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CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

FIFTH DAY
Friday, October 22, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 10:30 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 39 Delegates present. No Delegates were excused or absent.

(4) ADOPTION OF THE JOURNAL

Floor Leader Rasa: Mr. President, I move for the adoption of the Summary Journal of the Fourth Day.

The motion was seconded.

Delegate Felipe Atalig: Mr. President, I would like to call the attention of the Delegates to Page 1, under item (5) "Miscellaneous Communications", paragraph 3. There seems to be some typographical error here in that "miscellaneous communications" was deleted. The sentence should read "Floor Leader Rasa suggested that since Robert's Rules of Order, Revised Edition, restricts debate on miscellaneous communications, any problem should be directed to the appropriate body." I would like that correction to be made.

President Guerrero: It is so ordered.

The motion carried. The Summary Journal of the 4th Day was adopted.

(5) MISCELLANEOUS COMMUNICATIONS - None.

(6) COMMITTEE REPORTS

Chairman Fitial: Mr. President, today your Committee on Finance, Local Government and Other Matters happily presents its report on the Constitutional Amendment provision. It is a fourteen page report and I would like to submit it for the record and incorporation into the Journal. Copies are available for distribution to all members of the Convention.

President Guerrero: At this time I would like to announce that some of our Committee Reports are pending and the reason for it is that our Xerox machine is out of order again this morning. We can resolve back to this matter again when copies of the reports are available.

Chairman Fitial: Mr. President, just for the record, your Committee on Finance, Local Government and Other Matters completed deliberations on another very important provision, that of Education, yesterday. The exact constitutional language of this provision is being drafted and will be ready for your Committee's consideration, hopefully, today. Thank you, Mr. President.

(7) and (8) INTRODUCTION AND FIRST READING OF PROPOSALS

Delegate Felipe Q. Atalig introduced Delegate Proposal No. 10, entitled "Proposal Regarding Land." The title of the Proposal was read by the Secretary.

Delegate Felipe Q. Atalig introduced Delegate Proposal No. 11, entitled "Proposal Regarding Nurses and Teachers." The title was read by the Convention Secretary.

Delegate Felipe Q. Atalig introduced Delegate Proposal No. 12, entitled "Proposal Regarding Traditional Custom." The title was read by the Secretary.

Delegate Felipe Q. Atalig introduced Delegate Proposal No. 13, entitled "Proposal Regarding Official Holidays." The title was read by the Secretary.

Delegate Pedro M. Atalig introduced and read Delegate Proposal No. 14, entitled "Proposal Regarding Conflicts of Interest."

Delegate David Q. Maratita introduced and read Delegate Proposal No. 15, entitled "Proposal Regarding the Legislative Branch of Government."

Delegates Benjamin T. Manglona, Jose R. Cruz, Pete Ogo, Prudencio Manglona, Esteven King, Vincente Manglona, Henry Hofschneider, Hilario Diaz, Pedro Dela Cruz, Pedro Atalig, Leon Taisacan, Gregorio Calvo and David Atalig introduced Delegate Proposal No. 16, entitled "Proposal Regarding the Executive Branch of Government."

Delegates Benjamin T. Manglona, Jose R. Cruz, Pete Ogo, Prudencio Manglona, Vicente Manglona, Pedro Atalig, Esteven King, Pedro Dela Cruz, David M. Atalig, Gregorio Calvo, Leon Taisacan and Hilario Diaz introduced Delegate Proposal No. 17, entitled "Proposal Regarding the Legislative Branch of Government."

President Guerrero: Recognize Delegate Benjamin T. Manglona.

Delegate Benjamin T. Manglona: Mr. President and Fellow Delegates. On Monday, at the opening day of our historic Convention, I addressed this honorable body on behalf of the Rota Delegation. As you may recall, the momentum of my opening remarks was centered on the subject of unity and justice. As I sit in this Convention in the last four days, I sense this feeling of unity - I sense this feeling of justice amongst the Delegates.

Fellow Delegates, the real test is now. In the days ahead we will prove the workability of this test.

Today our Delegation is pleased to introduce two Delegate Proposals on two very important issues to be deliberated and to be resolved by this Convention.

