

## GUAM'S QUEST FOR POLITICAL IDENTITY

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### Introduction

Guam is an interesting political anomaly among the island communities of the Pacific. The first island to experience European intrusion, it is among the last to remain under outside control. Conservative and inwardly focused, prosperous through U.S. subsidies, and Americanized by a large U.S. military presence, Guam was bypassed by the international politics of decolonization that shaped the rest of the Pacific islands after World War II.

If judged by United Nations criteria on decolonization, Guam has remained a nonself-governing colony of the United States ever since American sovereignty over the island was made legal in 1898 by the Treaty of Paris with Spain. In the nine decades of U.S. rule only one fundamental change has occurred in Guam's political status: In 1950 an Organic Act by the U.S. Congress made Guamanians American citizens. According to Carano and Sanchez (1964:8-10), Guamanians numbered about twenty-three thousand in 1950 and were predominantly of mixed ancestry through marriages of the indigenous Chamorros with Filipinos, Spaniards, and other immigrants. There were no pure Chamorros. English and Chamorro are the official languages. Guam was also granted limited, but fully democratic, internal government. Although Guamanians were not permitted to vote on the Organic Act, overwhelming support for it emerged during public hearings on Guam (Hearings 1950).

As of 1988, the U.S. Congress continues to exercise plenary authority over Guam through the now much-amended 1950 Organic Act. The island still does not have its own constitution, and not all provisions of the U.S. Constitution apply because of Guam's status as a U.S. territory. In size and in sociopolitical terms Guam is equivalent to a small rural county in the U.S. system, but its geographical significance is unique.

Too small to become a U.S. state, too strategic to be permitted independence, Guam lives on in a neocolonial limbo. This condition is quite satisfactory for U.S. national security interests, but is increasingly anachronistic as the other islands of Micronesia have moved toward resolution of their final political identities.

Guam's condition of political stasis is now changing. Through a series of plebiscites and the drafting of a "Commonwealth Act" for approval by the U.S. Congress, the people of Guam are attempting to transform their relationship with the United States. Guam's goal is to change from an unincorporated territory under traditional U.S. legal doctrine (whereby Guam can never become a U.S. state) to a new commonwealth status. This status, the people of Guam hope, will permit expanded local autonomy through a future Guam constitution while continuing American sovereignty. The precedent for a Guam commonwealth is the neighboring Commonwealth of the Northern Mariana Islands, which was established in 1976.

The Guam commonwealth effort is still underway, and is not at all certain of realization. Success depends not only on the responsiveness of a distant U.S. Congress, but also on the unity of purpose and willingness to compromise of the Guamanians. Unfortunately, these are characteristics often absent in the island's factional local politics, where clashes between personalities, not issues, tend to determine policies.

This article analyzes the relevant historical factors, the legal issues, and the politics involved in Guam's quest for political identity. Guam's case is notable not only because it concerns the fate of one of the world's last small colonies, but also because it significantly conditions the durability of the American presence throughout the strategically important Western Pacific, a region heretofore considered an "American lake," but now quietly undergoing political decentralization.

### **Guam in the Pacific: Geopolitical Imperatives**

Geopolitics was, is, and will continue to be the dominant factor in the development of Guam. Although small (only a little over two hundred square miles with an estimated population of 130,000, of which some

twenty-five thousand are nonresident U.S. military personnel and dependents), Guam nonetheless has been significant in geopolitical terms for all the major Pacific maritime powers since Magellan stumbled onto the island in 1521.

Guam lies almost dead center in the vast, almost empty expanse of the western Pacific Ocean south of Japan and north of the equator. About half of that oceanic region is comprised of Micronesia, of which Guam is now the commercial and military--but not the political--hub. On the east-west axis that crosses five thousand miles of the Pacific between Hawaii and the Philippines, Guam is not only the largest but also the only high island with a protected major harbor and sufficient area for multiple airports and logistical bases. Similarly, on the north-south axis that stretches nearly three thousand miles from Japan to Papua New Guinea, Guam again in the largest and most useful landfall for communications, shipping, and military installations.

Therefore, American strategic doctrine has long held that any major military power that governs Guam and Micronesia thereby commands the sea, air, and outer space approaches to the Asian rimland from the east. Conversely, that same power controls the approaches to the United States out of Asia (Webb 1974). This geographic and politico-military condition pertains with or without allies outside the region.

As a consequence of its enduring geopolitical significance, Guam has been occupied by outside military forces without interruption for the incredible span of 320 years. Geopolitics was the main reason Spain held Guam from 1668 until the Spanish-American War of 1898, and why Spain was replaced in the Western Pacific by new colonial powers: the United States and Germany. Geopolitics was the overriding reason Japan replaced Germany in Micronesia in 1914, invaded Guam in 1941, and fought to hold the area against the Americans in 1943-1944. It was the motivation behind establishment in 1947 of the Trust Territory of the Pacific Islands in Micronesia under U.S. administration. And it is why the United States is not about to relinquish military control of either Guam or the rest of Micronesia to any foreign power for the indefinite future.

