

§ 1421a. Unincorporated territory; capital; powers of government; suits against government; type of government; supervision

Guam is declared to be an unincorporated territory of the United States and the capital and seat of government thereof shall be located at the city of Agana, Guam. The government of Guam shall have the powers set forth in this chapter, shall have power to sue by such name, and, with the consent of the legislature evidenced by enacted law, may be sued upon any contract entered into with respect to, or any tort committed incident to, the exercise by the government of Guam of any of its lawful powers. The government of Guam shall consist of three branches, executive, legislative, and judicial, and its relations with the Federal Government in all matters not the program responsibility of another Federal department or agency, shall be under the general administrative supervision of the Secretary of the Interior.

(Aug. 1, 1950, ch. 512, §3, 64 Stat. 384; Pub. L. 86-316, Sept. 21, 1959, 73 Stat. 588; Pub. L. 90-497, §12(a), Sept. 11, 1968, 82 Stat. 847.)

AMENDMENTS

1968—Pub. L. 90-497 substituted provisions that all matters concerning Guam which are not the program responsibility of other Federal departments or agencies be under the general administrative supervision of the Secretary of the Interior for provisions that the general administrative supervision of matters concerning Guam be under the head of such civilian department or agency of the Government of the United States as the President might direct.

1959—Pub. L. 86-316 permitted government of Guam, with consent of legislature, to be sued.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-497 necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective Jan. 1, 1970, and all other amendments unless otherwise provided effective Jan. 4, 1971, see section 13 of Pub. L. 90-497, set out as a note under section 1422 of this title.

§ 1421b. Bill of rights

(a) No law shall be enacted in Guam respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of their grievances.

(b) No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

(c) The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant for arrest or search shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.

(d) No person shall be subject for the same offense to be twice put in jeopardy of punishment; nor shall he be compelled in any criminal case to be a witness against himself.

(e) No person shall be deprived of life, liberty, or property without due process of law.

(f) Private property shall not be taken for public use without just compensation.

(g) In all criminal prosecutions the accused shall have the right to a speedy and public trial; to be informed of the nature and cause of the accusation and to have a copy thereof; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

(h) Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

(i) Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist in Guam.

(j) No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall be enacted.

(k) No person shall be imprisoned for debt.

(l) The privilege of the writ of habeas corpus shall not be suspended, unless, when in cases of rebellion or invasion or imminent danger thereof, the public safety shall require it.

(m) No qualification with respect to property, income, political opinion, or any other matter apart from citizenship, civil capacity, and residence shall be imposed upon any voter.

(n) No discrimination shall be made in Guam against any person on account of race, language, or religion, nor shall the equal protection of the laws be denied.

(o) No person shall be convicted of treason against the United States unless on the testimony of two witnesses to the same overt act, or on confession in open court.

(p) No public money or property shall ever be appropriated, supplied, donated, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution, or association, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such.

(q) The employment of children under the age of fourteen years in any occupation injurious to health or morals or hazardous to life or limb is hereby prohibited.

(r) There shall be compulsory education for all children, between the ages of six and sixteen years.

(s) No religious test shall ever be required as a qualification to any office or public trust under the government of Guam.

(t) No person who advocates, or who aids or belongs to any party, organization, or association which advocates, the overthrow by force or violence of the government of Guam or of the United States shall be qualified to hold any public office of trust or profit under the government of Guam.

(u) The following provisions of and amendments to the Constitution of the United States are hereby extended to Guam to the extent that they have not been previously extended to that territory and shall have the same force and effect there as in the United States or in any State of the United States: article I, section 9, clauses 2 and 3; article IV, section 1 and section 2, clause 1; the first to ninth amendments inclusive; the thirteenth amendment; the second sentence of section 1 of the fourteenth amendment; and the fifteenth and nineteenth amendments.

All laws enacted by Congress with respect to Guam and all laws enacted by the territorial legislature of Guam which are inconsistent with the provisions of this subsection are repealed to the extent of such inconsistency.

(Aug. 1, 1950, ch. 512, § 5, 64 Stat. 385; Pub. L. 90-497, § 10, Sept. 11, 1968, 82 Stat. 847.)

AMENDMENTS

1968—Subsec. (u). Pub. L. 90-497 added subsec. (u).

EFFECTIVE DATE OF 1968 AMENDMENT

Section 10 of Pub. L. 90-497 provided that the amendment made by that section is effective on date of enactment of Pub. L. 90-497, which was approved Sept. 11, 1968.

§ 1421c. Certain laws continued in force; modification or repeal of laws

(a) The laws of Guam in force on August 1, 1950, except as amended by this chapter, are continued in force, subject to modification or repeal by the Congress of the United States or the Legislature of Guam, and all laws of Guam inconsistent with the provisions of this chapter are repealed to the extent of such inconsistency.