Our Delegation has met and discussed several issues of concern to the people of our municipality, who desire to secure adequate representation in the new Government of the Commonwealth of the Northern Mariana Islands. For the purpose of background and as prelude to further discussion and deliberation on topics of critical importance to our people of Rota, our Delegation have cast tentative decisions on the following issues.

I. EXECUTIVE BRANCH OF GOVERNMENT

A. Structure

In pursuit of the goal that is shared by Rota and Tinian municipalities of taking a firm role in the conduct of the new Government of the Northern Mariana Islands, our Delegation proposes the following executive branch structure: an elected Governor (elected at-large, Commonwealth-wide); one elected Vice-Governor (elected at-large, Commonwealth-wide); two elected Lieutenant-Governors (elected at-large, within the respective municipalities, Rota and Tinian). It is the view of our Delegation that since the Governor shall exercise general supervisory power over the Commonwealth, and because the Vice-Governor shall succeed as Governor in the event of a vacancy in that office during the term of the incumbent, both the Governor and the Vice-Governor should be elected from the qualified voters of the entire Commonwealth. Accordingly, since the Lieutenant-Governors shall represent the interests of Rota and Tinian municipalities within the Commonwealth Government, they should be elected from the qualified electors of their respective municipalities.

Our Delegation desires that, in order to ensure that the interests of Rota and Tinian municipalities are fully represented in the executive decision making process, the Lieutenant-Governors be accorded a position in the Governor's council or cabinet. The accessibility to the Governor will enable the views of the people of Rota and Tinian to be presented effectively within the Executive Branch of the Commonwealth.

B. Budget

Our Delegation, in furtherance of our desire to allow Rota and Tinian

municipalities a degree of local autonomy, proposes that the Lieutenant-Governors be allowed to participate actively in the preparation of the budget and its presentation to the legislature of the Commonwealth of the Northern Mariana Islands. It is the view of our Delegation that one method of achieving this objective would permit the Lieutenant-Governors to submit to the Governor's budgets for services to be delivered on Rota and Tinian for coordination with all other budgetary matters in one executive budget that will be submitted to the legislature. Upon legislative approval, the responsibility for supervising on implementation of the financial programs approved by the legislature for Rota and Tinian shall lie with the Lieutenant-Governors.

II. LEGISLATIVE BRANCH OF GOVERNMENT

Our Delegation proposes the following with respect to the legislative branch of government:

- a. 4-4-4 combination in the upper house;
- b. retain the same number of representation of the Northern Mariana Islands Legislature in the lower house
- c. appropriations originate in the lower house and are approved in the upper house
- d. governmental appointments with the advice and consent of the upper house
- e. any member of the upper house of the legislature may introduce a bill or resolution pertaining exclusively to the needs and interests of the island that he represents and which will have application only in such islands
- f. prior to acting on any bill submitted by a member of the upper house, the Governor shall consult with the Lieutenant-Governor of the island concerned.

Mr. President and Fellow Delegates, this concludes our justification in our proposal. In the next few days of this Convention, our Delegation is more than pleased to cooperate with individual delegates, committees and this Convention in considering our Delegation's proposal.

In closing, our Delegation wishes to seek your understanding and full indorsement of our proposal. Thank you.

President Guerrero: We will continue with Introduction of Proposals.

Delegate Oscar C. Rasa introduced and read Delegate Proposal No. 19, entitled "Proposal Regarding the Executive Branch of Government."

Delegates Gregorio Calvo, Benjamin Manglona, Prudencio Manglona and David Atalig introduced Delegate Proposal No. 20, entitled "Proposal Regarding Health Services and Social Welfare." The text was read by Delegate Calvo.

Delegates Jose R. Cruz, Hilario Diaz, Henry Hofschneider, Esteven King and Vicente Manglona introduced Delegate Proposal No. 21, entitled "Proposal Regarding Agiguan Island." The proposal was ready by Delegate Henry Hofschneider.

Delegate Oscar C. Rasa Introduced and read Delegate Proposal No. 22, entitled "Proposal Regarding the Legislative Branch of Government."

Delegates Leon Taisacan and Ramon Villagomez introduced Delegate Proposal No. 23, entitled "Proposal Regarding Disposition of Public Lands." The text was read by Delegate Villagomez.