Even in the post-Mahan space age, Guam remains strategically crucial to the United States. Military installations sprawl across one-third of the island's surface and include one of the Pacific's largest nuclear weapons depots. Guam today is an unsinkable U.S. communications and logistics platform, monitoring satellites and missiles, supporting antisubmarine and B-52 bomber operations, and harboring prepositioned supply ships for rapid deployment strike forces. The Soviets con-

cur with the military value of the island. The respected historian K. V. Malakhovskii, in a succinct study of Guam with a chapter aptly titled "The Gibraltar of the Pacific," declared, "After the Second World War the strategic military importance of the Pacific Islands did not lessen" (1975:67).

Given its strategic value, Guam has been provided considerable financial support by the United States in comparison with assistance accorded most other Pacific communities. Since 1945 large direct U.S. subsidies and indirect spin-offs from continual military expenditures have underwritten a modestly healthy economy on Guam. Guamanians have enjoyed a rising standard of living in spite of destructive typhoons, occasional recessions, an overburdened infrastructure, and the usual staggering public debt caused by governmental overspending. The latest hard statistic on the average adjusted gross income for resident taxpayers (that is, wage earners, most of whom are Guamanians; U.S. military personnel on-island need not pay Guam income tax) was \$16,628 in 1984 (*Guam Annual Economic Review* 1985:130).

Although low by U.S. domestic standards, this income is respectable in comparison to that of other Pacific islands. Over half of Guam's families own their homes. Unemployment on Guam in the third quarter of 1987 was only 3 percent. The existing government-based economy is supplemented by an expanding flow of tourists from Japan to Guam's tropical beaches. Tourism is the islands major private business. With more than 480,000 visitors in 1987, according to the Guam Visitors Bureau, Guam ranks second only to Hawaii among Pacific islands in numbers of tourists. Guam, in short, is no longer part of the Third World in economic terms.

One effect of assured, if modest, prosperity for Guam's people has been to blunt political discontent. Conservative, family-oriented, and deeply Catholic from their Spanish heritage, Guamanians were passive in regard to political status in the years from 1950 into the 1960s while most of the Third World was decolonized. Congressional authorization of a locally elected governor, beginning in the 1970 elections, tended to focus political energies inward on Guam's own tumultuous local elections. Branches of the national Democratic and Republican parties emerged to contest fierce gubernatorial elections every four years and to clash every two years over the twenty-one seats in Guam's unicameral legislature.

Because of its status as a U.S. territory, Guam has been marginally involved in Pacific regional or international organizations. It is a member of the South Pacific Commission, the Pacific Basin Development

Council, and the Pacific Post-Secondary Education Council, and is active in Micronesian legislative and executive coordinating bodies such as the Association of Pacific Island Legislatures. Guam received permission in 1987 to send athletes to participate in the Olympic Games, including, oddly, one for the Winter Games. With commonwealth status, Guam could become somewhat more active regionally, but not in international bodies that require some element of sovereign status for membership such as the South Pacific Forum. Guam confirms Crocombe's conclusion that "for most forms of power, the island countries are not so much a region as they are peripheral extensions of capitalist industrialized states on the Pacific rim" (Crocombe and Ali 1983: 193).

Despite preoccupation with local partisan politics, nagging problems have remained unresolved between Guam and the United States, particularly land use by the military. In the post-Organic Act era Guam's problems with the federal authorities were addressed piecemeal through the U.S. Department of the Interior, which has administrative oversight of all U.S. territories, or through congressional amendments of the Organic Act. Despite dissatisfaction with Washington's sometimes burdensome bureaucratic oversight, Guamanians rarely resorted to the U.S. courts for redress of grievances, as did other American minorities (Leibowitz 1979). It took the emergence in the 1970s of political status negotiations in the nearby Trust Territory of the Pacific Islands (TTPI) to arouse serious Guamanian interest in changing Guam's status.

The TTPI district of the greatest interest to Guamanians as a precedent was the Northern Mariana Islands (NMI). Despite being politically divided since 1898, the Mariana Islands as a whole (Guam is the southernmost; Rota, Tinian, Saipan, and smaller islands all lie within two hundred miles to the north) form a natural archipelago, both culturally as the homeland of the Chamorros and geographically as a north-to-south volcanic chain of high islands. In the 1970s, when the other TTPI entities of Palau, the Marshalls, and the Federated States of Micronesia began separate talks with the United States that would lead to free association, the NMI chose instead to seek commonwealth status under permanent U.S. sovereignty. Puerto Rico's commonwealth status since 1952 provided a vague model, but the NMI sought wider latitude in local government and greater limitations on federal authority than Puerto Rico possesses.

In the wake of defeat in Vietnam, the United States military was eager to retain the NMI permanently for the strategic protection of Guam as well as for military training, radar, and communications sites.

