I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) REGULAR SESSION

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Resolution No. 191(LS)

Introduced by: **J.P. Guthertz**
B.J. Cruz
R.J.R. Respicio

Relative to urging Congressional Delegate Madeline Z. Bordallo (D-Guam) to request from the United States Congress full acknowledgment of the *Chamorro* people of Guam as Native Americans and full inclusion under 25 U.S.C. Chapter 1, § 83.3 Registration Requirements of Indian Tribes-Definitions.

BE IT RESOLVED BY ***I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN*:**

WHEREAS, the Non-Self Governing Territory of Guam became a Trust Territory of the United States of America under Chapter XI of the Charter of the United Nations; and

WHEREAS, Chapters XII and XIII of the Charter of the United Nations provides for the establishment of an International Trusteeship System, the basic objectives of which, among others, are to promote the political, economic, social and educational advancement of the inhabitants of Trust Territories and to promote their progressive development towards self government or independence; and

WHEREAS, Principle VI of United Nations General Assembly Resolution 1541 of 1960, states that a Non-Self Governing Territory can reach a full measure of self government by: (a) emergence as a sovereign independent state; (b) free association with an independent state; or (c) integration with an independent state; and

WHEREAS, the United States of America is a signatory of the Charter of the United Nations; and

WHEREAS, Chapter VIII "Equal Rights and Self Determination of Peoples" of the Conference on Security and Cooperation in Europe's "Helsinki Accord," delineates that participating states will respect the equal rights of peoples and their right to self determination, acting at all times in conformity with the purposes and principles of the Charter of the United Nations; and

WHEREAS, the United States of America is a signatory of the "Helsinki Accord;" and

WHEREAS, as a colony of the United States, Guam was captured by the Japanese at the onset of World War II, and the naval and aerial bombardment by the United States preceding the liberation of Guam more than two-and-a-half years later caused irreversible ecological destruction; and

WHEREAS, the United States forgave the nation of Japan for the atrocities committed against native inhabitants of Guam, the *Chamorro* people, without consideration of the *Chamorro* people or their land; and

WHEREAS, the *Chamorro* people do not enjoy full, equal rights, and protection as constitutional citizens of the United States, under the Organic Act of Guam; and

WHEREAS, the *Chamorro* people of Guam have had their lands unjustly condemned by the United States; and

WHEREAS, the *Chamorro* people of Guam have been exposed to radiation fall-out from atomic bomb tests conducted by the United States; and

WHEREAS, the *Chamorro* people of Guam where exposed to dichloro-diphenyl-trichloroethane (DDT) for over two decades by the United States; and

WHEREAS, the United States military's use, storage, and disposal of hazardous materials, toxics, and contaminants within Guam without the free,

prior and informed consent of the *Chamorro* people since World War II, including Agent Orange, Agent Purple, dioxins, heavy metals, and Polychlorinated Biphenyls (PCBs), continues to negatively affect Guam's people and land, and the effects of these hazardous materials, toxics, and contaminants within Guam remain undocumented, untreated, and unmitigated; and

WHEREAS, the incidences of cancer in the *Chamorro* people of Guam are far out of proportion to the incidences in non-contaminated areas, and naso-pharyngeal cancer incidences far outweigh all other cancer incidences in Guam; and

WHEREAS, the combination of radiation exposure, chemical contamination, ecological destruction, and the uncontrolled introduction of invasive species of plants, insects, and animals has destroyed the *Chamorro* People of Guam's ability to sustain themselves through traditional means; and

WHEREAS, the formation of United States military installations and Federal preserves has restricted the rights of the *Chamorro* people from the harvesting of their natural resources; and

WHEREAS, restrictions were placed on studying and perpetuating the history, culture, and language of the *Chamorro* people by the United States until Congress' enactment of the Organic Act in 1950; and

WHEREAS, prior to 1962, a security clearance, requiring approval from the United States appointed Governor of Guam, was needed to travel to and from the island of Guam; and

WHEREAS, the United States has effectively denied Guam's request for Commonwealth status; and

WHEREAS, Compacts of Free Association negotiated between the United States and the Federated States of Micronesia, the Republic of Palau, and the

Republic of the Marshall Islands without Guam's participation or input have resulted in an overwhelming influx of immigrants to the island of Guam; and

WHEREAS, a complete and independent study of the true impact that the Compacts of Free Association have had on Guam's society and economy has never been conducted, resulting in the Federal Government providing far less in Compact Impact funding than actually needed; and

WHEREAS, it is the intent of the Federal Government to undertake the largest military buildup in the history of the United States on the island of Guam without adequately addressing Guam's infrastructure needs as they relate to this endeavor; and

WHEREAS, the general contractors awarded Federal contracts for all construction related to the United States military buildup in Guam are not from Guam and currently there are no federal safeguards to ensure that contractors performing construction relative to the buildup will be paying taxes to the Government of Guam; and

WHEREAS, the majority of the *Chamorro* people of Guam are patriotic statutory citizens of the United States; and

WHEREAS, Guam has the highest per capita enlistment rate in the United States military and the highest per capita ratio of United States military veterans; and

WHEREAS, *Chamorro* veterans in Guam are frustrated and dissatisfied with the lack of services to which they are rightfully entitled; and

WHEREAS, the *Chamorro* people seek a relationship with the United States based on mutual respect; and

WHEREAS, it is the wish of the *Chamorro* People of Guam to evolve beyond the psychological stagnation of second class statutory citizens of the United States; and

WHEREAS, it is also the wish of the *Chamorro* people of Guam to regain their dignity and self respect as a people through equal Constitutional rights and protection; and

WHEREAS, the Federal Register of September 7, 1995, Vol. 60.173 identified *Chamorro* of Guam as Native American Pacific Islanders; and

WHEREAS, 25 U.S.C. Chapter 43 includes Guam under definition of State; and

WHEREAS, an option available to *Chamorro* people of Guam which would satisfy the obligations of the United States to the United Nations in regards to Guam and the Charter of the United Nations would be to grant *Chamorros* of Guam full and equal constitutional citizenship, and allow for the protection of the native rights of the *Chamorro* people of Guam by federal registration under 25 U.S.C. as a Native American Indian Tribe known as *I' Chamorro Na Taotaogui*; and

WHEREAS, the Non-Self Governing Territory of Guam remains an Un-Incorporated, Organized Trust Territory of the United States of America; now, therefore, be it

RESOLVED, that *I Mina'Bente Nuebi Na Liheslaturan Guåhan* does hereby, on behalf of the *Chamorro* people of Guam, request that the Honorable Madeline Z. Bordallo, Guam Delegate to the United States Congress, humbly request from the Congress of the United States of America the full recognition of the *Chamorro* people of Guam as Native Americans and the amendment of 25 U.S.C. to include Guam under Chapter 1, § 83.3 Definition, thereby affording the *Chamorro* people of Guam the option for full integration and inclusion under 25 U.S.C. as a Native American Indian Tribe, known as *I' Chamorro Na Taotaogui*; and be it further

RESOLVED, that the Speaker and the Secretary of *I Liheslatura* attest to, the adoption hereof, and that copies of the same be thereafter transmitted to the Honorable Madeleine Z. Bordallo, Guam Delegate to Congress; to the Secretary

of the Interior Dirk Kempthorne; to Acting Deputy Assistant Secretary for Insular Affairs Doug W. Domenech; to the Honorable Mitch McConnell, Senate Minority Leader; to the Honorable Congressman John Boehner, House Minority Leader; to the Honorable Robert Byrd, President Pro Tempore of the United States Senate; to the Honorable Nancy Pelosi, Speaker of the United States House of Representatives; to the Honorable George W. Bush, President of the United States; and to the Honorable Felix P. Camacho, *I Maga'Lahen Guåhan.*

DULY AND REGULARLY ADOPTED BY *I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN* ON THE ____ TH DAY OF_____, 2008.

JUDITH T. WON PAT	TINA ROSE MUÑA BARNES
Speaker	Senator and
	Secretary of the Legislature