have never been draft card burners in Guam; there has never been an antiwar demonstration, and no local man in uniform has ever received anything but respect and admiration from his neighbors. Old fashioned or not, we believe this love of country is a sign of political maturity and one of the reasons we feel we are entitled to elect our own governor. Our young men are dying in Vietnam without the right to vote for the President or to have representation in Congress. Please let them at least vote for their own governor.

I am not prepared to discuss the specific contents of the proposed governorship legislation now pending before Congress. I know that Congress will act appropriately in this regard. Whether the election be in 1968 or 1970 is relatively unimportant. What is important is the basic provision of an elected chief executive. Guam is entering a difficult era of change and growth. Our island is finally attracting tourists. The military use of the territory changes almost annually. Our need for more skilled and professional personnel grows daily, Guam having the highest birth rate of any American community and one of the highest birth rates in the world. Do you know that the average age of local residents is 15? The territory thus must have a unified government, knowledgeable in local matters, and dedicated to solving them here in Guam and not in Washington. Although we have been fortunate in the caliber of the men appointed as governor by our President, by the very nature of such appointments they cannot have a free hand in carrying out the will of the people of Guam.

To conclude, I would like to remind the committee that the people of Guam have been under the executive control of off-islanders for more than 300 years. We would respectfully like to suggest that it's time that the destiny of Guam be placed in local hands. Do not fear that we will misuse this trust as we have proven in three wars our dedication to America and to the democratic ideals that have made it great. A locally elected chief executive is a right given all other American citizens. We only ask that the same right be extended to us. Thank you.

CONGRESSMAN CAREY. Thank you, Commissioner Camacho, for a very fine statement. I find much in it with which I am in complete agreement, particularly with respect to the fidelity and loyalty of the people of Guam to the United States as citizens.

CONGRESSMAN KUPFERMAN. I know the question has been most vital in the consideration of the elective governor bills for the territory of Guam and the territory of the Virgin Islands, and these are not my words, these are words that are used extensively in discussions of the bill; the question as to whether the people have sufficient political maturity to govern in their own affairs and I want to say I have no reservation on this point as to the people of Guam. However, you indicated on page 2 of the first paragraph in your statement, that the local elections now are very hotly and heavily contested and you stated that the village rallies of the two parties will last all night and the

aspiring candidates go on for 2 or 3 hours at a time, the speeches being interrupted for entertainment and refreshment. Now, if we have an elected governor the people will have the rallies for the legislators and rallies for the governors, and will this mean it will be kept up all night more often? Do you think this will break down the political maturity as well as their strong and firm fiber? [Laughter.]

Congressman BURTON. I understand the Democrats had a rally last night going for 2 or 3 hours. [Laughter.]

Congressman CAREY. Well, the Chair will observe that I was just an observer on a nonpartisan basis to a very lovely social event and observed some costumes worn by some women who I was informed were Democrats, and I was at that rally but only as a social observer and the entertainment was so good I would have been pleased to stay all night but it had to terminate at some point I suppose in deference to the visitors so that they could get some sleep. But if it's entertainment like that no wonder they stay up all night. [Applause.]

Seriously, Commissioner, I suspect that the people of Guam have a very passionate and intense love of country and loyalty and I am sure their loyalty will be just as passionate and diligent in their choice of candidates in an election. Would this be true?

Mr. CAMACHO. Yes; we take our politics very seriously, Mr. Chairman.

Congressman CAREY. I also notice you were very quick to state that there is a genuine two-party system here and one party is slightly larger than the other one. At this juncture, and I am not suggesting that you narrow the gap, but if you have to keep the people up all night to keep your party power that's what a good political servant has to do.

Mr. CAMACHO. That is very healthy, Mr. Chairman.

Congressman CAREY. I have no further questions, Commissioner. Any questions from the committee?

Congressman BURTON. I would just like to make a statement, Mr. Chairman. The Republicans are usually kind of stingy with the compliments they give Democrats, but I would like to say to you, Commissioner, this is a terrific statement, one of the best that I have ever seen, and anybody that had any doubts about granting the people of Guam the right to have their own governor, having read that statement wouldn't have them any more.

Mr. CAMACHO. Thank you very much.

Congressman CAREY. The gentleman from Texas.

Congressman WHITE. First, I want to join in complimenting you for your very ardent and well-worded statement. I would like to know what is the voting age minimum here in Guam?

Mr. CAMACHO. Voting age is 18 years.

Congressman WHITE. And I am asking the same questions that were asked prior, to wit, briefly, do you favor an election in 1968 or 1970?

Mr. CAMACHO. I would be going against my statement if I would answer that question. I said in my statement that it is relatively unimportant. We have confidence in the wisdom of the committee in determining the year.

Congressman WHITE. Do you favor 4- or 2-year term of governorship?

Mr. CAMACHO. Personally, I would favor a 4-year term.

Congressman WHITE. Thank you very much.

Congressman CAREY. The gentleman from Washington.

Congressman MEEDS. No questions.

Congressman CAREY. The gentleman from Idaho.

Congressman McCLURE. Mr. Camacho, you mentioned and I think covered it quite well in your statement, the close position between political parties here and alluded to the fact that despite that close margin that all of the votes went to one political party. Have you considered or do you favor the establishment of districts?

Mr. CAMACHO. Well, sir, there has been an amendment made to the Organic Act regarding apportionment or redistricting of the territory of Guam.

Congressman McCLURE. Are you satisfied with the amendments?

Mr. CAMACHO. Well, sir, I do not see any irregularity in the present election laws of Guam when the legislature is elected islandwide.

Congressman McCLURE. Do you see any merit in a plan such as proportional representation for a geographically compact unit such as the island of Guam?

Mr. CAMACHO. Yes, sir; if the two-party system or three-party system is guaranteed, but you cannot guarantee two-party system in redistricting, because as it is right now all the districts are heavily Democratic and even if you redistrict you will only have the Democratic Party in the legislature.

Congressman McCLURE. Well, of course your representation might be an answer which would meet the requirements of a geographically compact unit of government such as you have here. Has this been considered by your people?

Mr. CAMACHO. I believe the legislature is in the process of making that study or there is, I think, legislation to that effect and I believe that would be placed before the public for perusal.

Congressman McCLURE. Thank you. I wish to make just one very brief comment in regard to the draft card burners and so on in the United States. I am sure that you have read and heard much more of that than has actually existed. In our country the sensational always catches the eye of the press and these are things that are reported, but the hundreds and thousands of young people in our country that are just as loyal and patriotic as your young people here do not get the same kind of publicity. In my own State we have the same kind of patriotism and loyalty that you have referred to in your statement. I certainly commend you, I am proud that you have not had that minor problem as we have somewhere else in the United States.

Congressman WHITE. I just wanted to state that I read something in the morning paper and I want to make the record clear. There is an article in the paper that said some soldiers were ashamed to wear their uniforms into town. I want you to know that in my State they are not ashamed and we are very pleased to have the military in Texas. Thank you, sir.

Congressman CAREY. The next witness will be Mr. Kurt Moylan. Mr. Moylan, will you come forward and tell us your occupation and background, and give us a statement.

## STATEMENT OF KURT MOYLAN

**Mr. MOYLAN.** Thank you, Mr. Chairman and distinguished guests. I have a statement of policy or statement to read on behalf of the Republican Party of Guam.

I am Kurt Moylan, executive committee secretary and member of the State central committee of the Republican Party of Guam. The statement is rather brief.

The Republican Party of Guam wishes to reaffirm its stand favoring the elective governorship for the territory of Guam as reported on S. 449 by Senator Jackson, 90th Congress, first session, with the inclusion of the federally appointed comptroller, as signed by Joseph Flores, chairman, State central committee.

**Congressman CAREY.** Thank you, Mr. Moylan. When you speak of the inclusion of the federally appointed comptroller do you mean the comptroller as now envisioned for the Virgin Islands where the control is by the General Accounting Office under the control of the Secretary of the Interior, or the federally appointed comptroller as in the Senate bill.

**Mr. MOYLAN.** The federally appointed comptroller as found in bill No. S. 449, as appointed by the Secretary of the Interior.

**Congressman CAREY.** In certain other hearings affecting the other territory the provision was suggested under which the incumbent appointed Governor would not be eligible to run in the first election after the elective Governor's bill was passed. As a Republican do you have any Republican Party leader or do you have any view on that?

**Mr. MOYLAN.** Well, as found in Senator Jackson's bill, the basic difference that we found between your bill, sir, and the bill of Senator Jackson was the election date and the term of office, and we found that as far as the election date is concerned I would prefer to have it in 1970, and we prefer to have a 4-year term of office, and this is the reason why we selected the Senate bill over the House bill.

**Congressman CAREY.** Well, my question was whether you have any reservations about having the appointed incumbent Governor run in the election for governorship should such an election be authorized.

**Mr. MOYLAN.** No. We have no objection.

**Congressman CAREY.** The Chair has no further questions from your statement. Any members have any questions? Thank you, Mr. Moylan. The next witness is Mr. Jose S. San Nicolas. Mr. San Nicolas, would you state your occupation?

## STATEMENT OF JOSE S. SAN NICOLAS

**Mr. SAN NICOLAS.** Thank you, Mr. Chairman and members of the committee. My name is Jose S. San Nicolas and I am just a—well, right now I am an accountant and I am with the government of Guam, and I am here just as a private citizen.

This bill is really important and welcome by our people. We have come through a long and slow way to achieve this goal, if it is approved. We have even demonstrated through extreme sacrifice in time of war by showing the people of the United States an unwavering



loyalty. Our young boys are voluntarily serving in the various branches of the Armed Forces with distinction and honor. We adhere to the principles of democracy even though we do not practice it fully at the present time.

It is time that the U.S. Congress reexamine its conscience and recognize our plight. The Constitution of the United States should apply to all citizens alike, irrespective of color, race, or creed. As citizens we pledge to uphold and defend the Constitution of the United States without any conditions attached. Why is it that there are conditions or restrictions imposed in our organic act which granted us citizenship? Does this mean that we should not defend the Constitution of the United States in its entirety? That we will only defend that portion which gives us certain freedom?

Honorable gentlemen, I am sure you will support passage of this bill to correct the present inadequacies in our present governmental structure.

Congressman CAREY. Thank you, Mr. San Nicolas. I have no questions.

Congressman WHITE. Mr. San Nicolas, as I understand it, and see if this is your understanding too, that there are no restrictions on you individually in the event that you should move to the mainland of the United States. The restrictions apply to the territory itself.

Mr. SAN NICOLAS. Yes. I understand that, sir.

Congressman CAREY. The gentleman from Idaho.

Congressman McCLURE. I want to state, as I am certain that the members of this committee who have had the opportunity of visiting with the people of Guam agree that you have a political maturity here which justifies a change in the attitudes of the Congress of the United States. But we have found throughout the world that the passage of laws or the writing of words on paper does not necessarily bring true democratic government to people until they are ready to make that work. We believe that this is an evolutionary process. I think you have evolved to the point now where you are ready to undertake more of your own responsibility here.

Mr. SAN NICOLAS. Yes.

Congressman McCLURE. Thank you, Mr. Chairman.

Congressman CAREY. Thank you, Mr. San Nicolas. The next witness will be Mr. Raymond S. Laguana. Mr. Laguana, will you come forward and state your name and occupation, and maybe we could have a copy of your statement?

### STATEMENT OF RAYMOND S. LAGUANA

Mr. LAGUANA. My name is Raymond S. Laguana, I am a public relations officer for the Guam Legislature. I am also the vice-president for the Young Democrats of Guam; vice-president for the House of Guam Freshman Class, and president for Barrigada Young Democrats, and president for the Barrigada Youth Club.

Mr. Chairman, and members of the Subcommittee of the Territories, I am one of the youth of Guam today who is interested in saying what is to become of the elective governorship bill now pending before the U.S. Congress. I trust that by expressing my views this morning it will be made as part of your record when you present this bill before the House.

First of all, Mr. Chairman, I am sure you are quite aware of the men who are in Vietnam fighting so that we may enjoy freedom, but I wonder whether you and other members here are aware of the men in Vietnam who fought and died for our country, the United States of America, who were of Guamanian descent. At present we have, as the record will show, 26 men who lost their lives during the present war in Vietnam. In addition, we have many men representing all the branches of the U.S. Armed Forces, in practically every part of the world where our great country's force is at stake.

Secondly, I am personally proud to say without hesitation that Guam is the home for the great B-52 which is responsible for the almost daily tours from Guam to Vietnam and back in discharging the risks and tasks so we may one day see peace.

Thirdly, in the Nation's Capital we have our Guam Washington representative, the Honorable A. B. Won Pat, representing the territory of Guam and its people. By the view of the electorate he was chosen the man to do the job, and he, Mr. Chairman, is doing his job.

Fourthly, we in Guam want an independent government where free men can decide for themselves. We are right within the path of growth, economically, politically, and socially. By granting us to elect our own Governor will be the beginning of an era for each citizen of this territory to cast his vote and say, "I voted for him for he is the one I wanted."

And last but not least, we have quoted many times as being second-class citizens. We don't want to be called such for under the Organic Act of Guam it is so stated and vested upon us that we are a part of the great United States, lest we forget.

In conclusion, Mr. Chairman and gentlemen, as one youth appealing to this House subcommittee, take a message to our Nation's Capital that the people of Guam in fact are good and ready to vote for their own Governor. I thank you.

Congressman CAREY. Thank you, Mr. Laguana. I have no questions but just would note at this point that one of the assurances of continuation of growth of Democracy and good government that we must always seek is that as leaders reach the point where their place must be taken by new and younger leaders it is most important that those coming up in the ranks, whether they be military leaders or governmental leaders, have an understanding of all the complications of the duties and responsibilities as American citizens. And I find that evidence in parts of your State. The one part to which I would admittedly take exception is that of referring to the people of Guam as second-class citizens. I have not heard these references and I would most earnestly dispute them whenever I did hear them, and I would hope that by action and by deed you can continue to demonstrate that your elected legislature, your elected Governor and your economic development as time goes on that we don't subscribe to any theory of second-class citizenship to anyone under the flag of the United States. So we would certainly hope to put to rest any such misapplication of this term "second-class citizen," and I hope that you will continue to exercise your leadership to bring to the fore in all aspects of Guam first class young men and women, prepared to do a good job. Thank you, Mr. Laguana. Any questions from the panel?

The next witness is Mr. Peter Cruz. Mr. Cruz, will you come forward and state your affiliation and occupation. (Mr. Cruz failed to respond.) Has Mr. Olsen arrived? (Mr. Olsen failed to respond.)

The Chair will then call Mr. John Taitano. Is Mr. Taitano here? Mr. TAITANO. Yes, sir.

Congressman CAREY. Mr. Taitano, I notice that you are from the College of Guam and that Miss Gloria Parrish is also from the College of Guam?

Miss PARRISH. Yes.

Congressman CAREY. The Chair would request that Miss Parrish and Mr. Taitano, since you are both undergraduates of the College of Guam, appear together and make your statements to the panel and the panel will then direct our questions to both of you at the same time. May I have copies of your statements, please? If you will choose between you as to who will be first.

### STATEMENTS OF MISS GLORIA PARRISH AND JOHN TAITANO

Miss PARRISH. My name is Gloria Parrish and I am a student at the College of Guam.

We have often heard the saying that Guam is a showcase of democracy in this part of the world. The countries of Asia and the Western Pacific sees us as a part of America. It's important for Guam to demonstrate to these countries that the democratic system of government works.

Although we haven't been managing our own affairs very long, our young government has proved that the people of Guam are politically mature. I know that I speak for all the young people of our territory when I say that we want to extend our responsibility for ourselves by selecting our own chief executive. Thank you.

Mr. TAITANO. Members of the subcommittee, ladies and gentlemen, my name is John Taitano. I am a senior at the College of Guam and my objective is to study medicine.

I am honored to be here this morning although I must admit that I would have been more prepared to discuss the elective governorship bill if we had been given more time. I learned of this hearing only last night.

I strongly endorse any legislation in the U.S. Congress that will allow the territory of Guam to exercise a greater measure of self-government. The elective Governor bill is such a measure, and in my opinion it merits early and favorable consideration by Congress.

I believe that we are prepared to exercise this privilege in choosing our Governor. Congressman Carey in his speech before the legislature yesterday, noted that we have made great advancement in education. A vital part of our education, especially at the college, has had to do with American democracy. This includes the right of citizens to vote for their public officials, the right of citizens to choose their governmental leaders who would be directly responsible to them.

We have, for more than 15 years, exercised the privilege of selecting our own representatives in the legislature. I now find any argument against selecting our own Governor wholly untenable. Such an argument is contrary to our understanding of American democracy and has the effect of perpetuating a second class citizenship status

for the people of Guam. I am sure, gentlemen, you would not want to continue this state of affairs for your fellow Americans in this territory.

There are also those who argue that we are not ready to vote for our own Governor because we are not fully politically mature and that we would make the mistake of choosing the wrong man. From what I have read and learned about the history of our Nation, political mistakes are inevitable in any community. I believe this is so because people are human and imperfect. No one, no group of people is immune from errors of judgment. I believe that mistakes honestly made can become stepping stones toward perfection. Students learn very early in school that they can profit by their mistakes, and our people are learning the same thing in life. I don't believe that the people of Guam are so uniquely erratic that they must be continually deprived of the full rights of citizens until they reach the point where they cannot possibly commit mistakes.

I say, in fact, that we should be given the privilege to make mistakes in order that we can learn forcefully how to do the right things. I say that in this regard we are no different from the residents of Chicago, or New York, or Washington, and we should not, therefore, be treated differently.

Our territory is geographically located in a troubled area of the world. It is the last piece of American real estate in this area. It is where America's day begins. If Guam is truly a showcase of American democracy I believe that the image in that showcase must be a true image of our great Nation. It must be a real, living image. There would be such an image if the full rights of citizenship, including the right to elect our own Chief Executive, are extended to our people.

I hope I have favorably impressed you with the importance of the elective governorship bill for Guam, and I am very grateful for this opportunity to present to you what I believe is the view of young people of my generation.

Incidentally, I am also an elected senator of the Student Body Association at the College of Guam. So you see I do understand something about politics and legislations and the rights of the electorate. I do know that rights and responsibilities go hand in hand, and I have not the slightest doubt that our people understand this. We have learned a lot; we are ready to go forward. Give us a chance to demonstrate that we are red, white, and blue Americans. Thank you very much.

Congressman CAREY. Thank you, Miss Parrish and Mr. Taitano. Our esteem for the College of Guam is increased by the quality of your presentation.

Let me read a passage which I believe is identical in both bills, on page 2, beginning at line 18:

No person shall be eligible for election to the office of Governor or Lieutenant Governor unless he is able to read and write the English language, is and has been for five consecutive years immediately preceding the election a citizen of the United States and a bona fide resident of Guam and will be, at the time of taking office, at least thirty years of age. The Governor shall maintain his official residence in Guam during his incumbency.

First, let me quote for the benefit of Miss Parrish. The procedure in drafting the legislation calls always for the use of the male pronoun "he" when we refer to persons. It doesn't mean in any way to preclude

the election of females to office. I want you to understand this because I am on record as favoring female candidacy for any office under the flag.

Congressman BURTON. I vote for Miss Parrish. [Laughter.]

Congressman CAREY. I am very mindful of the participation of women in the politics of Guam. Let me announce at this time the one who normally would make that speech is not with us. The Honorable Patsy Mink, the distinguished Representative from Hawaii, is not with us this morning due to illness, and she is in your very fine civilian hospital in Guam, and I believe is faring well. Her condition, I believe, is good and hopefully will be restored to full service with the subcommittee very shortly. But we regret that she is not here. I am sure that she would be one to approve the quality of the statement made by the students of the College of Guam.

In reading I suppose that you heard me state one of the provisions is that the Governor must be at least 30 years of age. We allow young people to be elected to Congress at age 25. Let me state that they don't remain young people very long thereafter. They age very quickly. However, we feel that it is all right to elect someone to Congress at 25 but that you should wait till you are 30 years of age to be Governor of Guam.

Miss PARRISH. I don't quite get you, sir.

Congressman CAREY. How do you feel as to this question? If it's all right to elect Americans to Congress at age 25 why should you have to wait until you are 30 years of age to be eligible to run for Governor of Guam?

Miss PARRISH. I think it's because 30 years, I think, is more mature to be Governor and they must have a political—they must go through the political environment.

Congressman CAREY. Could you speak a little more loudly, please. Speak through the microphone.

Miss PARRISH. Thirty years of age for Governor of Guam should be because they are more mature and they have been in politics for quite awhile.

Congressman CAREY. Frankly, I had not expected that answer. Normally when I ask young people that question they answer the (inaudible) of whatever their position may be. How do you feel, Mr. Taitano, about election at 30 years for Governor, or election at an earlier age?

Mr. TAITANO. I feel that any age is all right as long as the person is mature mentally and capable to handle this office. I don't care what age a person is as long as he has got the education. If a person is 25 years old and got the education, the experience and the environment. You could find a lot of persons who come from the ranks, who is 30 years old and doesn't know what he is doing.

Congressman CAREY. It's a good answer. In other words, you might have a person more mature at 25 with certain qualities than one at 30. Do you have an 19-year-old voting age in Guam? I notice that half of the people in Guam now are of an average age of 15 so I take it in a few years you will have a large young voting population that if we took a census of the voting population do you think they will favor the 25-year age, 26, 27, 28, or 29 or 30? As it now appears in the bill do you think they would favor an earlier age or the present years put in the bill?

Mr. TAITANO. I think the young people at this stage, and I am part of the young generation, I can say that I would respect one who is older. Twenty-five years old is fine if you are able and you are capable but more years behind you help too, and I intend to respect someone older.

Congressman CAREY. So you would go along then with the 30-year age?

Mr. TAITANO. Yes.

Congressman CAREY. This again is an evidence of the political maturity of the young people of Guam as well as the matured citizens of Guam, and when young people state that they prefer, at least for yourselves, a person 30 years of age as a Governor then we are going to respect that because I like to think again that age is relative and is not always measurable in years. We tend to think in those terms the older we get. I thank both witnesses for their very fine statements. Does any of the panel have any questions at this time?

Congressman WHITE. I would not like to ask a question, I am merely going to commend you for your initiative and your public spirit in determining to see good government here. I imagine someday we will return to see you in official positions here in Guam.

Congressman BURTON. Mr. Chairman, I would like to add that college students such as these make me very proud to have been, before my election to Congress, a college professor in real life, and in this case I would award two A's for an excellent presentation.

Congressman MEEDS. The gentleman from Utah says a college professor in real life. Isn't this real? [Laughter.]

Congressman BURTON. I sometimes wonder.

Congressman CAREY. Thank you both for a very fine presentation. I assume you are on your way back to classes. I won't hold you any longer. The next witness is Mr. Jose Aguon Flores. Mr. Flores, will you come forward, identify yourself, and give us your occupation and copies of your statement, please? You may proceed, Mr. Flores.

### STATEMENT OF JOSE AGUON FLORES

Mr. FLORES. Good morning, Mr. Chairman and members of the Subcommittee on Territorial and Interior Affairs of the U.S. Congress.

My name is Jose Aguon Flores, a citizen of the United States, residing in Piti Village, Guam. First of all, I would like to thank you, the chairman and the members of the committee, for the great honor they have and not only the great honor but the great joy that the people of Guam is experiencing these days on the visit of our Congressmen. You, gentlemen, are our Congressmen from the territory and we are very happy that you are here. I had the opportunity and the privilege to listen to the eloquent speech of the chairman and from what he said last night to the legislature and to the people of Guam we have great hopes in the future, sir. Now to proceed with the testimony at hand. I have as my topic, "Should the People of Guam Be Given More Self-Government?" and as I proceed in my testimony I hope that I have furnished the answer.

The government of Guam established with the passage of the Organic Act of Guam in 1950 by the National Congress is presently the government of the people of Guam. Though the Organic Act of

Guam made provisions for the local election of the 21 members of the unicameral Guam Legislature, the chief executive of the Territory of Guam remained appointive by the President with the advice and consent of the Senate of the United States. The Department of Interior was designated as the administering Federal agency over this territory and its American people. There is no Federal statute providing for the local election of a Guam representative to the U.S. Congress. As you can see, there is almost a complete Federal dominance over the territory and its people. Seventy years of American administration over the island and the people have passed. In 1950 the Congress saw fit to grant American citizenship to the people of Guam in recognition of Guam's loyalty and devotion to American ideals, to Old Glory, and to the Nation. During World War II, Guamanians endured barbaric tortures and suffered great loss of lives for the cause of freedom and the American way of life. Shouldering their responsibilities without a shudder and recognizing their rights with intense pride, faith, and hope, it is no wonder, therefore, that the people of Guam have demonstrated an admirable degree of political maturity.

As a result of this political maturity it is most natural for the local citizens to want a greater exercise of freedom and self-determination in the management of their local governmental affairs. For Guam, and this I think is the answer, for Guam to be truly a living and moving example of American democracy it must enjoy the exercise of other virtues of American Government, and that is representation in the U.S. Congress in order to make the organic relationship permanent and realistic and the exercise—and this is the elective governorship—the exercise of the inherent right to elect the local chief executive in order to make American democracy a reality in this territory.

Congressman CAREY. Thank you, Mr. Flores. The point you make about representation in the U.S. Congress is understandable. I trust you will appreciate, however, that at this juncture there are other territories of the Commonwealth of Puerto Rico in a similar situation. It's a large question that must be at some time faced by the Congress and during my terms in office I witnessed the increase in the U.S. House of Representatives to the presence of Guam. I realize how controversial this is and I cannot tell you when Congress will act on the matter of representation for the territory and the commonwealth, but certainly the question will remain a live one for the near and distant future.

Let me state that you have in your present relationship for this day and this time at least, not only satisfactory but excellent liaison with the entire Federal establishment of the legislature, the Congress, the executive, and the courts in your elected representative, Mr. A. B. Won Pat who is in Washington by your choice and decision, and in a sense I would say that no two Congressmen could be as active, as relentless and as ever watchful of the affairs of their constituency as is Mr. Won Pat. So you have representation of the highest order there now. Someday, perhaps, that representation will be in a Chamber with the rest of us, but you don't have to go very far outside the Chamber right now to run into Mr. Won Pat whenever matters of Guam are at interest. Thank you for a very fine statement. I would be pleased to release you if you have no other questions from the panel.

Congressman WHITE. I am in agreement with the comment that Mr. Carey made that alluded to Mr. Won Pat as executive representative for Guam. You are having all the attributes of a representative without perhaps the official title, but I would like to say this, that each category, territory, Commonwealth, or State has its characteristics and traditionally and by law the characteristics of the territory is that it does not have a representative. Now, I would like to advance this possible thought. I have alluded to the Constitution lightly, but I think that the Constitution provides that each State will have a representative. I think it probably would be unconstitutional for a territory to have a voting representative in Congress. So therefore, there may be a day, probably will be a day that you either become a State or affiliated with Hawaii or with some category of State, and at that time you can have a voting Member of Congress. Puerto Rico as a member Commonwealth does not have a voting Member of the Congress. It has a man who does not have a vote, and this is their category. Thank you.

Congressman CAREY. Mr. Flores, I would like to state to you before you leave the witness stand that the matter of representation for a unit not less than States but different from States in Congress is being addressed in the power of the District of Columbia. Right now the Nation's Capital has no representation in Congress, and let me just illustrate how difficult it is to resolve this. The Senators were very generous and decided to award the District seats in the House. The Senate sent the bill over to the House. It involved many constitutional amendments to do this. So the House decided to be just as generous and decided that the District of Columbia would have two seats in the House and the Senate experienced the same generosity and awarded them two seats in the Senate as well. So, if the Senate decided to give additional seats in their house, the House evidently may do the same thing, some day. But in the meantime I think that ball will be going back and forth over the ping-pong table for some time. Thank you.

The next witness will be Senator Richard F. Taitano. Senator Taitano, if you will come forward and for the benefit of all the members of the subcommittee I wish you would state not only your present affiliations but brief us on your past positions and great service to the Government of the United States.

#### STATEMENT OF RICHARD F. TAITANO

Mr. TAITANO. Thank you very much, sir. My name is Richard F. Taitano, presently a senator with the small "s" in this Guam Legislature. I am also the chairman of the Democratic Party of Guam. I have had the great honor and privilege of serving our government both the National Government and the local government. I was director for the Department of Finance for the Government of Guam, also the director of welfare. I then worked for the Department of Interior as a Director of the Office of Territories, serving in that position for 3 years. Subsequent to that I was appointed Deputy High Commissioner for the Trust Territory of the United States. Returning to Guam I was the special assistant to the Governor of Guam for economic development; and last year I thought of getting away from bureaucracy



and into politics to see what the boys are doing on the other side of the street. And so since last November I have been serving the people of Guam as a senator in the Guam Ninth Legislature.

**Congressman CAREY.** Mr. Taitano, let me state that it has been my privilege on the subcommittee since I first became a Member of the Congress of the United States, and I was therefore present on many occasions when as Director of the Office of Territories and as Assistant High Commissioner you appeared before the subcommittee in order to brief us and to testify on matters affecting the territories and the trust territory on many occasions.

