

# Kinalamten Pulitikåt: Siñenten I Chamorro

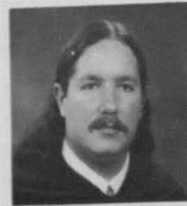
## Issues in Guam's Political Development: The Chamorro Perspective

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## LAND

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Guam is not just a piece of real estate to be exploited for its money-making potential. Above all else, Guam is the homeland of the Chamorro people. That is a fundamental, undeniable



One of the many rivers in Southern Guam. Photo courtesy of Moira Walsh.

truth. We are very profoundly "taotao tano'" — people of the land. This land, tiny as it is, belongs to us just as surely, just as inseparably, as we belong to it. No tragedy of history or declaration of conquest, no legalistic double-talk can change that fact. Guam is our legacy. Is it for sale? How can one sell a national birthright?

— Governor Ricardo J. Bordallo

## ANCIENT WISDOM

Within the region known as Micronesia is a chain of islands called the Marianas, which are the furthest north and the nearest to Asia of all the Pacific Islands. The Marianas are the summits of a vast, submerged mountain range extending south from Japan. Guam is the largest and southernmost of these islands. To the north of Guam are Rota, Saipan, Tinian and numerous smaller islands. To the southeast is the seven-mile-deep Marianas Trench, believed to be the deepest in the world. South of the Marianas chain are the high islands and low-lying atolls now politically known as the Federated States of Micronesia.

Guam is approximately 220 square miles of ter-

raced, coral limestone on a submerged, volcanic base. The southern part of the island is made up of high, hilly volcanic terrain, ranging from 700 to 1,300 feet in altitude. The northern limestone plateau ranges from 200 to 600 feet in elevation. The year-round temperature averages 87 degrees. The first six months of the year are designated the dry season. Typhoons are more likely to occur during the wet, or rainy, season, which extends from July to December. Other natural disasters, such as earthquakes, occasionally visit us, too, especially because Guam is within the Pacific Ring of Fire, one of the world's most active earthquake zones.

The Mariana Islands are the ancestral homeland of the Chamorro people. Scientists have shown that Chamorros have lived here for more than 4,000 years, sharing a unique and special relationship with the land and sea. Chamorros are commonly referred to as "taotao tano'," which literally means "people of the land"; it also is a way of indicating that a person is native to these islands. Land is the soul of our culture; it, together with the sea, gives life to the Chamorro.

The history of our people amplifies the role land played in the lives of our ancestors. The ancient Chamorros, like their ancestors from Southeast Asia, felt that all of Nature had an essence or spirit that Westerners reserve only for humans. Consequently, the ancient Chamorros — like other native peoples — had a great concern for Nature. They attempted to live in harmony with Nature and to integrate their lives with all that is in Nature. In the ancient Chamorro worldview, humans and Nature were interdependent. People felt it was wrong to exploit Nature, and that they should take and use only what they need and leave the rest for others.

A similar Pacific Islands worldview further illustrates this point:

If we husband our lands and waters, they will feed and care for us ... We are stewards of the earth, our mother, and we offer an ancient, umbilical wisdom about how to protect and ensure her life ... No one knows how better to care for ... our island home, than those of us who have lived here for thousands of years. On the other side of the world from us, no people understand the desert better than those who inhabit her. And so on, throughout the magnificently varied places of the earth. Forest people know the forest; mountain peoples know the mountains; plains people know the plains...

The secrets of the land die with the people of the land. This is the bitter lesson of the modern age ... The land cannot live without the people

of the land who, in turn, care for their heritage, their mother. [Trask, 1993, pp. 80-82.]

Westerners, on the other hand, assume that the world is external to themselves and others. They see the world as physical, without a soul or spirit. Unlike Chamorros and other native peoples, they do not realize that the land and sea have life. This is the reason Americans and other Westerners tend to exploit the physical environment for their individual, short-term purposes. Generally, Westerners see their history as a struggle to overcome and conquer Nature. They feel a need to expand into every frontier and to challenge Nature.

Despite these Western views and designs of conquest — mainly Spanish and American over the past 400 years — our people have proudly proclaimed the continuity of the Chamorro culture into the present.

Indeed, as historian Lawrence Cunningham attested in 1992, the value of land to today's Chamorro is nothing less than life-giving:

...the important concept for Chamorros is the sharing of the resources and not private ownership of property. In a Chamorro sense, the land and its produce belong to everyone. Inafa'maolek, or interdependence, is the key, or central value, in Chamorro culture ... Inafa'maolek literally means 'making it good for each other.' Inafa'maolek depends on a spirit of cooperation. This is the armature, or core, that everything in Chamorro culture revolves around. It is a powerful concern for mutuality rather than individualism and private property rights.

The concept of private property was introduced to the Mariana Islanders by Westerners. In ancient times, land was not 'owned' by anyone. Land was controlled by the extended families within various clans... [Cunningham, 1992.]

Studying our past reveals also how Chamorro history has been under attack since foreigners first came to Guam. Despite what outsiders may have seen, heard or experienced, we are re-learning the truth about our past. We are learning also how this information can serve us today and for many tomorrows.