(b) Repealed. Pub. L. 90-497, § 7, Sept. 11, 1968, 82 Stat. 847.

(Aug. 1, 1950, ch. 512, § 25, 64 Stat. 390; Pub. L. 90-497, § 7, Sept. 11, 1968, 82 Stat. 847.)

AMENDMENTS

1968—Subsec. (b). Pub. L. 90-497 repealed subsec. (b) which prohibited the application to Guam of laws of the United States not specifically made applicable to Guam and established a commission to determine which laws were applicable to Guam and which were not.

EFFECTIVE DATE OF 1968 AMENDMENT

Section 7 of Pub. L. 90-497 provided that the amendment made by that section is effective on date of enactment of Pub. L. 90-497, which was approved Sept. 11, 1968.

§ 1421d. Salaries and allowances of officers and employees

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

(Aug. 1, 1950, ch. 512, § 26, 64 Stat. 391; Aug. 1, 1956, ch. 852, § 21, 70 Stat. 911; Pub. L. 89-100, July 30, 1965, 79 Stat. 424; Pub. L. 90-497, § 9, Sept. 11, 1968, 82 Stat. 847.)

AMENDMENTS

1968—Subsec. (c). Pub. L. 90-497, § 9(a), repealed subsec. (c) which provided for the payment of transportation expenses by the United States of all officers and employees of the government of Guam if their homes were outside Guam.

Pub. L. 90-497, § 9(b), removed subsection designations and substituted provisions that the government of Guam pay the salaries and travel expenses of the Governor, Lieutenant Governor, heads of executive departments, members of the legislature, and government officers and employees at rates prescribed by the laws of Guam for provisions setting the salary for the Gov-

ernor and Secretary of Guam and allowing for the payment of transportation expenses and salaries of certain officers and employees by the United States.

1965—Subsec. (e). Pub. L. 89-100 substituted provisions empowering the government of Guam to fix and pay legislative salaries and expenses for provisions which specifically fixed a sum of \$15 per day to be paid each member for every day the legislature is in session payable out of Congressional appropriations and which required all other expenses to be paid by the government of Guam.

1956—Subsec. (a). Act Aug. 1, 1956, substituted "the Governor of the Virgin Islands in the Executive Pay Act of 1949, as heretofore or hereafter amended," for "Governors of Territories and possessions in the Executive Pay Act of 1949, but not to exceed \$13,125."

EFFECTIVE DATE OF 1968 AMENDMENT

Section 9(a) of Pub. L. 90-497 provided that the amendment made by that section is effective on date of enactment of Pub. L. 90-497, which was approved Sept. 11, 1968.

Section 9(b) of Pub. L. 90-497 provided that the amendment made by that section is effective Jan. 4, 1971.

§ 1421e. Duty on articles

All articles coming into the United States from Guam shall be subject to or exempt from duty as provided for in section 1301a¹ of title 19.

(Aug. 1, 1950, ch. 512, § 27, 64 Stat. 392; Sept. 1, 1954, ch. 1213, title IV, § 402(b), 68 Stat. 1140.)

REFERENCES IN TEXT

Section 1301a of title 19, referred to in text, was repealed by Pub. L. 87-456, title III, § 301(a), May 24, 1962, 76 Stat. 75. See General Headnote 3(a) under section 1202 of Title 19, Customs Duties.

AMENDMENTS

1954—Act Sept. 1, 1954, subjected Guam to the general provision for importations from insular possessions contained in section 1301a of title 19.

EFFECTIVE DATE OF 1954 AMENDMENT

Section 601 of act Sept. 1, 1954, 68 Stat. 1141, provided that: "Titles II, III, IV, and VI of this Act [enacting section 1301a of Title 19, Customs Duties, amending sections 1421e and 1644 of this title and sections 160, 161, 1001, and 1201 of Title 19] shall be effective on and after the thirtieth day following the date of the enactment of this Act [Sept. 1, 1954]".

§ 1421f. Title to property transferred

(a) Property employed by naval government of Guam

The title to all property, real and personal, owned by the United States and employed by the naval government of Guam in the administration of the civil affairs of the inhabitants of Guam, including automotive and other equipment, tools and machinery, water and sewerage facilities, bus lines and other utilities, hospitals, schools, and other buildings, shall be transferred to the government of Guam within ninety days after August 1, 1950.

(b) Other property not reserved

All other property, real and personal, owned by the United States in Guam, not reserved by the President of the United States within ninety days after August 1, 1950, is placed under the

¹ See References in Text note below.