The people of the United States were fortunate indeed, and owe a great debt to the people of Guam for having your services as the Chief of the Office of Territories. Mr. Taitano was diligent, effective, eloquent, and also very mindful of the problems of the people far removed from the Capitol in Washington. So you are one of those rare individuals who, while you were measured in the bureaucratic machinery in Washington you never became bureaucratic. You were a Democrat with a small "d" and always kept in mind the people who needed your services far afield from the post which you held, and you served us very well. And I recall in the United Nations visiting team when you had to appear at the United Nations to defend the United States in its stewardship of the territories, you served the people of Guam very well on equal basis with all the other people who have different status of statehood; and if we had not had Guam we would not have had Dick Taitano, and if we didn't have Dick Taitano the territory would have suffered a great deal. This is not a partisan speech. I want you to know that every member of our subcommittee on both sides, appreciated your service and we have had a loss indeed when you left the Office of Territories; and you, with your experience there, I hope will bring to bear for the people of Guam all the lessons you learned when you were in Washington. You know things in Washington are not easily done, but you made them easily done when you were there. So I appreciate your coming before us today.

**Mr. TAITANO.** Thank you very much, Mr. Chairman, and members of the committee. That's a very generous statement and I am really at a loss for words.

Mr. Chairman and members of the committee, I really did not intend to appear as a witness but rather to request the Chairman and the committee members to incorporate, to read into the record my letter of January 24, 1968, to the chairman. I have made copies and I hope that they are available to you. If you so prefer, Mr. Chairman, I can read the letter.

**Congressman CAREY.** If you will read the letter, please.

**Mr. Taitano (reading):**

DEMOCRATIC PARTY OF GUAM,  
January 24, 1968.

**Chairman HUGH L. CAREY,**  
*Subcommittee on Territorial and Insular Affairs,*  
*Committee on Interior and Insular Affairs,*  
*U.S. House of Representatives.*

**DEAR MR. CHAIRMAN:** The Democratic Party of Guam, the grassroots party of all of the people of Guam, wholeheartedly endorses that legislation pending in your Committee to give Guam an elected Governor, and wishes to go on record in complete association with and in support of Resolution No. 180 (1-S), adopted by the Ninth Guam Legislature, and relative to respectfully advising the Congress

of the United States that the people of Guam are opposed to those proposed provisions in the pending elected governorship legislation which would saddle the Government of Guam with an independent federal controller.

Very truly yours,

RICHARD F. TAITANO, *State Chairman.*

NINTH GUAM LEGISLATURE, 1966 (FIRST) SPECIAL SESSION

RESOLUTION No. 180(1-S)

Introduced by Committee on Rules

Relative to respectfully advising the Congress of the United States that the people of Guam are opposed to those proposed provisions in the pending elected governorship legislation which would saddle the Government of Guam with an independent federal controller.

*Be It Resolved by the Legislature of the Territory of Guam:*

Whereas, the people of Guam were deeply gratified by the interest shown in both the United States Senate and the House of Representatives in legislation to give the territory of Guam an elected governor, the Senate Interior and Insular Affairs Committee having already given a public hearing to a bill to so provide Guam with the first elected chief executive in its history, and the Legislature is advised that the House Interior and Insular Affairs Committee will very shortly have a public hearing on similar measure, all of which bodes very well for the future of this legislation of such vital importance to the people of Guam; and

Whereas, the Ninth Guam Legislature has already gone on record as to its views on the proposed legislation, setting forth in some particularity its position with respect to length of term, date of election, impeachment or recall, and other provisions relating to desirable changes in the Organic Act, and in such statement (Resolution No. 87, Ninth Guam Legislature), the Legislature went on record in opposition to the proposal in the then introduced Senate bill which would set up a federal controller, independent of the Governor, who would report directly to the Secretary of the Interior and who would in effect be Washington's man in Agana, not answerable to the people of Guam in any way; and

Whereas, in response to the problem posed by this controller, which is, apparently, that the United States Government, when it loses its power of appointment of the Guam governor, wishes reassurance that the Government of Guam tax revenues, being to some degree an indirect federal contribution, are properly expended, the Ninth Guam Legislature enacted a statute, (Public Law 35, Ninth Guam Legislature) which authorized the auditing of all Government of Guam accounts by the United States General Accounting Office, the Legislature believing that by so putting the annual auditing function in a federal agency, under the direct control of the United States Congress, the Congress could be reassured on an annual basis as to the propriety of Guam's fiscal policies and expenditures; and

Whereas, the Legislature has been advised that the proposed controllership provision, originally the idea of the Senate Committee on Interior and Insular Affairs has now been adopted by the House Committee with the result that such a provision is very likely to be contained in any final governorship legislation unless concerted opposition is expressed thereto: Now, therefore, be it

*Resolved*, That the Ninth Guam Legislature does hereby on behalf of the people of Guam respectfully advise the United States Congress, and more particularly the Senate and House Committees on Interior and Insular Affairs, that the people of Guam are vigorously opposed to those provisions in the proposed governorship legislation which would set up a federal controller, independent of the Government of Guam, for the following reasons:

1. If the people of Guam are entitled to more self-government, the establishment of the federal controller over, not within, the framework of the Government of Guam, is a step backward from greater autonomy since such a position implies that the people of Guam are not to be trusted in the expenditures of public funds, this federal controller being analogous to the governor-general used in British colonies to keep the interests of the crown paramount;

2. Accordingly, the appointment of such a controller in the absence of any fiscal scandals in the history of the civilian government of Guam is unfair to the people of Guam and a reflection on their self-governing abilities in the

absence of any evidence whatsoever that fiscal irresponsibility is a local vice ;

3. The federal funds given to the Government of Guam in the way of matching funds devolving from various federal programs extended to the territory of Guam are properly accounted for under various departmental rules and regulations in the same way such funds are accounted for by other states and territories receiving federal funds, and, accordingly, no additional federal control is needed in connection with these funds, while the income taxes collected and paid into the treasury of Guam are not federal funds, strictly speaking, since a large share thereof is collected by local officials and the balance is transferred into the Guam treasury where it comingled with locally raised revenue and not thereafter identifiable, and all these funds, since the enactment of the Organic Act in 1950, have been at the mercy of the locally elected legislature which under the said Organic Act has always held the purse strings of the local treasury so that if there had been any real need for a federal controller he should have been on the scene many years earlier, since the provision of a local elected governor will in no way change the control the locally elected legislature has and always had over these revenues, and thus the proposed provision of such a controller is a reflection on the local legislature and the local government that has little to do with the question of whether the chief executive be elected or appointed ;

4. The accounts of the Government of Guam have been annually audited by outside accounting firm of national prominence, namely, Arthur, Young & Co., Ernst & Ernst, and now Peat, Marwick, Mitchell and Company, and an examination of these annual audits since civilian governments was established will demonstrate that the Government of Guam has acted in a fiscally responsible manner since its establishment ; the Guam Legislature has now made it possible for this annual audit to become a responsibility of the United States General Accounting Office so that Congress can keep itself directly advised of the continuance of this fiscal maturity, and thus if in the future the General Accounting Office advises Congress that the Government of Guam needs more direct supervision in its fiscal affairs, the people of Guam can then not object to the appointment of a federal controller since there would be proof that such is needed, such proof at this time being completely absent ;

5. The Congress of the United States, as the constitutional third, coequal branch of our government, has always been very conscious of the desirability of preserving the separation of powers and has thus always kept the post audit functions of our national government, a legislative concern, strictly within the control of the Congress, and thus to inflict on the Guam Legislature an independent auditor outside of legislative control and direction seems contrary to the entire thrust and tradition of American constitutional government ; and be it further

*Resolved.* That the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the Honorable Lyndon B. Johnson, President of the United States, to the Honorable Henry M. Jackson, Chairman, Senate Committee on Interior and Insular Affairs, to the Honorable Wayne N. Aspinall, Chairman, House Committee on Interior and Insular Affairs, to Guam's Washington Representative, and to the Honorable Manuel F. L. Guerrero, Governor of Guam.

I shall be happy to answer questions, Mr. Chairman.

Congressman CAREY. Thank you very much. You put your finger on what will be one of the discussed, if not controversial, amendments to the bill. I can understand the feeling of the legislature of the people of Guam in finding it objectionable, as they put it, to a comptroller, an independent Federal Comptroller who would, in a sense, be a Washington man in Agaña. Now, I would trust you would agree there must be some procedure for an audit and accounting of the finances of the citizens of the United States, whether they be in Guam or any other part of the United States, where Federal funds are being spent. So there must be some responsible accounting proceeding.

Mr. TAITANO. Yes, sir. I have two suggestions to make along that line, sir. In the resolution it's pointed out—one possibility and that is—that the General Accounting Office rather than any representative from the executive branch of our Government, to take care of the audit,

but rather the General Accounting Office to perform the annual accounting and audit. We think that would suffice in the assurance that the committee would wish to have as regards expenditure of their funds.

Now, the other suggestion that I would like to make is if the General Accounting Office is not available, then the Congress still could provide an independent comptroller and have the matter directly under its hands rather than to be supervised by any Federal agency. I think, Mr. Chairman, for our own Government, we members of the legislature are still very sensitive to who controls the purse strings. And we would like also to be assured ourselves that local taxes and local income are spent in accord with the instrument which we used to appropriate them, and also taxes are collected in accord with the tax laws enacted.

Now, of course, a major portion of Federal assistance to Guam is presently subjected to U.S. Government audit by the various departments administering the assistance, such as assistance from the Department of HEW. They have their own audit. I think it's provided under the Federal law.

Congressman CAREY. Now, if I understand it, the precise dissension here that you find objectionable is that audit accounting is basically a matter of checking line items to make sure the money has been properly expended, and this particular accounting is normally performed, say with corporations and other bodies, by professional accountants, on the use of funds. Is that correct?

Mr. TAITANO. Yes, sir. Generally it's satisfactory.

Congressman CAREY. But having been in the office of territories and if you don't mind answering this question because in the executive branch you may demure on it. But the Comptroller of the Department of Interior Division here is one similar to the Comptroller of the Virgin Islands where he not only makes audits and accounts the funds expended but examines the operation of the various subordinate agencies of the territorial government itself and he studies, for instance, the housing agencies, he studies the health agencies, he studies the education agencies, far beyond the audit function. He actually goes in and studies the operation and conduct of the agencies and the officials in those agencies. So that, in a sense, he is inside the house-keeping functions of the territorial government's own family. Is this what you find objectionable?

Mr. TAITANO. Yes. We find this objectionable in that we think that examination or review, or assuring that the executive branch operates efficiently is the domain of this body of the Guam Legislature.

Congressman CAREY. To make sure that the branch operates effectively, and if he is not doing that the legislature is going to work him over, and if he isn't doing it to the extent that it is malfeasance, the President is going to take him out of office. Isn't that correct?

Mr. TAITANO. The President, sir? No. I was thinking about the Guam Legislature.

Congressman CAREY. You think the Guam Legislature would strip him for it?

Mr. TAITANO. Yes.

Congressman CAREY. I think they probably would. Now, we are going to put the Department of Interior before us in Washington. The Secretary of the Interior will be coming forward on this legislation in order to recommend amendments and at that time we will go into the question concerning the auditor. However, in the characteristic of an expert in this field, having been Assistant Commissioner or the Deputy Commissioner of the trust territory, now, you say the territory does not want to have this control of a Federally appointed comptroller function. Isn't there any Federally appointed comptroller position for the trust territory?

Mr. TAITANO. None for the trust territory and neither for American Samoa.

Congressman CAREY. Mr. Taitano, the two areas you mentioned, American Samoa and the trust territory, what system of auditing do they use?

Mr. TAITANO. General accounting.

Congressman CAREY. How often?

Mr. TAITANO. It's once every four years.

Congressman CAREY. But you don't object here to an audit by the General Accounting Office or any officer under the cognizance of the U.S. Congress, but not by any executive agency. In other words, you want an elected Governor with full power of government?

Mr. TAITANO. Yes.

Congressman CAREY. I can't blame you for that. Any questions from members of the subcommittee?

Congressman MEEDS. I would like to take this moment to compliment Mr. Taitano for putting his finger right on one of the provisions of this bill which, Mr. Chairman, I feel is a very crucial point for the people of Guam. This is precisely what Guam has said in that they should be given the right to an elected Governor with full power.

I personally feel that the bill which is before the committee goes much too far in providing for comptrollership, and I compliment the gentleman on putting his finger on that point.

Mr. TAITANO. Let me say that in my own observation I think this is imposing a Governor for this branch, local government, which is contrary to our position of structure.

Congressman CAREY. Any further questions?

Congressman BURTON. Mr. Chairman, first of all I would like to commend Mr. Taitano for presenting his statement and his record of distinguished service, but the first sentence in his letter describes the Democratic Party of Guam as a "grassroots party" of all the people of Guam. I don't know what that means but I take exception to it.

Mr. TAITANO. I think I owe an explanation for that. As the record will show, the Republican representative this morning supported the Federal Comptroller. We are opposed to it. We think that our government should indeed be responsible to the will of the people here and not to any executive officer from Washington or appointed by Washington.

Congressman BURTON. I assure you that I meant that statement facetiously, and I think that you ought to thank the chairman for giving one of the finest nomination speeches.

Congressman McCLURE. Mr. Chairman, I think there is perhaps a little confusion, at least in my mind, during the remarks that Mr.

Taitano made and the remarks made by our chairman as to the reason for Mr. Taitano's objection to the comptroller function. If I understood your remarks, it is primarily directed to the fact that it would be a function by the legislative branch of the United States, is that correct?

Mr. TAITANO. Correct, sir. And we think that if that provision is allowed it will be a dilution of our legislative powers. Now, we respect our Constitution where in article IV it provides that Congress has the power to provide rules and regulations of the territory, and we don't mind our Congress looking into our operations. But we do object to having a federally appointed comptroller, particularly by the executive branch sort.

Congressman McCCLURE. I am sure that you are aware that the General Accounting Office does not perform just a mathematical function but makes a performance evaluation as well as mathematically. You are not objecting to that part of the procedure?

Mr. TAITANO. No, sir.

Congressman McCCLURE. Even though it implies some control of the procedures from time to time which might be uncovered by GOA?

Mr. TAITANO. Yes, sir. We do not object to it.

Congressman McCCLURE. Thank you very much. I wanted to make that point very clear because I am not sure it was clear.

Congressman CAREY. Thank you, Mr. McClure. Thank you very much, Mr. Taitano. The Chair will now call Attorney Vicente C. Reyes.

#### STATEMENT OF VICENTE C. REYES

Mr. REYES. My name is Vicente C. Reyes, now a practicing attorney, a Guamanian, a Rotarian, a first-class American, and a Republican.

I am very much in favor of bill S. 449 and H.R. 7329. However, if this bill should be impeded from passage because of the comptroller portion I would like to have the bill passed with the comptroller portion subject to this amendment, or with the amendment that I would like to offer.

On section 9-A(a) of this bill, delete the entire section and substitute therefore 9-A(a):

The Secretary of the Department or agency designated by the President under Section 3 of this Act shall appoint a government comptroller who shall receive an annual salary at a rate established in accordance with the standards provided by the Classification Act of 1949, as amended. The government comptroller shall hold office for a term of four years or until his successor is appointed and qualified, unless sooner removed by (1) the Secretary for cause, or (2) a petition for his removal signed by 51 per centum of the registered voters and approved by the President of the United States.

And strike out the last sentence in paragraph (a).

Another amendment will be under subsection A on line 17 of H.R. 7329, by deleting "Government Controller" and inserting in lieu thereof "Governor of Guam," and deleting on line 20 the words, "he may" and substitute therefor the words "Government Comptroller," and insert a period in place of the semicolon, and strike the rest of the sentence.

Mr. Chairman, the reason for my amendment from 10 to 4 years is that in the United States, unlike Guam, the 4 years is a presumption that there will be a change of parties or change of affiliation, or change

of President, and the 4 years I think, will show the capacity of the Comptroller, and if he is capable he can be reappointed. Then under subsection N, I personally feel that an officer may have the right to see the secrets of a business only on the strength of a search warrant issued by a court of competent jurisdiction.

I trust, Mr. Chairman and members of the committee, that with your capable intervention this bill will pass successfully, and I am sure that you will see that the people of Guam can govern themselves as well as to be expected, and Guam will be the pride of the United States in Asia. I thank you.

Congressman CAREY. Thank you very much, Mr. Reyes, and Guam is a part of the United States in the Pacific right now, and we are more proud of her every day. The whole question of this Comptroller will be, I think, a much discussed proposition and it's important that we get, as we are getting, the views of informed persons such as yourself, in Guam, expressing diverse viewpoints so that we will know all sides of the issue in the minds of the Guamanians and then we will know from that that the people of the Department of the Interior will try to hammer out the very best thing to assure good government, and therefore, I am not going to go into the merits of your amendment in the present wording. But it is now in our record, it will be there for all the members of the committee to study and Members of the Congress when the bill is on the floor. Therefore, I feel that we will be able to satisfactorily resolve this on a reasonable basis. So I thank you for this testimony. Any further questions?

The next witness is Mrs. Marguerite Alstrom. Mrs. Alstrom, will you come forward and tell us something about yourself, and give us a copy of your statement.

#### STATEMENT OF MARGUERITE L. ALSTROM

Mrs. ALSTROM. My name is Marguerite L. Alstrom. I am assistant to the president of the College of Guam. I have a very brief statement.

From 1956 to 1965 I was an elected municipal official in California, serving on the city council simultaneously with your present colleague, George E. Brown, Jr. Thus, I have observed the activities of the local government with more than a casual interest since coming here 2 years ago.

I can only wish that the average citizen in California were as interested in and as well-informed about his government as is the average citizen of Guam. I am sure that each of you gentlemen has had the disappointing experience many times, of speaking to persons whose knowledge of his government was almost nil and whose indifference was illimitable. Let me assure you that this is not true on Guam. The people are a revelation in patriotism, and their personal involvement in their government is inspiring to behold. The progress they have made in two decades is remarkable, and there is no question in my mind as to their present ability to govern themselves wisely and well. They wish to elect their own chief executive, and in my opinion are better qualified to do so than the citizens of most of our States. Thank you.

Congressman CAREY. Thank you, Mrs. Alstrom. I will do my best to communicate with my colleague, the distinguished Representative from California, George Brown. I appreciate your coming forward to give

an important observation on the part of one who has been in the mainland and now comes to Guam and able to take more than a casual interest in the government of the people of Guam. This is helpful to us and I appreciate your coming forward.

Again, my tribute to you also for the work you are doing in the College of Guam, a great institution which I think is very, very important not only to the people of Guam but to the areas around the Pacific who are sending students to this college so they may go home and improve the society of their origin. I appreciate your coming forward at this time. Thank you. Any questions?

Congressman McCURE. No questions, but I would like to make a comment.

Since our witness has left the great State of California the people in California have become much more interested in government, are much more informed about their affairs, and have elected a Republican Governor. Thank you.

Congressman CAREY. The next witness is Mr. Bill Gibson who is chairman of the chamber of commerce. Mr. Gibson, I hope you will be understanding toward the committee in your function with the chamber because we are a little late for the chamber's meeting with us. I trust you will agree that we should conclude the public business of the subcommittee here and then go to the meeting as soon as possible so we can work on that together, if you wish.

Mr. GIBSON. Mr. Chairman, I don't know if I can keep you here long enough because they asked me to make sure that this public hearing continue until at least 12 noon.

Congressman CAREY. We can accommodate you. I would love to make a speech in response to the speech of my colleague from Idaho.

Mr. GIBSON. I would like to ask one favor that on your mission, please assure Mr. Drew Pearson that it's not all fun and sun out here.

### STATEMENT BY WILLIAM GIBSON

Mr. GIBSON. His comments, notwithstanding, on behalf of the chamber of commerce I would like to welcome you and the members of your committee here, and apologize for any inconvenience to which you may have been subjected, and to read briefly just a note from a statement of policy which we will deliver to you today at lunch, to you and the other members of the committee, regarding H.R. 7329, and that is simply that the Guam Chamber of Commerce endorses the elective Governor bill only with the provision for a federally appointed Comptroller due to Guam's heavy dependence on Federal assistance. I promise you will get a more complete expression from the members of the chamber of commerce at lunch.

Congressman CAREY. Thank you, Mr. Gibson. We look forward to seeing you later. Any questions. The next witness is Joseph Gogue.

### STATEMENT BY JOSEPH GOGUE

Mr. GOGUE. My name is Joseph Gogue. I am a Chamorro and I am a Democrat and an independent party.

While I like an elected governorship I was surprised and I would like to request an announcement about the elective governorship for



Guam. I don't know if it is good for the economy and finances for the pay of the Governor. I am a Chamorro, a poor man and then I think back I would like to have it not for myself because I am already getting old, but then for my children that are coming up. I was anxious about this case coming up and I would like to hear from you about this question. Suppose that the Governor of Guam on the elective governorship bill will be effective here, what would be the result of the financial payments made to our government? Could you give me any answer for that?

Congressman CAREY. The witness before the committee of Congress speaks to the committee of Congress in terms of a statement. The witness does not question the committee of the Congress: the committee of the Congress questions the witness. I assume that what you are doing is making a statement that you fear that the election of a Governor may have an effect upon the payments made to the territory of Guam on behalf of the United States. This is a proper concern and we will take this into consideration in our study of the bill.

Mr. GOGUE. I would like to repeat. Supposing that our Governor here is elected, if there is any subsidy or any support from the Federal Government or any person in the United States that can support our Governor here I will be in favor to get this bill passed. If there is nothing over there in the United States or any appropriation to the Governor, I object. Can you give me an answer for that?

Congressman CAREY. Considering the fact that there is no provision for any additional grants of money to Guam under the elective governorship bill, could you tell us more specifically why you object to an elected Governor?

The witness should understand that there is no connection at all between the elective governorship bills and any subsidy to Guam. Why does the witness approve an appointed Governor to an elected Governor?

Mr. GOGUE. I don't object; but the situation of the circumstances and Guam is one island that has special economy such as something that a lot of people realize that a life without the portion of support from the military, from the Navy, or from the Air Force, or anything in that portion, that they themselves will lose. I am a hardworking man and I am always taking stock of the economy, and—

Congressman CAREY. Let me interrupt because I don't think he understands my question. Assuming that an elective Governor would not change anything with respect to U.S. support of Guam, if the witness will suppose that there would be no lessening of the U.S. economic support of Guam under an elected Governor, would he still oppose an elected Governor?

Mr. GOGUE. Well, I am not going to oppose as long as the United States of America and the administration of President Johnson is upon the protection of the people of Guam and the Chamorros.

Congressman CAREY. Thank you very much. I appreciate your coming forward and I assure you that the interest of the Congress will always be on the side of the people of the territory of Guam. Thank you.

The next witness is Mr. Pedro Cruz. Mr. Cruz, will you come forward and identify yourself, and provide us with a copy of your statement, please.

## STATEMENT OF PEDRO G. CRUZ, JR.

Mr. CRUZ. Thank you, Mr. Chairman. First, let me apologize that I am late. Mr. Chairman, I will be very brief.

Mr. Chairman, and members of the House Subcommittee on Interior and Insular Affairs, my name is Pedro G. Cruz, Jr., president of the Guam Junior Chamber of Commerce, an organization of young men between the ages of 21 and 38, many of whom hold key positions in the government and in the business community. The Guam Jaycees is affiliated with the Junior Chamber International.

The Guam Jaycees want to be on record as favoring wholeheartedly the enactment of the Guam elective Governor bill for the following reasons—and, Mr. Chairman, if it's all right with you, you will have a copy of our statement and the resolution passed by our organization; and rather than read all of the statement I would just like to say on behalf of the Guam Jaycees, I want to thank the committee members for their graciousness in allowing us to testify this morning. We are indebted to you for finding time to visit us and our neighbors in the trust territory. We wish you a safe and pleasant journey home.

Congressman FOLEY. Thank you very much, Mr. Cruz. The testimony of the Junior Chamber of Commerce in support of the legislation for elective Governor of Guam is of interest to the committee because I assume that the organization here vests its role in the United States bringing together many young men of great ability and future. I am sure that you play a big part in the future of the economy and political affairs of this area.

I wonder if I could ask a question or two. Has the Junior Chamber of Commerce taken any position with respect to the purported House bill to have a federally appointed Comptroller?

Mr. CRUZ. I don't think that this was discussed. There was some reservations, but it was the feeling of the members that we would support the bill as is.

Congressman FOLEY. Has there been any discussion or position taken by the Junior Chamber of Commerce regarding a proposal for primary elections of Guam, specifically with reference to the Governor?

Mr. CRUZ. No, sir. We have not discussed the topic.

Congressman FOLEY. Thank you very much, Mr. Cruz, and we appreciate your coming forward. Your statement without objection will appear in the record in full.

## STATEMENT OF PEDRO G. CRUZ, JR., PRESIDENT, GUAM JUNIOR CHAMBER OF COMMERCE

My name is Pedro G. Cruz, Jr., President of the Guam Junior Chamber of Commerce, an organization comprising of young men between the ages of 21 and 38, many of whom hold key positions in government and in the business community. The Guam Jaycees is affiliated with the Junior Chamber International.

The Guam Jaycees want to be on record as favoring wholeheartedly the enactment of the Guam Elective Governor Bill for the following reasons:

1. Guam is politically mature to elect its own Chief Executive. Nothing has transpired since the enactment of the Organic Act 17 years ago to indicate otherwise.

2. In principle, an elective legislature and an appointive governor are inimical.

3. The people of Guam are U.S. citizens and should enjoy the same rights as other U.S. citizens in other political jurisdictions.

4. The people of Guam are without doubt among the most loyal Americans on the face of the earth. The record will show this.

5. In a democratic society, it is fundamental that those who govern should be chosen by those governed.

On behalf of the Guam Jaycees, I want to thank the committee members for their graciousness in allowing us to testify this morning. We are indebted to you for finding the time to visit us and our neighbors in the Trust Territory. We wish you a safe and pleasant journey home. Thank you.

**RESOLUTION OF THE GUAM JUNIOR CHAMBER OF COMMERCE RELATIVE TO PLACING THE GUAM JUNIOR CHAMBER OF COMMERCE ON RECORD IN COMPLETE SUPPORT OF THE PASSAGE OF LEGISLATION TO PROVIDE GUAM AN ELECTED GOVERNOR**

Whereas, there is now pending in the United States Congress legislation which will provide the people of Guam for the first time since Magellan landed in the sixteenth century with the right to choose their own Chief Executive, the right almost all other United States citizens have long enjoyed; and

Whereas, the Junior Chamber of Commerce has traditionally associated itself with full support of political freedom for all American citizens, believing that the blessings of liberty and freedom are essential to a happy and prosperous community; and

Whereas, by this resolution, no criticism is intended of those dedicated public servants appointed by the President to serve as Guam's appointed governors, since without exception, they have all done remarkably well, but the fact remains that the people of Guam had no choice in their selection or replacement, and hence they are not truly self-governing. Guam being in the eyes of the United Nations Trusteeship Council a "non-self-governing dependency of the United States", which approbrious and insulting description can be refuted once the people of Guam freely choose their own Chief Executive; now therefore be it

Resolved, that the Guam Junior Chamber of Commerce herewith goes on record in complete support of the pending Federal legislation which would permit the people of Guam to choose their own governor, believing that such legislation is in the American tradition of liberty and justice for all and has been well earned by the people of Guam in the four wars in defense of these very ideals; and be it further

Resolved, that the President and the Secretary properly execute this resolution and forward copies of the same to the Honorable Hugh Carey, Chairman, Subcommittee on Interior and Insular Affairs, United States House of Representatives, and to the Honorable Quentin Burdick, Chairman, Subcommittee on Interior and Insular Affairs, United States Senate.

PEDRO G. CRUZ, Jr., *President.*  
ANTHONY PEREZ, *Secretary.*

The final witness on the schedule is Mr. Victor Olsen.

Mr. Olsen apparently will not be appearing before the subcommittee. I should like to advise any of the witnesses or those in the hearing room that it is the desire of the subcommittee to receive any communications that any person in the territory wishes to address to the subcommittee in Washington, and the record will remain open for some time. So we have until we have concluded our findings of these hearings in Washington. I cannot give a precise date but I will say that any time before the next 30 or 60 days the record will be open to submission for insertions to the record. The Committee reserves the right to limit voluminous correspondence such as petitions to be included in the file, but appropriate statements or communications in writing will be received.

At this time unless the gentleman from Idaho [Mr. McClure] has an opposing statement, I say on behalf of the subcommittee—

Mr. TAITANO. Mr. Chairman, I wonder if you will permit me. Since I have noticed your concern for primaries, I just wanted the record to show that when I ran for chairman of the Democratic Party of Guam I ran on a very simple platform, and that is the adoption of the primary, and I won.

Congressman FOLEY. Thank you very much, Senator. I think it is important for us to have that in the record, and I appreciate it.

Before I formally conclude these hearings I would like to ask if there is anyone else in the hearing room who wishes to hold a short statement, even those who have not been scheduled?

### STATEMENT OF R. J. BORDALLO

Mr. BORDALLO. I would just like to make a very short presentation, sir. I am Ricardo J. Bordallo, member of the Ninth Guam Legislature.

I just would like to bring to the attention of the committee that I testified before the Senate Interior and Insular Affairs back in 1965, and in this presentation I did cover the part about the comptroller which I, in this statement, opposed the inclusion of the comptroller in the elective governorship bill.

I also would like to again state that I personally oppose the term of the Governor to be 4 years. I prefer 2 years.

