

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

SECOND DAY
Tuesday, October 19, 1976

rec'd
11-17-76

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 9:15 a.m.

The Honorable Lorenzo I. Guerrero, President, presided.

(2) A moment of silent prayer was observed.

(3) The Convention Secretary called the roll. There were 38 Delegates present. Delegate Herman Q. Guerrero was absent.

Floor Leader Rasa: Mr. President, I move that Delegate Herman Guerrero be granted leave of absence.

The motion was seconded and, there being no objection from the floor, the President so ordered.

(4) ADOPTION OF JOURNAL

President Guerrero: The next item on our agenda is the adoption of our Journal. For your information, I received information from the Secretary that duplication of our Journal for yesterday's meeting is not completed and is in the process.

Floor Leader Rasa: Mr. President, just a point for clarification. According to the rules and procedures that we adopted yesterday item number 4, "Adoption of the Journal" is not included in the official Rules of Procedure. I, therefore, move that we bypass this and move on to item 5.

The motion was seconded and carried by voice vote.

(Delegate Herman Q. Guerrero entered the Convention floor.)

(5) MISCELLANEOUS COMMUNICATIONS - None.

(6) COMMITTEE REPORTS

Chairman Felipe Q. Atalig: The Committee on Personal Rights & Natural Resources has no report at this time, Mr. President.

Chairman Jose P. Mafnas: Mr. President, your Committee on Governmental Institutions has no report as yet.

Chairman Benigno Fitial: The Committee on Finance, Local Government and Other Matters has not yet met and, therefore, has no report at this time, Mr. President.

(7) INTRODUCTION OF PROPOSALS - None

(8) FIRST READING OF PROPOSALS - None

(9) SECOND AND FINAL READINGS OF PROPOSALS - None

(10) MOTIONS AND RESOLUTIONS

Delegate Benjamin T. Manglona: Mr. President, before I make a motion I would like to refer this Convention to line item 68 of our Rules of Procedure, "Notice and Vote Concerning Amendment of Rules." It requires this Convention to have not less than five (5) Convention days' notice in order to make an amendment. Therefore,

Mr. President, at this time I wish to move for the temporary suspension of our Rules of Procedure in order to adopt Proposed Amendment Number 12.

The motion was seconded and carried by voice vote.

Delegate Carlos S. Canacho: Point of information, please. I don't have a copy.

President Guerrero: Do any other Delegates not have copies of the Proposed Amendment? Are you ready to vote on that suspension of the Rules?

Delegate Olympio T. Borja: Point of information, Mr. President. I believe we just adopted the suspension of the Rules and I think we now need a motion to adopt Proposed Amendment No. 12.

Delegate Pedro Q. Dela Cruz: I so move--that the Proposed Rules Amendment No. 12 be adopted.

The motion was seconded and carried by voice vote. Proposed Rules Amendment No. 12 was adopted by the Convention.

Delegate Luis M. Limes: Mr. President, I am sorry but I am all mixed up. Has Proposed Amendment No. 12 been passed out yet?

President Guerrero: I am sure that all the necessary papers have been passed to the individual Delegates. Does everyone have a copy at this time, please?

Delegate Luis M. Limes: Yes, Mr. President. Thank you.

President Guerrero: Before going to item eleven I would like to ask our legal counsel about the "Summary of Voting Requirements under Convention Rules" that was distributed this morning.

Mr. Willens: Mr. President, we thought it would be useful for the Delegates to have a summary of the voting requirements established by the Rules of Procedure that you have adopted, which we have distributed to you. It is a one page summary of the voting requirements, so that when during debate you come up against a particular motion, you will be able to easily ascertain whether a majority vote is needed or whether some other requirement is established by the Rules. It is for your convenience, and has no independent legal significance.