Guam, Palau, and the NMI were also considered potential sites for a rollback of U.S. forces from the Philippines and other forward Asian bases (Webb 1974; Grinter 1980). Consequently, the United States quickly negotiated a commonwealth agreement in 1974-1975 that provided most of what the NMI sought under "the right of self-government" (Hearings 1976). However, just what constitutes self-government for the new NMI commonwealth, which is neither a state nor a formal territory within the U.S. federal system, is not yet fully defined.

Ambiguity about sovereign powers had vitiated Puerto Rico's commonwealth, according to former Governor Carlos Romero-Barcelo (1980). To avoid that problem with the NMI, United States negotiators insisted that the Marianas commonwealth agreement (called a "Covenant" to distinguish it from Puerto Rico's "Compact" of 1952) accept complete federal supremacy over the NMI, which was to become an unincorporated U.S. territory like Guam. The NMI, on the other hand, sought to delimit U.S. congressional legislation for the NMI to those enactments applicable only to the fifty states.

As a compromise, there is nowhere in the NMI covenant any mention of the NMI as a "territory" of the United States. The extent of the authority of the Congress to legislate for the NMI in matters other than defense and foreign affairs is left open. This ambiguity constitutes a potential limitation on the plenary authority of Congress, which it exercises under the territorial clause of Article IV of the U.S. Constitution. Limitation of federal power is a key legal issue that could accord a fundamental political advantage to the NMI that Puerto Rico as a commonwealth does not possess, and that Guam clearly lacks under the 1950 Organic Act.

The political and legal implications of the NMI covenant are, therefore, potentially significant for all U.S. territories. If the NMI view of self-government were to be upheld by U.S. courts, it would alter the traditional U.S. territorial doctrine established by the U.S. Supreme Court in the Insular Cases of 1901. Court tests of this point have begun, the latest in 1987 when NMI attorneys L. Hillbloom and J. S. Sirok brought suit in the U.S. District Court of the Marianas against federal intrusions in NMI affairs. Although rejected in part by the judge (King 1988), the issue is not dead.

Meanwhile, the tiny economy of the NMI with its fifteen thousand people in 1976 grew dramatically as a result of the many new benefits under commonwealth status. Millions of dollars in federal grants for capital improvements and expenses of the new government poured into the NMI from Washington. Local NMI control over visitor and tempo-

rary worker visas resulted in a tourist boom. Local taxing authority created a munificent tax system in which up to 95 percent of personal and business taxes are rebated, spurring outside investment. No federal income taxes are paid. Duty-free status and exemptions from U.S. import quotas under Headnote 3A created a Saipan garment-finishing industry. Local political and economic control was assured by the covenant's provision for no land alienation to persons not of Northern Marianas descent for a period of twenty-five years after 1976 (Covenant 1975). Many of the benefits the new American citizens of the NMI received after their islands became a commonwealth were--and still are--tauntingly unavailable to the people of Guam, who have been American citizens since 1950.

### **Constitutional Developments and Political Status Options**

The perceived inequity between the political status of the NMI and that of Guam provoked dissatisfaction with the status quo among Guamanians. Leaders on Guam created a series of temporary commissions in 1973, 1975, and 1980 to study political status and to inform the public on options Guam might undertake. In addition, informal polls and official plebiscites were conducted in 1976, 1980, and 1982 on political status alternatives. The Fifteenth Guam Legislature also commissioned, in 1979, the first in-depth assessment of all possible status options for Guam, including integration with the NMI and annexation to the state of Hawaii as a county. The study concluded that commonwealth status based on the NMI model would be the best option for Guam (Rogers, Warner, and Sablan 1980).

Results of the opinion surveys and plebiscites showed a shift in Guamanian attitudes from support of status quo (51 percent in 1976) to support of commonwealth (49 percent among all alternatives in the first plebiscite in 1982; 73 percent in the second plebiscite between commonwealth and statehood). Independence and free association were favored by only 12 percent or less in all surveys and votes (Guam Election Commission 1987). The NMI example clearly influenced the shift in Guamanian attitudes. The two final plebiscites on status options in 1982, both official, committed Guam to seek commonwealth status.

During the 1970s Guam took one turn into a political blind alley: an aborted constitution. In 1976 Congress authorized Guam and the Virgin Islands to draft constitutions. Guam did so in 1977, producing a sound text based on the latest constitutional models in the fifty states. Under the proposed constitution Guam would have continued as an

unincorporated territory (*Guam Constitutional Convention* 1979). Congress approved the draft, but the Guam electorate rejected it by 82 percent in a 1979 referendum (Guthertz 1982). Among the reasons for rejection were that the constitution was not really a local expression of self-determination (i.e., Chamorro) and that the political status question remained unresolved for Guam.