There was a conference here this morning on the primary. There is another area that I strongly support, and if the bill itself does not cover the area as far as the local statutes are concerned there is quite a number of people that endorse a primary system in selecting the Governor, because the actual choice to select a man, the emphasis here and the conditions of Guam are not quite like the average community in the States, and being small and compact this gives a better opportunity for the people in general to really express their choice as to who should be the candidate to represent the party, rather than selection by just the forces within a political majority. I think this is a very healthy situation.

Congressman FOLEY. You feel, Senator, that the unique conditions here in Guam in terms of its compactness and communication facility would underscore the utility and need for a primary?

Mr. BORDALLO. That's right. It really makes that much more difference, there is more merit because there are traditions and practices of a community like Guam, and I know that in its own unique way that sometimes pressure may be made to bear which would be quite contrary to the pure democratic process. You have a tradition of elders and that sort of thing within the framework of the society here and the idea is, it certainly cannot be justified by any expense cost because there is really no expense involved. It's a matter of just giving the purest form to the people to be able to express which should be the candidate of your party.

Congressman McCLURE. In your electoral process here do you have party registration or registration of voters, or is it simply a declaration process?

Mr. BORDALLO. Just a declaration in the registration, but it's not binding. In other words, you are referring about the cross-filing system?

Congressman McCLURE. Is there a place in the registration process where the voters identify themselves in any way as to whether he is a member of one party or the other.

Mr. BORDALLO. Yes. In the registration you declare what your party is or whether you are independent, but in the actual voting itself you do not. You merely sign your name.

Congressman McCLURE. If we were to provide for a primary election for Governor how would you restrict the election process to members of one party or the other in a selection of the party candidate?

Mr. BORDALLO. Well, these are, of course, some of the mechanics of study that may be required. I am centering my thoughts, of course, on the substance in the matter and what is proper. I think the details of how this can be worked out could be established by having the statute through the Federal law; for example, require a basic guarantee to proper selection and then with authority that the local statute spell out the details in the candidacy, and how you work—

Congressman McCLURE. I recognize as you do, sir, a variety of different methods that can be used, but my question was simply directed toward whether or not you had, in your thinking, centered upon one preferred method.

Mr. BORDALLO. I don't know if I heard you clearly on your last—

Congressman McCLURE. I was wondering if you had in your own thinking centered or settled on a preferred method of procedure.

Mr. BORDALLO. Yes. I think I would establish, if need be, by local statute that the records of a party be those who qualify to vote in the primary and should show registration clearly certified by the secretary of the organization, and some sort of control in that fashion.

Congressman McCLURE. Now, you mentioned that under your local culture and precedents, that there may be exerted some pressures upon people with respect to the candidacies or who might be candidates. Now, would the party identification and registration have any similar pressures associated with it?

Mr. BORDALLO. Yes. It would affect that area too. In other words, as far as pressure exerted on members to follow a certain instruction as far as—

Congressman McCLURE. Or to affiliate with a certain party?

Mr. BORDALLO. Well, if you identify pressure of the same way you ultimately identify intensive campaigning or influencing.

Congressman McCLURE. Well, the reason I asked the question, you expressed some concern about these pressures as having an effect upon the selection of candidates. It might also have an effect upon the party affiliation declared by individual citizens.

Mr. BORDALLO. Yes, in some ways. But here in a nutshell is the effect. The selection of the candidates under conditions that if there is no primary system there may be people who may be the most ideal to be chosen by the party followers who is not given a chance to actually bear this name for selection because through the party machinery you just have certain party bosses who may hold certain authority for submission of these names and not giving the full membership of the party a chance to express which of these people are—

Congressman McCLURE. I am very sensitive to that possibility here and elsewhere, and I just directed my question to other questions that are also brought to bear on this point. I certainly thank you.

Mr. BORDALLO. Some of these other areas are unavoidable, but as long as the main part, and that is the candidate to be chosen, will finally be the choice of the membership of a party other difficulties at least will be already limited because of this greater freedom that exist within a party to determine which person is the one that is supported by the majority of that organization to be the candidate. Thank you.

Congressman McCLORE. Thank you, Mr. Chairman. I have no further questions.

Congressman FOLEY. Any more witnesses?

### STATEMENT OF JOSE M. R. SANCHEZ

Mr. SANCHEZ. Mr. Chairman, my name is Jose Sanchez. I am a student at the College of Guam, and a resident of Barrigada.

Generally speaking, I am in favor of H.R. 7329 which would make possible the popular election of the Governor of Guam, and I have submitted my prepared statement.

Congressman FOLEY. Your statement without objection, Mr. Sanchez, will appear in the record in full.

#### STATEMENT OF JOSE M. R. SANCHEZ, BARRIGADA, GUAM

Generally speaking, I am in favor of H.R. 7329 which would make possible the popular election of the Governor of Guam.

I am in disagreement with certain provisions. The first being on page two, lines 8, 9, and 10 quoted below:

"The Governor and Lieutenant Governor shall hold office for a term of two years and until their successors are elected and qualified."

I do not believe that two years is sufficient time in which to execute a significant amount of responsible programs without making the Governor and Lt. Governor continual partisan politicians by reason of necessity, in hopes of being re-elected. Four years would seem to be more practical in that it not only insures the Executive Department sufficient time but also leverage in promoting unpopular programs such as taxes and other responsible acts that would be politically damaging before the benefits could be realized or explained. It would seem that the Governor, in hopes of re-election, could do little else then serve his term in the idea of a continual campaign.

Another provision in which I am in disagreement with can be found on page four, lines 23, 24, 25 and page five, line 1 as quoted below:

"The referendum may be initiated by the Legislature of Guam, following a two-thirds vote of the members of the Legislature in favor of a referendum."

I believe this powers, because of the size of our territory and the close relations of island politics, should rest directly with the people only and not their elected representatives. Of this power must be accorded to the Legislature, I would be in preference of a vote of unanimity by the Legislatures. The present political pattern of elections may see the Legislature controlled by one party and the Executive by the other and there would be no guarantee of stability of the executive in a determined move by the opposition to remove him from office.

On page five, lines 18-23, quoted below:

"In case of the temporary disability or temporary absence of the Lt. Governor, or during any period when the Lt. Governor is acting as Governor, the Speaker of the Legislature shall act as Lieutenant Governor."

This provision is apparently in disagreement with the balance of power in a political system which seeks to have inherent checks against abuse of power and would provide the opportunity for irresponsible manipulation of the executive vs legislative.

I believe this item may be deleted and that the line of succession should rest with a member of the Executive Branch only.

Im am also in disagreement with Section 9-A of H.R. 7329 advocating the establishment of a government comptroller appointed by the Secretary of the Interior.

I do not believe there is a need for a Government Comptroller. I am in agreement, though, that it is the responsibility of the United States Congress to insure that the revenues of the Government of Guam are properly accounted for and that the annual audit seeks to improve the efficiency and economy of the programs of the Government of Guam. The General Accounting Office can fulfill these responsibilities of insuring that Federal Revenues are properly accounted for. Thank You.

Congressman FOLEY. Are there any other persons in the hearing room who would wish to make a short statement at this time, even though they have not previously indicated their desire to make one?

### STATEMENT OF JOSE AGUON FLORES

Mr. FLORES. Mr. Chairman, I myself being a politician, I just wanted to make the record straight. The last paragraph of my statement when I advocated a Washington representative, to make it clear, I am not advocating for the statehood at the present time. So I would like to make a correction on line 5 of the last paragraph and to insert "non-voting" representation in the Congress. I understand some of the members of the subcommittee have misunderstood my statement and told me that it's against the Constitution of the United States to have a regular representation if Guam becomes a State. I want to make it clear and I hope that I have made it clear that I advocate a nonvoting representative in the Congress.

Congressman FOLEY. Thank you, sir. The statement will be corrected accordingly.

Are there any other witnesses who wish to speak?

The subcommittee wishes to express its appreciation to the Government of Guam, the Ninth Legislature of Guam, for their cooperation in making this hearing available and to all those who have extended their hospitality in Guam to the subcommittee during its visit.

Accordingly, these hearings on H.R. 7329 and related bill, will be adjourned, subject to the call of the Chair in Washington, D.C.

(Whereupon, at 11:45 a.m., the subcommittee was adjourned.)

# PROVIDING FOR THE POPULAR ELECTION OF THE GOVERNOR OF GUAM

TUESDAY, FEBRUARY 20, 1968

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON TERRITORIAL AND INSULAR AFFAIRS  
OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,  
*Washington, D.C.*

The subcommittee met, pursuant to notice, at 10 a.m., in room 1324, Longworth House Office Building, Hon. Hugh L. Carey (chairman of the subcommittee) presiding.

Mr. CAREY. The Subcommittee of Territorial and Insular Affairs will be in session for further consideration of the bill H.R. 7097 and the bill H.R. 7329, providing for the popular election of the Governor of Guam, and for other purposes.

(Mr. Matsunaga was granted permission to place his prepared statement in the record at this point. See p. 59.)

STATEMENT OF HON. SPARK M. MATSUNAGA, A REPRESENTATIVE IN CONGRESS  
FROM THE STATE OF HAWAII

Mr. Chairman and members of the Subcommittee, I thank you for this opportunity of appearing before you and expressing my views with respect to H.R. 7097, a bill to provide for the popular election of the Governor on Guam.

Mr. Chairman, this bill, which is similar to the measure I introduced in the 89th Congress, would provide for the long-delayed extension of a basic American right to a people who have been citizens of the United States for the last eighteen years and who have been Americans in their hearts for more than half a century. Although denied any significant measure of self-government until passage of the Organic Act in 1950, the people of Guam not only suppressed their resentment over the unwarranted paternalism of the United States but also continually manifested, to their eternal credit, a deep and appealing pride in their allegiance to a country that returned them less than a full measure of enlightened interest.

After finally attaining limited statutory autonomy, the Guamanians demonstrated that patriotism was not their sole attribute. Their unicameral legislature, which under the Act of 1950 was no longer simply an advisory body, soon distinguished itself by the maturity of its deliberations and the excellence of its legislation. It quickly became evident that in terms of ability and devotion to the public weal the 21 members of the Guam legislature could stand comparison with their counterparts on the mainland United States; that they reflected the worth, as well as an instinct for the American political process, that characterized their constituents.

As dedicated legislators and as enthusiastic voters, the people of Guam have continued to demonstrate an impressive aptitude for self-government, in addition to an enviable sense of civic and social responsibility. Their basic abilities and attitudes have now been sufficiently enhanced and refined by training and experience to merit the right basically inherent in all free and intelligent men to choose their own leaders—in the executive branch as well as in the legislative.

For these reasons, I urge your favorable consideration of H.R. 7097, which provides for the popular election of the Governor of Guam. Jefferson's sage observation that "Governments derive their just powers from the consent of the



governed" was valid in 1776 and it is just as valid today. It cannot be disputed that that power of consent can never be fully exercised by the governed, unless it is vested with the right of election.

There was, perhaps, some degree of reason in not countenancing an elective executive before the Guamanians could prove an ability to legislate effectively for themselves; but surely any doubt in that regard has been completely dissipated.

It is significant that this legislation has the strong support of the Guamanian people, the Guam legislature, the President of the United States and the Department of the Interior. It was reported out by the House Interior and Insular Affairs Committee in the 89th Congress, and the measure was passed by the House on May 16, 1966.

Having visited Guam and knowing its people, I know that they are prepared and qualified to accept the challenge posed by this bill.

Mr. Chairman, by its favorable action on this measure this Subcommittee would present fresh evidence to the world that we who proudly call ourselves Americans not only preach but practice democracy; that we will not deny the governed the right to choose their own governor.

Thank you very much.

Mr. CAREY. The Chair is pleased to call as our first witness today, the distinguished Assistant Secretary of the Interior, Harry Anderson.

We note that the Director of the Office of Territories, Mrs. Van Cleve, is with him. Will she come forward, please?

**STATEMENT OF HON. HARRY R. ANDERSON, ASSISTANT SECRETARY OF THE DEPARTMENT OF THE INTERIOR FOR PUBLIC LAND MANAGEMENT; ACCOMPANIED BY MRS. RUTH G. VAN CLEVE, DIRECTOR, OFFICE OF TERRITORIES**

Mr. ANDERSON. Mr. Chairman and members of the committee, I am Harry R. Anderson, Assistant Secretary, Department of the Interior. I would like the record to show that I am accompanied by Mrs. Ruth Van Cleve, Director of the Office of Territories.

Mr. HALEY. Mr. Chairman, we are very happy to have the Secretary here. But we are also more than glad to have the young lady, who has appeared before this committee many times. And I can understand that the Secretary likes to come up here with strong support, and certainly he has it in this young lady.

Mr. ANDERSON. Thank you, Mr. Haley.

Mr. Chairman and members of the committees we appreciate this opportunity to appear in support of the proposals providing for the popular election of the Governor of Guam.

The views of the Department of the Interior, and our justification for proposing that the territory of Guam be governed by a popularly elected Governor are set out in considerable detail in our report on the proposal now under consideration were also made known to the committee in the context of our testimony on the Virgin Islands elective Governor bill during the hearing in July 1967.

The Department supports in principle the bills now under consideration. We recommend, however, that H.R. 7329 be enacted with several amendments. Today I would like once more to reaffirm our belief in the merits of this legislation and in so doing urge favorable consideration of a Guam elective Governor bill.

We believe that the enactment of legislation providing for the popular election of the Governor of Guam is morally and politically desirable. We believe that the people of Guam have demonstrated their

political maturity and have earned the right to select their own chief executive through the democratic process of free elections.

There have been some differences of opinion regarding certain provisions of the legislation. One of these is the date of the first election. We are reasonably certain that the election machinery of Guam could be adapted to provide for the election of the Governor and Lieutenant Governor in 1968; but we recognize also that if the election was postponed to November of 1970, there would be additional time in which to prepare for the holding of the first election. We wish to see the election held as soon as is reasonable, but we do not feel strongly about whether it is in 1968 or 1970.

In this same category is the question of the term. Section 1 of H.R. 7329 provides for a 2-year term of office for the Governor and Lieutenant Governor. We recommend that the bill be amended to provide for a 4-year term of office. Aside from the fact that the 4-year term is the present practice in Guam, we believe that the longer term is in keeping with current trends. It gives a Governor a reasonable time in which to formulate and implement his programs, together with the opportunity to prove their effectiveness.

As to provision for removal of an elected Governor, both recall and impeachment have been suggested. Either, or both forms are acceptable to us. If recall is retained, however, we would suggest that the bill be amended to lower the percent of the electorate required for a recall from the 75 percent now in the bill to 66⅔ percent. We think that this figure, while sufficiently large to make the recall a formidable task, does not make it almost impossible. We further recommend that the provision requiring the President's concurrence of any removal should be deleted from the bill.

In our opinion, a requirement for such concurrence is wholly inconsistent with the theory and principle of recall.

Our report details our position and suggested amendments with respect to a Government comptroller for Guam. If provision is made for a Government comptroller, we believe that such comptroller should clearly and unmistakably be subject to the meaningful control and supervision of the executive department of the Government and reports made to the Congress.

Since we believe that Congress will continue to look to the Department of the Interior as the responsible agency insofar as civilian Federal interests and responsibilities in Guam are concerned, we believe that the control and supervision of the comptroller must, of necessity, be vested in the Secretary of the Interior. We believe, too, that the provisions made for a Federal comptroller for the Virgin Islands and one for Guam should be as nearly identical as possible taking into account any specific differences that might require a difference in duties or responsibilities.

Only one real difference exists. The Virgin Islands Organic Act requires a certification of local revenue by the comptroller in connection with the return to the Virgin Islands of certain revenues. That provision, although not required for Guam, does not warrant different treatment of the comptroller. To the extent that the requirements are similar, it will facilitate the administration and supervision of the activity in each of the areas.

I would now like to offer to the committee two further amendments not contained in our report. Each of the amendments are in our judgment minor in nature.

First, we wish to propose that the last sentence of section 19 of the Guam Organic Act (48 U.S.C. 1423i) be deleted. That sentence reads:

If any such law is not annulled by the Congress of the United States within one year of the date of its receipt by that body, it shall be deemed to have been approved.

This sentence of section 19 states the authority of the Congress of the United States to annul acts of the local legislature, an authority that is unquestioned. In practice, the sentence has been construed as creating a period of 1-year's duration during which local acts are more or less in limbo.

As a practical matter, this has had no significance insofar as the great bulk of the acts are concerned. It has, however, consistently caused bond counsel to assert that no bonds of the government of Guam could be marketed until the passage of a year during which the Congress might annul the authorization of the Guam Legislature.

No comparable language exists in the Revised Organic Act for the Virgin Islands, although that act also specifically recognizes the authority of the Congress to annul acts of the local legislature. We therefore recommend the following amendment to H.R. 7329:

Amend existing section 6 by designating the existing subsection as "(a)" and by adding at the end thereof a new subsection (b) as follows:

(b) Section 19 of the Organic Act of Guam (48 U.S.C. 1423i) is further amended by deleting the last sentence thereof.

What we are doing is deleting the section.

In addition, we also recommend repeal of section 25(b) of the Organic Act of Guam (48 U.S.C. 1421c(b)). The first sentence of that paragraph provides—

Except as otherwise provided in this act, no law of the United States hereinafter enacted shall have any force or effect in Guam unless specifically made applicable by Act of the Congress either by reference to Guam by name or by reference to "possessions."

The quoted sentence is an unusual provision and is today inconsistent with many of the standard references existing in Federal laws to the territories.

The term possession is used infrequently in new legislation. For example, if a Federal statute is enacted and made applicable to the United States, and that term is defined for the purposes of the statute as the several States and the territories of the United States, such statute technically would not be applicable to Guam in view of the existing provision we have identified. We cannot cite an example of a holding that a statute intended to be applicable to Guam has been held inapplicable because it did not meet the test specified, but, at the same time, we see no value in perpetuating this sentence when it might so easily be deleted.

The balance of the section authorized a study commission whose function has been completed.

We therefore suggest that H.R. 7329 be amended by inserting a new section immediately following existing section 6 to be numbered 7, and the remaining sections to be renumbered as appropriate:

SEC. 7. Section 25(b) of the Organic Act of Guam (48 U.S.C. 1421c(b)) is repealed.

There are with me today the Governor of Guam and others having considerable knowledge of the territory and of the details that are involved in these bills who will answer any questions you may have.

Thank you.

Mr. CAREY. Thank you. I take it that the director of the office of territories does not have a statement at this time, and would join in the statement of the Secretary.

Mr. ANDERSON. That is correct.

Mr. CAREY. I note in the report of the bill forwarded by the Department, Mr. Secretary, that there appears this statement in the last sentence on page 7:

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the administration's program, but that the Bureau will submit its comments separately.

First, I view this as unusual. It has been my experience that the Bureau of the Budget reports to this committee through the cognizant department, the Department of the Interior, and that the integrity of the Department's report has always included the Bureau of the Budget recommendations pro or con. This bill passed both Houses in the 89th Congress and died waiting for a conference, so it is not new legislation to that degree.

There is nothing revolutionary or radical in terms of the economy affecting the expenditure program of the United States in this bill that I can find. And, frankly, I am at a loss to understand why the Bureau of the Budget now chooses to reserve to itself the prerogative of delivering separate comments and putting the subcommittee on notice that in a sense we proceed at our own peril insofar as this legislation is concerned, because midway through its course we may find that the Bureau of the Budget has some further ideas and recommendations.

Now, my question is, Mr. Secretary, Who is running the show around here? Is the Bureau of the Budget the overseer and monitor of the legislative process of the Secretary of the Interior so that when he submits a recommendation to this committee, it is subject to further review and recommendation by the Director of the Bureau of the Budget even after he has recommended passage of the legislation?

Mr. ANDERSON. Mr. Chairman, I certainly cannot speak for the Bureau of the Budget. But this is a position that they have taken. It is a position they took with us on the other side, in the Senate, when the bill was up. And they did submit a separate report at that time.

As to when or if they will submit a report to this body, I do not know.

Mr. CAREY. Do you have it within your own knowledge when this legislation was submitted to the Bureau for recommendation, and what is holding up their comments?

Mr. ANDERSON. Mr. Chairman, they have had a concern with respect to the Presidential veto over acts of the Legislature of Guam in the area of national security or Federal property. And this is the position that they made on the Senate side, that they felt there should be provision for a Presidential veto.

The Senate did not concur with their recommendation.

Mr. CAREY. To the best of your knowledge, is it the point of whether or not the President should have a veto power over legislation after the legislature might have overridden a Governor's veto?

Mr. ANDERSON. No, sir. It has to do with whether the President should have a veto over the acts of the Legislature of Guam, not with respect to, if they have overridden—

Mr. CAREY. Whether they override it or not, all acts, including any overridden acts that they may pass over the Guam Governor's veto, inclusive of acts passed by the Legislature of Guam, and also acts that may have been vetoed by the Governor and then overridden and become the law of Guam.

Mr. ANDERSON. Yes.

Mr. CAREY. In your statement, Mr. Anderson, you suggested other amendments. Do you care to make any comments at this time on the amendments suggested to the subcommittee in the report of the Secretary?

Mr. ANDERSON. I don't believe I have anything in addition to add, Mr. Chairman. I did have in my presentation this morning two minor ones that are not in the report. The first one has to do with the repeal of the section of the organic act which states the authority of the Congress to annul acts of the local legislature within 1 year. This has caused concern on the part of bond counsel. Any act with respect to a bond issue would almost have to sit 1 year before they could act. There is no question with respect to the Congress authority to annul any act of the territorial legislature by subsequent action. But this particular reference has caused a problem with respect to the bond counsel or bond issues. Otherwise, it really has not caused any concern or problem.

The government of Guam, I understand is now, giving serious consideration to a bond issue with respect to an expansion of their utility activities. This has not been, of course, entertained or passed by the local Guam Legislature. But in talking to the Governor a day or so ago, he did express some concern that if they did pass an act with respect to establishing a utility, and with bonding provisions accordingly, that everything would then be held in limbo for a year.

Mr. HALEY. Would the gentleman yield at that point?

Mr. CAREY. The gentleman from Florida.

Mr. HALEY. Mr. Secretary, would it be possible that you could have a court validate a bond issue? In my State, for instance, regardless of who wants a bond issue, you usually carry it to the courts, and the courts either validate the issue or they say "No," and that is final.

Now, could something like that be added here so that after the bond issue has been passed by the legislature, or voted on by the people, that you could have some legal remedy for a validation procedure?

Mr. ANDERSON. Mr. Haley, I understand what you say is common practice, in some States where in order to add validity, they actually go through a court test which gives support to the legality of the bond issue. This is something I had not given thought to with respect to Guam. But this is something that the Guam Legislature could possibly address itself to, if this would add to the marketability of the bonds.

Mr. HALEY. Of course, any bond house in any part of this country—certainly in my State a bond house will not pledge an issue of bonds until they have been validated by the courts of our State. It gives a prop, you might say, to the legality of the issue, and more or less makes it legal. You would think that something like this could be done here.

Mr. ANDERSON. Mrs. Van Cleve, would you like to comment?

Mrs. VAN CLEVE. I believe it likely that the Legislature of Guam would have the authority itself to take the kind of action that you have described. It has, Mr. Haley, as you know, very broad authority, roughly comparable to the authority of a State legislature. It could, I believe, vest in the District Court of Guam, which has Federal as well as local jurisdiction, the kind of authority that you have described. And, therefore, I would not think that it would be necessary for the Federal Congress to act with respect to this matter.

The fact is that Guam has so far had very little experience with respect to the issuance of bonds. And I am sure both the Governor and the speaker of the legislature, who is here this morning, would like to turn to the kind of proposal that you have suggested.

In short, however, I would suggest that I don't believe Federal legislation on this subject would be necessary, given the nature of the authority of the government of Guam and its legislature, and given the fact that a substantial amount of judicial machinery already exists in Guam which could be called upon for this purpose.

Mr. HALEY. How are the judges of Guam selected? Are they appointed by the President at the present time for life tenure, or what?

Mrs. VAN CLEVE. The judge of the District Court of Guam, which is a Federal district court with local jurisdiction as well, is appointed by the President in the same manner as judges of Federal district courts throughout the United States. Judges of the local courts are appointed by the Governor. The district judge of Guam does not have life tenure. He has an 8-year term.

Mr. CAREY. Mr. Secretary, as I see it, what this provision of the Organic Act does is leave in the Congress a nullification option over acts that are passed by the territorial legislature. To the best of your knowledge, has Congress ever availed itself of this power that rests in it?

Mr. ANDERSON. Not to my knowledge, Mr. Chairman. I would like to ask Mrs. Van Cleve if she has any recollection.

Mrs. VAN CLEVE. We have explored the Statutes at Large of the United States frequently in an effort to find any occasion when the Congress has annulled an act of a territorial legislature. So far as I have been able to establish, the last occasion when this occurred was sometime in the middle of the 19th century when the Congress did have occasion to act with respect to some railroad statute passed by one of the Western territories.

Our common statement—and I think our correct statement—is that the Congress has not ever annulled any act of the noncontiguous territories of the United States; that is, those of our immediate administrative jurisdiction.

Mr. CAREY. Well, it seems at best an unused vestige of colonial prerogatives left in the Congress from some old date, and I don't know why we need it in here if it is never used.

Let me skip for my final question to the matter of the comptroller for the territory of Guam. You are suggesting that in essence the comptroller functions in the territory of Guam as similarly in as many ways possibly to the functioning of the comptroller in the Virgin Islands, is that correct?

Mr. ANDERSON. Not as exist presently in the Virgin Islands, but as contained in our recommendation on the Virgin Islands bill.

Mr. CAREY. The comptroller would be appointed by the Secretary as is the case at present in the Virgin Islands if this legislation is approved, is that correct?

Mr. ANDERSON. Not as exist presently in the Virgin Islands, but as Secretary of the Interior under the civil service classification appropriate thereto, but it would not be a 10-year term appointment as we have presently in the Virgin Islands.

Mr. CAREY. Let me be clear on that point. If I am not mistaken, I believe that is what the Secretary's report called for—the appointment of a Federal comptroller without regard to the classification act. Isn't that correct?

Mr. ANDERSON. I believe our amendments provide that the comptroller shall be under the Classification Act.

Mr. CAREY. I see. In other words, your amendment seeks to remove the present exemptions from the Classification Act?

Mr. ANDERSON. That is correct; yes. He is presently exempted, so we are removing that.

Mr. CAREY. This is a rather noteworthy recommendation. Most of the time in my experience when we get a department recommendation up here, the Secretary wants additional people in his household who are not under the Classification Act. So it is somewhat of a reversal of the usual course as to recommendations. I am not going to speak to that point, but I do not know that we have members of this committee who serve on the House Post Office and Civil Service Committee who probably have some views on this.

Why are you now suggesting that this fixed term of office—which I believe is 6 years, is it not?—in the Virgin Islands?

Mr. ANDERSON. It is 10 at the present time, Mr. Chairman.

Mr. CAREY. Ten years. Now to be changed to practical removal at will. You are suggesting the elimination of a requirement that he not be under the usual civil service provision removal for cause, is that correct?

Mr. ANDERSON. That is right.

Mr. CAREY. The last point of contention that I would wish to bring up on the Comptroller is that the legislation for the Comptroller can proceed in either one or two ways. Either he can make his reports to the Governor, the Secretary of the Interior and the Congress, or on the basis of your recommendation, the reports would be made to these persons and to these officers, but not to the Congress, excepting as the reports might be furnished to the Congress by the Secretary of the Interior.

Now, is it not true that under the present system the Congress does get reports directly from the Comptroller?

Mr. ANDERSON. Yes, sir.

Mr. CAREY. Why do you believe that the Congress should not settle with having reports forwarded to it by the Secretary of the Interior instead of getting direct reports from the Comptroller?

Mr. ANDERSON. Mr. Chairman, considering that the Comptroller will be an appointee of the Secretary of the Interior, and be responsible to the Secretary of the Interior, we felt that his reports should go to the

Secretary of the Interior, and then the Secretary of the Interior would send the reports with any comments he may have to the Congress. We still believe the reports should be made to Congress. But in place of the reports going directly from the Comptroller to Congress, they would go through the Secretary of the Interior, and he would add any comments or recommendations.

MR. CAREY. In the first instance, these reports would go to the Comptroller General, is that correct?

MR. ANDERSON. I don't believe there is a provision for the reports to go to the Comptroller General, no.

MR. CAREY. There is in the act as passed by the other body.

MR. ANDERSON. I would have to check that, Mr. Chairman.

MR. CAREY. If I may read from the bill as amended—

MR. ANDERSON. Yes, it is in the Senate bill.

MR. CAREY. In the Senate bill it provides that the report shall be subject to review by the Comptroller General, and reports thereon shall be reviewed by him to the Secretary of the Interior and the Congress. So it is a slightly different method of reporting. And I think inasmuch as additional powers in terms of controlling expenditures and running their own affairs will be granted to the Governor and Legislature of Guam, it would not be an unhealthy thing to have the Comptroller General, at least for this time, review and report and recommend, at least on the comptroller function, since he is the cognizant Government official who normally does the postaudit review and recommendation on control functioning.

MR. ANDERSON. Mr. Chairman, I see no objection to having the reporting to the Comptroller General.

MR. CAREY. Thank you, Mr. Secretary. I have no further questions. The gentleman from Florida.

MR. HALEY. Thank you, Mr. Chairman.