Delegate Pedro Igitol introduced Delegate Proposal No. 24, entitled "Proposal Regarding Eminent Domain."

Delegate Olympio T. Borja introduced and read Delegate Proposal No. 25, entitled "Proposal Regarding Bill of Rights."

Delegate Olympio T. Borja introduced and read Delegate Proposal No. 26, entitled "Proposal Regarding Eminent Domain."

Delegate Olympio T. Borja introduced and read Delegate Proposal No. 27, entitled "Proposal Regarding Eminent Domain."

Delegate Olympio T. Borja introduced and read Delegate Proposal No. 28, entitled "Proposal Regarding the Status of the Constitution."

President Guerrero: Recognize Chairman Jose P. Mafnas.

Chairman Jose P. Mafnas: May we temporarily suspend the Order of Business and move back to item number 6, Committee Reports.

President Guerrero: So ordered.

Chairman Jose P. Mafnas: Mr. President. On behalf of the Committee on Governmental Institutions, I have the honor to offer the Committee's unanimous Recommendation No. 1. The Committee's submission includes proposed draft constitutional provisions and a report setting forth the Committee's reasons for recommending those provisions.

In brief, the Committee recommends that the Washington representative be popularly elected and, at least at the outset, serve a two-year term. Under the Committee's recommendation, the representative must be at least 30 years old, a qualified voter in the Northern Marianas, and have been domiciled and have resided in the Commonwealth for the ten-year period immediately preceding his election. Persons convicted of felonies in the Northern Marianas or in any area under the jurisdiction of the United States would be ineligible for election as representatives.

The Committee's recommended provision would require the representative to report annually to the Governor and Legislature, to represent the Commonwealth in the United States, and to perform those related duties which are assigned to him by law. The representative would be entitled to adequate compensation.

Mr. President, the Committee on Governmental Institutions respectfully requests that the Convention do the following:

1. Adopt this Committee report and Committee Recommendation Number 1; and
2. Schedule the matter for discussion by the Convention at an early date.

Thank you, Mr. President.

President Guerrero: Recognize Chairman Benigno Fitial.

Chairman Fitial: Thank you, Mr. President. Regarding the report from your Committee on Finance, Local Government and Other Matters, I would like to insert a few remarks for the verbatim Journal. The remarks submitted are as follow:

Your Committee on Finance, Local Government and Other Matters happily presents its report on its recommendation for an article of the Constitution on Constitutional Amendment and the accompanying Committee Report for introduction and first reading.

The recommendation proposes that the Constitution of the Commonwealth of the Northern Mariana Islands can be amended in the future by Constitutional Convention, legislative initiative, or popular initiative with the ratification of the voters at a regular general election. In this way our historic Constitution can be reviewed in the future. And if additional changes are needed, they can be made or added through the Constitutional amendment process.

Your Committee's recommendation, if they are adopted and made a part of our Constitution, will assure that in the future there is a very careful consideration of any needed changes. Further, such changes would be adopted only with the approval of the people, i. e., by ratification by the voters, at a regular, general election.

(9) REFERRAL OF PROPOSALS

Delegate Proposal No. 02, entitled "Proposal Regarding Taxation and Finance," was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 03, entitled "Proposal Regarding the Judicial Branch of Government," was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 04, entitled "Proposal Regarding the Protection of the Culture of the Northern Mariana Islands," was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 05, entitled "Proposal Regarding the Practice of Traditional Medicine," was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 06, entitled "Proposal Regarding Executive Branch of Government," was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 07, entitled "Proposal Regarding the Executive Branch of Government," was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 08, entitled "Proposal Regarding Statutes of Limitations in Land Matters," was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 09, entitled "Proposal Regarding Special Court to Deal with Land Matter," was referred to the Committee on Governmental Institutions.

(10) SECOND AND FINAL READINGS OF PROPOSALS - None.

(11) MOTIONS AND RESOLUTIONS

President Guerrero: Recognize Delegation Benigno Fitial.

Delegate Benigno Fitial: Mr. President, I would like to offer the following resolution. That Rule 54 be amended by substituting the date of October 29, 1976, for the date of November 25, 1976, and that the contents of Rule 54 be amended to read: "No delegate proposal shall be introduced after October 29, 1976, except with the unanimous consent of the Convention."

