


Committee on Governmental Institutions, Meeting No. 2

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Time: 2:00 p.m., October 19, 1976  
Place: Keio Restaurant  
Present: All members except ~~President~~, President  
Guerrero, consultants Willens, Koffsky and  
Weisburd

The Committee first discussed the tentative schedule proposal by the consultants, agreeing that it was an adequate working document. The discussion then turned to the subject of Washington representation. Mr. Willens first observed that the subject seemed appropriate for constitutional treatment, both because of its importance and because, absent constitutional treatment, the legislature might, perhaps, fail to act. Delegate Borja agreed that the subject deserved inclusion in the Constitution, observing that inclusion in the Constitution would mean that the arrangement selected would be approved by the President and Congress of the United States. Delegate H. Q. Guerrero asked if constitutional treatment would preclude any change in the nature of the office, and was assured that it need not. The Committee agreed unanimously that the Constitution should discuss the subject, and that the position should be elective. On motion by Delegate Torrès, the Committee voted in favor of a provision spelling out the details of the position, initial of a more general provision.

The Committee then turned to the question of the length of the representative's term. Delegate Attao suggested a four-year term, pointing out the need that the term be long enough to permit the representative to acquire experience, and to make it reasonable for an individual to move his family to the United States. Delegate Ben Manglona spoke in favor of a two-year term, arguing that a term of that length was more democratic in requiring the representative to consult the people more frequently. He added that, in view of the damage a bad delegate could do, four years was too long. Delegate Cruz agreed that four years might be too long at the start, but that a four-year term offered advantages. He moved that the term be two years, extendable to four years. Delegate Torres proposed an amendment, which was accepted, requiring a referendum to change the length of the term. He observed that the legislature could be arbitrary and political, and that, though a referendum would demand much of the voters, it was time for the Marianas electorate to be obliged to make their own decisions. The motion was carried, the Committee apprising that the details of the initiative/referendum could be coordinated with any general provisions on the subject, or worked up if no such general provision were adopted. Delegate Cruz observed, generally, that the Tinian and Rota delegates

wished to ensure that any initiative/referendum provisions required participation by all the chartered municipalities, not simply Saipan. Mr. Willens agreed to pass this information to the appropriate committee.

The Committee next voted to require the delegate be at least 30 years of age, rejecting a suggestion that a ceiling age be established as interfering with the voter's right to select whom they chose and as unfairly discriminatory against qualified older persons.

The Committee next turned to other qualifications. It was observed that the transition schedule would deal with the citizenship requirement for the period between the effective date of the Constitution and the end of the Trusteeship. The Committee next voted to require domicile in the Commonwealth for ten years next proceeding the election, to ensure that any one elected was sufficiently familiar with conditions in the Commonwealth to represent it adequately. The Committee next discussed the possibility of requiring the representative be a native born citizen of the Northern Mariana Islands, deferring resolution of the matter until the consultants could report on certain legal problems. The Committee agreed that no convicted felon should be eligible, except those who had received a full pardon. It was the sense of the Committee that the representative should be impeachable and recallable if recall were adopted, and that provision should be made for

filling a vacancy in the position. It was further agreed that discussion of these matters could be included in the more general discussion of removal and filling of vacancies. It was agreed to leave the duties of the representative to be defined by law, but to require an annual report to the Executive and Legislative Branches. The consultants were requested to consider the question of immunity for the representative. The meeting then adjourned.