Delegate Olympio T. Borja: Thank you, Mr. President. I believe that while we are discussing Motions and Resolutions, the point raised by Floor Leader Rasa is a valid point. I concur with him, but I fail to see any provision in the Rules that the Delegates must adopt the Journal on the following day. I must bring this notice in advance, like Delegate Manglona did yesterday. Since this provision is very important I would like to make a motion that such insertion for the adoption of the Journal be placed on the calendar for tomorrow. I will put it in writing following today's session so that it will be included on tomorrow's calendar. Therefore, Mr. President, in the interest of convenience and an effective Journal for the Convention, I move that tomorrow's calendar contain a proposal to insert the requirements of the Journal for the approval of the Convention.

The motion was seconded.

Delegate Benigno Fitial: Mr. President, point of information. Was this intentionally left out by the Pre-Convention Committee?

Delegate Jose P. Mafnas: No, it was not intentionally left out. It was inadvertently omitted.

Floor Leader Rasa: To provide more enlightenment on the issue, upon reviewing yesterday's Journal, it appears that a few of the statements were left out. I suggest that we should get together and try to decide just how we're going to work those aspects which will affect the adoption of the Journal. The members should be given time to review statements they made because we do make mistakes, Delegates as well as secretaries. It should be reviewed before adoption by the Convention as a Whole.

Mr. Willens: The Rules provide in Rule 14(b) that the Secretary has the responsibility of keeping a daily Journal of the Convention proceedings, summarizing the matters considered and the actions taken by the Convention, and to provide a copy for the Delegates as promptly as possible. It is the intention of the Rules that the Journal be a summary of the actions taken and the matters discussed and that the Journal not be a verbatim transcription of the proceedings of this Convention. As Delegate Rasa has indicated, a transcription involves numerous problems of accuracy, of completeness, and cannot possibly be done in our view on a daily basis. We believe that a Journal should be a short summary of what was done on each day so that it could be prepared easily and reviewed by the Delegates at the beginning of each session. I am trying to distinguish between a Journal and a verbatim transcription.

Delegate Felipe Q. Atalig: I disagree with the legal consultant. I am specifically referring to my statement on page 9. This is just a minor thing, but "Commissioner" Pedro Nakatsukasa should be inserted in there. It has been deleted and, also, "Prospective Senatorial Candidate" Jose R. Lifoifoi. Why was this not included in my statement?

Delegate Jose R. Cruz: Mr. President, for further enlightenment, not for any recrimination motive, Mr. President. But a Journal which must be adopted by the Convention should be on a verbatim basis. We cannot shortcut statements made by the Delegates. Delegate Jose R. Cruz, on the last page, and I quote, Mr. President, "I believe our Floor Leader is out of order as the motion was already on the floor." I did make a response which evidently is eliminated. These are minor things. We should not quarrel. But I think as a matter of record the Journal should be on a verbatim basis. That is why Senator Borja is coming up with a design tomorrow so we can act on it. We cannot shortcut statements, Mr. President, made by the Delegates. This is distorting statements.

President Guerrero: Your point, Mr. Cruz, is well taken and I am sure that we will discuss this with our recorders here, who are under the responsibility and direction, of course, of the Secretary, so that all the statements made by the individual Delegates will be inserted in the Journal. I would urge, also, that each member should have an opportunity to review the Journal and make sure that all the statements are well taken for the adoption of the Convention.

Delegate Jose R. Cruz: Thank you, Mr. President. I certainly agree with the remarks made by Delegate Rasa. The remark I made yesterday, and the response shown in the Journal certainly made it look very much ridiculous on the part of the Delegate. Mr. President, on page 5, Rule 14(b), as our consultant indicated, this Convention agrees to the substance of these provisions that the Secretary shall keep a daily Journal of this Convention summarizing the matters considered. We have to decide whether we want this Convention to have just a summarized Journal or verbatim. That is the question now that we have to decide, otherwise we are bound by this Rule.

Delegate Dela Cruz: Thank you, Mr. President. This is the same line as Floor Leader Rasa mentioned. Yesterday I made two statements and they are omitted from the Journal entirely.

Delegate Joaquin Torres: I agree with the Delegate from Tinian's interpretation of the Rule. However, that does not include omission of statements made by Delegates. Summary does not mean omission of statements made by Delegates when the Rule provides for summarization of statements made by the Delegates. Again I repeat: that does not authorize omission of statements made by the Delegates.

Delegate Manuel A. Tenorio: Thank you, Mr. President. For clarification, I want to know, for the Convention, if the tapes are kept as a record. And when the Convention does, in fact, adopt the daily Journal, will they adopt the daily recordings for the record, too?

President Guerrero: For your information, Delegate Tenorio, I am sure that all the recordings are in custody of the Convention under the jurisdiction of the Secretary. I am sure that it is well recorded and if anyone has any doubt they could refer to the tapes.

Delegate Francisco Palacios: Mr. President, I agree that the Rules provide for a summary, however, in this First Day Journal some of it is summary and some is verbatim. That is why there is some ill-feeling here, because what Delegate

Cruz stated is verbatim, but that statement is not followed by what Delegate Rasa had stated. There is some unbalance. If we want a summary Journal, then let's have a summary Journal. If not, then let's decide what we should have. Thank you.

Delegate Jose R. Cruz: Thank you, Mr. President. What I think happened during the Pre-Convention meeting, in the interest of efficiency and so that we have a daily digest, it was discussed that perhaps a summarization of the Journal is the best formula. I would like to express a point that I do not condone omission of a statement by a certain Delegate. What I was referring to awhile ago is that we have a Rule, we have adopted such Rules, and we are bound by these Rules that state the Journal will be on a summary basis. Now, if this Convention wishes to have a verbatim Journal, then we should just change the Rules. That is the substance of my remarks earlier.

Delegate Benigno Fitial: Mr. President, we have, I'm sure, identified the problem and if we are going to keep talking about it, I'm sure there is nothing that can be done at the moment. Delegate Borja has a plan that will be submitted in tomorrow's agenda to resolve this problem. So let's end debate on this particular matter. I so move.

The motion was seconded and carried. Debate was ended.

President Guerrero: Are we ready to vote on the main motion by Senator Borja?

Delegate Jose P. Mafnas: Mr. President, point of information. May I ask the distinguished Delegate, Senator Borja, to restate his motion, please.

Delegate Olympio T. Borja: Mr. President, I am very happy to respond and restate my motion. The motion I have placed on the floor is a motion to place on the calendar of business for tomorrow's consideration of an amendment to the Rules of Procedure concerning the requirement of the adoption of the Journal.

Delegate David Q. Maratita: M. President, I just want to be enlightened on agenda item number ten, "Motions and Resolutions," referring to Rules of Procedure Chapter 7, Section 1(b) and Section 3(b). Where can I find these particular chapters?

President Guerrero: I'm sure you can find these in the Proposed Rules of Procedure.

Mr. Willens: Mr. President, the Rules have been renumbered so now there is an amendment to Rule 66 and Rule 68.

Delegate Pedro Dela Cruz: I'm sorry, Mr. President. We only have to page 20 of the new regulations, so the old regulations should be taken off.

Mr. Willens: It is on page 18 of the retyped version distributed this morning. There was an amendment to Rule 66(b) and 68(b) and a substitute page can be prepared reflecting the action of the Convention this morning. Throw away the old ones.

President Guerrero: Delegate Maratita from Saipan, is that clear?

Delegate David Q. Maratita: Chapter 7, Section 1(b) and Section 3(b), I cannot find it here.

President Guerrero: That is the old numbering.

Delegate David Q. Maratita: I would like to refer to this particular Chapter. Are we referring to the adopted Rules of Procedure?

President Guerrero: Yes, correct. The one that we adopted yesterday. This is the Proposed Amendment that will be submitted this morning.

Delegate David Q. Maratita: Mr. President, Chapter 7, Section 1(b); can anyone help me in finding this?

Delegate Pedro Dela Cruz: Mr. President, maybe I can explain this.

President Guerrero: I'll have the Delegate from Rota, Mr. Dela Cruz, explain.