Mr. President, adopting this would mean that all Delegate Proposals would have to be submitted by one week from today. Under the Provisions of Rule 68 this would require five (5) days notice before this Convention can take action. The purpose of this proposal is to encourage all the Delegates to offer their Proposals promptly. We all know this Convention has a very short time to finish its work. Only 45 days are left until December 6th. The work of the Convention is being done largely by the three Committees, Mr. President. Each of these Committees has adopted a tentative schedule for consideration of the matters assigned to it. The Delegates must recognize that Delegate Proposals must be considered promptly by the careful consideration of the Committee. It is not my purpose to prevent any Delegate from expressing his or her view on any subject relevant to our proposed Constitution. There are at least three ways in which this can be done. First, any Delegate can make a Proposal until October 29, 1976, Second, any Delegate at anytime can present his view to the responsible Committee regarding any matters and consideration. Third, any Delegate can offer an amendment on the floor to any Committee Recommendation with which he does not agree.

In view of these safeguards, Mr. President, I urge the Convention to adopt this proposed amendment to the Rules. Thank you.

Floor Leader Rasa: Just a point of information. Do I understand that Chairman Fitial wishes this resolution be treated as a motion?

Chairman Benigno Fitial: No, I was just presenting my views on the proposed Rule Amendment.

Floor Leader Rasa: I understand that, Mr. President. If that is the case then I wish to make the following motion: I move that Convention Rule 68(a) be suspended.

The motion was seconded and carried to suspend temporarily Rule 68(a).

Floor Leader Rasa: I move the Resolution introduced by Chairman Fitial be treated as a motion.

The motion was seconded and passed that Rule 54 be amended.

President Guerrero: Recognize Chairman Jose P. Mafnas.

Chairman Jose P. Mafnas: Mr. President. I move that Committee Report from the Committee on Governmental Institutions, No. 01, regarding "Washington Representation" be adopted.

The motion was seconded.

Chairman Benigno Fitial: Point of information. The Chairman of a Committee cannot move to adopt his own Committee's Report.

President Guerrero: I believe with the concurrence of the Delegates we can recognize the Chairman's motion.

The motion was carried by voice vote to accept the Committee's Report.

Chairman Benigno Fitial: I would like to move for the acceptance of my Committee Report.

The motion was seconded.

President Guerrero: Recognize Floor Leader Rasa:

Floor Leader Rasa: May I request that the word "my" be deleted and the word "your" substituted.

President Guerrero: So ordered.

Delegate David Q. Maratita: Is the motion before the Convention to adopt, in its entirety, the recommendation of the Committee for inclusion by the Convention?

Delegate Felipe Atalig: I want to refer to the Chair that Chapter 3, Number 1, requires that the Delegate from Garapan is to rise before being recognized.

President Guerrero: Recognize Delegate Cruz from Tinian.

Delegate Jose R. Cruz: Mr. President, I do not have a copy of the Committee Report made by Chairman Fitial, which is under motion for acceptance.

Chairman Benigno Fitial: Your Committee Report is available for distribution. I do not see any reason why it has not yet been distributed.

President Guerrero: May I ask the Secretary to distribute that Report before we vote on the motion.

Secretary Atalig: Mr. President. May we have a 5 minute recess so the copies of the Committee Reports can be distributed to all Delegates.

The President ordered the recess.

The Convention recessed at 11:12 a.m.

RECESS

The Convention reconvened at 11:22 a.m.

President Guerrero: We still have a motion on the floor, which was made by Chairman Benigno Fitial for the Committee on Finance, Local Government & Other Matters.

Recognize Delegate Olympio T. Borja.

Delegate Olympio T. Borja: Mr. President. Point of information, please. I believe taking a motion on any Committee Report at this time is not only inconsistent with our Rules, but not to the advantage of the Delegates since we would have to adopt each one individually. I think we should accept the report and place it on the calendar under General Orders so that we can resolve to the Committee of the Whole and move for adoption instead of moving now for each adoption and then again, on the following day, taking up the same thing.

I believe it would be better to accept this and place it on a calendar for deliberation and adoption by the Committee of the Whole. In the interest of expediency, I believe that we should change the motion to say "accept the Report and place it on the calendar" instead of "adoption" at this time. Thank you.

President Guerrero: I believe, Delegate Borja, that is the intention of the motion.

Would the Secretary please read the motion made by Chairman Fitial.

The motion was read and a voice vote was taken and carried to accept the Report from the Chairman of the Committee on Finance, Local Government & Other Matters.

(12) UNFINISHED BUSINESS - None.

(13) SPECIAL ORDERS OF THE DAY

President Guerrero: At this time I would like to announce that the two Committee Reports and Committee Recommendation presented earlier in the session will be placed on the calendar of business for tomorrow so that the Committee of the Whole can have discussion.

Recognize Delegate David Maratita.

Delegate David Maratita: Point of privilege, Mr. President. Regarding Introduction of Proposals and Recommendation of Committees, I wonder if the Committee submitting the Recommendation is in line with Rule 54 of our Procedures. In other words, the Committee is submitting its recommendations on a proposal. Will this be on the calendar under "General Orders?" On "Introduction of Proposals", will that be taken up by Delegates or Committees at that time?

Chairman Jose P. Mafnas: The purpose of adopting a Committee Report, Mr. President, is not passage of that report; it is merely to insert in the record that such report becomes property of the Convention.

Delegate David Maratita: Mr. President, I am not questioning whether or not the Committee Report should be adopted by the Convention. I am just concerned whether on the Order of the Day, "Introduction of Proposals", is that by Delegate or by Committee?

President Guerrero: According to Rule 54, "Introduction of Proposals", includes Delegate Proposals and Committee Recommendations.

Floor Leader Rasa: There can be no report without having first some proposals, and a report is a justification of a proposal. So a Report or a Recommendation by a Committee is a proposal in itself.

Delegate David Maratita: As we look at the various Committee Reports, they are making recommendations as to the provision in the Constitution. That is the point I am raising now, whether or not Introduction of Proposals by Committees should be done on the Order of the Day under "Introduction of Proposals" either by Delegate or by Committee.

The Committee Report that was just adopted was a proposal within itself, and was this introduced according to Rule 54? Mr. President, there is no "Committee Recommendation" on the Order of the Day. We have only "Introduction of Proposals by Delegates," but no "Introduction of Proposals by Committee."

Delegate Olympio T. Borja: I feel we are consistent with Rule 54 and that is, any Proposal submitted by a Delegate should be considered a Delegate Proposal and Recommendations submitted by the Committee should be considered Recommendations. We have adopted two Recommendations from Committees to be placed on tomorrow's calendar for Committee of the Whole deliberations. If you will note in Rule 55, this is the procedure to be followed. First accept the Committee's Recommendations and place this on the calendar for discussion under General Orders of the Day by the Committee of the Whole.

President Guerrero: That is correct, Delegate Borja. The two Committee Reports have been placed on the calendar under General Orders of the Day for deliberation by Committee of the Whole.

Delegate Jose R. Cruz: Rule number 54 simply allows for a Delegate or a Committee to submit its report, but it does not provide a provision for this body to adopt such proposal.

Delegate Olympio T. Borja: In line with the point raised by Delegate Cruz and Delegate Maratita, item 11, on the Order of Business. "Motions and Resolutions" is where we should accept the Report and place it for tomorrow.

(14) GENERAL ORDERS OF THE DAY

President Guerrero: Privilege of the Floor is given to Delegate Leon I. Taisacan from Rota.

Delegate Leon I. Taisacan: Mr. President and Fellow Delegates. My remarks are in support of the Proposal just introduced by Delegate Benjamin Manglona this morning.

I, like many people of the Northern Mariana Islands, both in this room and elsewhere, would like to add my approval to the ideas and goals espoused by Delegate Benjamin Manglona. The Delegates to the Constitutional Convention have undertaken a solemn duty to prepare the fundamental document for the people of all the Northern Mariana Islands. Although inequities have existed in the past and perhaps will continue to exist in the future, it should be our desire -- indeed, it is our duty -- to ensure that the voices of those who have suffered the past wrongs are not lost. These voices must and will be heard in our new government. It is of the utmost importance, Mr. President, that the goals envisioned by Delegate Manglona are given effect and that the proposals that he has offered to the Convention are given our approval. If the Delegates to this Convention do no more than assure the adequate representation of those who have not been heard in the past, then this effort will be one of the greatest triumphs in our island group's history. Thank you.

President Guerrero: Any more speeches to be given this morning?

Recognize Delegate Juan DLG. Demapan.

Delegate Juan DLG. Demapan: Mr. President and Fellow Delegates. It is with heavy heart and grave concern that I feel obligated to register my deep disappointment with the direction our Constitutional Convention seems to be taking.

On Monday, October 18, 1976, the opening day, most of the speakers emphasized the need for this Convention to approach the grave task ahead with open minds and dedication to the cause of our people to the end that the Constitution that it is our duty to draft and submit to the people is one designed to serve the best interests of all our people now and in the future.

The speakers stressed the need for good will, hard and thoughtful work, but above all, they recognized the absolute necessity to put aside all political partisanship during our deliberations. Were these only words? Unfortunately, I am led to believe so.

If the selection of committee leadership is any indication, then I am forced to the conclusion that political affiliation and considerations will play a large part in the days ahead. No one will convince me that it was not possible to find a single minority party member to chair one single committee. All committees, without exception are chaired by members of the majority party.

Please be assured that my disappointment does not lie in the fact that I was not selected to head-up a committee, far from it; but I do know and so does everyone here that there are several delegates from the minority party who are more than qualified. Why were they overlooked if it was not because of their party affiliations?

Where is the spirit, unity and nonpartisanship that was urged upon us in opening day speeches? Where is the good will and solidarity of effort we were advised to practice?

If our conduct of the past few days is indicative of the future then we will have betrayed the trust placed in us by the people.

Let us bear in mind that we are working, not only and primarily for ourselves but for our people, our children and for future generations. We dare not fail them.

Let our deliberations and decisions be based always on what is the greatest good for the greatest number.

I, for one pledge myself to put aside any and all political considerations in the pursuit of my sacred duties here.

I exhort you all to do likewise. Posterity will bless us or curse us according to the quality of the work we do here on their behalf. Thank you.

President Guerrero: Recognize Delegate Jose R. Cruz.

Delegate Jose R. Cruz: Mr. President and Fellow Delegates. I just want to endorse the remarks made to this Convention earlier by the Delegation from Rota. I am in support of their Proposal and I would also like to urge this Convention to take into serious consideration the remarks made by Delegate Demapan. Thank you.

President Guerrero: Recognize Chairman Felipe Atalig.

Chairman Felipe Atalig: Thank you, Mr. President. Just for the record I disagree with the statement made by Delegate Juan DLG. Demapan.

(15) ANNOUNCEMENTS

Chairman Benigno Fitial: The Committee on Finance, Local Government and Other Matters will be meeting immediately following this session in its usual meeting place in the area behind the Convention Hall.

Chairman Jose P. Mafnas: Mr. President, your Committee on Governmental Institutions will be meeting at 2:00 p.m. this afternoon in the Convention Chamber.

Chairman Felipe Atalig: My Committee is well-informed as to the time and place of their meeting.

Delegate Joaquin Torres: I move that this Convention recess until 2:00 p.m. tomorrow, October 23, 1976.

President Guerrero: Recognize Delegate Jose R. Cruz.

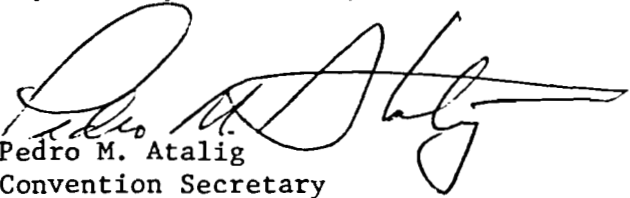
Delegate Jose R. Cruz: I would like to ask a question for planning purposes. Is this weekend and Monday a holiday?

President Guerrero: According the law which created the Convention, Section 9, this Convention will meet for 50 consecutive days and it will meet for 50 consecutive days.

The motion to recess was seconded and carried.

The Convention recessed at 11:45 a.m.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary