



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor Of Guam.

September 23, 2016

The People of Guam
c/o Honorable Judith T. Won Pat, Ed.D.
Speaker of the Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

"We have been called to form consciences, not to replace them."
- *Amoris Laetitia, Pope Francis*

My dear People of Guam,

Transmitted herewith to the elected representatives of your Legislature is the new law opening the doors of justice to those who suffered a terrible harm as children. I have signed it into law as P.L. 33-187.

I am a practicing but imperfect Catholic; a husband, father, grandfather, brother, and son; a Chamorro man, who believes in second chances, yet has no tolerance for those who prey on the most innocent and vulnerable, the children. Thanks to the trust of our people, I'm also the governor. And on days like this, when my different roles may not join in harmonious conviction, I am resolute about this decision. It comes after days of listening to very different opinions, hearing the cries, considering the consequences, separating one issue from another and then reconciling it all within my conscience. So, today, though I am pleased that our community has confronted what once was unthinkable, I am saddened that even a single injustice had to happen in order to make this law necessary. There are no winners. Justice is the only victory.

When matters of justice come about, our system of government has spared me from any duty to judge another human being. It is neither my role,

nor my desire, to judge others. I will not second guess the assertions of those who have been victimized, nor will I deny the protestations of those accused. The law spares the governor from the duty of judging beyond one matter: whether there is a new threshold for justice, that will be determined by the judges.

Today is that day, when I am due and bound by duty to judge this matter. I now understand why some say leadership is a burden. My conscience has been conflicted for the last two weeks. Let me be clear that I am not judging any single person or institution. I am deciding whether a group of people has been denied justice and should therefore be entitled to seek it with judgment by due process of law.

As one who has attended Mass and church services islandwide, I am grateful for the concern of the 5,000 faithful who are worried about the consequences of this measure upon the mission and assets of the Catholic Church on Guam. For I see the great good the church and its institutions have provided to the people of Guam. I am suspicious of ambulance-chasing lawyers using the grief and the tragic stories of survivors to achieve profits at the expense of faithful donors who truly are innocent in these matters. I, too, do not want to see Catholic schools shuttered, social services ended, and church properties sold.

“Do not be anxious about tomorrow, for tomorrow will be anxious for itself. Let the day’s own trouble be sufficient for the day.”

- Jesus of Nazareth

Bill No. 326 does not proclaim any person or institution’s guilt or complicity. Whether assets are forfeited is secondary to a judgment of whether it is right – in the pursuit of justice – to do so. That judgment comes after due process of law is exhausted. And that judgment does not come with the enactment of this law or even from society itself. It is for a court to decide. We cannot deny and, in fact, have an obligation to allow this matter of justice to be heard in our courts of law.



No earthly asset can replace a child's stolen innocence. In judging whether this is a matter of justice, consequences upon assets are not for the governor to consider. We leave that to the wisdom of judges.

I recognize that Bill 326 has several legal and technical concerns. A major concern is over the bill's retroactive application of the civil statute of limitations for child sexual abuse cases. Whether such retrospect will pass constitutional muster is unclear. Also unclear is what type of actions or omissions constitute "child sexual abuse." For example, does the definition of "child sexual abuse" in Bill 326 include child pornography for which, unlike other sex crimes against minors, there exists a three-year criminal statute of limitations?¹ Additionally, how far does an individual or institution have to go (or not go) before being considered an "enabler" or an "aider or abettor" under Bill 326?

Despite these questions, today I will err on the side of the aggrieved. If am wrong, then the courts will tell me so. Or perhaps the Legislature will craft new legislation in order to clarify these issues.

This is about our children, my dear people. God has delivered them from His kingdom to our care. If they cannot depend upon our love and care, then we are going against the very words and will of Christ. After all consideration, there is no way I could reconcile my conscience to any decision but signing this measure into law. In forming conscience, I take my cue from Christ: "Who, then, is the greatest in the kingdom of heaven? He called a little child to him, and placed the child among them.... And whoever welcomes one such child in my name welcomes me ... For it is not the will of your Father who is in heaven that one of these little ones perish." (Matthew 18: 1-14)

¹ See, 10 G.C.A. § 10.15 (prosecution for child pornography may be commenced up to three years after the minor reaches the age of majority); *but compare*, 10 G.C.A. § 10.16 (no time limitation for prosecution of "sex crimes" against a minor).



This is not for us to argue over. This is for the accused and the complicit to answer before God and, until then, a court of man's law. Bill No. 326 opens justice's door to an aggrieved group of people – children – systematically denied justice over years. And that is why I signed it into law. Finally, these survivors will be heard the way they should have been heard.

My children are grown now, but I remember when they were young and innocent, when one would fall and was injured or feel pain or sadness. I wished I could take their pain. I wish it were I and not they.

I look at the victims and if I could take their pain, or prevent their grief, or wipe their tears from their fearful childhood eyes, then I would. But I am neither God nor Father Time; my desire for goodwill cannot erase what was done and will not, alone, pay the debt that stains our conscience every time a silenced child reveals his parents' worst nightmare.

One may ask what amount of money could ever return a child's innocence. What could possibly be said or done to turn back time and prevent a life of depression, substance abuse, self-hate or suicide? How do we make things right?

It is precisely Grace that answers how we may reconcile justice with the evil done against the survivors. For parents, it is beyond our comprehension that of all fathers, our Lord would will His son to suffer and die on the Cross. Why? Were our sins so sordid and repulsive that the Son of Man had to die so the truth could be served? What good could ever come from a mob order that crucified God's only Son? What good will come to the survivors of abuse if we cannot return their childhood and innocence to them?

The answer is justice, and we need only to look at the core message of the very church, fearful of the debts it may now be forced to recognize and pay. Christ's sacrifice on the Cross was the design of perfect justice by His own Father. Before it, the weight of our sins sunk our souls to perdition. Because of it, all was forgiven. All debts were paid.

In dark rooms throughout this island and buoyed by silence harnessed from the fear of authority, an enormous evil occurred. Children were hurt. Their shame was so great, they could not tell a soul. They thought they sinned or they lost their faith. And in all this, after all these years, they suffered alone. Their pain never went away. Weep, my dear people, for our collective sorrow will bear in our hearts solidarity and resolution never to be silent again.

Whether we did not know or we just did not help, we were silent. And now, each and every Guamanian is asked to reach into his soul and examine his conscience and accept that justice may and should very well mean a sacrifice from this community to right this terrible wrong. The sacrifice may hurt, but it is nothing compared to the pain children have carried to their deaths. Make no doubt about it, we are called at this time to give justice a chance. My signature today answers that call for us all. All debts should be paid.

So let us end the fighting and the hate. Lighten your hearts from anger knowing justice will be served and the burden of judgment will not be ours. In our democratic tradition, our judges will judge the accused and the complicit. And in our Catholic tradition, the Lord will judge us all.

With humility and love for the children of Guam,



Eddie Baza Calvo
Governor of Guam