

February 15, 2016 - Superior Court Specialty Courts

Before highlighting the various services offered by the Judiciary of Guam, Guam's legal system should be placed into historical perspective. After all, our judicial system wouldn't be as strong as it is today if not for the fact that many Guamanians fought long and hard to obtain the same rights for Guam residents as those enjoyed by all Stateside Americans. This struggle included the establishment of a local government with three distinct branches.

At some time during our high school years, most of us learned that the cornerstone for American democracy is the separation among the three branches of the government - the executive, legislative, and judicial. Each branch has distinct duties, obligations, and powers. The legislative branch passes laws and appropriates money needed to keep the government operating. The executive branch administers and implements public policies passed and funded by the legislative branch. The judicial branch interprets the constitution and laws and resolves controversies based on these interpretations. Each branch is restricted from exercising the core functions of the other. This is the basic principle known as the separation of powers.

Those of us born in one of the 50 states take this separation among the three government branches for granted. Many on Guam who know their history, don't. After all, any one over the age of 66 grew up on an island where there was little to no distinction among the branches. For the most part, the Naval Governor called the shots for all matters, including legal issues.

Starting with the establishment of the Guam Congress in 1917, members of this body called upon the U.S. Congress to grant Chamorros U.S. citizenship and to expand the rights of Guam's citizens. On March 5, 1949 the Guam Congress approved "The Bill to Provide an Organic Act and Civil Government for the Island of Guam." The Bill was forwarded to the U.S. Congress. On that same day, frustrated by the lack of action in Washington D.C., Guam Congress Member Antonio C. Cruz motioned for the House of Assembly to adjourn and stay adjourned until Congress acted on the Bill. As a result, Members of the Guam Congress walked out of the legislative hall.

This walkout received widespread publicity across the nation. Finally, on August 1, 1950, under mounting pressure, President Truman signed the Organic Act of Guam. Along with U.S. citizenship for Guam's residents, the Act established all three branches of government. However, the level of autonomy for the three branches differed significantly, with the judiciary still subject to strong federal oversight.

Under the Organic Act, the Island Court of Guam was given jurisdiction over misdemeanors and civil cases where the claims were less than \$2,000. The Federal District Court was given jurisdiction over all other local and federal cases. The District Court also heard appeals from the Island Court. District Court decisions were appealed to the Ninth Circuit Court of Appeals.

In 1974, the Guam Legislature exercised authority granted it under the Organic Act and passed the Court Reorganization Act. This Act established the Superior Court and gave it jurisdiction over cases arising out of Guam laws. At the same time, the Legislature created the Guam Supreme Court. However, in 1977 the U.S. Supreme Court ruled that the Organic Act did not authorize the Guam Legislature to transfer appellate jurisdiction from the District Court. As a consequence, the Guam Supreme Court was abolished.

Local activists continued to pressure Congress. As a result, in 1984 Congress passed the Omnibus Territories Act. This law authorized the Guam Legislature to create an appellate court. On December 31, 1992, the Legislature passed legislation that reestablished the Guam Supreme Court. The first three Justices were sworn in March 1996.

However, to the frustration of many, the Guam Legislature continued to exercise a certain amount of control over the judiciary. Finally, on October 30, 2004, Congress again amended the Organic Act, placing the Judicial Branch on equal, but separate footing with the Executive and Legislative branches. Although this was a giant step forward for island autonomy, we must be ever mindful that Congress could radically alter our current governmental structure at any time, should it so wish.

Under the current version of the Organic Act, the Guam Supreme Court has the authority to designate "other local courts or divisions of local courts." Over the last three decades, the Guam Supreme Court has exercised this authority and beginning next week we'll take a close look at these specialty courts.