MR. Secretary, turning to page 4 of your statement, the last paragraph, you say:

Except as otherwise provided in this act, no law of the United States herein after enacted shall have any force or effect on Guam unless specifically made applicable by act of the Congress either by reference to Guam by name or by reference to "possessions."

Why would you think that would be desirable?

MR. ANDERSON. Mr. Haley, this is a section we are suggesting for deletion because the language refers to Guam by name, and also refers to possessions. Most of the new legislation passed in the last few years has referred to United States and territories. Unless Guam is specifically mentioned, there is always a legal question, would Guam be included? And for that reason, we feel that if we delete this section, Guam would come under the general legislation as passed, or any new legislation, I should say, with respect to the United States and the territories.

MR. TAYLOR. Would the gentleman yield?

MR. HALEY. Yes, I yield.

MR. TAYLOR. Have the courts held that the word "territories"—considering the provision that you first read—would not be applicable to Guam?

MR. ANDERSON. I didn't understand your question.



Mr. TAYLOR. I say, have any courts held that the word "territories" would not include Guam, considering that this other provision is in the law?

Mr. ANDERSON. No, sir, Mr. Taylor. To the best of my knowledge, there have not been any court cases. And we don't have any holdings to cite. But we just feel that this is a legislative cleanup of the act.

Mr. TAYLOR. In any event, the law as it now is written in the Organic Act causes considerable confusion?

Mr. ANDERSON. It does in that it refers to Guam as a possession.

Mr. TAYLOR. That is all.

Mr. HALEY. I believe the chairman pretty well covered the provision for Government comptroller. Is that an appointive office by the President of the United States?

Mrs. VAN CLEVE. The current comptroller is appointed by the Secretary, as the comptroller would be under the bill as we have asked that it be amended.

Mr. HALEY. And confirmed by the Senate?

Mrs. VAN CLEVE. No, the appointment is not subject to confirmation. The principal difference is not the method of appointment so much as the term. The 10-year term now applies to the Government comptroller of the Virgin Islands. We have, as you appreciate, recommended language which would remove the 10-year term.

Mr. HALEY. Under what you propose, under the Governor, we have very little control over the comptroller, is that correct?

Mrs. VAN CLEVE. The Governor would have no control at all. And that is central to the philosophy of the Government comptroller. We have urged that such an office be created on the theory that an objective comptroller who owes nothing to the local government is desirable.

Mr. HALEY. In other words, suppose you had a comptroller out there that suddenly wanted to take to himself some of the funds or something, who could impeach, move for the impeachment or the discharge of the comptroller?

Mrs. VAN CLEVE. The Secretary could remove him from his position forthwith, under the language which we have proposed.

Mr. HALEY. The legislature of Guam would have no voice in the matter?

Mrs. VAN CLEVE. It would certainly be listened to and listened to with great care, as would be the Governor. But it would have no power to act, because the comptroller would be a Federal officer rather than a territorial officer.

Mr. HALEY. He would be handling their money. They might want to get rid of him and somebody back here in Washington might not want to. It seems to me like there should be some control, probably by the Legislature of Guam, that could make recommendations or something.

Mrs. VAN CLEVE. I think our preference would be to maintain the purity, if I may use that term, of the Federal stance of the comptroller. The theory is that because of the very substantial amount of Federal funds which directly or indirectly go to Guam, it is appropriate for the Federal Government to have its own officer function as auditor to proceed to give control over that Federal officer to those being audited, it seems to me might compromise his position to some extent.

Mr. HALEY. Thank you, Mr. Chairman. Thank you, Mrs. Van Cleve.

Mr. CAREY. The gentleman from Utah, Mr. Burton.

Mr. BURTON of Utah. Thank you, Mr. Chairman.

I would just like to clarify in my own mind the political difference between territory and possession. It seems to me, Mr. Secretary, there has been a historical political significance in being a territory. It is my understanding the Organic Act of Guam created Guam as a territory rather than a possession. The difference between Guam and its present status as a territory is vastly different than that, for example, of Wake Island, which I would classify as a possession. Is this not true?

Mr. ANDERSON. I would like to have Mrs. Van Cleve answer that. This gets quite legally technical, if I may, Mr. Burton.

Mrs. VAN CLEVE. Mr. Burton, there are a series of rules of thumb that have developed with respect to the usage of territorial terminology through the years. And very summarily put, the first-term territory, with a small "t", is regarded as a generic term which comprehends all territory over which the United States exercises sovereignty. It therefore includes Guam, of course. It does not include the trust territory. It included Alaska and Hawaii prior to statehood. The term "territory" with a small "t" has then been broken down into two additional categories, incorporated territories with a capital "T", Alaska and Hawaii being the last, and unincorporated territories, the shorthand reference to which has been possessions.

The standard rule has been that a statute which applies to the States and the territories does not apply to the unincorporated territories such as Guam, Samoa, and the Virgin Islands, unless it can be shown—as indeed it often has been—that the Congress really intended to have the statute more widely applicable. There is quite a lot of law on this subject, and a fair number of Supreme Court decisions.

At the same time, however, the term "possession" has an unfortunate connotation in this age of noncolonialism. Accordingly, there has, as a matter of usage, developed a preference for the use of the term "territory" to describe such places as Guam, rather than possession.

In short, Guam is both a possession as a technically legal matter, and it is a small "t" territory as a technical legal matter.

The problem that we have with this sentence of section 25(b) is simply that it narrows the standard rules of construction. And we are fearful that one day we will fail to catch, in the legislative process in the Interior Department, a proposed statute which does not use the term "territory" to describe Guam. We have tried very hard not to miss any. So far as we know, we have not yet missed. But we have to be vigilant every day to make sure that Guam is referred to in statutes being considered by the Congress either by name or by the term "possession." It is simply an added nuisance that could one day create a problem because of failure on our part to catch the error.

I hope that answers the question.

Mr. BURTON of Utah. Yes, that clarifies it.

Mr. TAYLOR. Would the gentleman yield for one question?

Mr. BURTON of Utah. I would be happy to.

Mr. TAYLOR. Would it be your recommendation that we put in this bill that Guam be considered as a territory with a little "t" rather than possession?

I don't like the word "possession."

Mrs. VAN CLEVE. I would say, Mr. Taylor, that that probably is not necessary, in the light of the fact that the Guam Organic Act states in section 3 that Guam is hereby described to be an unincorporated territory of the United States.

Mr. TAYLOR. In another section it refers to it as a possession.

Mrs. VAN CLEVE. In the section indeed that we are proposing here to delete, that is correct. I would say that with the deletion of section 25(b) we will then have no problems of construction hereafter. All of the standard rules which I have described, which have, as you see, some flexibility within them, will cause Guam to be covered by all of those statutes that the Congress could have intended to have it covered by.

Mr. TAYLOR. That word "possession" gets you in trouble. If I called my wife a possession, she wouldn't like it.

That is all. Thank you.

Mr. BURTON of Utah. That is all I have.

Mr. CAREY. The gentleman from North Carolina.

Mr. TAYLOR. Mr. Secretary, I call your attention to your statement at the top of page 4:

If any such law is not annulled by the Congress of the United States within one year from the date of receipt by that body, it shall be deemed to have been approved.

Are such provisions applicable in other statutes to other territories?

Mr. ANDERSON. It is my understanding that it does not exist in the Virgin Islands Organic Act. This is an exception for Guam. It is unprecedented.

Mr. TAYLOR. It is unprecedented?

Mr. ANDERSON. Right.

Mr. TAYLOR. And we would just be bringing Guam nearer in line with the other territories if we took this out?

Mr. ANDERSON. Yes, sir.

Mr. TAYLOR. And under the present law, your bonds are not marketable during that 1-year period, waiting to see if Congress is going to take action.

Mr. ANDERSON. Well, bond counsels have advised that it does put a cloud on it. And to aid in the marketability of it, they have to wait a year.

Mr. TAYLOR. I agree with your statement, that the people of Guam have demonstrated their political maturity, and they have earned the right to elect their own chief executive. And I am glad to support the purposes and the main provisions of the bill. That is all.

Mr. CAREY. The gentleman from New York, Mr. Kupferman.

Mr. KUPFERMAN. With all due respect to the present incumbent in the Governor's chair, for whom I have the highest respect and whose hospitality I enjoyed on the recent trip, I think we have to look at the question of the Governor election at arm's length. And, therefore, your suggestion that we have 4-year term, it seems to me, militates in favor of postponing the election until 1970, because with that long a term there ought to be much more time to prepare for that election. What would your thoughts be on that?

Mr. ANDERSON. Mr. Kupferman, we have indicated that we will go along with either 1968 or 1970. We don't have a strong preference either way. However, we do feel that we should move toward a date

for electing a Governor in Guam. So 1970 is acceptable as far as we are concerned. We also do recommend a 4-year term.

Mr. KUPFERMAN. I think those both go together. That was my point.

Mr. CAREY. The gentleman from Wisconsin, Mr. Kastenmeier.

Mr. KASTENMEIER. Mr. Chairman, I just have one question.

What is the historical background for this other than the reference to having passed both studies in different forms in the 89th Congress? Is there a popular demand in Guam for this particular legislation? Do you deem it merely desirable or is it urgent.

Mr. ANDERSON. Mr. Kastenmeier, I would say from my contact and from observation that there is definitely a popular position in Guam for an elected Governor. And it has been with us now for a number of years. It was a popular point during the 89th Congress. I had an opportunity to visit Guam in the month of January with members of this committee. And a hearing was held. And I don't recall any substantial, if any, testimony or indication other than in favor of the popular election of the Governor of Guam.

Mr. KASTENMEIER. Thank you, Mr. Chairman. That is all.

Mr. CAREY. The gentleman from Iowa, Mr. Kyl.

Mr. KYL. On this matter of the 1-year congressional holding up bonding, and in view of the fact that the Congress can set aside any law passed by the legislature, might it not in fact be a helpful thing to have this year's wait?

Mr. ANDERSON. Mr. Kyl, I don't believe that this particular provision would really assist, because Congress could any time 5 years from now, even with the existence of this act, repeal an act or take further action with respect to any act passed by the Legislature of Guam. Your point, as I see it, though, would be that if they didn't act within a year it would mean support.

Mr. KYL. Exactly.

Mr. ANDERSON. I had not thought about it in that context. But we don't have it—it is unprecedented, as I understand. And we don't have it in other territories. It is true we have not marketed any bonds in Guam. They have in the Virgin Islands. They don't have it, and I don't recall it being of any problem down there, the fact that Congress could annul an act. But once the bonds are sold, it seems to me it would be rather difficult to annul an act.

Mr. KYL. That is exactly the situation. Do you think that perhaps there should be some kind of a mechanism in this act which would in some way provide for a rather quick Federal approval of the local plan for bonding so that we would not have this doubt?

Mr. ANDERSON. I understand, Mr. Kyl, that before Hawaii became a State, when it was in territorial status, that in order to add strength or validity to bond acts resolutions were passed in Congress. I don't have the detail, but this has been mentioned to me as something which would add some support. I don't know if it ever caused a problem. It just seemed to us that we could get along without this act. And what it would do to the bonding market, I don't know. But the only comment that has come to us with respect to bond sales has been this particular act.

I don't recall any comments as far as the Virgin Islands are concerned—where this does not exist, when it comes to selling their

bonds—as to whether they would be any better off if there would be a year's oversight period, say.

MR. KYL. I would guess that with a legislature, and with an elected Governor, and with a greater feeling of—I hesitate to use the word “independence,” certainly with a greater degree of independent action, that Guam might be tempted to embark on much more ambitious programs than it has in the past. And I think it might be desirable. But it is possible that any of these things will require Federal guarantees or congressional approval, as we move into the period of greater local control of the government. And, therefore, I ask again if there might not be some desirable mechanism in this bill which would facilitate bonding or any other essential step.

MR. ANDERSON. Mr. Kyl, it seems to me that if we do move into a program of Federal assistance, this would only come about through a special congressional act. And that time, if it becomes necessary to have some special provisions, would be the time to enact such rather than to have it in this particular general act.

MR. KYL. One other thing. I hesitate to ask you to respond, and yet I think it is somewhat essential, because it will be a matter of discussion when a bill of this nature gets to the floor. There will be some who will interpret the popular election, of the Governor of Guam as a step toward statehood. To make it easy, is there any connotation in this legislation per se that you are moving toward statehood or independence or any other basic change in the status of Guam?

MR. ANDERSON. I don't believe so, Mr. Kyl. It does, of course, move the territory of Guam down the road toward a greater area of self-government, and it would probably be a progressive step toward statehood, but I don't look upon this as any benchmark or any landmark with respect to Guam becoming a State, at least I have not thought about it in that light.

Mrs. Van Cleve would like to comment on that.

Mrs. VAN CLEVE. I think the quick answer to that question, if it is raised, is that Guam is, as I noted earlier, described in the Organic Act today as an unincorporated territory of the United States. It would remain so described if the act were amended in the manner contemplated by the legislation before the committee this morning. An unincorporated territory is not regarded as a political entity on its way to statehood.

MR. KYL. I will yield to the gentleman from New York.

MR. KUPFERMAN. I just want to say that I think the people of Guam have the right to believe that this is a step on the road toward possible statehood if that is what they desire. But, on the other hand, it does not in itself so indicate. So I don't think we have to put it in any category.

MR. KYL. Well, I think we do. And they are going to ask some questions on the floor, and I think we had better have an answer to it. If a newspaper in Guam or elsewhere carried a headline saying “Guam Moves Toward Statehood; Elected Governor Bill Passes,” would this be an accurate or inaccurate headline?

Mrs. VAN CLEVE. I would comment on that in the light of the kind of arguments that we used to be confronted with during the statehood debates. The issue then was often raised, if Alaska and Hawaii

become States, do we have to fret about the admission to the Union of these smaller entities out in the ocean? Our ready answer to that was "No." The incorporated territories were given an implied promise of ultimate statehood on the day Congress granted them incorporated status. The other areas that we were referring to, Guam, Samoa, the Virgin Islands, are not now and never have been incorporated. This is not to say that they could not be incorporated tomorrow. But it is just that they have not been given the same moral commitment by the Congress that one day they will be admitted in the Union.

Mr. KYL. As usual, the very capable lady from the Department has anticipated the next question. And I thank her very much.

Mr. CAREY. At this point, the Chair notes that the author of one of the bills, our colleague, Mr. Matsunaga, from the State of Hawaii, intended to appear today, but was unable to be here. He has, however, submitted a statement for the record. And the Chair has asked unanimous consent that it be inserted immediately preceding the testimony of the Department. Without objection, it is so ordered.

The Chair is pleased to recognize the distinguished gentlelady from Hawaii. It is a pleasure to see her return to full health. This is the first opportunity the subcommittee has had to sit since some of its members returned from a visit to the trust territory and the territory of Guam. And for the record, the gentlelady demonstrated her stamina and her devotion to duty in all ways, and survived the rigors of this most arduous trip, though not without some impairment of her health. She was hospitalized in Guam. And she may address her own comment on the facilities there for medical care. And I understand she was hospitalized again in the great State of Hawaii. So the trip was not without consequence for her.

But never let it be said that she failed her sex as the hardy, durable sex, or failed to perform all the duties that were imposed upon her throughout the trip without failure. And it was only when some supervirus caught up with her did she finally succumb. And again she only succumbed after the full measure of the trip had been covered. And I think we are much better informed and able to perform our duties by reason of the new information and enlightenment that she will be bringing to us insofar as the trust territory and the territory of Guam are concerned in future briefings.

So it is a great pleasure to recognize the lady from Hawaii, Mrs. Mink.

Mrs. MINK. Thank you, Mr. Chairman. I think my illness in Guam testifies to my confidence in the administration of the affairs of Guam and the Governor, otherwise, I would not have permitted myself to become ill at that point in the field trip.

I want to say that I am in full agreement with the various recommendations that you have made, Mr. Secretary, particularly the one referring to the 4-year term, and also the removal of the provision which requires the concurrence of the President for removal of the Governor-elect or the Acting Governor.

I would like to pursue the question of the gentleman from Iowa with respect to the precise definition of an unincorporated territory. It is generally accepted that this frame of reference means that the organic act does not anticipate that such an area would become a

State. But I am very much concerned about the implications of this bill. And I personally regard it as a step toward a final determination of the status of Guam, although this may not be the intent and the purpose of the administration in offering this bill.

So may I pursue the question of the gentleman from Iowa with respect to the definition of unincorporated territory, and ask that whether this definition has not in fact been amended, or the title at least been made inappropriate, by the fact that we are providing for an elected Governor?

MR. ANDERSON. I would like to have Mrs. Van Cleve answer that. I am frankly not too familiar with just what is the difference between an unincorporated and an incorporated territory. It is a legal question, and I would like to have Mrs. Van Cleve answer it.

MRS. VAN CLEVE. I would not think, Mrs. Mink, that there would be any doubt cast upon Guam's continued status as an unincorporated territory by the enactment of this legislation. The step which causes an area to become incorporated, as you know so much better than I, is that the Congress extends expressly the provisions of the Federal Constitution to it. This is the step which caused Alaska and Hawaii and which caused the Western States to become incorporated and to be launched upon the road toward statehood. That step has not been taken in the case of Guam. It has not been urged in any forum so far as I am aware. In fact, the Guam Organic Act contains so many provisions in its bills of rights which parallel the Federal Constitution that I doubt that there would be any significant difference in terms of human freedom and personal protections if the Federal Constitution were extended to Guam.

As you also know, by way of a footnote, certain provisions of the Federal Constitution do in any event apply to the unincorporated territories, the due-process clause, for example.

So I think there is very little of a practical sort that Guam would gain by the act of incorporation. But that aside, the legislation does not propose to extend the provisions of the Constitution. And I would say, in short, that that means that Guam is not becoming an incorporated territory by this step, nor is it on the road to doing so.

MRS. MINK. If an amendment is suggested which would extend the protections of the Federal Constitution to Guam—and by your statement, I would assume that much of the Constitution already applies—if not because of language in the organic act, by other decisions of the courts—what would be the position of the administration?

MRS. VAN CLEVE. I can speak only for myself on this subject. I would say that we would not recommend that the Constitution be extended and that Guam be incorporated until we are prepared to urge that statehood ultimately be accorded to Guam. So far as I am aware, this point has not been reached within the mind of anyone in the executive branch at this time.

MRS. MINK. May I ask the precise meaning of section 8 of H.R. 7329, which is an extension of two sections of the Constitution to the territory of Guam, and whether the administration supports this, and exactly what this section 8 does.

MRS. VAN CLEVE. Section 8, Mrs. Mink, was included in the bill, and was earlier included in the administration bills in earlier Congresses

on this subject probably in an excess of caution. We began the drafting many years ago in the Interior Department of elected Governor legislation by looking at the elected Governor bill for Puerto Rico, the elected Governor statute passed in 1947 by the Congress. Roughly this provision—it may in fact be precisely this provision—was contained in the Puerto Rican elected Governor bill. And it seemed to us, therefore, that it would be suitable to include it here, because otherwise someone might wonder why it was not. In fact, there was a specific reason for including it in the case of Puerto Rico, as I understand it, having to do with tax legislation being considered in the 1940's, which was thought to constitute a heavier burden upon nonresidents than upon residents. That threat was met by the Congress by enacting something like section 8 in the case of Puerto Rico.

There has been no similar question in the case of Guam or the Virgin Islands, but nevertheless in order to be sure that there never is, we put this language in.

Mrs. MINK. What does this language actually refer to?

Mrs. VAN CLEVE. Article IV, section 2, of the Constitution, states, "The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." and section 1 of article XIV is the standard due process, equal protection language with which you are familiar. I have it here, and I could read it, but I am sure you know it very well.

Mrs. MINK. Is it the position of the administration that to extend the protection of the entire Federal Constitution to Guam is inadvisable only for the reason that the administration has not yet determined that statehood is the necessary ultimate course of political growth for the territory of Guam, or are there sections of the Federal Constitution which the administration feels should not now be extended to Guam?

Mr. ANDERSON. I think it is the former rather than the latter.

Mrs. MINK. Could we not solve this problem by simply making very certain in the committee report that the extension of the privileges of the Constitution to U.S. citizens in Guam, which they are entitled to have, is not to be interpreted as any step being taken by the administration to alter the status of their form of government as defined under the term "unincorporated territory"?

You already, in section 8, extend certain portions by reference to Guam.

Mrs. VAN CLEVE. Your question is too important for a quick reaction. But I still want to give you a quick reaction. And it is that there is so much law on the subject of what the act of incorporation means that my guess would be that regardless of what the committee report says, regardless of what is said on the floor, if a statute were passed by the Congress stating that Guam has become incorporated, the courts would view it and the people of Guam would correctly view that action as a certain commitment to ultimate statehood.

Mrs. MINK. You have in fact taken this position under section 9 when you said, for the purpose of general military law, this shall include the territory of Guam? Have you not, by that inclusion in this bill, in a sense treated the people of Guam as being like people in any State?

Mrs. VAN CLEVE. I would think no more so, Mrs. Mink, than in the dozens of cases, perhaps hundreds of cases in which you have, if I may



say so, caused the trust territory to be defined as a State for purposes of various grant programs. I think this is simply a matter of a definition, whether it be an apple or orange, any day of the week.

Mrs. MINK. Mr. Chairman, if I may just make a comment, say that I am very disappointed that the administration has not taken this further step to extend the guarantees of the Constitution to the American citizens in Guam. I can appreciate the position of the administration in not wanting to alter the definition of the term "unincorporated territory." But I feel that by having made the changes in the selection of the elected Governor in this bill, that a change in fact is being sought. And it would seem to me quite consistent with the pattern of this bill in providing for greater self-government that we should be prepared to precisely state that these people like ourselves, equally American citizens, are entitled to the full guarantees of the American Constitution.

Mr. BURTON of Utah. Will the lady yield to me?

Mrs. MINK. Yes, I will yield.

Mr. BURTON of Utah. It doesn't seem to me that you got a direct enough answer from Mrs. Van Cleve and the Secretary. And if you would yield further, I would like to put the question this way—

Mrs. MINK. I will yield.

Mr. BURTON of Utah. Suppose the gentlelady from Hawaii amended the act before us to provide for the "incorporation" of Guam. You indicate that the Department does not have an opinion or position. If this is done, you will have to take one fast. Do you have any idea what it will be?

Mr. ANDERSON. No, I don't right now, Mr. Burton. I think it definitely opens up a much larger package and area than what we had really planned for this bill. The entire purpose of this bill was for an elected Governor. I think when it comes to any legislation with respect to, if Guam should be another type of a territory, that is a subject of its own.

Mr. BURTON of Utah. If the gentlelady will yield further, I will say that I don't think that any members of the committee have it in mind to make Guam a State at this time. But I am more or less inclined to agree with my colleague from Hawaii that it would have been my feeling that this is a step in that direction. I can't see why we could not fail to incorporate the territory at this time in this bill.

Mr. HALEY. Would the gentlelady yield?

Mrs. MINK. Yes, I yield.

Mr. HALEY. Mr. Secretary, what is the permanent population of Guam?

Mr. ANDERSON. Approximately 50,000, as I recall, Mr. Haley.

Mr. HALEY. That is the permanent population?

Mr. ANDERSON. Yes, sir.

Mr. HALEY. Thank you.

Mr. TAYLOR. How many people are there now?

Mr. ANDERSON. I believe somewhere between 80,000 and 90,000, including military and others, including, of course, the 50,000 Guamanians.

Mr. CAREY. The gentleman from Maryland, Mr. Morton.

Mr. MORTON. First, Mr. Secretary, and Mrs. Van Cleve, I would like to apologize for not being here earlier. I had my physical examination this morning.

Dealing with the section dealing with the removal of the Governor or acting Governor which appears on page 4, section 7, I believe that the Department's position is that the approval of such removal by the President be deleted.

Mr. ANDERSON. We recommended that this be deleted from the bill, Mr. Morton.

Mr. MORTON. Now, getting back to following the line of reasoning and thinking that we have had here in dealing with the questions asked by my colleague from Hawaii, aren't we still going to be operating as an unincorporated territory which must operate within certain guidelines and policies set down by not only the Congress but by the President?

Mr. ANDERSON. It would primarily be under the organic act and the laws of Guam. There will definitely be a reduction, or less Federal emphasis or control at the executive level because of an elected Governor.

Mr. MORTON. You are still going to have programs in Guam that are going to be carried out by agencies of the Federal Government. And those programs are a little bit different than similar programs being carried out in the States. I just want to get the feeling of why you want to delete the President's approval of this removal. Of course, I hope that this part of the bill is never used, but I guess we have to think about it now. Why do you feel that this should be deleted?

Mr. ANDERSON. Well, it seems to me, Mr. Morton, that if the bill provides for 75 percent of the voters to have to act for a recall—we recommended 66⅔—if this large segment of the registered voters indicate for recall, this is quite a pronouncement. And for them to have further removal authorization by the President is going really beyond what we need.

Mr. MORTON. When you have a territory that is governed in this manner, with an elected Governor, with a legislature, what are the basic differences, then, in that institution, actually, not legally, and a State?

Mr. ANDERSON. With respect to the election of a Governor and the removal as we have it here, I would say basically very little, if any, between a territory and a State, except that we do have the Federal Comptroller with respect to the Federal funds.

Mr. MORTON. This is a matter of auditing and control. What is going to be his responsibility, and whom is he going to report to?

Mr. ANDERSON. He would report, under our proposal here, to the Secretary of the Interior.

Mr. MORTON. So he reports back to the Secretary of the Interior?

Mr. ANDERSON. He reports back to the Federal Government with his reports going to the Secretary and also to Congress.

Mr. MORTON. What is his power?

Mr. ANDERSON. His powers would be on auditing for fiscal propriety of expenditures, I would say, to see that the expenditures are made in accordance with the authorizations in the acts. He would not be a policy or a management man.

Mr. MORTON. So, actually, you have no control over the funds at all except that he will audit the funds, he will report on how they were spent, and if they were spent in accordance with either the law, guidelines, or policies set down by the Federal Government; is that correct?

Mr. ANDERSON. That is correct, just like any external auditor would do.

Mr. MORTON. I would differ with you on the power of the President to approve the removal of the Governor or acting Governor. I would like, however, to have a little more detail and a little more of an explanation than is provided in your statement this morning.

It seems to me we are dealing with something here that could be very important if this part of the law actually had to be dusted off and put into use. You feel that it is just taking away some of the power that we are giving to the people in allowing them to elect their own Governor, is that correct? You feel that we are giving it to them on the one hand, and then taking it away from them on the other by leaving this in the bill?

Mr. ANDERSON. Yes, I think there would be a taking away. And I would find it somewhat difficult to visualize a position where, if 66 $\frac{2}{3}$  of the people voted for recall, that a President would then say, No, I am not going to go with the recall or 66 $\frac{2}{3}$  percent of the people who are entitled to vote.

Mr. MORTON. Of course, it is a one-way street, the President can veto the action, but he cannot initiate the action for removal.

Mr. ANDERSON. That is correct.

Mr. MORTON. I can understand your position from that point of view. I don't think it is worth dwelling on any longer. But as I understand it, the Bureau of the Budget takes the position that the President should be vested with the power to approve or remove.

Mr. ANDERSON. They did have that position. But as to what they will advise this committee, I cannot say.

Mr. MORTON. I believe that is all the questions I have. Thank you very much, Mr. Secretary.

Mr. CAREY. Our distinguished colleague from Puerto Rico, the distinguished Resident Commissioner, Mr. Polanco-Abreu.

Mr. POLANCO-ABREU. Mr. Chairman, I supported this bill in the 89th Congress, and I support it today. I am convinced that the people of Guam have a moral and political right to elect their own Governor. I think that we all agree that the United States does not want to be, and should not be, a colonial power. It is important that we erase any vestige of colonialism on the part of the United States.

Even though I have some reservation to some limitations on the people of Guam in this bill, I think that the bill in itself is a step toward that goal, erasing the vestiges of colonialism.

Thank you very much, Mr. Chairman.

Mr. CAREY. The gentleman from Texas, Mr. White.

Mr. WHITE. I would like to ask one question. Perhaps it was already discussed.

In the House bill, which I think differs from the Senate bill, there is a provision that the Governor can veto any act of the legislature. Do you contemplate that it should be that the legislature could override the veto of the Governor by a two-thirds vote?

Mr. ANDERSON. I believe that is provided for, yes.

Mr. WHITE. In the Senate bill?

Mr. ANDERSON. Yes.

Mr. WHITE. So you would like this amendment?

Mr. ANDERSON. It is in the original act and it is retained. There is no change made in this respect, Mr. White.

Mr. WHITE. As you will notice, on page 3 at the very top, the first full sentence, speaking of the Governor's powers, "He may veto any legislation as provided in this act."

Mrs. VAN CLEVE. But this act is in turn the basic 1950 organic act as amended.

Mr. ANDERSON. This is not new language.

Mrs. VAN CLEVE. The act contains in section 19 a pretty standard executive veto provision, which would continue.

Mr. WHITE. Does the Senate version differ in language on that point?

Mrs. VAN CLEVE. I cannot answer that definitively. I think not. I know no reason why it should.

Mr. WHITE. So you are not concerned that there might be some question later as to whether or not the legislature could override the veto of the Governor?

Mrs. VAN CLEVE. We would expect that the legislature should retain the power that it now has to override the Governor's veto.

Mr. WHITE. But what I mean is, Has your counsel determined that from the present language of the organic act, even though as amended here, there wouldn't be any erosion of that particular right?

Mrs. VAN CLEVE. Whether he has turned to this expressly or not, I cannot say. Let me assure you that we will turn to it and will advise the committee instantly if there is any problem.

Mr. TAYLOR. In the legislative history, there is no intent to change the prerogative of the legislature to override a veto.

Mrs. VAN CLEVE. That is correct.

Mr. WHITE. Thank you very much.

Mr. CAREY. Thank you, Mr. Secretary, and Mrs. Van Cleve.

Mr. ANDERSON. Thank you, Mr. Chairman, and members of the committee.

Mr. CAREY. The next witness before this committee will be the Honorable Manuel F. L. Guerrero, Governor of Guam.

Governor, as you take the witness table, may I, on my own behalf and the behalf of the members of our subcommittee, express to you our sincere appreciation of your cordial, courteous and hospitable welcome and your kindness during our visit in the territory of Guam. I was very much impressed with the arrangements that were made for us to see as many of the installations and facilities of Guam as possible, to meet as many of the people of Guam as possible, and to view in all ways the progress being made under your jurisdiction, under your administration in Guam, and at the same time be able to see first-hand what are the problems that you face in this great territory far removed from the continental United States. And I, for one, came away with the impression that we here in Washington, we in the continental United States, are indeed fortunate to have as fellow citizens the very loyal and devoted people of the territory of Guam. They are fine Americans indeed.

Governor, before you begin your testimony, could you help me resolve just one point. And that is, I learned what "Hafa Adai" meant, and I would welcome you today by "Hafa Adai."

I am, however, confused on one matter of vital importance, I think. We learned that the people of Guam look upon their lovely territory as the place where America's day begins. And then I flew several hundred miles to the next neighboring territory of the United States, the Island of Wake. And there you find that the claim is being asserted by the Wake Island people that that is where America's day begins. Governor, on behalf of the people of Guam, where does America's day begin?

# **STATEMENT OF HON. MANUEL F. L. GUERRERO, GOVERNOR OF GUAM**

Governor GUERRERO. Our claim to that fame, sir, stems from the fact that Wake Island is, as someone pointed out here, a possession and not a territory of the United States.

Mr. CAREY. So you claim some sovereignty?

Governor GUERRERO. America being an independent nation, and Guam being part of America, that is where America begins. Possession is ownership.

Mr. CAREY. I am going to accept that, because this committee doesn't have jurisdiction over Wake, and it does have jurisdiction over Guam.

Governor, would you go ahead with your testimony.

Governor GUERRERO. Mr. Chairman and members of the committee, it is a pleasure to again appear before you in support of legislation for the popular election of the Governor of Guam.

I remain very much in favor of this proposal to grant a greater measure of self-government to our territory.

Guam has made steady and significant progress since passage of the Organic Act in 1950.

While much remains to be accomplished, and while the local government is perhaps still overly dependent on Federal assistance, Guam nevertheless has come of age, both economically and politically.

The people of the island have earned the right to select their own Governor. I am frankly unaware of any valid reason for denying them this right any longer.

The economy, while basically military oriented, continues to grow and expand its base. Gross receipts, our main index, finished out at \$148.2 million for fiscal year 1967, an 8.7-percent increase over \$136.2 million for fiscal year 1966. Construction also showed a healthy increase with more than 2,000 building permits valued at over \$2 million being issued last year. Our legislature, which, as you know, is a unicameral, 21-member house, has developed a body of law and programs that are typically and proudly American.

The legislature has consistently shown a high degree of fiscal responsibility. Last year, in the face of considerable agitation against a tax boost, it passed several new tax measures increasing revenue by some \$3.5 million annually. For the next fiscal year, it is considering a budget of about \$42 million, compared to the \$36.8 million voted for this year.

Last spring two U.S. Treasury officials made a special study of the revenue potential of Guam. The aim was to help us develop a sound, progressive tax structure for the island, which, while meeting future revenue needs, would at the same time encourage economic develop-

ment. The team made its report several months ago and its recommendations are still under study. Two of the main proposals call for additional income taxes and death and gift taxes.

Two U.S. Internal Revenue Service executive officers are currently on temporary assignment with our department of finance in a project to improve the administration of the division of revenue and taxation. With their assistance we hope to develop more effective programs for the audit of tax returns and prompt collection of delinquent taxes. They are also helping improve the on-the-job training program in the revenue and taxation division.

We are very much concerned about our future revenue potential. My administration's 5-year capital improvements program calls for an optimum total expenditure of some \$110 million during fiscal year 1970-74. It is hoped some of this burden may be lifted by approval of our request for an increase in the ceiling for the Guam Rehabilitation Act from \$45 to \$75 million. But the major share of the overall cost must be borne by local funding.

Our judiciary, which includes both island and Federal courts, has established an effective and respected court system, reflecting the best traditions of American law. I am happy to report that our courts just moved into a modern new building befitting of their stature in our community.

The executive branch, which carries out the functions of all three levels of local government—State, county, and civic—is steadily building up a system of services and facilities comparable to those found elsewhere in the United States. Much of our progress in this regard was only possible under the generous assistance of the Guam Rehabilitation Act, but it also required a good portion of local funding and initiative.

We have made a special effort to expand and improve our educational system. More than half of our proposed \$42 million budget is earmarked for the department of education and the College of Guam. Public school enrollment now stands at more than 20,000. The projected growth is 1,500 to 2,000 annually. The college has an enrollment of some 1,750. It expects a growth of 500 to 600 a year.

We have an alert and well-informed citizenry. There are two locally owned daily newspapers and a television and radio station providing good coverage on local, national, and international affairs.

Guam's people are interested and active in the exercise of the rights and responsibilities they hold as citizens of the United States. In the November 1966 general election, there were about 20,000 persons eligible to vote, and of these 18,723 registered and 17,124 actually voted.

The Democratic Party, as you know, won all 21 seats in the Guam Legislature, taking 13 from the Territorial Party. But this, I assure you, did not spell the end of the two-party system on the island: the Territorial Party is still a strong political factor; a newly-formed Republican Party also promises to play a major role in this fall's elections. Meanwhile, the legislature functions with restraint, mindful that it is without the benefit of opposition. Several factions have developed. Major issues are vigorously debated. Most bills of importance are subject to close vote pro or con.

I take pride in adding that extremely good relations persist between the civilian and military communities on Guam. Ever-closer ties are being forged at the administrative level. For example, the government of Guam and the Navy are cooperating very closely now on long-range planning, and both the Navy and the Air Force have representative on the territorial board of education as well as the Governor's Commission on Crime, Delinquency, and Law Enforcement.

I also am very proud that our local people have given their wholehearted and unwavering support to the war effort in Vietnam. Guam has experienced no dispute of our Nation's obligation to fight for freedom in that embattled country. Rather a very large number of our men are serving there and many have laid down their lives.

As to specific sections of the Elective Governor Act, I object to only one part of the bill as it now stands, and that is the provision calling for the appointment of a Government comptroller by the Secretary of the Interior.

While I appreciate the need for closer control over Federal funds under an elective Governor, I do not think a comptroller is warranted, as this would amount, in effect, to a second Governor on Guam. In my opinion the powers granted the comptroller in the bill constitute excessive control over our local affairs.

As an alternative, I would welcome an annual audit as well as a management study by any department or agency of the Federal Government, with its findings reported directly to Congress.

The Government of Guam Code now provides for an annual independent audit of all of the government's accounts and financial transactions. The auditing firm provides a full financial statement plus a management review criticizing questionable practices and suggesting improved procedures.

I am certain the Federal interest would be adequately protected if this function was taken over by some Federal authority.

I ask the committee to give us the opportunity to manage our own financial affairs at this point. If the annual audit by a Federal agency should show mismanagement or misappropriation, or otherwise indicate the need for a Federal comptroller, I am certain there would be no hesitancy then, on the part of either the administration or the legislature, to accept a comptroller on Guam.

I am assuming that the Bureau of the Budget again will propose an amendment—as it did with the Senate version of Guam Elective Governor Act—providing that the President may remove the elected Governor when he deems it necessary to protect the security, foreign relations, or property interests of the United States. I would have no objection to such a proposal. While this would create a unique situation, I have no fear of a Chief Executive abusing such authority, and thus I do not see that it jeopardizes, or lessens, responsible self-government on Guam.

I do, however, have reservations about another Bureau of the Budget amendment, which, if again proposed—as with the Senate version—would give the President the authority to veto any law passed by the Guam Legislature if, as before, he deems it necessary to protect the security, foreign relations, or property interests of the United States.

This safeguard already is in the hands of Congress under Guam's Organic Act. It would burden the President to review the many laws passed by the Guam Legislature, most of which, of course, have only local significance. Congress is the supreme lawmaking body, Guam's Organic Act is a creature of Congress, and I think it follows that Congress is the proper place for any annulment of laws passed on Guam, if, indeed, such a provision is necessary.

I am in full agreement with the deletion of the Guamanian preference requirement in section 9(a) of the Organic Act. There is no need for Guamanians to hold preferred status in the employ of the government of Guam. I consider such a policy inconsistent with our Nation's principles of equal rights and opportunities for all.

As to the deletion of section 26(c) of the Organic Act, which provides that the Federal Government shall bear all transportation and housing costs of our off-island contract employees and their immediate families, this section, as you know, was applied only in fiscal years 1951 and 1952. I would hope that in deleting this provision some arrangement will be made for reimbursement to the government of Guam in an amount to be determined at a later date.

Thank you for the opportunity of appearing in support of the Guam Elective Governor Act. If there are any questions I will be pleased to answer them to the best of my ability.

Mr. CAREY. Thank you, Governor Guerrero.

I have a few questions on the bill.

You have heard the Secretary testify on the question of the elections being held in either 1968 or 1970. We are already deeply into the year 1968. Do you have an opinion on whether or not this bill should call for the election of the Governor this year, or would it be more practical to have it in 1970?

Governor GUERRERO. Since I am the incumbent it might be unfair to answer yes or no, but I would say this, that it doesn't matter whether it is held in 1968 or 1970, but if we elect the Governor in 1968 it might be said that you are getting the bill to accommodate the incumbent Governor, and that would not give the people of Guam an opportunity to look over the field. If you hold it this year—I don't care whether it is 1968 or 1970, but if you hold it this year, it might be inferred that you have not given the others a chance. Of course, whether there are others running now, that is beside the point.

Mr. CAREY. Does the incumbent Governor favor a 2-year term as now specified in the bill, or do you believe a 4-year term would be more in keeping with good government in Guam?

Governor GUERRERO. In my experience—and I have worked for the administration since 1950—I have seen the inadequacy of the short-term Governors. Although these Governors were appointed in the past for 4 years, they sometimes served for 2 or 3 years. It has really pushed Guam back, because the Governor has never been able to complete its program. I have been fortunate to remain in office up to this time, since 1963. I have been able to complete programs that I have initiated in 1963. But what you have seen out there has been the fruit of work that has been presented to the Congress in 1963 and has been pushed up to now. I will favor a 4-year term.

Mr. CAREY. Thank you, Governor.



Governor, should the number of terms to which the Governor may be elected be limited, successive terms?

Governor GUERRERO. I will not argue or object to a two-term similar to what you have now with the President of the United States, 8 years.

Mr. CAREY. Do you feel that the provision in the bill that the Governor should be able to read and write the English language is a practical provision?

Governor GUERRERO. That is very important, sir.

Mr. CAREY. Governor, what are the qualifications for voting on Guam now under your present election laws which cover the election of the legislature?

Governor GUERRERO. You must be an American citizen, a registered resident of Guam, 18 years of age, and be able to read and write and speak English.

Mr. CAREY. And these provisions would also cover the election for Governor?

Governor GUERRERO. Yes, sir.

Mr. CAREY. So that you would have an 18-year-old vote in Guam?

Governor GUERRERO. Correct, sir.

Mr. CAREY. On the question of the comptroller, what type of report do you, as Governor, now make to the Secretary of the Interior?

Governor GUERRERO. An annual report that I submit every fiscal year at the end of the year, and also the audit report that the legislature contracted for with an independent firm that the Congress has been furnished, and the Department of Interior and other Federal agencies have been furnished copies. But this is an independent audit that the legislature annually contracts with an independent firm to look over our books, our management procedures and practices, and make an independent report to the legislature.

Mr. CAREY. Are these reports so comprehensive as to the financial transactions encountered in post-audit that, in fact, the comptroller's report as truly stated would be within your comprehensive report and would be a replication of the matters in that report?

Governor GUERRERO. It will be a duplication, because I don't see what is to prevent a local legislature at the same time asking for a separate audit report of the local fund, if they wanted to do this. The comptroller's report actually will not be—I don't see that the local legislature will have to conform with the comptroller's report. But they will conform with their report that they contracted, an auditing report, that is, their own report.

Mr. CAREY. Governor, how do you feel about that provision which has been suggested under which the President would have the power to exercise a final veto over legislation passed by the Guam Legislature after overriding your veto, in other words, a double veto?

Governor GUERRERO. I think I mentioned the fact that the President should not be involved in the laws that have been passed by the legislature, and the annulment provision under the Organic Act should remain. I think this 1-year provision is a very important provision of the law. The bonding issue was raised. We could always come up to this body and ask for a resolution to affirm our bonding laws if this is needed. I am sure Congress will be most sympathetic if Guam ever is faced with the responsibility of floating a revenue bond or general bonds.

Mr. CAREY. Let me be clear on this point. You have heard the Secretary testify that this, in the view of the Department, is looked upon as a surplusage, and as an unnecessary imposition of control over your legislation, and have called for the rescission, the repeal of this provision of the Organic Act by an amendment in this bill. This would remove this review by Congress, 1-year review provision. Now, are you suggesting that this be kept in the bill as an alternative to having the President's intervention in legislative affairs?

Governor GUERRERO. Right, because the fact is that at the present I am retaining the right of the President to remove the Governor.

Mr. CAREY. But not to veto legislation?

Governor GUERRERO. Yes.

Mr. CAREY. Do you feel that this could be accomplished by the inherent power of the Congress to review legislation or by the express power now in the Organic Act which calls for the 1-year waiting period?

Governor GUERRERO. That is my position.

Mr. CAREY. That might be a matter of judgment for the subcommittee.

Governor, thank you for your testimony. And I want to underline and emphasize the statement in your prepared text that the people of Guam are indeed loyal and very courageous Americans, having been one of the parts of our country that actually suffered enemy occupation, and you have not only survived, but you have regained your dignity and stature as a people by much of an element of self-help.

And the response to the current emergency is again laudable. I had the privilege of going with my distinguished colleague from Utah, Mr. Burton, to the Navy hospital on Guam and seeing not only the care being given to our men being wounded—in that hospital—but also finding out that the people of Guam go to great lengths to visit with these young men and to do everything possible to ease their pain and suffering through visitation and the giving of small gifts and anything which is within their power to try and assist in the recovery period for these young Americans.

Finally, among those whom I had the most pride in meeting there was a career Army man, a sergeant in the Army, who was in the naval hospital. And he was suffering from very painful wounds, but he was recovering. And he was a Guamanian. And I think among those that we found in that particular ward he was one of the outstanding youngsters who expressed himself very forcefully on the need for us to live up to our commitment in Vietnam. So we were very proud of being in the company of that Guamanian and all the Guamanians that we met in our visit to that territory.

Thank you, Governor.

The gentleman from Maryland.

Mr. MORRIS. Governor, I would like to join my colleagues in welcoming you to this committee. I had such pleasure and interest in my visit to Guam. The hospitality that you and your staff and your family have afforded me has made my life a great deal richer.

We seem to have three positions, Governor, on this question of removal. And as I take it, your position differs from the position as it is described in the bill. Am I correct that you would be in favor of vesting the power in the President of the United States to remove or

to approve the removal of the Governor or Acting Governor; is that correct?

Governor GUERRERO. Yes. This is after a recall provision. I think the bill has a recall provision, and the President will have to approve that recall provision.

Mr. MORTON. The bill has a recall provision, which is done by referendum, having been initiated by action of the Guam Legislature. The bill also requires Presidential approval of that.

Governor GUERRERO. Yes; that is correct.

Mr. MORTON. Now, your position is, as I understand it, that you would, in addition to the power of recall by the people, and initiated by the Guam Legislature, you would vest in the President the power to remove the Acting Governor or Governor without, or with only, the approval of the Guamanian Legislature?

Governor GUERRERO. My position is that if the recall by the people in the Guamanian Legislature is presented to the President, the President has the power to either agree to that recall or approve the recall.

Mr. MORTON. You don't mean he has the power willy-nilly to recall the Governor?

Governor GUERRERO. No, it has to be initiated back there.

Mr. MORTON. In other words, it has to be supplemental to action of the Guam Legislature?

Governor GUERRERO. Right.

Mr. MORTON. And the referendum held by the people?

Governor GUERRERO. That is the position I am taking.

Mr. MORTON. I think that is a little bit different than what we understood from your statement. I thought that your statement said—and I just want to clear the record—in the third paragraph on page 6:

I am assuming that the Bureau of the Budget again will propose an amendment (as it did with the Senate version of Guam Elective Governor Act) providing that the President may remove the elected governor when he deems it necessary to protect the security, foreign relations, or property interests of the United States.

Now, as I understand it, this power to remove the Governor is vested in the President whether the Guam Legislature acts or not; is that not true?

Governor GUERRERO. No, I am sorry, this is the inference that it gives, but I don't mean it that way. I mean it first must be initiated in Guam. And the President will have the final authority to either approve or disapprove this action.

Mr. MORTON. I am a little bit confused now. If the Guam Legislature decides to remove the Governor and acts accordingly and then this is ratified by a referendum, the President would have no choice in the matter, would he? Let's assume that the President decided, though, that they were wrong and that they should leave the Governor there. What would happen next?

Governor GUERRERO. Well, the President will not act just preemptorily, immediately. He will investigate. And if he found in his investigation—I am sure he will make an investigation whether the need of such an action is necessary or not—and if he acts one way or the other, then his position will be—it may contradict the action of the people, but still he has the authority, particularly when it concerns the security and the Federal control of the island.

Mr. MORTON. Mr. Chairman, with your permission, I would like to ask Mrs. Van Cleve a question on this.

Mrs. Van Cleve, as you understand the recommendations of the Bureau of the Budget giving the President this power in the case of recall, does this mean that the President could remove the Governor without action on the part of the Guam Legislature and the Guam people?

Mrs. VAN CLEVE. The Budget Bureau position, as stated in its letter to the Senate, and in a hearing in the Senate some months ago, was quite apart from the recall provision. Differently stated, the President could simply proceed to remove the Governor at any time if any of the reasons stated were to arise. I think the history of the provision in the bill before you is that the Senate, in the 89th Congress, rejected the Budget Bureau's proposals for Presidential removal and Presidential veto, and instead of those provisions, required concurrence of the President in the recall procedure as a kind of sop.

Mr. MORTON. Now, getting back to the Governor, I want to make sure that I understand precisely what you want, Governor, because I think your influence on this bill should be felt very strongly by the members of the committee. You are closer to the problem than any of us are. And I want to get this recall provision clear in my mind as to what you want. Your statement says that you would go along with the Bureau of the Budget recommendation which was just explained by Mrs. Van Cleve. Do you want to modify that?

Governor GUERRERO. My statement is basically that the recall provisions will remain in effect and will be presented to the President. The President will have the right to act on it, or not, or if he wants to, he can just approve the recall provision. And if he vetoes the recall provision, he must have a good reason. I haven't any feeling that the President will ever abuse the authority of his office.

Mr. MORTON. I understand that. But you don't feel that the President should have the authority, do you, to initiate these proceedings?

Governor GUERRERO. No; I have no feeling on that, because the Governor is elected, sir, and this is the selection of the people.

Mr. MORTON. I would advise you to revise your statement on that, then. I don't think that your statement is clear on this point, just for the record.

Mrs. MINK. Will the gentleman yield?

Mr. MORTON. Certainly.

Mrs. MINK. I have that impression also.

What I would like to say, in hearing your statement, Governor, that I think you have misunderstood the Bureau of the Budget's recommendation with reference to the President's interest in the retention of a governor. The Budget Bureau's position given to the Senate is with reference to the President initiating the removal of an elected governor in order to protect security and foreign relations and property interests of the United States, and it has no reference whatever to the recall provisions as included in our bill. I think the gentleman from Maryland has certainly brought this out. And I would like to request, as he does, that you reconsider your statement with reference to your support of the position taken by the administration regarding the President's concurrence or nonconcurrence of the removal after a recall petition has been approved by two-thirds

of our people. I do not feel this is consistent with the overall objectives of this bill.

Thank you.

Mr. CAREY. If my colleague from Maryland will yield, I would just like to ask the Department witnesses, while we have them here, if the Department has researched the provisions in the several States with regard to removal or impeachment as a method of ridding the State of a governor in office who is found to be wanting in any regard. What is the status? Do we know what the status is in the several States in terms of the number that have recall or impeachment?

Mrs. VAN CLEVE. I am not aware that we have made any studies that would answer that question. We can certainly undertake one, and we will be glad to, if you would like. I can only say that the States vary, and that each of the techniques is, of course, an approved and defensible one.

Mr. CAREY. If my colleague will yield further, I think that we are dealing here with different propositions. One, of course, would be recall by vote, by three-quarters or two-thirds of the people in the electorate, after which there would be no further action required by the President or anyone else, the Governor would be recalled, and the office would be vacant.

Then we are talking about the provision for removal, which would be exclusive to the President, without regard to any action by the people of electorate.

And the third, which no one has addressed, and which we are not getting into today, I hope, will be impeachment proceedings which would begin in the legislature. No one has suggested impeachment. So I am not going to dwell on this. But the two different propositions before us now would seem to be recall or removal as independent matters. So this is where I think we would be enlightened further, Governor, if you did want to address to us any further communication on your position with respect to either recall or removal as two different methods for handling this matter.

I thank the gentleman for yielding.

Mr. MORTON. I very much concur with what the chairman has said. I think this should be straightened out before we try to mark the bill up, because it is complicated.

And I would hope, Mrs. Van Cleve, that we can maybe have some guidance and help on this matter from your office.

Mrs. VAN CLEVE. We will undertake to get a letter to the chairman as promptly as we can.

Mr. MORTON. I won't take too much time, Governor, but the question of the veto provision or annulment provision that exists in the Organic Act now with regard to spelling out the powers of the Congress in regard to the action taken by the Legislature of Guam, you concur in it as it is?

Governor GUERRERO. Yes, sir.

Mr. MORTON. And you see no reason to change it; is that correct?

Governor GUERRERO. Correct.

Mr. MORTON. I yield the balance of my time.

Mr. CAREY. The gentle lady from Hawaii, Mrs. Mink.

Mrs. MINK. May I ask for clarification, Governor, on your position with reference to the statement presented by the Secretary, in which

he recommends that the last sentence of section 19 be deleted? The last sentence says that if any such law—meaning the law passed by the Legislature of Guam—is not annulled by the Congress within 1 year of the date of its receipt, it shall be deemed to have been approved. What position do you take on the recommendation of the Department of Interior that this sentence be deleted?

Governor GUERRERO. Will you repeat it?

Mrs. MINK. Section 19 of the Organic Act, which just prior to this last sentence gives the Congress the right to annul all laws passed by the Guam Legislature and approved by the Government, in its last sentence says:

If any such law is not annulled by the Congress within one year of the date of its receipt by that body, it shall be deemed to have been approved.

This last sentence, according to the testimony submitted by the Secretary, is not necessary, and is causing difficulty. And, therefore, they recommend a new section in the bill which would provide for its deletion, its removal from the Organic Act. Do you have a position?

Governor GUERRERO. No objection to that. I think that will clarify more the position of the law, if the Congress has not taken any action, that will affirm the action.

Mrs. MINK. May I just state my own feeling about this recommendation. Since the laws which are passed by the Guam Legislature, and which are approved by the Governor, must be reported to the Congress of the United States which by the language of section 17 "reserves the power and authority to annul the same," if this last sentence of section 19 were deleted, would this give the government of Guam sufficient clarity in knowing precisely when an act shall in fact be deemed to have been approved? In other words, is not that last sentence, in effect, assurance to the government of Guam that if a law is to be annulled, that this action must be taken by the Congress of the United States within 1 year, and if such action fails to occur, that that act then stands firm and is, in fact, approved by failure of action, or inaction by the Congress? Does not the present language, in effect, serve as protection of the rights of the government of Guam and its deletion therefore conversely constitutes leaving the matter rather vague and the power of the Congress indeterminate in the sense that it may annul these laws 3 years, or 3 years after its presentation to the Congress?

Governor GUERRERO. I don't define it that way. I thought that the deletion of that last part made it much clearer, that if Congress does not act within 1 year it becomes a law in effect supported by—ratified by Congress.

Mrs. MINK. Mr. Chairman, may I have permission to address that question to Mrs. Van Cleve?

Mr. CAREY. The gentle lady may proceed.

Would the gentle lady repeat her question for Mrs. Van Cleve?

Mrs. MINK. I have some trouble in following the argument presented by the Department and the Secretary, this morning, as to the reasons for the deletion of the last sentence of section 19, which, in essence, I view as protection of the government of Guam by providing a firm date upon which they can rely that their acts become final and constitute the law of the land for the territory of Guam. It is my feel-

ing that if we leave section 19 without the last sentence it would sort of leave the laws in limbo, and create a situation in which the Congress may have several years in which to decide whether it wishes to exercise its power and authority to annul any law of the Legislature of Guam. Is this an improper interpretation of what might happen if the last sentence were deleted?

Mrs. VAN CLEVE. In my judgment, Mrs. Mink, it is. I think the last sentence of section 19 does not serve the useful purpose that you have been describing. And further, I think that it creates the practical problem that we have spoken of, that is, the problem of being unable to act with respect, for example, to bond issues, because of the construction placed upon it.

The reason I think no practical purpose would be served is that in my view, that sentence can't be construed as limiting the constitutional authority of Congress to annul, repeal, void, or take any action it chooses with respect to an act of any territorial legislature at any time.

Differently stated then, as of this moment I would argue that the Congress has the authority—this authority that we have agreed has never been exercised in the case of noncontiguous territories—has the authority to annul, repeal, modify a year from today, 5 years, 50 years from the date of enactment. But I know of nothing the Congress can do legislatively to terminate that power which it has. If the Congress were to choose today to annul, let us say, a motor vehicle statute enacted in Guam in 1956, I think it could properly be argued that it has this power, that the later act takes precedence over the last sentence of section 19.

Accordingly, I don't think that this provides genuine protection. It provides a kind of illusory protection in the sense that many individuals first looking at the sentence believe that it is helpful.

As a constitutional matter, I think it is not. As a practical matter, we have spoken of the difficulties that it has created.

Accordingly, I think it does nothing useful whatsoever. I have attempted to find out the theory behind the sentence without success. My guess is that some lawyer in the Interior Department in 1949 thought that this would provide precisely the sort of protection that you have prescribed. I personally don't think it can.

Of course, we are speaking in an area that is untested, congressional power to annul. So I can't give you citations, only my views.

Mrs. MINK. Since you cite the problem of the difficulty with reference to selling the bonds, would the removal of this sentence help in any way if, in fact, the Congress has the right at any point in time to annul any act of the territory?

Mrs. VAN CLEVE. Yes, I believe that it would. We have never encountered any difficulty in connection with Virgin Islands bond issuance on this ground. Guam would be placed on precisely a par with the Virgin Islands from this standpoint if that provision were removed. There has never, I understand, been presented an argument to the effect that territorial statutes are in limbo until affirmative action is taken by the Congress. I think this will do the necessary work.

Mrs. MINK. Thank you very much, Mr. Chairman.

Mr. CAREY. The gentleman from Utah, Mr. Burton,

Mr. BURTON. Thank you, Mr. Chairman.

The hour is spent, and I will not delay the proceedings unduly. But I would like to welcome Governor Guerrero here before our committee this morning, and add for the record that during my stay in Guam I was appraised of the fact that during the Japanese occupation during the Second World War that Guam's loyalty to the United States was unsurpassed, and that they suffered no defections to the enemy, and that today they are playing an important part in our efforts in Asia, and that their vulnerability because of the SAC base that is involved daily in operation in Vietnam has not made them uneasy or restless. I heard no complaint about the activity there of any of the native Guamanians. I also learned, Mr. Chairman, as you did, that this little territory has suffered the highest per capita casualties of any of the territories or States in the United States in the Vietnam war.

I also discovered, having spoken at several gatherings, as did my colleagues, that there is a viable, lively political party system over there. To my knowledge, the legislature has acted in a responsible and mature fashion, as has the present Governor.

In conclusion, Governor, I would like to say that during the days and nights I spent there, coming in contact with hundreds of your fellow citizens on Guam, I did not encounter at any time any charge from your political opponents or from members of your own party, any charge of malfeasance, any charge of unfair conduct of your office, or that of the people who served in the legislature. I think this is a tremendous credit to you and to the people who help you govern the island in the legislature. There are States in the United States and there are territories where this would not be the case. The fact that members of the opposite or minority parties can bear testimony to your conduct and the conduct of your colleagues, I think, speaks for itself.

Now, I know, as you do, that you are going to have a Mardi Gras ball out there Saturday night. I have in my possession a letter from the Guam Women's Club, one of the organizations which the chairman had reference to earlier, that goes to the naval hospital where we went regularly on a visitation program to cheer the troops. Following our visit, when the chairman spoke to this distinguished ladies' club, and following his remarks I spoke; I received a letter from Mrs. Margaret Pool, in which she informs me that I have been selected honorary King Rex of the Mardi Gras ball there Saturday, and that our Chairman, Mr. Carey, has been nominated as Honorary Queen Rex. It will be with great pleasure that I preside in absentia at the ball Saturday night. If you happen to be back on Guam by that time, I hope that you will convey the sincere regards of the honorary king.

Thank you.

Mr. CAREY. Would my colleague yield?

Mr. BURTON. I would be happy to yield.

Mr. CAREY. To reiterate the immortal words of Abraham Lincoln describing the condition of a man who was invited to leave town on a rail, the gentleman responded that he would rather walk.

Mr. BURTON. If it wasn't for the honor of the thing.

Mr. CAREY. In this case I must inform my distinguished colleague from Utah that in the interim period after we were so signally honored by the women's club, that we were enrolled in the Ancient



and Honorable Order of the Chamorri. And I think that my rank as a member of the Ancient and Honorable Chamorri entitled me to certain prerogatives, one of which I found out is that I may now have seven wives. And I will therefore have to respectfully decline any kind of a description that makes me queen to anybody. I think I am much better off on the ground I occupy now without being your consort.

And again, I appreciate the honor, although I somewhat suspect the motives behind it. The gentleman from Utah always availed himself of his own, shall I say, steadfast position, that as a member or the minority I was to speak first and he was to speak next, and he has been getting the last word in on me all over the territory.

And again, that is the reason you don't need a queen, you have been getting the last word on me anyway.

I thank my colleague for yielding. And I am somewhat shocked by this latest encomium. And I am somewhat at a loss for words as to how to respond.

Mr. BURTON. I can only say, Mr. Chairman, that I can reign reluctantly then without your presence.

Thank you, Governor, for your appearance here this morning.

Mr. CAREY. The Chair will announce that the agenda did call for continuing the hearings on this bill, and also a consideration of the bill for the economic development of Guam. And, Governor, I know of your very deep interest in this legislation. And the Chair will state that we will proceed to hear the additional witnesses on the elected Governor bill, tomorrow morning after the full committee meeting, the subcommittee will be convened for the presentations by the distinguished speaker of the Guam Legislature, Speaker Arriola, and the Resident Commissioner from Guam, Mr. Won Pat. And following that, if we are in the possession of the report from the Department on the Economic Development Act from Guam, we will immediately proceed to the taking of testimony on the Economic Development Act. So that we do hope that while you are in the capital we can have the benefit of your views on the Economic Development Act for tomorrow, assuming that we have the reports from the Department.

And can you then be with us tomorrow for this purpose?

Governor GUERRERO. Yes.

Mr. CAREY. The subcommittee will stand adjourned until 9:45 tomorrow morning.

(Whereupon, at 12:10 p.m., the subcommittee adjourned, to reconvene at 9:45 a.m., Wednesday, February 21, 1968.)

# PROVIDING FOR THE POPULAR ELECTION OF THE GOVERNOR OF GUAM

WEDNESDAY, FEBRUARY 21, 1968

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON TERRITORIAL AND INSULAR AFFAIRS  
OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,  
*Washington, D.C.*

The subcommittee met, pursuant to notice, at 10:30 a.m., in room 1324, Longworth House Office Building, Hon. Hugh L. Carey (chairman of the subcommittee) presiding.

Mr. CAREY. The Subcommittee on Territorial and Insular Affairs will be in session for further consideration of the bill, H.R. 7097 and the bill, H.R. 7329, providing for the popular election of the Governor of Guam, and for other purposes.

Before we proceed to the next witness, since Governor Guerrero is in the room, the Chair would like to ask this of the Governor.

Governor, at the end of your testimony yesterday, we did not have an opportunity to invite you to introduce the members of your official party who are with you at this time, in addition to those who will testify. So, would you give us the pleasure of meeting those who are your appointed, or elected, or other officials who are with you at this time before the subcommittee.

Governor GUERRERO. Mr. Chairman, I have with me Mr. Ingling, who is a Federal court judge; Mr. Sablan, the second assistance to the Governor.

Mr. CAREY. It gives me pleasure to welcome these two gentlemen before the subcommittee, and to renew with them the acquaintance that we formed in Guam, where they were very helpful to us in reviewing the facilities and discussing the problem of the territory.

The first witness this morning will be the Honorable Joaquin C. Arriola, speaker of the Guam Legislature.

Mr. Speaker, it is a pleasure to welcome you here. We very much enjoyed the hearings before your legislature, and having the opportunity to address your legislature, and also the informal session that we had in your chamber, where we discussed domestic problems. I think it was most instructive and helpful. And we thank you now for your leadership in providing this.

## STATEMENT OF HON. JOAQUIN C. ARRIOLA, SPEAKER OF THE GUAM LEGISLATURE

Mr. ARRIOLA. Thank you, Mr. Chairman.

Before I proceed, I have some resolutions here, among others, one adopted by the Democratic Party of Guam. I have asked the clerk to

keep it for me. And I would like to have the committee to incorporate the same into the record of this hearing.

Mr. CAREY. Are you submitting this as the speaker of the assembly?

Mr. ARRIOLA. No. The State chairman of Guam asked that I ask the committee, since I would be here to testify, if the committee would incorporate this resolution.

Mr. CAREY. This is with reference to the Guam Governor bill?

Mr. ARRIOLA. Yes, sir.

Mr. CAREY. Did we not have testimony from the same individual when we held the hearings in Guam?

Mr. ARRIOLA. That is right, sir. But, subsequent to that the executive committee of the Democratic Party met and adopted this particular resolution after the hearing on Guam.

Mr. CAREY. This will be accepted for the committee file.

(The document above referred to will be found in the files of the subcommittee.)

Mr. BURTON. Would you yield to me?

Mr. CAREY. I yield to my colleague from Utah.

Mr. BURTON. Before the speaker commences his presentation, Mr. Chairman, I would like to state for the benefit of the record and my colleagues, that the chairman of this subcommittee, Mr. Carey of New York, was invited to formally address the Legislature of Guam. This was the first time that a Member of Congress had been so invited.

Am I wrong on that?

Mr. CAREY. The gentleman from Utah is right; as far as I can determine, this was the first time we had a Representative of our country speak before the Guam Legislature.

Mr. ASPINALL. If the gentleman would yield, it so happens that I have addressed the Legislature of Guam.

Mr. CAREY. I stand corrected.

Mr. HALEY. But we are glad to be joined by anybody else.

Mr. BURTON. I stand corrected by the ranking Member, the full committee chairman, and the whole shooting match.

I did want to say however, that the subcommittee chairman gave a fine presentation on behalf of our committee. It was our understanding that this was the first time that that had been done. I stand corrected on that point, and express the hope that sometime I can join this distinguished group that has had the pleasure of addressing the Guam Legislature.

Thank you.

Mr. CAREY. Mr. Speaker.

Mr. ARRIOLA. Thank you, Mr. Chairman and members of the committee. I will confine my remarks to the sole issue.

I will therefore confine myself to the sole issue as to whether in obtaining a Governor, we freely elect, we also obtain, under section 5 of H.R. 7329, a "Federal Comptroller" who conceivably could control and manage the affairs of the Government of Guam, the elected Governor becoming merely a front man while the Comptroller dictates and controls policies.

What will be crucial, if such legislation is passed, will be the personality and forcefulness of the appointee to this office, which means that the people of Guam will be subject to the rule of men and

not of laws, entirely contrary to the whole thrust of American political theory and a definite step backward in Guam's political development.

I submit that the institutions of a comptroller within our framework of Government is a substantial encroachment not only on the prerogative of the executive, but also on the function of the legislative branch. I contend that the legislative branch of our Government has the prerogative to ascertain that the executive branch collects revenues in accordance with law, and spends funds in accordance with laws and policies established or prescribed by the legislative branch.

Keeping a watchful eye over executive spending is traditionally a legislative function as classically demonstrated by the fine work done by the General Accounting Office, an agent of the Congress of the United States.

The official proposed by section 5 is unique, and as far as I know, only one government under our flag has it. No State or other territory or possession is saddled with this "fourth branch of government."

It is somewhat difficult for an official of the government of Guam such as myself to criticize this Comptroller since on the face of it, it looks like we are afraid to permit our accounts to be audited and our fiscal affairs examined by a disinterested outside official. I assure the committee such is not the case.

The Guam Legislature has been paying approximately \$50,000 a year since 1950 to national accounting firms such as Peat, Marwick, Mitchell & Co., Ernst & Ernst, and Arthur Young & Co., to carry out annually thoroughgoing audits of all financial transactions of the government of Guam. These organizations are certainly not subject to influence by the legislature nor any other local governmental agency, and their audits are not only extensive and thorough, but frank and in many instances critical, and I might add that these audits are up to date.

Mr. Chairman, I have a copy of the "Accountants' Report" and a copy of the "Management Letter" for the fiscal year ending June 30, 1967. We have previously transmitted a copy of each of these to the committee. I would like to have these two copies made a part of the committee hearing on this bill.

Mr. CAREY. These will be accepted for the committee files.

(The documents above-referred to will be found in the files of the subcommittee.)

Mr. ARRIOLA. In a communication directed to the chairman, Committee on Interior and Insular Affairs, U.S. Senate, dated February 19, 1967, on S. 449, the Honorable Harry R. Anderson, Assistant Secretary of the Interior, noted that the office of the comptroller in the Virgin Islands expended \$178,000 for fiscal year 1967, and an estimated expenditure of \$235,000 for fiscal year 1968, and concluded by saying—

We do not believe that a Federal Government Comptroller for Guam is necessary and, further, we believe that such a system for Guam would be unduly expensive.

I emphasize our earnest and thoroughly documented desire to maintain adequate fiscal control over expenditure of public funds in Guam, and we welcome congressional interest and assistance in this function so long as it remains a legislative responsibility and not granted to some

appointive official over whom the people of Guam have absolutely no control.

Thus, we amended our basic public audit statute by expressly providing that in lieu of retaining an outside public accounting firm to conduct the annual legislative audit of the books and accounts of the government of Guam, the General Accounting Office could be utilized instead, if permitted to do so by the Congress.

As the members of this committee may know, the people of Guam and the people of the Mariana Islands—within the Trust Territory of the Pacific Islands—have indicated a strong desire to have the peoples reunified under one governmental structure. Opponents of the Marianas reunification, although in the very small minority, made much of the fact that Guam does not elect its Governor and Americans on Guam cannot vote in the national elections, and have no representation in the Congress and, therefore, the Americans on Guam are second-class American citizens.

This is simply not true, because the choice to vote in national elections is up to the resident of Guam, for he may choose to be a resident of any State and will, therefore, be eligible to vote.

However, I am concerned that with the provision of the comptroller, charges of colonialism—that version where some tribal figure is ostensibly the head of state while in the background a high appointive official has all the real power and makes all the real decisions—will become the theme of those persons unfriendly to our country.

The people of Guam deserve better treatment. There is nothing in the record to merit such a watchdog. There is, indeed, much Federal money spent in the State of Hawaii, but does that State have a Federal comptroller not answerable to any State official? The answer is self-evident. The people of Guam have been members of the American commonwealth approximately the same length of time as the people of Hawaii and while we have neither the resources nor population, our people are no less politically mature and no more fiscally irresponsible. What, then, is the distinction?

If I am being too frank and outspoken in this testimony, I hope the committee will forgive me, but my colleagues and I in the legislature feel very strongly on this point, and if it is not too much to say, we are unanimous that we would rather not have an elected governorship bill at all than one combined with a comptroller. To be tried and found wanting is one thing; to successfully cope with the problems presented by the expenditure of public funds and still, despite such success, being deprived of this function is something else.

Thank you very kindly for letting me appear before the committee.

Mr. CAREY. Thank you, Mr. Speaker. We appreciate the candor of your statement. And, to be frank and open about the point that bothers you as an elected official in the Guam Legislature is what we need in order to build the proper record with which to go to the floor with this legislation.

First, on the Governor bill itself, do you favor a 2- or 4-year term for the Governor?

Mr. ARRIOLA. We favor a 4-year term sir.

Mr. CAREY. On the question of removal, is it your view that the removal process, should there be one needed, would be best served by having a 66⅔ provision for recall by the voters of the electorate, or

would you favor removal by the President of the United States, if the foreign policy and the national security proper of the United States were involved?

Mr. ARRIOLA. As far as the legislation is concerned, we prefer to have the removal power vested in the people of Guam only.

Mr. CAREY. The recall provision, in other words, not removal?

Mr. ARRIOLA. Yes.

Mr. CAREY. You favor recall?

Mr. ARRIOLA. Yes.

Mr. CAREY. And would you bring it about by 66⅔ or 75 percent of the electorate?

Mr. ARRIOLA. We have no strong preference. We will leave that up to the committee.

Mr. CAREY. On the question of the comptroller, Mr. Speaker, do you feel that there should be any power in the Department of the Interior to oppose audit and to examine the expenditure of the Federal funds which are the principal source of revenue for the people of Guam?

Mr. ARRIOLA. No, sir. We would prefer to have the General Accounting Office, which is an agent of the U.S. Congress, come and audit us and make recommendations.

Mr. CAREY. If you notice, in the Senate bill an amendment was provided which would have the comptroller reporting to the Comptroller General, and the Comptroller General, then, furnishing reports to the Department of the Interior and not to the Congress. Would this be more acceptable than having a civil service official from the Department of the Interior as a comptroller, said official reporting then to the Secretary of Interior? Would you prefer this?

Mr. ARRIOLA. Yes. Actually, we have two objections to the comptrollership provision: The first one is that he is going to be sort of a second Governor; secondly, he is an official—not necessarily within the government of Guam, but in the government of Guam.

Mr. CAREY. I think you have done us a service in this, Mr. Arriola, and that is, you have indicated here that there is an ambiguity on the part of the Department itself, in your statement. You referred to the letter which was addressed to the chairman of the full committee by Secretary Anderson, in which he states that "We do not believe that a Federal Government comptroller for Guam is necessary, and furthermore, we believe that such a system for Guam would be unduly expensive."

However, in favoring the legislation, the Department suggested an amendment. And I fail to understand how their amendment agrees with the statement that you cite in the Secretary's letter, because in your amendment it is provided that the Secretary of the Interior shall appoint in the Department of Interior, a government comptroller of Guam who shall be under the general supervision of the Secretary of Interior, and will not be part of any executive department of Guam, and whose salary and expenses of office shall be paid by the United States from funds otherwise to be covered in the Secretary of Guam pursuant to section 30 of the Organic Act of Guam.

I would like to have this resolved by the Department. At least, I am confused as to how in one sense they criticize the role of the comptroller and refer to him as a semiautonomous official, and then favor the appointment of their own comptroller from their own Department. So

I think there is a question here. And I would like to have it resolved by the Department. And, frankly, I am indebted to you for bringing up what seems to be an ambiguity in your position.

I have no further question at this point.

The chairman of the full committee.

Mr. ASPINALL. Mr. Chairman, I yield to the gentleman from Utah for the purpose of presenting a distinguished visitor.

Mr. BURTON. I thank the chairman of the full committee for yielding.

It is my pleasure to present to my colleagues this morning a valued citizen of the State of Utah, a valued friend of mine, who is with us. She is the Republican National Committeewoman from our State, and is one who is doing much to help me stay in the position I am on this committee. She is Mrs. Madge Fairbanks from Salt Lake.

Would you please stand up, Mrs. Fairbanks.

Thank you very much.

Mr. ASPINALL. Mr. Speaker, I have a little difficulty in following your position as stated relative to the appointment of the comptroller for the administration of Guam. I certainly don't take any offense to your statement, because I feel like the chairman of the subcommittee feels, that there is an ambiguity on the part of the Department.

You really don't mean, Mr. Speaker, that you would rather go without an elected Governor bill than to have the usual provision that we provide for territories relative to the appointment of the comptroller, do you?

Mr. ARRIOLA. This is not only my feeling, sir, this is the unanimous feeling of the congressmen on Guam.

Mr. ASPINALL. Have the people of the Legislature of Guam talked this over and argued the point? Did they take the position that the status of a territory is similar to the status of a State of the United States; is that the position that they took?

Mr. ARRIOLA. I don't quite get the chairman's question, sir.

Mr. ASPINALL. As I understood it, you said that no State should be embarrassed with the appointment of a comptroller. And by the same argument, your legislative colleagues felt that a territory should not be limited by the appointment of a comptroller. Now, there is a difference, between the status of a sister State of the Union and a territory.

Mr. ARRIOLA. I don't mean to imply, Mr. Chairman, that Guam should be considered a State. My statement is merely for comparison purposes, that no State has any comptrollership provision. And also within that State it does not—I know of no State which has a comptroller in any city or county or organization within such a State.

But I don't mean to imply that Guam should be treated like any other State, I am just stating for comparison purposes that no State has this comptroller position within it, even though Federal funds are spent within that State.

Mr. ASPINALL. There is a great difference between Federal funds furnished to a territory like the Virgin Islands or Guam and Federal funds furnished to a State. In other words, no funds are provided for a State for the purposes of general government, as such. Instead, they are directed to a certain service or program within a State, then they come directly under the supervision of the General Accounting Office

of the United States. That is not true as far as the territories are concerned.

Mr. ARRIOLA. The chairman is correct, sir. But we don't have a comptroller now, personally. And funds are being spent on Guam like the chairman said, without the benefit of a comptroller, and they are not spent as they are in the State. And I refer particularly to the income tax which goes to the Treasury of Guam, and other income taxes collected from residents of the mainland who are residing on Guam, and then reverting back to the Guam Treasury.

But I say, personally, neither do we have a comptroller. We have a Governor appointed by the President, yes, but we don't have a comptroller now.

Mr. ASPINALL. But you have a direct line of authority through the Secretary of Interior to the General Accounting Office; isn't that true?

Mr. ARRIOLA. Presently?

Mr. ASPINALL. At the present time.

Mr. ARRIOLA. I am not familiar with any audit or any work done by the General Accounting Office with the government of Guam functions in fiscal matters, sir.

Mr. ASPINALL. Let me ask you this. How does the Federal Government at the present time have any knowledge of the funds that are being spent within the territory of Guam?

Mr. ARRIOLA. The Governor submits his annual report to the Secretary of the Interior, the Congress and other officials of the Federal Government.

Mr. ASPINALL. And that is all the control there is at the present time?

Mr. ARRIOLA. As far as I know—perhaps I should refer this to the Governor, but as far as I know, we have the audit by the independent firm or firms, and then the Governor makes his report to the Congress and to the Secretary of Interior.

Mr. ASPINALL. I notice that the former speaker, Guam's present representative in Washington, is going to be the next witness. If we don't get the answer to this from him then, of course, we can go to the Secretary. We have been used to the comptroller in the Virgin Islands; in the bill that we passed for an elected Governor of the Virgin Island, there is this identical provision.

That is all I have.

Mr. CAREY. The gentleman from Pennsylvania, Mr. Saylor.

Mr. SAYLOR. First, I am very happy to have you here as a witness before the committee, Mr. Speaker. But I am a little disturbed, because, whether you know it or not, the Guam Legislature and the government of Guam are directly accountable to the Comptroller General of the United States. And so is the Congress. Both Houses here have no objection to having a Comptroller General. In fact, we think it is a pretty good idea.

What they do is tell us whether or not, under the laws which have been on the books for many years, moneys are being spent properly in accordance with statutes, or that they are not being so spent. That is basically why a Federal comptroller is provided for in this legislation. And I am a little disturbed that you people say it is setting up a fourth branch of government, whereas Congress has been operating



under a Comptroller General since June 10, 1921, which was the act that set up the Comptroller General, who controls not only our affairs, but yours.

All that this provision is doing, and all we are saying in this bill, is that there shall be a representative basically of the Federal Government who goes out there and finds out whether the money is being spent in accordance with the laws that you passed.

Just because the legislature out there has an outside audit is no reason you shouldn't have a Federal comptroller. It just so happens that at the present time, for example, every bank, every savings and loan association, that is insured with the Federal Deposit Insurance Corporation, or the Federal home loan bank, is by regulation required to have an independent audit.

This is the pattern the Federal Government has set up. And to say that the same thing shouldn't apply to you and the people of Guam is shocking to me.

Mr. ARRIOLA. If I may comment on that, sir, we do not object to an audit by the Federal Government. As a matter of fact, we welcome an audit by the General Accounting Office, which is an agent of Congress. We are not saying that we don't want anybody to come and audit our books and our records. We are saying that we would be pleased to have the General Accounting Office, which is an agent of the Congress, come and audit us.

Mr. ASPINALL. If my colleague will yield, this is what happens anyway. What you are saying is that you want the Territorial government to get out of any expense for oversight authority relative to the expenditure of funds. That is what you are saying. You want the Federal Government to pick up that expense. That is what it means, isn't it?

Mr. ARRIOLA. No, sir. Because if we are authorized by law or regulations, we would pay for the cost of the audit by the General Accounting Office. We have been paying for the independent audit by independent auditors.

Mr. ASPINALL. But if you read the presentation made by that auditing company that you have been using, it suggested that the Comptroller would be in order as far as Guam is concerned. Isn't that the gist of the statement that they made before the committee?

Mr. ARRIOLA. Again, it should be the responsibility and the function of the legislature, which is what it is now here in the Federal Government.

Mr. SAYLOR. That is all. I appreciate your calling our attention to the fact of the inconsistency of the Department downtown. I may say to you that inconsistency is a virtue with them. They seem to do that most of the time they come before us.

That is all.

Mr. CAREY. The gentlelady from Hawaii.

Mrs. MINK. Yes, I have one question.

Prior to the discussions which have arisen as a result of the elected Governor bill, has the administration ever said that they believe it is necessary to have a Federal comptroller appointed to supervise the financial affairs of the Territory of Guam.

Mr. ARRIOLA. I am not aware of any such statement, Mrs. Mink. I am just referring to the Senate report on bill S. 449, where I picked

up the statement of the Secretary that the Department was not in favor of the comptroller provision in the bill.

Mrs. MINK. Has it ever been necessary during the period of Guam's territorial status, for the Department of Interior to send out its personnel to perform the functions as described in this bill, to audit and settle the accounts of the Government of Guam?

Mr. ARRIOLA. Not the functions called for by this bill. But, as I recall, the Department sent out one official for a brief period of time, I am not sure how long, perhaps 6 to 8 months, but then he left, and nothing happened. This was years back.

Mrs. MINK. Now, would your objections to an appointment to such a comptroller for the Territory of Guam still be lodged if in some way the language of the bill were revised to make it absolutely clear that its functions are solely with the audit of the books of the Government in terms of receipts and expenditures of Federal funds?

Mr. ARRIOLA. No, we don't have any objection. I am glad the gentlelady from Hawaii brought this point out, because we thought in the first place that the functions and responsibilities of the comptroller as provided by the bill are too "embrasive," and that would include not only audit, but we think it would include also management functions. And as far as the audit provision only is concerned, we will have no objection. We would prefer to have an agency of the Congress do that, rather than one particular individual.

Mrs. MINK. You talk about management function; are you referring to paragraph (c) of section 9-A, which gives the Comptroller the right to call to the attention of the Secretary of the Interior the use of funds or property which he considers unnecessary?

Mr. ARRIOLA. Yes, madam: subsection (c) and subsection (b) of section 9-A, both; (b) and (c).

Mrs. MINK. If this provision were deleted from section 9-A, would you continue to be opposed to the appointment of a Federal Comptroller?

Mr. ARRIOLA. As I indicated, we still prefer to have an agency, rather than one individual official.

Mr. ASPINALL. Would the gentlelady yield?

Mrs. MINK. Yes.

Mr. ASPINALL. Did you make this same presentation before the other body?

Mr. ARRIOLA. Not as strongly, sir; no, sir. Because at the time the Department of the Interior did not oppose the comptrollership provision, and nobody appeared to testify in favor of the comptrollership provision, as far as I know, until later on when the Bureau of the Budget got into it.

Mr. ASPINALL. The other body put in a provision just like the one we have in our bill.

Mr. SAYLOR. Will the gentlelady yield?

Mrs. MINK. Yes, I yield.

Mr. SAYLOR. The speaker has had an opportunity for the first time to look at the audit that you referred to. And this is an audit by Peat, Marwick, Mitchell & Co., certified public accounts. The opening sentence startles me. They didn't have an audit at all. It just says:

In connection with our general limited audit, we present for your consideration certain recommendations.

The next page says:

The continual increase in size and complexity of the Government of Guam has presented any significant improvement in the general operations of the Government. In our opinion, the present accounting system of the Government is barely adequate to meet the current requirements, and will prove to be totally inadequate as the volume of transactions continues to increase.

Now, this is the report that you paid for. This report tells that what you are doing out there just isn't adequate, it is barely adequate now, and you haven't had a complete audit. It sort of astounds me that you now come along and say that merely because you have this limited audit, you think that you now should not have a Federal Comptroller.

Thank you.

Mr. CAREY. Will the gentlelady from Hawaii yield further at this point?

Mrs. MINK. Yes.

Mr. CAREY. I concur with what has been said by the distinguished gentleman from Pennsylvania. And he and I discussed this at the committee table before we did read this section. And I just want to elaborate on it to this extent. During the course of one of the meetings we had in Guam—it was during, I think, the luncheon tendered by the chamber of commerce to the visiting members of our committee—I had an opportunity to discuss this with the then representative of one of the accounting firms mentioned in your statement. And as a professional person, he stated that in his estimate it would be better to have a continuing fiscal agent in the government employed, doing the post audit and doing current accounting on a year-to-year basis, rather than having different contracting auditing firms come in and do the audit as you have had different accounting firms from time to time.

And based on his judgment as a professional person, I became convinced that some kind of post audit would be a healthy thing. So I am wondering here if we can't resolve this by making it clear that whatever kind of comptroller we provide for in the bill, that his function is to be only that of an auditor, precisely that of an auditor, to stay clear of policymaking, recommendations, interference, any kind of autonomy or semiautonomy that would tend to interfere with the proper administration and legislation in the government of Guam.

In other words, we fixed him in his function so that he is doing no more than was done by your contract auditors before, but doing it on a continuing basis, and doing it in such a way that, professionally, he improves year by year in his understanding of the functions of government. If we did that, would this not be an acceptable thing?

Mr. ARRIOLA. May I begin by saying, Mr. Chairman, that I did recognize our deficiencies. I was frank in my statement when I said that these audits were extensive and frank and in many cases critical. And I was referring particularly to that provision.

In the last session, which convened in January, we did adopt a resolution calling for a kind of an investigation as to why the government had not undertaken to correct these deficiencies that were pointed out in previous audits.

Insofar as the government control is concerned, a former Director of the Office of Territories told the committee, the Senate committee, when it was out on Guam, that when he occupied that office the auditor

for the Virgin Islands was 2 years behind, and in some instances the audit of several agencies was 10 years behind.

At least, presently, we have an up-to-date audit.

Mr. CAREY. I thank the gentlelady for yielding.

Mrs. MINK. In following my line of questioning, and calling attention again to that paragraph (c), which in my opinion is the only one which grants these powers and responsibilities to the Office of the Comptroller over policy questions, looking at the balance of the section, which creates the position, and designates him a civil service employee subject to the Secretary of the Interior, not a part of the executive department of the government of Guam, and reiterating his function in paragraph (e) regarding audits of the expenditures, if all of these sections were left out in this section 9 with the exception of (c), would you have any objection to this provision being in the bill?

Mr. ARRIOLA. Might I say this, Mrs. Mink, that if you were to provide a comptroller within the government, you must either have a large staff, which must come up with the audit up to date, and for the rest of the year be idle, or you have a small staff that would be gradually working on this audit and would never catch up with the audit.

That is the danger, we think, in having a government audit within itself. I know that the Senate committee came out in its report and stated:

The Committee wishes to make clear that the Comptroller's function is that of an auditor. He is not a policy-maker and is in no way to interfere with the administration of the Executive Branch of the Government of Guam.

But I say that the bill as written really would make the comptroller not only the auditor for the government of Guam, but also a manager, a policymaker.

Mrs. MINK. Is this your view, even with the elimination of paragraph (c)?

Mr. ARRIOLA. Yes. There still remains the provision in paragraph (b) which says that the government comptroller shall audit and settle all accounts and claims pertaining to the revenues and receipts, from whatever source, of the government of Guam.

That still remains in there.

Mrs. MINK. Supposing we remove the words "and settle", and simply authorized him to audit the accounts.

Mr. ARRIOLA. That might be acceptable to us.

Mrs. MINK. Relative to revenues and expenditures.

Mr. ARRIOLA. That might be acceptable to us, Mrs. Mink.

Mrs. MINK. I have no further questions.

Mr. CAREY. The gentleman from Maryland.

Mr. MORTON. I think, Mr. Speaker, there is an aspect of the reasoning behind the appointment of the comptroller that has not been discussed or perhaps has not been discussed with your own people in the legislature. And that is this: as I understand it, the taxes which are collected in the way of income taxes, other duties and fees, on the island of Guam, from Guamanians and Guamanian corporations, or corporations doing business on Guam, are all directed to the treasury of Guam; is this not correct?

Mr. ARRIOLA. Yes, sir.

Mr. MORTON. This is as opposed to the system, for example, in my State, where such revenues collected by Federal statute all go into the Treasury of the United States.

Now, if funds are going to be channeled from the taxpayer to the government of Guam in lieu of channeling to the Treasury of the United States, for subsequent appropriation by the Congress, it would seem to me that there is a Federal responsibility to audit those funds. Would you agree or disagree with that?

Mr. ARRIOLA. I agree with that, sir.

Mr. MORTON. If we do not have a comptroller, your substitute, as I understand from your answer to the question, is that we would simply turn this function over to the General Accounting Office as an existent agency of the Government; is that correct?

Mr. ARRIOLA. Yes, sir.

Mr. MORTON. Let's assume that that Office, in order to carry out this responsibility, sends a resident appointee to Guam to do all these things, to report to it, to involve himself in the settlement of claims, and all the rest, and make himself available for consultation—would he, then, not be doing exactly the same thing as the comptroller that is appointed by this legislation we are considering?

Mr. ARRIOLA. In the sense that he is one man; yes, sir. In other words, one of our objections to this comptroller is the one man, one official person designated. As long as it is an agent of the U.S. Congress—

Mr. MORTON. You have the fear that you would lose some of your autonomy by reason of the fact that the Congress of the United States stipulates there will be a government comptroller whose responsibility is defined in the bill. Is that correct?

Mr. ARRIOLA. We do, sir.

Mr. MORTON. But you feel very strongly, I take it, that the Federal Government has a responsibility to audit the accounts?

Mr. ARRIOLA. I cannot question that.

Mr. MORTON. These things seem a little incongruous to me. I would think you would welcome the audit or comptroller, because he would represent, certainly, the vast technology which is available to the government of Guam from Government headquarters in Washington. You want the service and you want the technology and the new methods, and all that goes with it, but you do not want the person to have a position which could be construed as being parallel or concomitant to any official which you elect yourself out there?

Mr. ARRIOLA. That is the whole gist of the matter; yes, sir.

Mr. MORTON. It seems to me that it is hard to get at, then. I feel very strongly that until Guam starts paying into the Federal Treasury—and I guess we all hope the day will come when the economic development will be such that Guam will make a contribution to the whole—we will have the responsibility to the people to maintain some sort of an auditing system out there. I didn't realize the feeling was as strong as you have put it. I don't want to do anything or be a part of any attempt, and I don't think any of the other members of the committee do—having to do with forcing this issue on you.

We have been going at this in a way we thought was responsive to the desires of the people of Guam. And when you say you would not

have an elected Governor if you have to accept a government comptroller, you make it pretty difficult for us.

One other question, on the matter of recall. We got into that yesterday at some length. You don't feel that the power of recall should be vested anywhere else and with any other approval than that of the people of Guam; right?

Mr. ARRIOLA. Yes, sir; to be consistent with our position of greater self-government.

Mr. MORTON. One other point. In the State of Maryland, a control is established by constitution. The necessary checks and balances are met by the constitutional requirement that the people elect a comptroller. He doesn't have to be of the same political party as the Governor, and in the case of the present comptroller, is not. He represents to the State of Maryland the same checks and balances that a government comptroller appointed would represent in the case of Guam.

Now, in lieu of this government comptroller as presented by this bill, would you accept an elected comptroller whose duties were spelled out just about like the duties here are? Do you think that would be a good thing for Guam?

Mr. ARRIOLA. Guam is rather small, sir, in area and population. And that may just be spending additional funds of the government. We still feel that an outside independent audit of an audit by the General Accounting Office—and might I point out at this time that the bill, in section (h), page 9, completely eliminated the legislature—and of course I am speaking here for the legislature—reports will be submitted to the government, the president of the senate, the speaker of the house of representatives, but we are completely forgotten in this matter.

We think it is an elective responsibility. We think that it is our responsibility to see that the accounts are audited.

Mr. MORTON. Suppose we give this gentleman another title let's say, an Assistant to the Comptroller General of the United States for Guam, would that make it any easier on you?

Mr. ARRIOLA. You still have one official, sir, and that is one of our main objections, one individual official, who will settle and audit all claims of the government of Guam. That one official there irritates us. The agency itself, we welcome the agency.

Mr. MORTON. Do you feel that this is the issue: Is it the fact that an individual is designated by the Secretary that nullifies your gains in achieving a higher self-government through the enactment of this bill?

Mr. ARRIOLA. Yes.

Mr. MORTON. I think your position is clear. I think we have to wrestle with it.

Mr. CAREY. The gentleman from Utah, Mr. Burton.

Mr. BURTON. Thank you, Mr. Chairman.

I would like to join my colleagues in expressing our gratitude to you on the island of Guam for your hospitality. We were treated most graciously. And I hope you will convey that expression to the other members of the legislature.

As you have gathered, Mr. Arriola, the members of the committee are surprised at your statement this morning that you would rather

not have an elected Governor if you have to have this comptroller. I am sure that my colleagues, and certainly speaking for myself, want to do everything we can to accommodate the people of Guam, because we have a historical appreciation of your loyalty, and a sympathetic understanding of what you folks went through during the occupation.

We also have a sincere appreciation for what you are doing now under the present circumstances in which our country finds itself in Asia. On the other hand, we do feel that we have a responsibility to the people of Guam as such and, as well, to the taxpayers of this country.

I think that the chairman of the full committee, when he said we are going to have to hear from the Department of Interior again, is correct, because in your statement at the bottom of page 2 and the top of page 3 you quote Secretary Anderson a year and 2 days ago before the Senate, as saying:

We do not believe that the Federal Government Comptroller for Guam is necessary. We believe that such a system for Guam would be unduly expensive.

And yet, yesterday, as I read his testimony on page 4 of the transcript, and page 5, he is speaking for a comptroller. Also, on page 15. And then, also, on the report, Mr. Chairman, that was submitted to the committee on page 5 the letter signed by Secretary Anderson, he speaks on the subject of the comptroller, and as I read, favorably.

I think this is something the committee is going to have to weigh rather carefully. And I can assure you that we will take your wishes into full account, Mr. Speaker, with due regard for the references I have previously made.

One final question. When you put your statement as strongly as you did, that you would rather not have an elected Governor if you have a comptroller, do you think that you were speaking for a majority of the people of Guam, or were you speaking as a member of the legislature, as the speaker of a legislature which is—and I can understand this—jealously guarding the prerogatives of the legislative branch. Certainly, we try to do that in Congress—but do you think that the people of Guam would desire to have an accounting watchdog over your affairs and the money that is spent there? Do you think this is something that the people would endorse, or were you speaking in your capacity as a jealous guardian of a legislative prerogative?

Mr. ARRIOLA. As I indicated previously, all 21—now, 20, because one legislator died last year—all 21 members of the Guam Legislature feel the same way, that if we are to be saddled with a government comptroller we would prefer to retain the present system, because we believe we have more power as a legislative branch now than if the government comptrollership were given us in an elected Governor bill.

Mr. BURTON. You speak for the legislature?

Mr. ARRIOLA. Yes.

Mr. BURTON. How about the people you represent?

Mr. ARRIOLA. Of course, Mr. Burton, on Guam, the chamber of commerce favored the comptrollership. The Republican Party favored the comptrollership provision.

Mr. BURTON. I wasn't aware of that, and I wasn't trying to bring that out, I assure you. The chamber of commerce favored a comptroller?

Mr. ARRIOLA. Yes. They had a three- or four-sentence presentation

to the effect that we favor the elected governorship but with the comptrollership provision.

And then the Republican Party, also represented by a former Congressman, Mr. Moylan, made a similar statement that they were in favor of a comptrollership.

Mr. BURTON. Are there any other groups that you are aware of that favor that?

Mr. ARRIOLA. Not that I am aware of.

Mr. ASPINALL. Will my colleague yield? When you answered Mr. Burton, you said that you would have more power without the position of comptroller, as provided for in this legislation. I just want to know whether or not you think that this is necessarily wise, just because you have more power? This is a three-department operation, even in Guam.

Mr. ARRIOLA. Mr. Chairman, I meant power in the sense of the three branches of government, checks and balances. Now, we audit the books of the government under our supervision; that is, the legislative branch supervision.

Mr. ASPINALL. Yes. And your present auditor, your last auditor—and you have changed so many times that I can't keep up with you—says that he doesn't like this system.

Mr. ARRIOLA. Yes, and I conceded that in my statement.

Mr. ASPINALL. Thank you very much.

Mr. BURTON. I think that is all I have, Mr. Chairman.

Mr. CAREY. The gentleman from New York, Mr. Kupferman.

Mr. KUPFERMAN. Mr. Speaker, I know that Guam has a tradition of Americanism. And one of our traditions is the two-party system. I had the privilege of visiting with you, and I appreciate the courtesy that was shown to us at the meeting of the legislature. But I was surprised to learn that there was no opposition party represented.

Now it seems to me that there ought to be some watchdog. If there isn't going to be an opposition party represented in the legislature and no comptroller, who is going to be watching the store?

Mr. ARRIOLA. We had a two-party system. What happened in the last election, I don't know, but all 21 members are from the Democratic Party. But the Republican Party is coming along very strongly, even though it is a brandnew organization, they are coming along very strongly.

Mr. KUPFERMAN. I wasn't talking so much of the party, as a party, but that there should be somebody in opposition. It might be that the Republicans would be in control and you would be out, but there should be somebody who had a different point of view.

I recognize that there is a Republican organization, but it doesn't have any official position. And, therefore, it seems to me that there ought to be someone who is independent to keep track of what is going on.

Nothing further.

Mr. CAREY. The gentleman from Iowa, Mr. Kyl.

Mr. KYL. Mr. Speaker, in the Senate report we find this paragraph:

The Committee wishes to make clear that the Comptroller's function is only that of an auditor, he is not a policy-maker, and is in no way to interfere with the administration of the Executive Branch of the Government of Guam.



That does not satisfy you so far as this comptroller's position is concerned?

Mr. ARRIOLA. No, sir; I don't believe any court in the land, sir, would agree with the statement of the committee, with all due respect to this committee, because the language in the bill S. 449 is just too embracive, "shall settle all the accounts of the government of Guam, all revenues from whatever source."

Mr. KYL. Regardless of what is intended by the Department, you suggest a General Accounting Office audit. Now, you will never get a report from the General Accounting Office which says, "signed by Joe Smith, General Accounting Office." The reports from the General Accounting Office are signed, as they are here, by the Comptroller General.

What you are asking for is to be placed under a comptroller who certainly has a great deal more authority than the Comptroller that you are objecting to, the Comptroller General of the United States.

And furthermore, listen to the recommendations which this Comptroller General has made, suggestions that specific individuals be held responsible for insuring that the recommendations or alternate corrective actions would be implemented. In other words, I think, maybe in your desire to stay a little bit freer, or have a little bit greater authority in the legislative branch—and goodness knows, I don't argue with your desire to do that—you seem to be taking a second alternative, which is to accept the General Accounting Office or Comptroller General in lieu of a specific office of comptroller for the territory.

Mr. ARRIOLA. Yes, sir.

Mr. KYL. And I don't think that there is a basis of logic for your argument here.

But I think maybe we have to go a little deeper than that, because in the piece which you asked to include in the files of the committee we have a presentation which is, I think, grossly misleading, and I think something of the kind which should be discouraged, rather than encouraged, by you.

Listen to this:

The apparent reason for the appointment of a Comptroller is to reassure the American Government that the citizens of Guam do not mishandle American moneys, the clear implication being that although the people of Guam might be American citizens, they are only second-class citizens whose activities must be closely monitored by benign and benevolent bureaucrats from Washington, the font of all wisdom. This lack of faith in the people of Guam's wisdom and authority is particularly shocking in view of the sacrifices their young men are now making in Vietnam.

The contribution of the Guam community in fighting men in Vietnam is out of proportion to Guam's small size. The reason behind the Federal Comptroller provision is that apparently while the people of Guam are welcomed in the Armed Forces, and they are good enough to elect a local executive, they are not to be trusted with Uncle Sam's dollars.

Here it is suggested that it is obvious, or it is apparent, that the only reason you have a comptroller is to keep track of Uncle Sam's money. Well, the Government of the United States is the people. And this comptroller's office is set up just as much to protect the money of the people of Guam as it is the citizens of Iowa or Maryland or Colorado or any other place. You are not singled out here for an audit. This committee is audited. I am audited. And I have got to keep

records for the Federal Government. If I don't, I am in trouble. And I don't think I am a second-class citizen because of it.

The courts have determined regularly that when the Federal Government spends money, it not only has the right, but it has the obligation to see that those funds are spent wisely. We can talk all we want about Federal controls or lack of controls, the principal fact is that there is an obligation of the Federal Government to follow the expenditure of money.

Mr. ARRIOLA. I don't deny that, sir. And I think I will be the first one to admit that this Congress has jurisdiction over territories, and it may do whatever it wishes.

Mr. KYL. But you see, the point I am making is that we have shot this argument out of all logical consideration with statements like the one that I have just read. In your statement this morning, you have tried to negate some of that kind of talk by saying that it just isn't true that we are trying to make second-class citizens out of the people of Guam. The fact remains that when the Federal Government spends money, there has got to be an audit. And when that audit is set up in the Senate bill with the legislative history that is there, saying that this is an audit office, and it is nothing more, and it is not to set policy, and so on, aside from the little natural jealousy, and so on, that exists; I can't see any basic backing for the extreme position that you take that you would not like to have an elected Governor if you have to have a comptroller along with it.

Mr. ARRIOLA. We feel, sir, that the comptroller established by the present bill here is more than an auditor. We do feel that. I have no argument—

Mr. KYL. The Comptroller General of the United States is more than an auditor, too, sir.

Mr. ARRIOLA. Yes, sir; he is more than an auditor, except that he is with the General Accounting Office, and he is an agent of Congress.

Mr. KYL. Now, if the Comptroller General makes a recommendation to the U.S. Congress to pass laws which force the Guamanian Legislature to adopt certain accounting systems or policies, then you have lost a great deal more, have you not, than if there is simply a comptroller there who recommends these things to your legislature and to your Governor—and to the Governor?

Mr. ARRIOLA. That is, of course, quite possible. On the other hand, if we do have this comptroller, and he has this policymaking power, the legislature may be relegated to the position, to the function only of merely appropriating funds, and that is all. I refer to a legal theory that since the Congress has preempted the income tax field in Guam, the Guam Legislature may not enact any income tax laws. That seems to be a prevailing legal theory, that we cannot go into the income tax laws, for example, since Congress has already extended the Federal Internal Code to Guam.

Mr. KYL. Let me make this perfectly clear, then. You understand that because of your statement it is possible that you will not get an elected Governor bill, because you say you don't want one if you have to have the comptroller?

Mr. ARRIOLA. The comptroller under the provision of this bill; yes, sir. Of course, this would be up to the committee. Whatever decision it

makes, I am sure it will be for the best interests of Guam and its people.

Mr. KYL. This is one question that you have in a related area. It wouldn't even be germane except for the fact that you brought it up in your statement.

Is the Legislature of Guam at this time, or is any organized political party or force in Guam actually at this time, trying to arrange a federation of the Marianna Islands with Guam?

Mr. ARRIOLA. Yes, sir.

Mr. KYL. And you do realize that because of the process of moving the trust territory to some kind of determination for its own government that this might exert a great influence and be a considerable problem to the rest of the trust territory in determining their governmental status for the future?

Mr. ARRIOLA. This isn't a new idea, sir. It started back in 1958. As far as I know—to the best of my knowledge, information, and belief, the people of the Marianna Islands greatly favor integration with Guam. They have the same common background, and we speak the same dialect. As far as the other trust territory islands are concerned, we don't know except for remarks by their leaders, that they are not now ready for any kind of a union or any kind of future status.

Mr. KYL. Here again, you realize that the people of the 50 States speak many different dialects, and they are of different faiths, they are Catholic, Protestant, Jewish, and all kinds of faiths in between. They are Dutch and German and Swedish and Scandinavian and Chinese, and they are very diverted in their makeup. And yet they have formed a more perfect union.

The only reason I mention this is the fact that the trust territories are generally trying to reach some determination in the foreseeable future as to the kind of governmental status that they will have. And if we automatically, through some prior arrangement or discussion, remove about 12 percent of all the people of the trust territory in a separate package, it may make the job of the rest of the trust territory much more difficult.

Mr. ARRIOLA. We welcome the other people, if I may say so now. But we don't wish to go in there and try to convince them to go with us, because we don't want to embarrass the U.S. Government.

Mr. KYL. You are not trying to convince the Mariannas' people that they should go with you?

Mr. ARRIOLA. No, sir; this is their own feeling. They have had a plebiscite in Saipan in 1959, at which time approximately 64 percent of the people in Saipan voted for integration with Guam. We have received feelers from other districts, yes, sir.

Mr. KYL. I understood when we started this colloquy that you said there were groups in Guam that were trying to promote this union.

Mr. ARRIOLA. Yes, there are groups in Guam.

Mr. CAREY. Will my colleague yield for a moment?

Mr. KYL. Of course.

Mr. CAREY. If I may be permitted to suggest this, we have the hope that we can conclude these hearings today. And we do want to hear from the previous speaker and the delegates to United States in Washington, here, Mr. Won Pat. And the gentleman from Iowa has addressed a very, very vital point which we intend to cover in our briefing

session on the trust territory. And we covered this in a visit, in an informal discussion with the Guam Legislature. And I know the care which he feels has to be exercised here. But we will be covering that in a briefing coming up; in fact, it will get the highest priority, as to what should be our attitude in these informal discussions and negotiations that seem to be taking place.

Mr. KYL. I yield to Mr. Won Pat, sir.

Thank you very much.

Mr. CAREY. Thank you, Mr. Speaker.

Mr. ARRIOLA. Thank you, Mr. Chairman and gentlemen.

Mr. KUPFERMAN. Will the Chairman yield for just one question?

This document that was quoted by Mr. Kyl, the gentleman from Iowa; is that in the record?

Mr. CAREY. It is in the committee's files.

Mr. KUPFERMAN. I would like to note my objection to it, because it is an appeal to party prejudice. In the last paragraph they address it not to the members of the committee but to the Democratic members of the committee.

Mr. CAREY. For that reason, it is placed in the files and not in the record. It is in the files as a document that was addressed to the committee members or a member of the committee.

Mr. KUPFERMAN. Thank you, Mr. Chairman.

Mr. CAREY. The next witness is the Honorable Won Pat, Guam's representative in Washington, D.C.

It is a pleasure to bring you before the committee, Mr. Won Pat. And you are well known to all the members of the committee, so I will not waste time in introduction.

I have read your reports to the Guam people, and I feel the content of those are such that any district in the United States would be fortunate to have you as a Representative, because they are readable and comprehensive, and show the range of operation you perform on Capitol Hill.

#### STATEMENT OF HON. A. B. WON PAT, GUAM REPRESENTATIVE IN WASHINGTON, D.C.

Mr. WON PAT. Thank you, Mr. Chairman, for your gracious comments.

May I proceed?

Mr. CAREY. If you will.

Mr. WON PAT. Mr. Chairman and members of the committee, first of all, on behalf of the people of Guam, whom I have the honor to represent here in our Nation's Capital, I want to thank the committee and its members for sending your task force, so the speak, to Guam last month.

It was an outstanding group, and the friendliness, the hard work, and the interest of its members in Guam and our problems, and our program to solve them, are much appreciated by all of us. We all hope that you and other members of the committee will come again soon.

Unquestionably, each member of the delegation has his own views on Guam and Guam's needs and problems. These views may not necessarily be the same as the views of other members. This is as it should be. There was no attempt, or even wish, on the part of anyone on

Guam, to "brainwash" any member of this committee. I think the members that were there will agree that we all did our best to make any and all facts and sources of information readily available.

Again, I want to say that we are most appreciative of your visit, and welcome most heartily visits to Guam by any and all members of this committee.

Also, Mr. Chairman, I want to thank this committee for holding this hearing on the elective Governor bills. These measures are a logical development from H.R. 4499 and H.R. 7273 of the 81st Congress. This latter was the measure, sponsored by the then chairman of this committee, Congressman J. Hardin Peterson of Florida, that became Public Law 630, 81st Congress, the Organic Act of Guam. At that time, I was speaker of what was then the Guam Assembly, and had the honor of testifying in the other body on the bill and working with the members of this committee on the version that became the Organic Act.

It is interesting for me to note that three members of your committee that 18 years ago considered and approved the organic act bill in 1950 are still with us. I refer to the chairman of the full committee, Congressman Aspinall, the ranking minority member, Congressman Saylor, and the Congressman from Nevada, Mr. Baring.

All of these gentlemen have just cause for pride in their services of 18 years ago in bringing about enactment of Public Law 630, 81st Congress. Self-government for Guam has worked, and worked well.

Now, we have come to the next logical and equitable step, that of authorizing the 98,000 American citizens of Guam to choose their own chief executive and Lieutenant Governor. Happily, this proposal is completely nonpartisan inasmuch as it has had the sponsorship and support of Presidents Eisenhower, Kennedy, and Johnson.

Mr. Chairman and members of the committee, as the incumbent of the highest elective office of Guam, its representative in Washington, and as a veteran of public life in Guam of many years' service, I most heartily support and endorse an elective governorship and lieutenant governorship for Guam. One of the bills before you, Congressman Matsunaga's H.R. 7097, fulfills this intent and purpose and I endorse it wholeheartedly.

However, I wish to express the opposition to the provision in H.R. 7329, and in the Senate bill, S. 449, which establishes the office of government comptroller of Guam as an arm of the Department of the Interior.

Such a provision is wholly at variance with the spirit of democracy and local self-government for the American citizens of Guam. It is an impingement on the prerogative of the lawmaking body, or legislature.

Our citizens do not understand the need for a permanent Federal comptroller or auditor to be stationed in Guam to oversee on a continuing basis the expenditures of both Federal and local funds. Although a Federal officer, responsible only to the Department of the Interior, this comptroller would have to oversee the expenditures of local funds since it would be difficult if not impossible to separate operations supported purely by Federal funds from those supported purely by local funds. In fact, Federal-territorial funds are commingled in the great bulk of local operations.

We recognize the fact that there is such an office in the Virgin Islands. However, I think that it has not and is not working well in the Virgin Islands. Apparently the Governor, even though he is an appointed officer, and the comptroller of the Virgin Islands, also an appointive officer, have not been able to work at all well together for the good of the Virgin Islands.

Furthermore, there is no need for a government comptroller in Guam as there once may have been in the Virgin Islands. As a matter of fact, the Department of the Interior has at least twice recommended that the office of the government comptroller be transferred to the government of the Virgin Islands. Moreover, let me point out that the Puerto Rico elective Governor bill of the 80th Congress in 1947 provided for a coordinator of Federal activities in Puerto Rico with duties similar to those now proposed for the government comptroller of Guam. The coordinator's office, however, was never filled, and the provision of the law creating it was repealed.

Far greater sums of Federal moneys are involved in the case of Puerto Rico, with its 2½ million population and freedom from Federal income taxation, than are or would be in the case of Guam. Why, then, is Guam to be made subject to Federal controls more stringent than those deemed necessary for Puerto Rico? My point is that a Federal officer such as is now proposed for Guam was not deemed necessary for Puerto Rico 21 years ago, and history has shown that it was, in fact, not necessary.

Now, I am in complete agreement that it is a responsibility of the U.S. Congress to insure that the substantial revenues of the government of Guam are properly accounted for and audited. I am also in agreement that an annual audit should be directed so as to improve the efficiency and economy of the programs of the government of Guam.

I am in agreement with these principles because they are sound and desirable. It is important to note that they are already being carried out in Guam. An independent audit of the government of Guam, paid for by revenues of the government of Guam and containing management improvement recommendations, has long been an annual occurrence on Guam.

Specifically, the people of Guam urge that section 5 of H.R. 7329 and of S. 449 should be deleted in its entirety. This is the section that adds a new section 9-A to the organic act, establishing a government comptroller for Guam under the Secretary of the Interior. In lieu thereof, there should be substituted a simple provision for an annual audit and report of Guam's fiscal operations by the General Accounting Office of the United States.

We on Guam have nothing whatever to hide. We would welcome an audit and report by the arm of the Congress, which is what the General Accounting Office is.

Actually, as I have pointed out, such an audit already is being made—an independent audit. However, we would welcome a GAO audit.

What we do not want is a sort of super-Governor appointed by and responsible to the Secretary of the Interior.

Mr. Chairman and members of the committee, the people of Guam would consider enactment of the comptrollership provision a backward step in the development of local self-Government for Guam. Adoption by your committee and approval by Congress would be contrary to the spirit of the Organic Act of 1950, and of what we hope is the trend toward greater self-reliance, and greater responsibility for the offshore dependencies of the United States.

In closing, I request that I read, or there be inserted into the record of these hearing, an editorial by Byron W. Baker, entitled, "Why Guam Should Have an Elected Governor," and published in the Guam Times of March 5, 1966.

Mr. CAREY. At this time, I would have to deny you this request, because under our committee procedures we do not print editorials in our record.

Mr. WON PAT. I did not ask for it to be printed. I don't even have to read it. You can have a copy.

Mr. CAREY. We can accept it for the files, but it cannot be inserted in the record in the hearings as you requested. It will be accepted for the committee's files.

Mr. WON PAT. May I read it?

Mr. CAREY. If you read it, it will be in the record. We have it for the files. And I would suggest that we proceed with your testimony, so that we can expedite the consideration of this bill.

Mr. WON PAT. Thank you, Mr. Chairman.

(The editorial above-referred to will be found in the files of the subcommittee.)

Mr. WON PAT. Again, Mr. Chairman and members of the committee, I want to express to you the thanks of the people of Guam for last month's visit, and for the many constructive and progressive legislative measures you have considered and helped enact for the political and economic advancement of Guam during the past 18 years. An elective Governor is the logical and equitable next step. We urge prompt and favorable action by you.

Mr. CAREY. Mr. Won Pat, as the elected representative of all the people in Guam, in Washington, you have just returned from your constituency; do you feel that if the people of Guam were offered the elected Governor bill with some provision expressly providing for auditing functions by the comptroller, that they would prefer not to have the bill, than to have the bill with such a comptroller?

Mr. WON PAT. No; it would be totally acceptable—

Mr. CAREY. It would not be acceptable?

Mr. WON PAT. It is totally acceptable, having, in other words, a provision for an accounting of the financial transactions and auditing.

Mr. CAREY. Are you aware that by placing it in the General Accounting Office, or under the present system by which the Congress operates with the General Accounting Office, that you or any other member of this committee, or any Member of the Congress could call upon the General Accounting Office at this very moment to go into Guam and do all the things that are specified in the bill, to which you object?

In other words, we can ask the Comptroller General to go into Guam and make such examinations, audit, and review procedures under the present system in which Congress would require him to

do things that we feel would be helpful. Are you aware that right now we can do all the things which you find objectionable in the statute that you oppose?

Mr. WON PAT. No, we do not object to—

Mr. CAREY. You know that we could do this, we could currently call upon the Comptroller General to do all the things which you find objectionable to the people of Guam?

Mr. WON PAT. The only point, I think the overriding consideration in the matter of comptrollership is that such a person is appointed by the Secretary of Interior, and he is autonomous in a way, and he is supposed to be doing the internal audit. And I think you will note that—

Mr. CAREY. I will agree with you that the system in the Virgin Island is not ideal. In fact, it is highly unsatisfactory. And I think the Department makes this assertion itself in its letter, that they want to change both systems at the same time and substitute something more workable. I think you have put your finger on it here.

Before we proceed further on this bill, I would like to call upon the Assistant Secretary, Mr. Anderson, who is in this room, to come forward and help us to resolve what appears now to be somewhat of an enigmatic situation.

I would ask, Mr. Secretary, since you have been good enough to be with us during the entire hearing this morning, that you furnish the committee with further recommendations based upon what has been said and what you have heard here today, and what will be in our record, as to how we can fulfill the obvious auditing function which the people of the United States will require, and at the same time allay the fears of the people of Guam that we are sending someone in there that will be semiautonomous, or even unbridled opportunity and occasion to actually move them backward in terms of self-government.

Do you feel that you could do that for the committee?

**STATEMENT OF HON. HARRY R. ANDERSON, ASSISTANT SECRETARY OF THE INTERIOR FOR PUBLIC LAND MANAGEMENT—**  
Continued

Mr. ANDERSON. Mr. Chairman, I will be very happy to try and do so. I would like to make a short comment, if I may, at this time.

Mr. CAREY. Will you do so?

Mr. ANDERSON. I feel that I can possibly clear up some of the confusion.

I can appreciate the position that the speaker, Mr. Arriola took. He apparently only read the first letter, which was the February letter which we wrote to the senate with respect to a comptroller. In this particular letter we did express concern because of the cost of establishing a comptroller on Guam.

And we suggested, after consultation with the GAO, that GAO make an annual audit. Now, our people who met with the GAO apparently had a misunderstanding, because GAO then later advised us that it was not their understanding or intent that they would make an annual audit. They would only want to make an audit periodically.



Therefore, we changed our position. And this was reflected in our March letter, in which we recommended a comptroller, which is on the same basis as I reported yesterday. There is where we have the confusion with respect to the speaker's understanding, and what we actually ended up with reporting. We had confusion ourselves with respect to our understanding with the General Accounting Office.