In ancient times, a formal request was all that was needed to insure land use privileges. Nobody "owned" any land — yet everybody used it — so nobody had the "right" to restrict anyone from making use of it. In fact, this custom of "communal ownership" survives today; it is still considered selfish and impolite to refuse a



The view from Mt. Santa Rosa looking northward. Andersen Air Force Base is in the upper left corner. Photo courtesy of Moira Walsh.

person who asks to pick betelnut or mangoes on our property. When there are no real owners of a particular area, or when the owners are not available, people may simply ask ancestral spirits, the *taotaomo'na*, to use the land or sea, or to otherwise share in their abundance. For example, a Chamorro may request permission from his ancestors before collecting firewood on government property.

In his 1951 book, "Pacific Islands," historian Douglas Oliver clearly recognized the value of land to native peoples in posing this question: "If a single criterion were to be used to test the survival value of any native community it would be: To what extent have they retained their lands?"

### SPANISH 'CONVERSION'

During 300 years of Spanish rule over the Mariana Islands, the Chamorro population — up to 100,000 at first contact — was devastated by diseases brought to our island by the outsiders and other infected visitors. Our people also were killed by the Spanish conquistadors in almost 30 years of fighting. In their efforts to escape, some Chamorros voyaged to distant islands, such as Palau. Also, mass suicides occurred in the face of the prospect of a final separation from the bones of ancestors and their homeland. Some women even ended

their pregnancies, according to Chamorro scholar Laura Souder, "rather than give birth to children whose 'freedom' would be denied."

Our people lived in relative peace for thousands of years before their beliefs were assaulted. Father Diego Luis de Sanvitores, himself, described what he found when he arrived on our island:

...they incorporated into their traditions: that all lands and men and all things had their origins in their land, and that all had first come forth from a part of the island of Guam, which was first a man, and then a stone, which gave birth to all men, and from there they scattered to Spain, and other parts. They add that when others parted from their people and origin they forgot their language...

In the midst of these ancient beliefs, Catholic dogma was introduced to the Chamorros in an effort to "save" their "heathen" souls. The Spanish policy was one of conquest and conversion. The Spanish invaders carried out this policy by killing Chamorros outright, or by displacing them from their lands. The Spaniards established population centers, or villages, wherein the approximately 9,000 surviving Chamorros and their activities could be better controlled. However, our people

persevered. The horticultural life of the Chamorros did not greatly change.

In the late 1660s, at the start of the Spanish Catholic mission, Chief Quipuha granted Sanvitores use of some land in Hagatña for the Jesuits to build a church. According to one account, Quipuha did this as a simple gesture of hospitality. Such generosity among other chiefs led to the establishment of numerous other churches around the island, along with living quarters and schools for the indoctrination of young Chamorros.

If you were a Chamorro chief, would you have allowed Spanish church officials permission to use the land?

### 'CHANGE OF COMMAND'

Throughout its reign, the Spanish government knew that Guam's economy was based on bartering. Although the Spanish imposed a system of real estate taxes based on the amount of money earned from use of the property, these revenues were never enough to fund their administration of Guam. Therefore, the Spaniards relied mainly on outside sources for government funding. During the Spanish period, a proclamation of ownership and actual possession and occupancy were all that was needed to establish title to land. Because surveys had never been performed by the Spanish government, land disputes were numerous and longstanding.

After the Spanish-American War of 1898, when the United States (U.S.) gained control of Guam, the Treaty of Paris ceded all (Spanish) "Crown land" to the U.S. government. Even before the naval government was set up, the Secretary of the Navy ordered the military commander of Guam to assume control of "all Crown Lands, fortifications and public buildings on the Island." It was unclear, however, precisely what lands were encompassed by this order. The Americans conducted an initial land survey in 1914, but it never achieved its hoped-for results.

In 1899, about three months after his arrival, Guam's first American military governor, Captain Richard P. Leary, abolished the old Spanish tax system and implemented a new land tax, the Schedule of Tariffs for the Island of Guam. Whereas the Spanish real estate tax had been based on the money earned from use of the property, Leary's tax system was based on the size and type of land. The new rates proved so burdensome so as to cause Chamorros to lose their land to the naval government. Furthermore, this policy led landowners, who feared losing their property, to understate the size and value of their land.

Leary also established the "forced labor tax," wherein all males between the ages of 18 and 60 were

required to work for 15 days a year for the governor, among others. Leary levied such taxes in an attempt to collect enough money from the Chamorros to govern the newly acquired territory. Of course, he and the other American officials paid no direct taxes, and any goods the Navy used were admitted free of any taxes.

Three months after his arrival, Leary issued General Order No.15, warning landowners to register their



A view of the mountains in Southern Guam. Photo courtesy of Moira Walsh.

land by May 15 if they wanted their ownership recognized. The order also stated that the taxes would be due in July. Thus began what former Guam Senator, Richard F. Taitano, has termed the "Crown-landization" of Chamorro lands — the conversion of privately-owned lands into Spanish Crown lands. The naval government concluded that all land not registered by the May 15 deadline would be considered Spanish Crown land. These lands were subsequently acquired by the U.S. through the imposition of heavy taxes, intimidation and other means.

General Order No.15 forced the Chamorros to make a choice: either register their properties accurately and lose them because they could not pay the taxes, or not register their lands and lose them because they were not properly registered. Many Chamorros who owned parcels in the villages as well as farmlands in rural areas had to decide which lots to save. When the naval government began finding "mistakes" in the declaration of the lot sizes, it began registering the lands as government property. Some of these declarations of "Crown" land took place over 35 years after the U.S. took possession of Guam from Spain.

The people of Guam also were adversely affected by the American administration's disregard for our cultural, political and economic development. Guam's size and geographic location were seen as the island's only

valuable features. In filing his annual report for 1915, Governor W.J. Maxwell sought to bring this deficiency to the attention of high-level naval personnel:

...through confusion of ideas due to the establishment of Guam as a naval station and the subsequent closing of its ports to foreign flags, the people have been deprived of the opportunity to develop their Island's resources along natural economic lines ... Guam being a closed port, the people are denied the ordinary opportunities for foreign trade and consequent self development. Since the taking over of the Government of the Island, the United States has done nothing for its possession beyond what material and financial benefit may have accrued to individuals through the expenditures due to the Naval Establishment.

Maxwell's report appears to have fallen on deaf ears. More than 20 years later, in presentations before the U.S. Congress, B.J. Bordallo and F.B. Leon Guerrero reiterated our people's desire to regain access to — rather than "ownership" of — Chamorro lands and thus, secure a measure of self-sufficiency:

Senator Reynolds: Is your island self-supporting?

Bordallo: It has not been self-supporting during the Naval Administration and never will be self-supporting under the Naval Administration.

Senator Clark: Was it ever self-supporting?

Bordallo: Yes, sir. During the Spanish time we had more exports going out of Guam, and we only have to refer back to the history of Guam to find definite information in that respect...

Senator Reynolds: Do you think the people of your island will ever become self-supporting?

Bordallo: I believe so; yes, if given the proper cooperation from the Federal Government.

Senator Reynolds: Why do you believe that?

Bordallo: Because we have been self-supporting during the Spanish time.

Senator Reynolds: That has been 38 years ago?

Bordallo: We still have the same soil...

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Senator Gibson: What town on the island do you live?

Leon Guerrero: Of course, my residence is in the capital. That is where I was born and raised. But my farm is in a place called Yona.

Senator Reynolds: What is the average size of a farm there?

Leon Guerrero: Pardon me, Senator, but you have got me up a stump there. It is very difficult to figure that out because when you take our big landowners back in Guam, everybody who has no farm of his own is welcome to come in and cultivate an acre if he wants to or raise any stuff that he wants so long as he does not get in the hair of the owner, and that is all for himself. We have no tenant system as understood in other places. We help one another out. The man with the big property goes ahead and pays the taxes on his property and welcomes anybody to come in...

Senator Reynolds: Do they cultivate the land on a share basis?

Leon Guerrero: No, not on what the poor fellow makes out of the sweat of his brow. That is his.

Senator Reynolds: Does not the landowner get anything?

Leon Guerrero: We are not a commercialized people.

Senator Reynolds: How does the landowner permit other people to cultivate his soil and then at the same time not get anything to pay taxes?

Leon Guerrero: As long as the tenant — we understand them to be — does not get into the hair, as I said before, of the owner of the land, meaning to say that all the available acreage that is not in actual use by the owner is open to friendly tenants.

As you can see, even during the first half of the U.S. occupation of our island, Chamorros still enjoyed land use privileges. Consequently, when land was taken by the U.S., all Chamorros were harmed, not just those who happened to own land.

What is your opinion about this Chamorro cus-

tom? Would you allow your neighbors or friends to use your land for free? Why do you think this practice does not exist in the United States?

## POST-WAR PILLAGING

During the wartime occupation of our island by the Japanese Imperial Army, the people of Guam managed to live off the land and sea just as their ancestors had done. Because there was little opportunity for commerce during the occupation, our traditional bartering system was rejuvenated. What people could not grow or make, they acquired by trading. For themselves, the Japanese divided the rural areas of the island into several districts and began agricultural projects, including rice paddies in Piti, Merizo and Inarajan, to feed their soldiers. By the early part of 1944, schools were closed and Japanese civilians were made to work the fields alongside Chamorro men, women and children.

After giving up Guam to the Japanese in 1941, the Americans returned in 1944 and recaptured the island. To do so, American forces pulverized the island with bombs and explosives before storming ashore by the thousands. The intense bombardments destroyed Guam's population centers, Agana and Sumay, as well as many other villages along the western coast. Because of all the destruction, the island was in turmoil after the war. Having just been freed from more than two years of brutal captivity, the people were grateful for their "liberation" and were unquestioningly supportive of the U.S. Thus, circumstances were in place which allowed the U.S. to once again begin satisfying its appetite for land acquisition. At that time, there was no market for the determination of the value of land.

When the Navy was again put in charge of island affairs, the appointed governor immediately began condemning huge tracts of land, including whole villages. The U.S. had flattened portions of Guam during the intense bombing, and now the naval government began changing the landscape of our island to suit its needs. The military occupied 52,000 acres of privately held land. To comply with provisions in the Treaty of Paris, the military promised to pay rent, estimated at \$120,000 per year, despite Congress' statement that it would not appropriate any more than \$30,000. The military did not allow the citizens to rebuild homes or otherwise use their land despite the fact that the military was neither using the land nor paying rent. The military government, composed of naval appointees, recognized this and advised the naval governor that this practice violated the rights of the people under Guam law. However, that did not stop the widespread practice of moving Chamorros off their land.

As the Chamorros saw their land being taken without immediate compensation, they became suspicious of the U.S.'s motives for recapturing Guam. Their suspicions grew into anger as they watched the military take control of more than 85,000 acres, amounting to 63% of all land on Guam. It became immediately apparent that the U.S. could not possibly use all the land it was taking and that it intended to control the lives of the Chamorros by depriving them of their sole source of sustenance.

Several Chamorros began refusing to give up their lands. One man, John Unpingco, stood in front of U.S. military personnel and their bulldozers with his gun and refused to leave his family land in Tumon. Rather than risk an embarrassing news story, the U.S. military retreated and allowed Unpingco to keep his land. Another landowner, Carlos P. Bordallo, was not as fortunate. After taking a similar stand and refusing to give up his home and property on the outskirts of Agat, Bordallo was forcibly removed by the military. Bordallo managed to salvage the bedroom portion of his house, which he then mounted on a wheeled platform. Bordallo's home, which may have been one of the first "mobile" homes in Guam, remained on wheels because he fully expected to be told to move, no matter where he and his family went.

The conspiracy of the naval government and the Defense department is further exposed by reviewing their testimony before Congress in 1945. Vice Admiral Forrest Sherman, the Deputy Chief of Naval Operations, summarized the circumstances surrounding the American re-occupation:

As I believe has been presented to the committee before, the Navy Department considers the Marianas, and principally Guam, as our major naval operating post in the western Pacific, as our largest and most important Navy Establishment west of Pearl Harbor.

The necessity for a base in the Marianas was demonstrated in the operations toward the end of the war, and I believe needs no further elaboration. The Navy had, of course, a small station at Guam before the last war.

In late 1943 and early 1944 we made our plans for the recapture and development of Guam, and those plans made the maximum use of the natural facilities of the island, of the harbor, of existing roads, and of the land which was best suited to most readily be adapted for the construction projects which we had to press at maximum speed after the capture of the islands of the group. In many cases the best sites



An aerial view of Piti taken sometime after the island's recapture showing bomb craters and shell marks left by artillery fire. Photo courtesy of the Nieves Flores Memorial Library.

for air fields were located on land which because it was well drained, reasonably level, and accessible, had been sites for agriculture and for the life of the natives before we took the island. As a specific example, in our travels around Guam in 1938, we determined that the site on which an airfield could be built most quickly was in the coconut groves on Orote Point. It was in that position that the Japanese developed their first air field.

Sherman testified further that the only development of Guam by the U.S. was for war use. The entire infrastructure of the island was temporary and needed to be replaced in the near future. This included water distribution systems, fuel systems, and other utilities which were installed using cheap materials.

Testifying on behalf of the Navy Department, Commander L. J. Watson, admitted that although many of the Chamorros had held fee simple title to their land, dating back to the early Chamorro and Spanish times,

no settlements had been made with the Chamorro people. The commander revealed that the Navy's intent was to trade money for the occupied land. At this point, Senator Millard E. Tydings pointed out that when he was on Guam, the Chamorros told him they preferred the return of their land over money. He added that the Chamorros wanted to engage in their usual pursuits rather than be required to do jobs they did not like. He further stated:

Mr. Chairman, the town of Agana, which is the biggest town on the island, is nothing but a wreck. There is nothing in it now. It is all mowed down. The natives there had herds of cattle and other things which were killed in the course of the fighting...

They have been intensely loyal. They have suffered like they have suffered everywhere. Their men, women, and children have been killed in the course of the fighting. It is not going to cost a tremendous amount of money.



Aerial view of the Andersen Air Force Base. Photo courtesy of Moira Walsh.

In view of the fact that the Guam people are very loyal, they are good people, good wards to us, I think it is a good investment in that particular island. It is very important that we deal with them absolutely on the square.

Tydings said that a Chamorro judge had told him, "You have taken everything from us. We haven't got any grazing land; we haven't got any agricultural land, you have taken it for the Army and Navy and we have not even been paid for it."

A few weeks later, the U.S. Senate was informed as to how the Navy was going to keep the value of Chamorro land depressed. When asked by Senator Harry Byrd what the average value of land was on Guam, Watson responded, "Astonishingly low." The commander went on to concede that the reason land values were so low was because land on the island had never been sold in an over-the-counter way. "It has never been freely sold, and an analysis of recorded instruments shows that practically all exchanges of land or sales of land have been between relatives and so on," Watson said. Rather than escalate the value of the land on Guam to a free market level, Watson said, the Navy would just value their own land at the same rates. Thus, someday, when the Navy land was exchanged or returned to the Chamorros, it would be a fair exchange.

There are two big problems with this method of land valuation. First, the Navy never did exchange or return the occupied land to the Chamorros. Second, the U.S. used the depressed land values resulting from this procedure to calculate the amount of land compensation paid. In doing so, they failed to take into account the fact that the money was simply a medium of ex-

change with no real value to the Chamorros in their non-cash economy, and was meant to be returned when the land was returned.

In January 1946, a special U.S. Senate committee investigating the National Defense Program issued its report. The commander of U.S. Marine Corps forces in the island summarized the Corps' position there: "This is American territory and when we landed, the people were scattered and we took what we needed, occupied it, built up the roads, and so forth, irrespective of the ownership." One senator asked if the Chamorro land had been taken legally and got this response from a Colonel Wilson: "I wouldn't say legally, but everything is legal in time of war."

Admiral W. H. Smith, the Chief Planning Officer of the Navy Department, also answered questions regarding the exploitation of the Chamorros:

Mr. Grant: Have either of you gentlemen seen any of these series of articles that have been running in the New York Times about the exploitation of the natives on the island of Guam by military personnel mustered out of the service and given exclusive franchises to operate public utilities?

Smith: I am not familiar with that.

Mr. Grant: I would like to refer to a letter that I received from a naval officer who just recently returned from Guam ... He says that officers attached to the military units have been discharged from the Government and upon discharge are receiving exclusive franchises from the United States command there for the operation of public utilities on the island, as, for example, a Major Baker, of the Marine Corps, who was in charge of the shipping facilities and transportation system on the island, was given exclusive command of those facilities, and also had the island bus system under his control, and another such instance occurred in connection with the island ice system. I dare say there are other illustrations that could be made. I think they constitute a very serious reflection on the Navy.

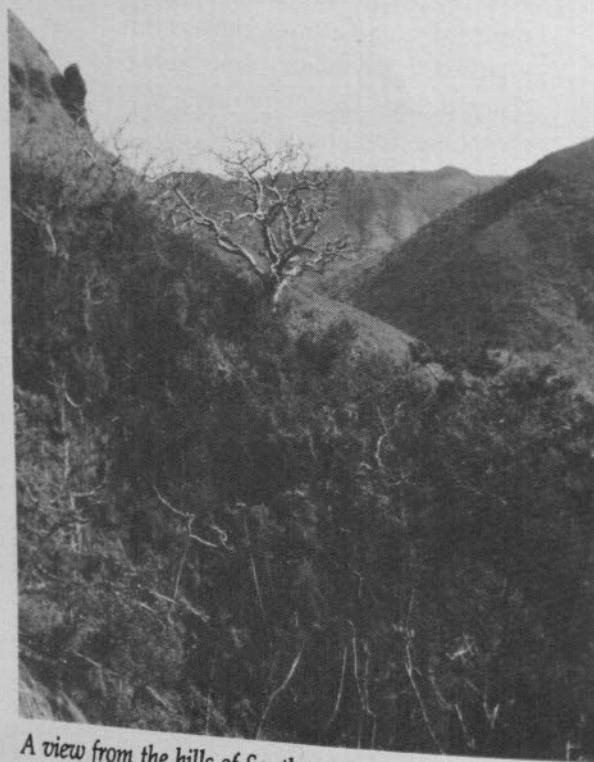
The negligence inherent in the policy of the naval government was still apparent in 1951, which, as was succinctly pointed out in one account:

Guam's value to the United States was entirely strategic, a communications point on the way

to the Philippines and east Asia. From this point of view, it would probably have been desirable if there had been no native population to complicate matters.

In September 1972, the question again was raised about whether the U.S. should pay for the Chamorro land occupied by the military after the war. B.J. Bordallo, former chairman of the Guam House of Council, spoke as a private citizen from Guam. He summarized the events that took place, leading up to and during the time of the occupation:

When the United States recaptured Guam in 1944, the military constructed temporary wooden frame structures to house the local people in six locations. Those people whose homes were destroyed or whose lands were taken, moved into these settlements with the promise that when the war is over, they will be allowed to return to their lands. When the war ended, the people requested to move back to their lands, many of which were lying idle, but the military kept delaying them. In 1948, the military finally acted. They decided to condemn and take the fee simple title to most of the lands. The few tracts that were retained



A view from the hills of Southern Guam. Photo courtesy of Moira Walsh.

were given back to the owners without compensation in most cases for the damage caused. Lands that were once fertile farmlands were returned as abandoned airfields, the rich soil replaced by concrete pads and asphalt runways. The lands condemned showed that the military totally disregarded the interest, feelings, and welfare of the people and grossly exaggerated the defense needs at the time...

The compensation for these takings in 1948 was based on prewar values existing in 1941, without any adjustment for the inflated 1948 dollars used to pay the people. Are 1941 values a proper measure for 1948 takings? I submit that they are not.

Over and above the fact that property values increased between 1941 and 1948, another factor unique to Guam is that we had an artificially depressed land market resulting from the military's deliberate policy of isolating Guam from the rest of the world. Since Guam was ceded to the United States by Spain in 1898, the U.S. Navy administered the internal affairs of the island...

Under such a closed-door policy, the island never had a chance to develop economically. Even our smaller neighboring islands, mandated to Japan after World War I, were enjoying a more viable and prosperous economy. Because our economy stagnated, values were depressed. Since this artificial depression was caused by the Navy's deliberate closed-door policy, is it fair that just compensation be measured by 1941 Guam values?

Fair market value is the proper measure of just compensation. Before market value can be fair, there must be a free, open and viable market. I submit that Guam did not have such a market...

The island was strictly and absolutely under the control of the Navy. Our judges were appointed by the Navy and served at the pleasure of the Navy. We did not have a jury system. We did not have sufficient attorneys. Our political status was unknown and our rights were therefore undefined. We were not citizens of the United States nor were we aliens. We were told we were U.S. nationals and wards of the United States, but exactly what rights we did have were never defined.

My family's property was condemned. I was offered what they said the land was worth. They never informed me that I could accept the money and still protest the value fixed by them. I was told that if I accepted the value placed, then my war claims which was an entirely different matter and overly delayed would be paid promptly. I was told by a local judge that right before he was to award \$5,000 to my aunt for 25 acres of land, the case was taken away from him and given to a man brought in from the mainland by the Navy to act as the land judge. The land judge awarded \$850. That land was bought in 1928 for \$750. The check remained uncashed and was recently returned by the court to the United States. On one parcel we owned, the Navy gave us \$200. We paid \$650 before the war for that parcel. And we can prove it at any time.

What would I have done? To whom could I turn for help? The United States was my guardian. And if I rejected the offer, wouldn't it mean I was being ungrateful for our liberation from the enemy?

The best description I can give of my feeling as well as many of the people of Guam is that we were grateful for being liberated from the enemy and yet bothered by the arbitrary and highhanded actions of the Navy and the fact that we had no recourse. In such a confused state of mind, I accepted the Navy's offer...

I have always held the deep conviction that sooner or later this matter will be raised and that the United States will undo the wrongs committed in their name.

The intentional separation of Chamorros from their land base is an unjust policy at best. At worst, this process has had a genocidal effect on a distinct, dynamic cultural group of indigenous Pacific Islanders, the Chamorro people of Guam. For more than 400 years, the Chamorros have been a people oppressed by policies meant to convert, acculturate, assimilate, conquer or otherwise stamp them out, promulgated by imperialist nations such as Spain, Japan and America. Today, after approximately 4,000 years of life on our island, and more than 400 years since being "discovered" by outsiders, Chamorros on Guam are outnumbered. Forecasters say we will continue to comprise a smaller percentage of the population as the years go by. By 2020, according to

one estimate, Chamorros will make up 36 percent of a population of 263,925. Filipinos will comprise the majority, making up 40 percent. Chamorros will own just more than one-third of the homes and occupy one-fourth of all rental units. And in these Chamorro homes, there will be 25 percent more people than in the non-Chamorro homes. This means that we likely will see more cases of several generations of a family, or several families, living together.

Clearly, Chamorros are losing the battle to retain our ancestral homeland. What do you think this means for our people?

## FIGHT FOR SURVIVAL

When the U.S. occupied our island, it took more than our land; it took away our culture, our way of life, and supplanted these with its own imported values. In this way, the entire Chamorro population of Guam was injured, not just the property owners. Consequently, a complete remedy must involve all Chamorros of Guam and their descendants.

Whether that remedy will ever come to the people of Guam remains to be seen. What is clearly evident is that the U.S. practice of land grabbing leaves a legacy of colonialism that far exceeds any actions practiced by England upon the U.S. Taxation without representation, no human rights, no legal rights, no independent judiciary, dictatorship — all were and, in some respects, still are present on the island of Guam.

The United Nations, a post-war creation of the U.S. and other superpowers, has recognized that Guam is a non-self-governing territory of the U.S., and as such, is entitled to a full measure of self-government whenever the people of Guam choose. This process of choosing is ongoing, with Guam's residents aspiring to a greater sense of independence from the United States.

International obligations, as well Guam's Commonwealth Act, provide for the exercise of the Chamorro right to self-determination, which means that at some time in the future, Chamorros will have the opportunity to decide their own fate. Some of Guam's leaders, in an effort to guarantee this Chamorro right, authored the Chamorro Land Trust Act in 1975, which provides government land and funding for use by Chamorros to build homes, farm, raise livestock, or venture into business. The Chamorro Land Trust Act, which was patterned after the Hawaiian Homes Commission Act, provides "qualified applicants" with the opportunity to lease, for \$1 per year, up to one acre of government land for residential occupancy, 20 acres for farming, and 40 acres for grazing. "Qualified applicants" must be "na-



In 1992, Chamorro rights protestors confronted a military riot squad in an attempt to enter federal property. Photo courtesy of Moira Walsh.

tive Chamorros" — defined as any person who became a U.S. citizen by virtue of the authority and enactment of the Organic Act of Guam or his descendants. Applicants must be over 18 years of age. The applicant will be required to satisfy the Chamorro Land Trust Commission that the land would be used for its intended purpose.

Shortly after passage of the Chamorro Land Trust Act in 1975, then-Governor Ricardo J. Bordallo appointed members to the new land trust commission. However, these appointments were never confirmed by the legislature and, consequently, the act was never "implemented." On March 25, 1992, Angel Santos and the Chamoru Nation asked the Superior Court of Guam to order Governor Joseph F. Ada to implement the act by appointing members to the commission. Ada objected, saying the act was "unconstitutional." On June 8, 1992, after more than four hours of arguments presented by attorneys for both sides, Judge Benjamin J.F. Cruz issued a ruling upholding the validity of the act and ordering the governor to appoint the commission members. Ada named Attorney Arthur Barcinas chairman, and the commission held its first meeting in March 1993.

Since the advent of an economic boom based on major construction and tourism resort development, family land has been divided and redivided with each generation into smaller and smaller individual holdings. Some relatives who formally shared the land have sold it for private, individual gain. Even in families where the gain has been shared among members, inflated land prices caused by modern development has prevented people from being able to afford land.

More and more people seeking land use privileges turn to the government for help. Government leases, in a sense, have replaced the ancient Chamorro custom of asking a higher-ranking clan for permission to use land. Until recently, it has been the government's practice to grant these requests and to eventually deed the land over to any "landless" person, without reservation or restriction. A recent change in this long-held customary practice has since caused considerable controversy.

## ONGOING STRUGGLE

In the 1980s and early '90s, local indigenous rights organizations filed lawsuits to stop developers from desecrating and removing ancient Chamorro remains unearthed from construction sites. But politicians rushed to the developers' rescue and passed laws allowing for such conduct. Similarly, a proposal in the early 1990s to convert one-third of our island into a "wildlife refuge" did not receive objections from local leaders until protests by grassroots organizations began. Also during this time, protest marches, peaceful demonstrations, and occupation by original owners of federally-held land were conducted in numerous attempts to settle the issue of landless Chamorros.

At the peak of the discussion on the topics of land and related issues, the dispute was highlighted by the case of Angel L.G. Santos. In early 1993, Santos occupied land in Mogfog, Dededo, that belonged to his grandfather before the U.S. government took it in the late 1940s. Santos' occupation of the land forced the U.S. government to either condone his actions or take the necessary steps to have him removed. Santos made the decision early on to fight his battle in court, rather than perform additional acts of defiance available to him. A preliminary court hearing resulted in the U.S. being ordered to refrain from interfering with Santos' occupation.

The U.S. government had two choices in their quest to remove Santos: charge him with the criminal offense of trespassing or some related crime, or file a civil suit requesting the U.S. District Court to order him off the property. A criminal trial would be by a jury of his peers, which would have worked to the advantage of

Santos, who enjoyed popular support. A civil trial, on the other hand, would mean a decision would likely be made by a single federal judge. The U.S. chose the U.S. judge.

The first major confrontation, however, did not take place in the courtroom, but under the cover of darkness. When reports indicated that a serious typhoon was scheduled to hit our island, Santos vacated the property for the night. When he returned the next day, his entire wood-and-tin structure had completely vanished. The Air Force quickly attributed the disappearance to the destructive winds. However, the typhoon had changed directions during the night, veering away from Guam and leaving the U.S. military in a somewhat embarrassing situation. Santos, while perplexed by the U.S. government's refusal to abide by its own court's order, wasted no time in constructing a harder-to-remove concrete dwelling.

The judge in this case ruled that the 12-year statute of limitations prevented Santos from obtaining legal title to the disputed land. Santos complied with the judge's order to vacate the property.

In a similar case, Ivan Blas DeSoto and his daughter, Yvonne DeSoto Borja, appeared before the same U.S. federal judge, John S. Unpingco, in a contempt of court hearing, the result of the DeSotos' failure to obey the judge's earlier order to vacate disputed land. DeSoto made an emotional plea for justice, one he hoped the judge, himself a Chamorro, would truly hear:



By building a permanent concrete structure, Chamorro rights activist, Angel Santos (center), attempted to reoccupy federal property which once belonged to his grandfather. Santos later complied with a court order to vacate the premises. Photo courtesy of Moira Walsh.

..Your Honor, my family and I are simple people of the soil. We are farmers and our family has survived off the land for as long as I can remember.

From my father and his father and from other family members, I learned when is the right time to plant seeds for beans and other crops. From them, I also learned that some plants, like the evergreen Christmas trees that we are most famous for, take more time to grow. From my maga'lahi and our Chamorro history, I learned that the policies of the United States could be changed and that the change could take a long time and cost lots of money; but that the first thing that had to be done is that we first had to tell the U.S. Government we wanted change.

Your Honor, I do not mean to be disrespectful, but this case makes me confused. The U.S. Attorney did not charge Governor Ada with contempt for fighting for the return of NAS. The U.S. Attorney did not charge Governor Bordallo for contempt for sending a Commonwealth Act to congress that is "unconstitutional." The U.S. Congress did not charge the Guam Congressmen with contempt for walking out of the session hall...

But me, Ivan Blas DeSoto, I am charged with criminal trespass and contempt because I cleared a small plot of land that once belonged to my family and I put up a sign asking the U.S. Government and the Government of Guam to return that land to my family if it is not going to be used for the national defense.

Your Honor, I could see being charged with criminal trespass and contempt if I put up my temporary palapala in the middle of the runway at Andersen Air Base or even if I put it up blocking the gate...

All I did was clear a small plot alongside the highway on land that once belonged to my family and put up the Guam flag so that I could get the attention of all the military and civilian people that passed there, and plant in their minds the thought that if this land was no longer needed for national defense that it should be returned to my family — the Blas DeSoto family.

I now stand before you, Your Honor, ready to accept the fruits of our labor. Si Yu'us Ma'ase'.

DeSoto's daughter, standing proudly alongside her father, also appealed to the judge's sense of justice:

I ask that you base your decision on what is just and fair, not just what the written law is ... Your Honor, some of us in my generation believed that the family should only use legal means when seeking the return of our land. We believed this because we only heard stories about the mistreatment of our people by the United States. But after four months of experiencing the harassment of the U.S. firsthand, I believe those stories were true, and that I should not feel obligated to follow their law.

I am at peace with my actions though this court may say they are illegal. I don't believe the U.S. attorney can be at peace with their actions, though this court may say they are legal.

Finally, when I spoke as the pair's attorney, I challenged the judge to consider a decision based on conscience and morality, rather than the law as it is written. After all, I believe that ours is a special case of a people too long subjugated by a more powerful nation:

We would be blind if we could not see that the U.S. has a different political viewpoint ... They deplore our protests and use every available resource to stop this movement, yet they fail to demonstrate a similar concern for the conditions that brought about the protests...

The hard, brutal facts of this case are: What some call 'liberation' is actually a re-occupation — the U.S. took 2/3 of our island, currently possesses 1/3 of our most valuable, mostly unused lands.

There are those who have completely lost faith, who believe that the U.S. is completely evil. We do not believe this and we do maintain hope. This is why we chose to protest in this nonviolent fashion.

This should be praised, not condemned; we have no other means...

But we are condemned as extremists. Christ was an extremist, as were Martin L. King and Gandhi. Creative extremists are needed to make a change here. We had hoped the military would see this need ... We are confident of change; we survived the Spanish genocide, the U.S. occupation and Japanese times ... We were here before their ancestors landed at Plymouth Rock, before their Declaration of Independence ... They historically treat us as if we were primitive. But their nation is 200 years old, compared to the Chamorro Nation, which has survived more than 4,000 years!

The reality of the Chamorro people's present situation is that many of us have no land, and no homes. We are greatly outnumbered, have little hope and — worst of all — we are turning on one another.

When you experience this, then you will understand why we are impatient and find it difficult to wait.

Again, as in 1901, 1914, 1937, 1951, and countless other times in our history, our pleas fell upon deaf ears. The judge sentenced Ivan Blas DeSoto and Yvonne DeSoto Borja to six months behind bars. The judge did, though, give the DeSotos an opportunity to vacate the land if they did not want to go to jail. Ivan felt that since he was fighting for his children's rights, it would be foolish to allow the U.S. to take his daughter to prison. The family vacated the property.

## CONCLUSION

There is an old Chamorro proverb, "I erensia, lina'la', espiritu-ta," which means "Our heritage gives life to our spirit."

Land on Guam is literally the base of our culture. It incorporates special relationships: of clan, family, religion, and beliefs. While land is such a large part of our culture, the land available on our little island is even smaller than it would appear. Less than one-third of the island is owned by Chamorros.

There can be no doubt that land on Guam is a scarce and precious resource. We cannot underestimate the role native ownership of land plays in the preservation of Chamorro culture and social stability. Land is the only significant asset of the Chamorro people and it is the basis of family organization on our island. It traditionally passes from generation to generation, creating family identity and contributing to the economic

well-being of family members.

We must encourage development, yet resist growth which does not raise our quality of life, benefit our least advantaged, and enhance the quality of life for future generations. Growth and development are two different things. Growth is simply enlargement. In order for there to be true development, three factors must exist: First, our overall quality of life must be raised. Second, our island's least advantaged must directly benefit. Third, it must enhance the quality of life for future generations. If just one of these three factors is missing, we are experiencing growth and not development.

There is a Native American saying that is as applicable to our Chamorro culture as it is to the cultures of our Native American brothers and sisters. "We do not inherit the land from our ancestors, we borrow it from our children." This belief is important to people who survive off the land. We have much in common with native peoples in the U.S. and other parts of the world. Our ancestors were here before Westerners arrived. Our culture was affected and land holdings reduced as a

result of the contact with Westerners.

The governments of the U.S. and Guam have a unique obligation to native Chamorros who descended from ancestors who lived on Guam when the Europeans arrived. Unlike other ethnic groups on Guam, the Chamorros never left their home to migrate to a new land. Chamorros have not exercised self-determination by choosing to live in a multicultural society. Unlike other ethnic groups, Chamorros have no "mother culture" elsewhere, where our traditions, religion, and language are preserved and developed. Chamorros on Guam also have unresolved claims against the United States that justify both a special political status and preferences for them.

Our Chamorro culture is in danger of extinction. A culture can only survive in a homeland, and ours is seriously threatened. Will Chamorros end up like Native Americans in the U.S. and Native Hawaiians in Hawaii? When you save a homeland and culture, you save a people. When you save a people, everybody wins.

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