The turning point in Guam's rather cautious preliminary steps to change its political status came at a conference in December 1983 in Albuquerque between a large bipartisan Guam delegation, led by Governor Ricardo J. Bordallo, and two key congressmen: Guam's own delegate to Congress, A. Won Pat, and Congressman Manuel Lujan of New Mexico, who at that time was vice-chair of the House Interior and Insular Affairs Committee. That committee has basic jurisdiction within the Congress over all U.S. territorial matters. Albuquerque was the conference site because it is the home district of Congressman Lujan, who extended the invitations. At Albuquerque the Guamanians made a commitment to draft a federal-territorial relations act and to submit it to Congress. This process meant Guam would attempt to attain commonwealth status through a legislative track instead of negotiating an agreement first with the U.S. executive branch as was done in the NMI case.

The submission of a bill directly to Congress was first proposed by Congressmen Lujan and Morris K. Udall (from Arizona, and chair of the Interior and Insular Affairs Committee) in a letter to Governor Bordallo in October 1983. The United States, as administrator of the TTPI, had been compelled to negotiate with the NMI on political status because of the latter's residual sovereignty under the United Nations trusteeship. However, there was no obligation for Washington to negotiate with Guam, which was already owned by the United States. The two congressmen therefore urged Guam to go directly to Congress as the quickest way to commonwealth (Udall and Lujan 1983). Interior Department officials also agreed draft legislation was the best approach for Guam.

As a result of the Albuquerque meeting, the Guam Legislature established, by Public Law 17-42 in January 1984, a formal eight-member Commission on Self-Determination with representatives from all three branches of government and both political parties. The task of the commission was to draft a federal-territorial relations act (known as the Guam Commonwealth Act) to be submitted to Congress to replace the 1950 Organic Act and establish commonwealth status for Guam.

Despite the agreement at Albuquerque, the new commission promptly fell to squabbling over the legislative versus the negotiated track.



After four months of argument, the commission majority decided to go ahead on the legislative track. By the end of 1984 the commission had gone through four working drafts of the proposed act. The last version, Working Draft No. 4, was a well-crafted synthesis of all views and was written by the commission's legal counsel, Arnold H. Leibowitz (see Rogers 1984 for complete text of Working Draft No. 4).

The major substantive issues Guam wished resolved were addressed in Working Draft No. 4. These were based to some extent on the NMI precedent and were listed by Governor Bordallo in a letter to the Interior Department in 1983:

1. Determination of a new political status for Guam as a self-governing commonwealth protected from congressional plenary power in a manner similar to a state of the Union;
2. The adverse impact on Guam of certain federal statutes and policies;
3. Military ownership of Guam's most valuable land and economic resources;
4. The nonavailability of local capital to invest in facilities likely to promote commerce and industry;
5. The need for liberal, locally controlled tax, finance, and immigration authority;
6. Federal assistance to Guam;
7. Ending Department of the Interior fiscal oversight of Guam.

Congressional attitudes toward Working Draft No. 4 were explored in late 1984 and early 1985 by the commission on visits to Washington, D.C. Because the draft was not overly demanding in light of the NMI precedent and past U.S. territorial doctrine, officials in Washington expressed an informal view that it was acceptable except for a few major points that Congress might find difficult to approve. Congressman Udall and his staff suggested the difficult points be revised and Guam delay any local plebiscite on the draft act until it was transmitted to Congress and returned for one final vote before enactment.

Udall's suggestions were not followed because of the intrusion of an issue not addressed in Working Draft No. 4: Chamorro self-determination and indigenous rights. Primarily a Guamanian political concern, this controversial matter would be injected into the entire tone of the proposed federal bill and the plebiscites on it.

A quiet chord of indigenous Chamorro identity had survived on Guam ever since the seventeenth century's "barrage of sheer terrorism,"

as Spate characterizes the Spanish Catholic conquest of the Marianas (1983:116-118). Stories persist in Guamanian folklore of the legendary Chamorro youth, Juan Malo, constantly outwitting the Spanish authorities during Guam's long colonial twilight in the eighteenth and nineteenth centuries. The Chamorros were not completely tranquilized by the "pax Hispanica," as Kotzebue thought in 1817 when he visited Guam (1821:25). Under the Americans the Chamorro language persevered as the core of local identity despite almost complete disappearance of other indigenous Chamorro cultural characteristics. Political manifestations of Chamorro resentment were, however, always cautious and subordinated to concerns of church, family, and survival, even long after World War II.

The political status issue rekindled Chamorro consciousness and gave it a cause. Part of the post-World War II generation of young Guamanians educated in American universities, a small but vocal group of Chamorro activists organized in the 1970s to present petitions to the United Nations and advocate self-determination for Guam. The activists tend to favor independence or free association for the island. They view commonwealth primarily as a means to assert Chamorro rights and to move away from the smothering U.S. embrace, rather than as a prelude to U.S. statehood.

Many statesiders (residents of Guam born in the states, usually Caucasians), Filipinos, and older Guamanians on Guam disapprove of the Chamorro activists, believing them to be anti-American radicals of the Left. In reality, although radical by Guamanian standards, Chamorro activists are decidedly mild in their demands in comparison with indigenous-rights advocates in New Caledonia, Fiji, and Southeast Asia. Politically, Chamorro activism appears to be a nonideological, mildly nationalistic movement by a minority on the political Right. It favors preservation of Chamorro culture under a political status that will allow an autochthonous government for Guam (for a polemical expression of these views, see Souder-Jaffery and Underwood 1987).

Opposition to the 1979 draft constitution was led by Chamorro activists. Although small in membership, the indigenous-rights movement could, as shown in the defeat of the 1979 constitution, provoke a formidable oppositionist vote by arousing latent racial resentment in Guamanians of Chamorro descent, who still form the majority of the Guam electorate. In other words, indigenous rights is a divisive issue on multiethnic Guam, where racism is not an overt phenomenon. Therefore, Guam's politicians treat indigenous rights as a valence issue to be avoided or endorsed, not to be publicly opposed. In fact, most local

political leaders are of Chamorro descent and are naturally sympathetic to rectification of past injustices against Chamorros.

Chamorro attitudes toward the draft commonwealth act were expressed regularly in the media and in almost every meeting of the Commission on Self-Determination from 1984 into 1988 by leaders of the Organization of People for Indigenous-Rights (OPI-R). They repeatedly requested revisions in the working drafts, and many of their suggestions were adopted, such as the requirement for Guam's approval of any major changes in U.S. military bases on the island. OPI-R's most radical demand was that only Chamorros should vote on the draft commonwealth act, a demand not granted.

The Chamorro activists gradually created a perception in public opinion that Washington's view and that of Chamorros on Guam were so divergent that a choice, not a compromise, had to be made between the two. In response to that perception, and to deflect OPI-R opposition, the commission members (mostly elected politicians) chose to wrap themselves in the Guam flag. Working Draft No. 4 was revised in 1985 to give it a strong Chamorro imprint, regardless of Washington's suggestions.

Attitudes toward the draft act as it took final shape hardened along ethnic lines on Guam, and into a Guam versus Washington dichotomy overall. Washington's reaction became progressively more negative as the draft became more demanding for political autonomy beyond what the NMI had received (Guerrero 1985a). Statesiders on Guam opposed the provisions in the draft's Article 1 that would accord preferences to Chamorros in voting rights. Filipinos were hostile to the provisions in Article 7 that would place Guam outside the United States for immigration purposes. Most Guamanians of Chamorro descent favored the draft as a whole, but many were uncomfortable with OPI-R stridency.

Guam's delegate to Congress, Republican Ben Blaz (who had defeated Democrat Won Pat in 1984), began to raise warning signals in 1985, pointing out that while he fully endorsed the goal of commonwealth for Guam, the commission should take into account congressional views (Guerrero 1985b). Otherwise, he said, Congress might reject the draft act. Udall requested a study of the draft by the Congressional Research Service. Predictably, the CRS took a negative view of the draft as a whole and questioned the constitutionality of several provisions (CRS 1986).

Overall, by the time the final drafting was completed in late 1985, Guam's proposed commonwealth act had become highly controversial, both in Washington and on Guam. This had not been the case with the

NMI covenant. The next step for the commission was to have the Guam Legislature set a date and provide money for a plebiscite in 1986, but local politics intervened to delay a public vote on the draft act for well over a year.

### **Politics and Plebiscites**

Politics on Guam are pervasively personalized, and the most prominent political personality from 1974 through 1986 was Ricardo J. "Ricky" Bordallo. Dynamic and controversial, Bordallo was seen as a charismatic champion of Chamorro rights by his supporters, and as a volatile, romantic dreamer by his opponents. Leader of the Democratic party on the island and governor in 1974-1978 and again in 1982-1986, Bordallo chaired the Commission on Self-Determination in the years when the proposed commonwealth act was drafted. The draft act is seen as his creation by the public and by Bordallo's political enemies, many within his own party.

By late 1985, when most revisions had been completed on the draft act, Bordallo and the commission began to discuss the ballot and possible dates for a plebiscite in 1986--an election year, not just for the Guam Legislature but also for the governor and lieutenant governor. Therefore, by taking so long to draft the commonwealth act, the commission had made approval of the now-controversial draft a political issue in the regular 1986 elections. In November 1985, the commission formally requested the Eighteenth Guam Legislature to set the plebiscite on the draft act for 12 April 1986 to avoid entanglement of the status issue with the September primary and November general elections.

One of the debilitating characteristics of Guam's government during the 1970s and 1980s was the constant, divisive conflict between the governors and the legislature, regardless of party control. Vetoes and overrides abounded. The Eighteenth Guam Legislature was under the speakership of Democrat Carl T. C. Gutierrez, who was preparing in late 1985 to challenge Bordallo in the 1986 September primary election. The chairs of several key committees were also held by opponents of Bordallo. Consequently, when the senators received Bordallo's request to authorize and fund a plebiscite on the draft act, they delayed a decision while they considered the ballot format for the vote. One view was that an article-by-article vote should be taken. The other view was that the articles were so interrelated that some articles could not be voted down without destroying the integrity of the whole act. The latter view was that of the majority of commission members, who requested the legislature to set a single *yes* or *no* vote on the draft.

Other reasons for the delay were political in nature: Some Democratic senators feared they would have to take a public position on the controversial commonwealth draft, a position that might boomerang against them in the fall elections. The Republican senators, among whom were two tickets for the gubernatorial elections, also did not favor a commonwealth vote that, if successful, might help Bordallo. There was also genuine concern among senators that the public would be distracted from the draft act if a vote on it was held simultaneously with the regular elections. Thus delay or postponement of the commonwealth vote was politically useful to many incumbent senators of both parties.

Because of the continuing legislative delay, the commission once more requested that a plebiscite date be set, this time for June 1986, again to avoid interference with the fall elections. The recommendation was rejected; the legislature finally voted to have an article-by-article ballot and to hold a special plebiscite in mid-April 1987, long after the 1986 regular elections.

With no looming deadline, the commission finished the Legislative Histories (legal explanatory notes) for each section and on 11 June 1986 signed off on the final draft. A Chamorro translation was completed and sent to the Chamorro Language Commission for review. The self-determination commission also distributed a printed version of the draft to the public as inserts in the local newspapers and by direct mail to all registered voters just as campaigning heated up for the fall 1986 regular elections.

Bordallo handily won the September primary and was favored in several polls to win the general election, but fate intervened rudely. A federal grand jury indicted the governor on seventeen counts, mainly for bribery, as a result of an extensive FBI investigation into widespread governmental corruption on Guam. Bordallo was subsequently tried early in 1987, found guilty on ten of the counts, and sentenced to nine years in prison. In the meantime, he lost the November 1986 general election by a wide margin due to the indictments (Dizon 1987).

In January 1987, the new Republican administration of Governor Joe Ada and Lieutenant Governor Frank Blas reconstituted the Commission on Self-Determination with Ada as chair. The commission quickly made two major decisions: first, to postpone the plebiscite on the draft act until 8 August 1987, and, second, to retain the text unchanged. The decisions sparked negative public reaction from Guam's delegate in Washington, Ben Blaz, who has the difficult task of getting the proposal approved by Congress. Blaz recommended a later plebiscite date to allow the draft to be revised because "the document itself is full of

holes" (quoted in Perry 1987a). He was promptly castigated by the OPI-R activists for being pro-Washington. The commission rejected his advice.

After obtaining a budget from the Nineteenth Guam Legislature, the commission launched an intensive islandwide educational campaign on the draft act in June, July, and early August 1987. The commission utilized village meetings, direct mail to all voters, electronic and printed media, and debates (for example, *Pacific Daily News* 1987). Commission members took a relatively neutral stance on how to vote. One court suit to stop the election was instituted by statesider opponents of the act, the Shapiro family, but the suit was thrown out.

The results of the August 8 plebiscite were disappointing to commonwealth supporters. Only 39 percent of Guam's normally conscientious voters turned out, and they rejected Article 1 on the political relationship and Article 7 on immigration by narrow margins of 204 and 139 votes, respectively. All other articles passed, but not by wide majorities with the exception of Article 11, which requests increased federal funds for Guam; it received 61 percent approval.

The Commission on Self-Determination and the Ada administration reacted to the results with aplomb. After all, the proposed act was a creation of the discredited Bordallo, and the partial rejection of his draft caused no political damage to the incumbents. The commission decided it would rewrite the two rejected articles and submit those two to voters again on November 7. The second plebiscite on the two articles was scheduled to be held simultaneously with an election to fill an empty seat in the legislature caused by the death from illness of Senator Pedro Sanchez. Senator Sanchez was a respected former educator and new vice-chair of the Commission on Self-Determination.

First, however, the two rejected articles had to be rewritten. After a quick series of public meetings to receive input, the commission decided the low voter turnout at the August plebiscite was caused by many Chamorro-Guamanians' staying home. Opponents of the draft, on the other hand, turned out heavily, in particular the Filipinos who opposed Article 7 on immigration and the statesiders who opposed Article 1 with its Chamorro preferences. The commission, therefore, decided it would do only a minimal rewrite of the two articles, and campaign to motivate more Chamorros to turn out and pass them.

The commission renumbered the four sections of old Article 1 into three new sections, but essentially kept the substance in different word order. The original controversial Section 103(a) on Chamorro self-determination was changed in new Section 102 to say that Congress recog-

nizes the "right of self-determination of the indigenous Chamorro people of Guam, defined as all those born on Guam before August 1, 1950, and their descendants." This change is more one of style than meaning.

One provision of old Article 1 that was changed in legal substance was the residency qualification for voting or holding public office on Guam. The commission deleted wording that required residency of up to five years, which had been criticized by Washington as unconstitutional. New Section 102 simply authorizes a future Guam constitution to "establish reasonable residency requirements." Nearly all the other language of old Article 1 was retained.

The immigration provisions of old Article 7 were rewritten in a way that will still give Guam control of immigration, but merely postpones the implementation of such authority until two years after the proposed act is enacted. This procedural change did not satisfy Filipino-Guamanians, who still lobbied against the new version.

In the brief educational campaign in October and November 1987 prior to the second plebiscite, the commission members endorsed a *yes* vote and abandoned any pretense of neutrality. This stance angered some non-Chamorros. Also, for the first time in a plebiscite on Guam, nearly all incumbent and former political leaders except Filipinos urged a *yes* vote on both articles, including Bordallo, who was waiting an appeal of his conviction (Bordallo 1987; Sablan 1987).

The second plebiscite also saw the appearance of a different group of Chamorro advocates among the OPI-R activists. Young, personable, and articulate, they mobilized a Chamorro grass-roots campaign in conjunction with the OPI-R and a new political party, the Guam National party, that was created during the campaign. The Chamorros campaigned on the slogan *Hunggan*, "Yes" in Chamorro. Media advertisements, posters, and rallies urged all Chamorros to turn out for a *yes* vote on both articles.

The commission's gamble that a bigger Chamorro turnout would approve the two mildly reworded articles proved correct. On November 7 the turnout topped 58 percent, or 20,765 voters, the largest proportion of whom were undoubtedly Chamorro-Guamanians. All sections in both articles were approved by margins over three thousand votes each, according to the Guam Election Commission. In the senatorial race among a large field of candidates from both parties, Democrat Madeleine Bordallo--the popular statesider wife of former Governor Bordallo--won by a massive margin. She had run a low-key campaign without much mention of the commonwealth articles.

Finally, after fifteen years of study and preparation, Guam had on 7

November 1987 a comprehensive, if still controversial, proposal to change its political status. As Guam entered 1988 the next decision the commission faced was how to go about obtaining approval of the draft act in Washington. Again, as so often in the past, the Guamanian leaders would base their decision on local political considerations rather than on the distant realities of Washington, where practical compromises, good timing, and influential friends often affect outcomes as much as do just causes.

### **Congress and the Draft Commonwealth Act**

The most influential friend of Guam in Washington, D.C., is Congressman Morris K. Udall, chair of the House Interior and Insular Affairs Committee with oversight of all U.S. territories. It was Udall who initiated drafting of a commonwealth act for Guam in 1983. Throughout the four-year process of preparing the act he continued to endorse the concept of commonwealth status for Guam, and it was to him that the draft act would be referred for congressional enactment. His role and support are thus crucial for Guam.

As noted earlier, during the drafting of the act Udall made basic recommendations to Guam's leaders. The first recommendation, made in 1983 and repeated later, was that Guam not hold a vote on the draft act prior to its submission to Congress. He explained that a preliminary vote on Guam would tie his hands greatly in obtaining congressional approval. Nearly all bills submitted to Congress are changed. He needed flexibility, particularly to obtain approvals from the powerful standing congressional committees and executive branch departments involved in defense, foreign, and judicial affairs. In Udall's words, a preliminary vote on Guam could "unnecessarily raise expectations and then disappoint the people of Guam" when Congress returned a changed text (Udall 1986). He suggested a final -confirming vote on Guam only after congressional approval.

Guam's leaders, however, believed they needed a preliminary vote on the draft act in order to strengthen their hand in presenting Guam's case in Washington. They did not want another Organic Act written and approved by Congress. The Guamanians, therefore, ignored Udall's first suggestion and proceeded to hold plebiscites that fixed an exact text with a set of demands in the minds of Guam's voters.

The second basic suggestion was made by Udall in 1985. He recommended that several provisions of the draft be softened because Congress was not only unlikely to approve them, but might even kill the act



before committee hearings if presented with such demands. These provisions concerned: (1) "approval" by Guam of U.S. military bases on the island, (2) trade preferences that would place Guam in a more favorable position than that of any other U.S. territory, (3) veto power by Guam's congressional delegate over federal legislation for Guam, (4) life tenure for the U.S. District Court judge on Guam in place of the present ten-year tenure, and (5) exemption of Guam from all U.S. international airline agreements and from federal authority over labor laws on Guam.

In reviewing Udall's suggestion, Governor Bordallo noted that none of the provisions involved Chamorro rights, which was becoming the main local issue. He therefore urged the commission in April 1985 to approve Udall's recommendation to modify the draft. Immediately the leader of the Republican party, then-territorial Senator Joe Ada, threatened to withdraw his party's support of the draft if the commission acceded to Washington (Ada 1985). To maintain local bipartisan support, the commission rejected Udall's second suggestion except for points three and four, which were later quietly removed from the draft's language.

The third suggestion by Udall was a procedural one. He and Congressman Ron de Lugo (Democrat, Virgin Islands, who is now chair of the Insular Affairs Subcommittee, which may be the first to review the act) wrote, in December 1987, "that the best way to obtain congressional consideration of the draft bill would be to informally transmit the proposal to the [Interior] Committee" (quoted in Perry 1987:13). Udall would then work with the executive branch and congressional committees to "revise those provisions which could not pass muster during legislative consideration and replace them with language in a substitute proposal which could be enacted." This was a polite but clear warning by the congressional leaders upon whom Guam's commonwealth depended that the act was in clear danger from the federal viewpoint unless it was revised before introduction.

The Commission on Self-Determination refused Udall's third recommendation, as it had the first two. Governor Ada, with the majority of the commission, argued that the act must be submitted to the Speaker of the House to be placed as is directly in the legislative hopper without any revisions prior to committee referrals. The governor wants to argue Guam's case before each committee on the basis of the language approved by the people.

In the highly rhetorical review of Guam's history that prefaces the draft act presented to Congress, the Commission on Self-Determination

states that Guam's quest for political status "has now matured into a burning ambition to increase local autonomy" (Guerrero 1988). This statement reflects the OPI-R and Chamorro activists' minority view, not necessarily that of the majority of people on Guam, as evidenced by the low voter turnouts in both 1987 plebiscites on the draft act. In fact, much more public interest was focused in the media and legislative hearings in late 1987 and early 1988 on the questions of gambling and local cable television than on commonwealth.

Guam's leaders seem to view the political status process as a kind of zero-sum game. Although aware that Congress will in the end change the draft act, the Guamanians say they will negotiate compromises during formal public congressional hearings. What Udall and Blaz were trying to do in effect during the four-year preparatory process was to negotiate compromises informally before the draft reached Congress, but the Guamanians refused to negotiate that way. Politics in Washington is not a zero-sum game; there are always costs as well as benefits in obtaining a transfer of political power. One cost to Guam could be to see its commonwealth proposal die in committees without even an opportunity to debate the text.

In February 1988 the draft act was presented to Congress for introduction without changes. Congressman Udall decided to cosponsor it, but said, "I do not want their people [on Guam] to be misled now by my co-sponsoring into thinking that I have changed my mind with respect to these concerns" (Udall 1988). Subsequently, on 16 March 1988 Senator Bennett Johnston, chair of the Energy and Resources Committee, introduced the draft act in the Senate, also with cautionary words for the people of Guam. In the House the draft act, as H.R. 4100, was referred to Udall's Interior Committee and to the Ways and Means Committee. As of May 1988 no hearings on the bill had been scheduled and it was unclear if any would be held in 1988.

Even less clear is whether the act will eventually- be enacted in some form, presumably no earlier than 1989. What is fairly sure is that the draft 1987 Guam commonwealth act will not become law in its present language, and that Guam may have jeopardized its enactment by being so uncompromising. Ironically, rejection would be most welcomed by the Chamorro rights activists who are themselves most responsible for Guam's uncompromising attitude.

### **Conclusion**

There is in Guam's quest for political identity a fundamental contradiction in what Guam is trying to accomplish. The Chamorro activists

belatedly seized upon self-determination as a principle behind commonwealth. But self-determination marches under the flag of freedom, whereas commonwealth marches under the banner of equality. Although they may seem to go arm and arm, Alexis de Tocqueville noted that freedom and equality will always be at odds with each other.

The draft commonwealth act mixes the two concepts. In effect, the leaders of Guam allowed themselves to be pushed by Chamorro activists into putting freedom ahead of equality in Guam's demands on Washington. The ordinary Guamanian, on the other hand, regardless of ethnicity, appears to be seeking equality with other U.S. citizens as a first priority; not immediate full political equality, but an equality of opportunity. In every vote on political status the majority of people on Guam have favored those choices that would bring about equality of status within the American system, not freedom outside it. In short, Guam's leaders may have been too far ahead of, and out of step with, their own people in the commonwealth effort in the 1980s; they certainly were out of step with Washington.

Even if the present proposal dies in Congress, Guam's quest for political identity is not ended. The momentum behind the wave of political decentralization throughout American Micronesia appears to be irreversible. Guam will probably find its way to a new political identity someday despite the largely self-inflicted problems so far in its quest.

In this quest the symbolic logotype for Guam's commonwealth effort is a traditional Chamorro outrigger canoe riding the crest of a star-crossed wave. Guamanians were late in catching the wave, and have floundered a little in learning to sail on it. Yet surely they might be forgiven for forgetting how it is done. After all, it has been a long, long time since the people of Guam were last permitted to build and sail their own canoes.

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