And I might just read here from page 26 of the senate report. It comes out of a letter signed by Elmer B. Staats, Comptroller General of the United States. He states:

We believe that an audit by a Government Comptroller which has as one of its primary objectives the improvement of the efficiency and the economy of the Government of Guam should more than pay for itself once it has been effectively established. Further, under such circumstances, the tests presently made by the Public Accounting firm could be reduced providing that an effective Federal audit by a Comptroller existed.

This is the position of the General Accounting Office. They recommend the establishment of a comptroller, and apparently do not wish to take on this added duty as suggested, and which the speaker referred to in our February letter.

**Mr. CAREY.** Could we look into a uniform arrangement to be suggested by the Department of Interior so that all of the territories would be placed on a par basis with the terms of our auditing requirements, wouldn't this make sense, that it certainly couldn't be called any kind of step backward to the people of Guam if all of the territories which have elected Governors would have the same auditing arrangements?

**Mr. ANDERSON.** That would certainly be our objective, to have a uniform approach to both the territories, the Virgin Islands as well as Guam. As to the auditor or comptroller, he would report to the Secretary. I think he will actually report to one of the functions in the Department that carries on normal auditing. And I believe that it would be a uniform approach, and a high level of auditing. And it would be, as we stated yesterday, reserved to auditing. He would not be a policy-making person.

However, we have to recognize that he would in the course of his audit, comment on the efficiency and recordkeeping. This would all be in the interest of improvement for the governments of Guam or the Virgin Islands.

**Mr. CAREY.** Mr. Secretary, speaking of Mr. Arriola and Mr. Won Pat, they seem to have an affection for the General Accounting Office. This seems to be rather unique in a society. I notice that the comptroller general has suggested here on page 26, to which you called our attention, he has made an offer that he would be pleased to assist in drafting appropriate legislation, so that there would be a uniform audit arrangement.

What would you think—I would like to have you express this communication to the committee—should we do one of two things, or possibly two things: one, eliminate the comptroller language of the bill and have separate legislation in which you would set forth the comptroller information for all of the territories on a uniform basis?

**Mr. ANDERSON.** Mr. Chairman, if we follow what I understand is the markup on the Virgin Island bill, and then follow what we recommended yesterday, I think we would have a uniform approach with

respect to the two territories in question. I would like to see the comptrollership established and go with the elected Governor bills.

Mr. CAREY. I think it is most important, Mr. Won Pat, and Speaker Arriola, that somehow you communicate to the people of the trust territory that we are seeking, simply, uniform audit arrangements for all the territories, with a recommendation embodied in these arrangements that comes from the Comptroller General of the United States presiding over the General Accounting Office, which you seek to have as your auditing agency.

So if we are able to get language amended, possibly as suggested by the gentlelady from Hawaii, Mrs. Mink, which reflects the recommendation not only of the Department of the Interior, but of the General Accounting Office, would you find this, then, acceptable to the people of Guam?

Mr. WON PAT. I am sure that an alternative to this presentation—you see, we have no objection to an examination of the accounts, they should be audited, and all that, there is no quarrel with that. But I think, as Mr. Arriola pointed out, just having what we call another person over there who would be superimposing on the prerogative of the Government, because he has prerogative to say what to do in this regard or that regard, or regardless of what the executive branch may want—

Mr. ANDERSON. Mr. Chairman, could I just comment.

It appears to me that we have built up undue concern with respect to auditors. Now, it may be because I look upon auditors a little differently. Having been one—and the State of California has me licensed as an accountant, however I haven't engaged in the practice for many years—I have been audited many times, and I have always greeted the auditors by saying, "I am glad you are here, I welcome you, and if you find anything wrong, I am the first guy that wants to hear about it"—I can't share the great concern over and fear of auditors.

It possibly comes because of cases where auditors have become unduly involved in management and policy. But if they stick with the auditing job and fiscal control interpretations, I can't see why we should have such great concern over auditors. We live with them every day.

Mr. CAREY. I agree, Mr. Secretary. It is an old established American practice, as long as the auditor sticks to his books, you have—

Mr. WON PAT. I don't think there is any fear, Mr. Secretary. The Governor is on record, also, as opposing this. And he is in a better position to assess this, because he is an administrative officer of the Government. Now, the legislature is the lawmaking body and the policymaking body, just like the Congress. And they have the responsibility, of course, to see how that money is spent according to the law that they have enacted.

Mr. CAREY. We will have to close these hearings. The House is in session.

The gentleman from Maryland.

Mr. MORTON. I have only one question. I think the whole matter has been discussed pretty fully.

But are you as strong in your views about this matter as the speaker was? And would you rather have no bill than this bill with this provision in it?

Mr. WON PAT. I think that we should have the governorship and if, in the wisdom of this committee and the Congress, they have to have some—in other words, if they have to have this officer, if there is no other alternative that could be worked out, we will abide by it. We would prefer to have the elected Governor bill. It is a step forward anyway.

Mr. MORTON. That is all.

Mr. CAREY. The gentleman from Utah.

Mr. BURTON. Mr. Won Pat, in reading the proposed bill, do you see how this proposed Federal comptroller, with the amendments that have been offered limiting his power and making him directly responsible to the Secretary of Interior, do you conceive in any way that this man or this office would have legislative responsibilities?

Mr. WON PAT. In the light of the discussion in the hearing, I believe I have full confidence that the committee will arrive at an equitable and acceptable solution.

Mr. BURTON. Suppose we arrived at exactly the language that is before us in the form of amendments proposed by Secretary Anderson, do you conceive that this person could have any legislative responsibilities? How can he pass laws?

Mr. WON PAT. I am not conceding that he would have legislative responsibility in that case. In other words, he would more or less, be complementing, or supplementing, in other words, the Governor's executive or administrative responsibility.

Mr. BURTON. Let's go on to that. Do you conceive of any executive powers over the people of Guam that this office would have?

Mr. WON PAT. In a way, we can say that as provided in the bill, that he must decide in regard to all the transactions in all respects to the Government of Guam, that he has the final say so, and the Governor has nothing to do with it. The only recourse would be before a court.

Mr. BURTON. I am not sure that I understood you correctly. Could we just go back to this point about legislative functions. Are we in agreement that as proposed by the Department of Interior, he would have no legislative functions?

Mr. WON PAT. I agree with you.

Mr. BURTON. Do I understand you to say that you thought he might have some executive powers over the people of Guam, in the sense that the Governor has executive powers?

Mr. WON PAT. If the wording of the bill right now is carried out.

Mr. BURTON. I believe that he would have no executive powers.

Mr. WON PAT. He does, indeed; he does have administrative and executive powers in that case.

Mr. BURTON. He couldn't veto an act.

Mr. WON PAT. But he does not take direction from the Governor, who is the chief executive.

Mr. BURTON. I am trying to find out what executive powers over the people of Guam you think he might have. He can't issue proclamations and he can't veto acts of the legislature, he couldn't take over in case of an emergency in Guam, a civil disturbance.

Mr. WON PAT. That is an unusual circumstance.

Mr. BURTON. But these are administrative powers. He doesn't have the right to sign into law acts of the legislature.

Mr. WON PAT. That is beside the point I am making. He doesn't assume the total administrative and executive powers of the Government.

Mr. BURTON. What executive powers over the people of Guam, specifically, do you think he would have if this bill were enacted with Secretary Anderson's—

Mr. WON PAT. He is totally autonomous, because he is a representative of the Secretary of Interior.

Mr. BURTON. That doesn't give him any executive powers, Mr. Won Pat.

Mr. WON PAT. He does have what we call—he audits the internal transactions of the government of Guam, the financial transactions of the government of Guam, which internal audit is usually done—which really, is the responsibility of the administration.

Mr. BURTON. And his simple function, as I understand it, is merely to report the facts to the Secretary of the Interior. That doesn't give him any executive power.

Mr. WON PAT. I may be wrong in my understanding of this, then. But from what I read here—

Mr. BURTON. You have to read the bill, Mr. Won Pat, keeping in mind Mr. Anderson's suggested amendments, which weaken the language as I understood it, in the bill. Isn't that true, Mr. Secretary?

Mr. ANDERSON. Yes.

Mr. BURTON. Which makes him directly responsible to the Secretary.

Mr. ANDERSON. If Mr. Won Pat would read the Senate bill, he would have the program.

Mr. WON PAT. We are now on the House bill, aren't we?

Mr. ANDERSON. Yes. But the amendments that we have recommended are contained in the Senate bill. So you should read the Senate bill, section 9-A, on page 7. Section 9-A goes on for over two pages.

Mr. WON PAT. Yes, 499 is different from H.R. 7329, isn't it?

Mr. ANDERSON. Yes, it is.

Mr. WON PAT. Of course, the committee has not decided to take the version of the Senate bill.

Mr. BURTON. I have always prefaced my questions to you with the assumption that Secretary Anderson's recommendations will be adopted. I don't think we are in much disagreement, because all I am trying to do is get you to agree with me that this officer is directly responsible to the Secretary of the Interior, and his responsibility is only to report to him on how the money is spent, and where it is spent, and why it is spent. That is where his function, as I understand it, stops. Because I can't see that he has any executive power over the people of Guam. If he does have, I want to know about it, because I am not in favor of giving him that power.

If you can give me any specific instances of executive power over the people of Guam that he would have. I want to know about it now.

Mr. WON PAT. You are talking about the provisions of the Senate bill now, not the provisions of the House bill.

Mr. BURTON. What does that mean?

Mr. WON PAT. You see, the provision in S. 449 and the provision in the House bill are different with respect to the comptroller.

Mr. BURTON. Well, take your pick, then, either bill—what executive powers over the people of Guam does it give him?

Mr. WON PAT. What I am referring to is the powers vested—where the chief executive officer of the government of Guam is responsible as the chief executive as well as administrative officer.

Mr. BURTON. I am not sure that I am clear what your position is, Mr. Won Pat. I am not trying to confuse you. I would conclude that line of questioning by saying that you haven't given me one specific example of one single piece of executive power over the people of Guam that either one of these bills would give this man.

Mr. WON PAT. All the laws that are made in the territory by the legislature together, the chief executive is responsible for the carrying out of those laws.

Mr. BURTON. I think the record should show this—and then we will wind that part of the questioning up—that the Federal comptroller as proposed by the Department of Interior cannot issue proclamations. I can't see that he can in any way interfere with the functions of the office of Governor. I can't see that he can in any way interfere with the functions of the legislature. And I can't conceive of any single iota of power that he would have over the people of Guam.

I want to ask you one more question. Do you conceive that if we put in a Federal comptroller that Washington would still control Guam through their "High Commissioner"?

Mr. WON PAT. As far as Washington controlling Guam, they will continue to control Guam regardless of what you have over in Guam, or who you have.

Mr. BURTON. In the sense that Washington controls Utah.

Mr. WON PAT. Because it is not a sovereign State.

Mr. BURTON. I don't think they could control the people through a Federal comptroller.

Mr. WON PAT. I think we are all agreed on the need of a comptroller, or somebody to look into the financial transactions and operations, so that moneys which are awarded and moneys which are appropriated are accounted for properly by the properly constituted officer. There is no disagreement in that regard.

I think the disagreement right here is the comptroller who is appointed—in other words, he may come over to the government of Guam and audit, and make a report, there is absolutely no objection. He can stay there 365 days a year to audit, but the governor of Guam, of course, must continue his internal audit. He makes the internal audit, or perhaps makes a review of the audit, or some other organization may make a review.

Mr. BURTON. Explain to me the difference.

Mr. WON PAT. There is no power in that regard.

Mr. BURTON. Explain to me the difference between having a Federal official over there from GAO, 365 days a year, and having a Federal comptroller.

Mr. WON PAT. In this particular case, the Governor has nothing to do with them.

Mr. BURTON. In one case, you would call him a pear, and in the other you would call him an orange. He would be doing the same thing, only I think it would be better to have a comptroller who is responsible to the Department that has jurisdiction over your affairs.

Mr. WON PAT. I believe that if this comptroller is placed in a

position like what is called the post audit, the one that is audited—the Governor of Guam—that would be acceptable.

Mr. CAREY. Would you yield?

Mr. BURTON. I would be very happy to yield.

Mr. CAREY. Had time permitted today, we would have gotten to the consideration of the Economic Development Act of Guam, which would have provided \$5 to \$7.5 million into a revolving fund to assist the economy of Guam. If the receiving of this important Economic Development Act was conditioned on the Federal control of the audit function, strictly audit function, being on what happened, to make sure that this fund was properly operated, a grant fund, would the people, in your opinion, desire not to have the Economic Development Act if they had to have a comptroller to exercise, at least in the Economic Development Administration—to supervise the operation of the Economic Development Act?

Mr. WON PAT. I don't think there would be any objection to that.

Mr. CAREY. Because the people in Alaska are very happy to get such a fund with all the controls built in it.

Mr. WON PAT. Yes; we believe that, being a Federal fund, it should be strictly controlled by the Federal.

Mr. MORTON. Would the gentlemen yield?

Mr. CAREY. Yes.

Mr. MORTON. Let me ask you this, Mr. Won Pat. If we eliminated the comptroller from the bill what would be the organizational relationship between the territory of Guam and the Office of Territories of the Department of Interior? What function would the Department of Interior have?

Mr. WON PAT. Of course, that would be up to the policymaking body, the Congress, to determine. Presently it is still the administrative department. In other words, it has an oversight.

Mr. MORTON. Do you believe this oversight—

Mr. WON PAT. In other words, in the present law, nothing prevents the Department of Interior or anybody from looking into the internal operation of the government of Guam. They can do that any time.

Mr. MORTON. In a territory which has an elected Governor and its own legislature, and is audited by itself, either through the employment of outside auditors or organizationally authorized auditors within the government, what is the responsibility, then, of the United States, the people of the United States, to protect it from a military point of view and to develop it economically and socially? Or do we have any hard-core responsibilities?

Mr. WON PAT. We believe, of course, that being also citizens of the United States, we have a corresponding responsibility, an obligation, of course, to the national interests, the national posture, the national welfare, the national well-being. Now, this is no departure, understand, from what is called the territorial, or rather, self-government. You don't have what is called a Federal comptroller in the trust territory. You don't have a Federal comptroller in Samoa.

Mr. MORTON. We have a Federal comptroller in the trust territory. It is a line item of the budget. It is approved by the hard work of this committee, and it is the responsibility of the High Commissioner to carry it out. He has very limited latitude in determining the priorities

for the expenditure of money there. So much of it must go to education, and so much of it to other public services, and so forth.

Mr. WON PAT. It is also true—you see, the Governor being appointed right now, he is paid also by the Federal Government, and he is what is called—his office operation is also under the cognizance of the Department of Interior, and the Department of Interior submits the budget.

Mr. MORTON. We cut that umbilical tie, though, when we provide for an elected Governor, which I am all for. But what kind of tie should we have? We have to maintain some communications of a fiscal nature.

Mr. WON PAT. I understand in an unincorporated territory like Puerto Rico; I think that Puerto Rico still has a tie with the United States, notwithstanding the fact that it elects its own Governor, and has its own Governor also, but you never appointed a Federal comptroller over there. And as I said in my statement, they are involved in much more Federal money. But Congress has never seen fit to have a comptroller over there, or the Department of Interior for that matter, has never recommended to have a comptroller over Puerto Rico.

Puerto Rico is a Commonwealth—I don't understand the meaning of "Commonwealth," but I understand they are associated with the United States; they are American citizens.

Mr. MORTON. Thank you.

Mr. BURTON. In response to the previous question of the gentleman from Maryland, I am given to understand, then, that you disagree with the position of Speaker Arriola. In other words, you would accept the elected Governor bill with a comptroller?

Mr. WON PAT. That is what we want, we want to have an elected Governor, as a step toward self-government. Now, if in the wisdom of this committee and the Congress, however, they have to have that comptroller—in other words, if you have to have him whether we like it or not—we recognize that political evolution is a process like any other—

Mr. BURTON. I don't mean to nit-pick with you, but when you say the "people of Guam," you are speaking for a certain segment, obviously, in view of what Mr. Arriola said. Apparently, one of the minority parties wants a comptroller. Apparently, the chamber of commerce wants a comptroller.

Mr. WON PAT. I am glad you mentioned that, because I was there at the meeting with you people; as a matter of fact, I had a conference afterward with some officials of the chamber of commerce in regard to that point. And I also had spoken to the auditors which were engaged by the Governor of Guam; Peat, Marwick & Mitchell.

Mr. BURTON. What does that mean?

Mr. WON PAT. That is what I got from the chamber of commerce, that there are some members of the chamber who do not know the operation of the Government that favor what is called the comptroller.

With respect to Peat, Marwick & Mitchell, the auditors, they say that they naturally cannot express a position of not having a comptroller, because they are the ones, of course, who are doing the controlling, and the implication might be that they would be opposed to the comptroller because they want to do the auditing.

I really spoke to as many as I could in the various segments of the community, in order to get the general views of the public. That is what I did.

Mr. BURTON. Are you saying that a majority of the chamber of commerce really doesn't want a comptroller?

Mr. WON PAT. No. But I raised the question, and he said, only those members that do not understand or do not know the internal government operation are opposed to the comptroller—or rather, want the comptroller.

Mr. BURTON. Would it be a fair statement to say that there is a considerable body of the citizenry among Guamanians—

Mr. WON PAT. There are a number of people in Guam who want the comptroller, that is a matter of fact. But generally, from my own knowledge, and as also expressed by the speaker, and the Governor, they don't, in other words, feel that a speaker is proper—not a comptroller himself, but the way it is provided in the bill. I say, we are not against the comptroller; I want to make that clear, unmistakably clear, we are not opposed to the comptroller itself per se to look at the transactions of the government and account for it to the authorities here; no. It is just the way in which he is to assume the position with respect to his relationship with the Governor of Guam, the chief executive, or the administrative officer.

Mr. BURTON. If that is what you are worrying about, then we can take care of that.

Mr. WON PAT. That is way I say, I am not sure the committee in its wisdom will ever be able to come out with an acceptable solution.

Mr. BURTON. I can't speak for all the members of the committee, Mr. Won Pat. But I sincerely believe that the committee isn't going to create an office that is going to be superior to the elected chief executive of Guam, that will in any way be superior or have any check, really, upon the Legislature of Guam. That is not our desire. As soon as you create a legislature, you put some checks on the Governor, and as soon as you create the office of Governor, you put some checks on the legislature.

In our interrogation, in our questioning back and forth, I still haven't been shown convincingly how the office of comptroller, as envisioned by the Department of the Interior, would or could, if he wanted to, in any way impinge upon the executive power of the Governor or the power of the Legislature of Guam.

With that, Mr. Chairman, I will yield back the balance of my time.

Mr. CAREY. Just prior to closing the hearings on this bill, let me make these two observations: one, I think it is most unfortunate, as the gentleman from Iowa has said, and the gentleman from Utah has said, that this whole notion of the comptroller has been blown up out of all proportion.

Let me suggest that if the bill is passed with the appropriate language to define the Comptroller provision as we both envision it, that the Guam Legislature will not go out of business, the elected Governor of Guam is not going out of business, and the Congress and this committee are not going out of business.

Mr. Taitano described it as a "bureaucratic monster on Guam." But if there were any sort of malfeasance on the part of this individual,



there are ample channels of communications which would very quickly end it.

Mr. BURTON. Would the chairman yield at this point?

Mr. CAREY. Yes.

Mr. BURTON. Don't you think this committee would be the first one to "fix his wagon"?

Mr. CAREY. We would be the first one to tie his star to a jet going in the opposite direction and get him out of Guam. I think we could accomplish that for you. So we do have ability still working for you.

As I said, if we had had the time, we would have gotten to the Economic Development Act. The basis of this act in the purported obligation which causes us to expedite this next bill was that during a period an obligation arose in that through some unfortunate error or omission in the Department of the Interior and the government of Guam, moneys which were due the people of Guam to reimburse travel to persons going to Guam for official duties were not corrected over a period of a considerable number of years. And the total obligation, had it been collected, would have been \$5 to \$7.5 million, which would have been there for the good of the people of Guam.

Is that correct?

Mr. WON PAT. That is correct, sir.

Mr. CAREY. Now, had you had a Federal comptroller doing the job as he is supposed to do the job, as we envision in this bill, that Federal comptroller would have seen that the appropriate department in our Government here did discharge its obligation and pay this money to the government of Guam. And you would have been \$5 to \$7.5 million richer than you are at this time, because the Federal comptroller was there to do this.

Is it not true that he could have done it?

Mr. WON PAT. That is a speculative affair.

Mr. CAREY. There is no question that that is one of his functions, and if he had been there he should have been able to do this, to make sure that the people of Guam get all they are entitled to under one of the programs that are written to include them.

So I think we can properly describe his functions, tie them down to the audit, and save the people of Guam the money they are now paying for outside auditors, and establish this good line of collections, as suggested by the gentleman from Maryland, with the Department of the Interior. And we can have an elected Governor bill and a comptroller, who may not be the most popular man on Guam, but he will be at least acceptable to the Governor and the legislature.

Mr. Secretary.

Mr. ANDERSON. Mr. Chairman, in response to your question, I indicated that I would take another look and see if there was something we could do to come closer together.

I have reread the provisions of the Senate bill, which are the same as we recommended for amendment to your bill, Mr. Chairman. And it just seems to me that if we are going to do any kind of an auditing job, that what we have here is the minimum. And I still feel the way the provisions of this bill are set forth, we are talking about fiscal auditing, and it is not getting into a policy area whatsoever, recognizing, of course, that when an auditor comments on the efficiency and economy of a certain program, which is a sort of a byproduct of his auditing, it may so be interpreted.

I would like also to point out that section 9-A(e), provides if the Governor does not concur, he may seek relief.

Mr. CAREY. The Governor himself must concur in the decision.

Mr. ANDERSON. The Governor of Guam has an appeal to the district court of Guam with respect to the actions of the comptroller.

Mr. CAREY. I thank the witnesses for appearing here today. The committee stands adjourned.

(Whereupon, at 12:35 p.m., the subcommittee adjourned, subject to the call of the Chair.)

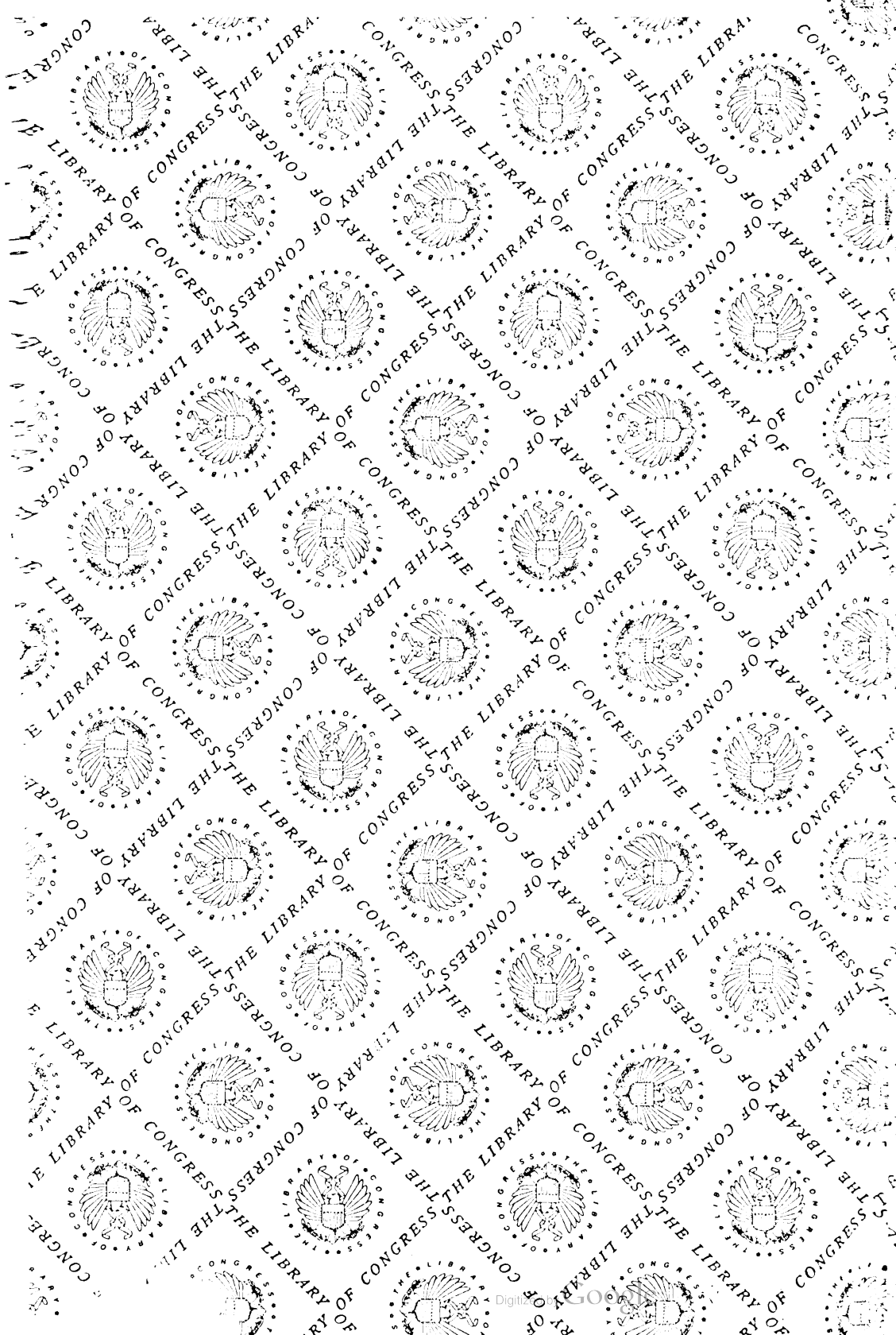


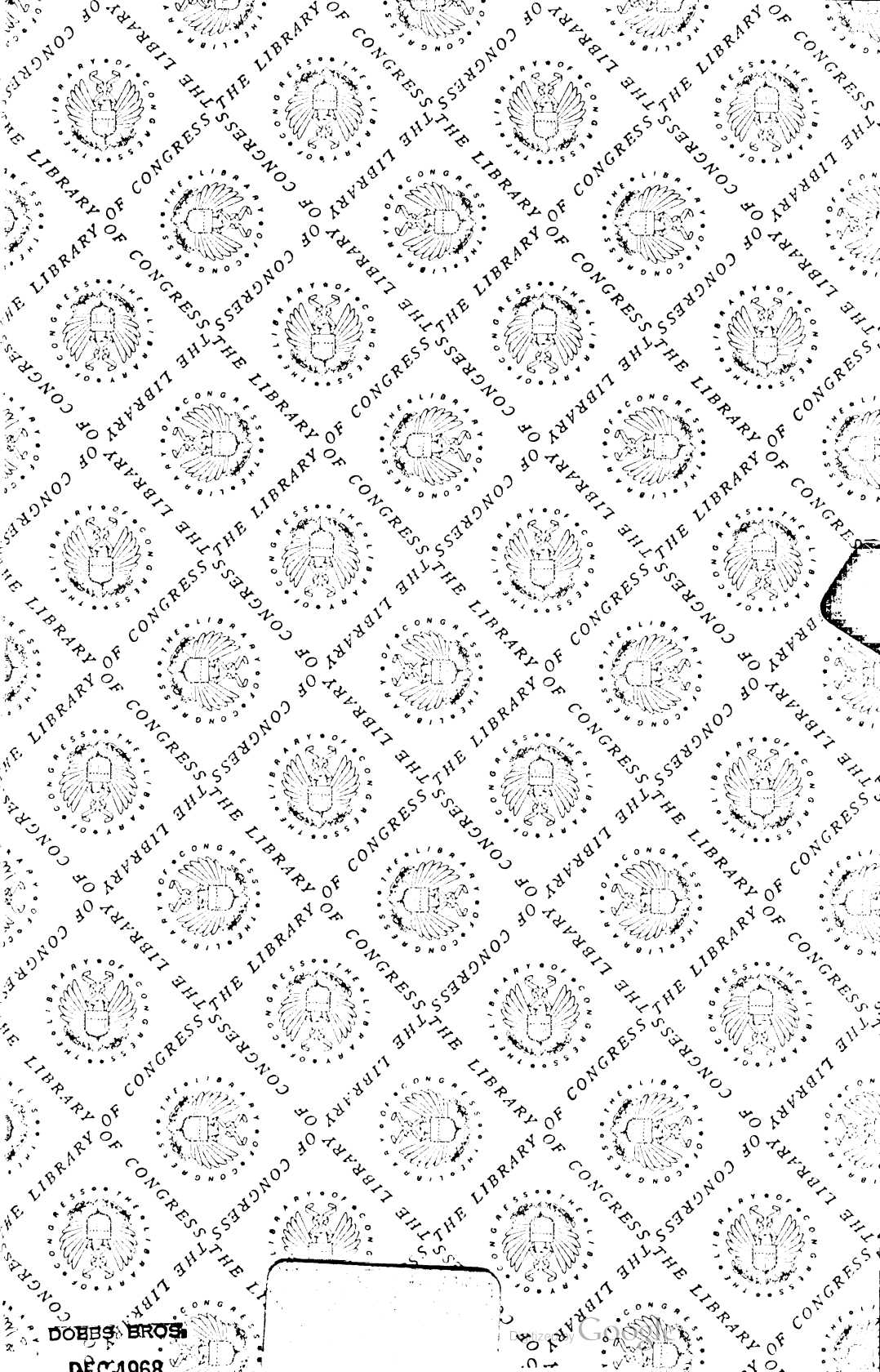
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