Delegate Pedro Dela Cruz: Chapter 7, Section 1(b), is on page 25 of the old regulations. This was amended yesterday and a new version has been produced. So take this old regulation and throw it out the window. And then turn to page 18, number 66, in which number 66, Section 1(b) is, and then you refer back to Proposed Rule Amendment No. 12, which has been adopted. That's where it is. Page 18, No. 66, is supposed to be the old Chapter 7.

Delegate David Q. Maratita: Thank you, Mr. President. I hope we can adopt this system in Chapter 7, Section 1(b), on the new Rules of Procedure. I don't see any Chapter 7, Section 1(b).

Secretary Atalig: Mr. President, if you will recall, yesterday, Delegate Benjamin Manglona moved that we consider Chapter 7, Section 1(b) and Section 3(b) and the motion was carried. That was a motion to put this on the calendar and that is why it appears here, if you recall.

Delegate Benigno Fitial: I think the problem here, as a point of reference, is that the new version of the Rules of Procedure does not include any chapters. The new Rules are being enumerated and they are not classified under the chapter system.

President Guerrero: I am sure that we have had enough discussion on that, so let's move on to our next item on the agenda.

- (11) UNFINISHED BUSINESS - None.
- (12) SPECIAL ORDERS OF THE DAY - None.
- (13) GENERAL ORDERS OF THE DAY - None.
- (14) ANNOUNCEMENTS

Chairman Fitial: Mr. President, I would like to announce that the Committee on Finance, Local Government and Other Matters will have a meeting immediately after this morning's session in one of the rooms over in the annex.

Chairman Atalig: The Committee on Personal Rights & Natural Resources will have a meeting immediately after this session, along with the consultants for the Committee. May I ask, Mr. President, that the attendance of this meeting is mandatory. They have to be there for this meeting, and I urge every member to come and if they don't come, we will exercise the power of the Sergeant-at-Arms.

Chairman Mafnas: Mr. President, your Committee on Governmental Institutions will be meeting immediately after this session. I urge every Delegate to be present.

Delegate Antonio M. Camacho: Mr. President, I would like to add to the directive of Delegate Atalig. I think the Delegate who intends to be absent could send a proxy to his Committee.

President Guerrero: I hope that matter can be settled with your respective chairmen. Make sure that any Delegate who will not be able to attend any meeting will extend a notice of excuse, with some good reason that you will not be able to attend.

Delegate Pete Ogo: Mr. President, for a point of clarification on these announcements. I was listening for some specific place. We have a meeting today but we don't know where we are to meet. I am very sure there is going to be a lot of confusion after this meeting. I hope these announcements for meetings can be more specific in time and place.

Chairman Mafnas: The Committee on Governmental Institutions will be meeting in the Conference Room immediately after this session.

Chairman Fitial: The Committee on Finance, Local Government and Other Matters will be meeting in one of the conference rooms that will be available.

President Guerrero: For your information, the gallery behind us could be utilized for a Committee meeting. I understand there is a partition that can be closed if it is necessary.

Secretary Atalig: I would like to point out that I will be the one scheduling the different rooms for use. Some Committees are larger than others. Naturally those smaller Committees could meet in a conference room. The larger Committees, such as Governmental Organization, could use this Convention Hall. There is also another facility and that is the Keio Room, the Japanese restaurant. I would like the chairmen to get together with me on this and not just schedule their own.

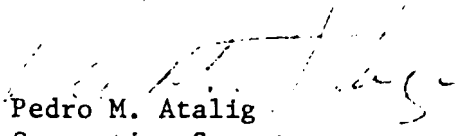
Delegate Manuel Tenorio: Mr. President, if there is no further discussion or announcement, I would like to move that we recess until one o'clock this afternoon.

Delegate Olympio T. Borja: Mr. President, I would like to amend the motion to state that we will recess until tomorrow morning at nine o'clock a.m.

The motion was seconded and carried by voice vote.

The Convention recessed at 10:55 a.m.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary