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CONSTITUTIONAL CONVENTION  
of the  
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

SIXTH DAY  
Saturday October 23, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 2:05 p.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 33 Delegates present. Delegates Felipe Q. Atalig, Olympio T. Borja, Carlos S. Camacho, Daniel P. Castro, Juan DLG. Demapan and Herman Q. Guerrero were excused. A quorum was present.

(4) ADOPTION OF THE JOURNAL

Floor Leader Rasa: Mr. President, I move for the adoption of the Summary Journal of the 5th Day.

The motion was seconded.

The Convention Secretary reported that there was a correction to be made on the second page, whereby Delegate Proposal No. 21 was read by Delegate Hofschneider.

The motion carried and the Summary Journal of the 5th Day was adopted.

(5) COMMUNICATIONS - None.

(6) COMMITTEE REPORTS

Chairman Benigno Fitial: Mr. President, your Committee on Finance, Local Government and Other Matters happily presents to the Convention its recommendations on the subject of Education, and its accompanying report on this subject.

This Committee has reviewed extensively the briefing papers and other documents pertaining to education, including provisions for our people of the Northern Mariana Islands. Quality education for our people is vital and should be encouraged at all levels, including elementary and secondary, higher education, as well as adult, vocational, and special educational programs.

The Committee recommends, Mr. President, that the Constitution state clearly that there shall be free, public and compulsory education in the Northern Mariana Islands. Further, that there shall be higher education within the needs and resources of our people.

Mr. President, we recognize that there are many matters pertaining to the provision and financing of education which will command the attention of the legislature, education authorities and officials of the Commonwealth Government. The proposed constitutional provisions set forth the high goals and aspirations for our people. We strongly recommend that the Convention and its Committee of the Whole consider and approve in principle the recommended constitutional provisions we hereby submit.

Thank you very much, Mr. President.

Chairman Mafnas: Your Committee on Governmental Institutions has no significant report to make at this time except that your Committee has met and tentatively come up with constitutional language on "Judicial" and "Legislative."

Vice Chairman Palacios: Mr. President, your Committee on Personal Rights & Natural Resources has three separate recommended Constitutional provisions for submission to the Committee of the Whole at this time. The first recommendation deals with eligibility to vote, the second with election procedures, and the third with initiative, referendum and recall. We have prepared reports

to the Committee of the Whole stating our Committee's reasons for proposing this Constitutional language. At this time I offer the Committee's three reports and ask that these reports be received by the Convention and that the Committee's proposed Constitutional provisions be placed on the calendar for discussion by the Committee of the Whole at the earliest possible date.

I would now move that the Convention acknowledge receipt of this report.

The motion was seconded.

President Guerrero: If there is no objection from the floor, it is so ordered.

(7) INTRODUCTION AND FIRST READING OF PROPOSALS

Delegates Pedro Q. Dela Cruz, Leon I. Taisacan, Pedro M. Ogo, David M. Atalig, Benjamin T. Manglona, Pedro M. Atalig, Gregorio S. Calvo, Benigno Fitial and Pedro Igitol introduced Delegate Proposal No. 29, entitled "Proposal Regarding Election Procedures." The Proposal was read by the Secretary.

Delegate Jose R. Cruz introduced and read Committee Proposal No. 30, entitled "Proposal Regarding the Official Language of the Commonwealth."

Delegate Jose R. Cruz introduced and read Committee Proposal No. 31, entitled "Proposal Regarding Trial by Jury."

Delegate David Q. Maratita introduced and read Committee Proposal No. 32, entitled "Proposal Regarding Local Government."

Delegates Pedro Q. Dela Cruz, Benjamin T. Manglona, Gregorio S. Calvo, Leon I. Taisacan, Prudencio T. Manglona, Pedro M. Atalig, Pedro M. Ogo and David M. Atalig introduced Delegate Proposal No. 33, entitled "Proposal Regarding the Executive Branch of Government." The Proposal was read by the Secretary.

Delegates Esteven M. King, Vicente M. Manglona, Henry U. Hofschneider and Hilario Diaz introduced Delegate Proposal No. 34, entitled "Proposal Regarding Governmental Institutions." The Proposal was read by Delegate King.

Delegates Esteven M. King, Vicente M. Manglona, Henry U. Hofschneider, Hilario F. Diaz and Benjamin Manglona introduced Delegate Proposal No. 35, entitled "Proposal Regarding Capital Improvement Funds." The Proposal was read by Delegate King.

Delegate Pedro Igitol introduced and read Delegate Proposal No. 36, entitled "Proposal Regarding the Office of Pulic Auditor."

Delegates Pedro Dela Cruz, Prudencio Manglona, Benjamin Manglona, Gregorio Calvo, Pedro Ogo, David Atalig, Leon Taisacan, Pedro Atalig, Benigno Fitial and Pedro Igitol introduced Delegate Proposal No. 37, entitled "Proposal Regarding Land Alienation." The Proposal was read by the Secretary.

Delegates Pedro Ogo, Prudencio Manglona, Jose Cruz, David Atalig, Pedro Dela Cruz, Pedro Atalig, Leon Taisacan and Benjamin Manglona introduced Delegate Proposal No. 38, entitled "Proposal Regarding Education." The Proposal was read by Delegate Ogo.

Delegate Francisco T. Palacios introduced and read Delegate Proposal No. 39, entitled "Proposal Regarding Members of the Medical and Dental Professions."

Delegate Francisco T. Palacios introduced and read Delegate Proposal No. 40, entitled "Proposal Regarding Taxation and Finance."

Delegates Manuel A. Tenorio, Vicente M. Manglona and Leon I. Taisacan introduced Delegate Proposal No. 41, entitled "Proposal Regarding Governmental Institutions." The Proposal was read by Delegate Tenorio.

Delegate Ramon G. Villagomez introduced Delegate Proposal No. 42, entitled "Proposal Regarding the Office of Comptroller." The Proposal was read by the Convention Secretary.

Delegates Pedro M. Atalig, Jose R. Cruz, Felix A. Ayuyu, Benjamin T.

Manglona, Prudencio T. Manglona, Pedro Q. Dela Cruz, David M. Atalig, Leon I. Taisacan and Gregorio S. Calvo introduced Delegate Proposal No. 43, entitled "Proposal Regarding Consumer Protection." The Proposal was read by the Convention Secretary.

Delegate Manuel A. Tenorio introduced and read Delegate Proposal No. 44, entitled "Proposal Regarding Education."

Delegate Manuel A. Tenorio introduced and read Delegate Proposal No. 45, entitled "Proposal Regarding Nomenclature for Government Offices."

#### REFERRAL OF PROPOSALS

Delegate Proposal No. 10, entitled "Proposal Regarding Land.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 11, entitled "Proposal Regarding Nurses and Teachers.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 12, entitled "Proposal Regarding Traditional Custom.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 13, entitled "Proposal Regarding Official Holidays.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 14, entitled "Proposal Regarding Conflicts of Interest.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 15, entitled "Proposal Regarding the Legislative Branch of Government.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 16, entitled "Proposal Regarding the Executive Branch of Government.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 17, entitled "Proposal Regarding the Legislative Branch of Government.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 18, entitled "Proposal Regarding Conflicts of Employment by Public Officials.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 19, entitled "Proposal Regarding the Executive Branch of Government.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 20, entitled "Proposal Regarding Health Services and Social Welfare.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 21, entitled "Proposal Regarding Agiguan Island.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 22, entitled "Proposal Regarding the Legislative Branch of Government.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 23, entitled "Proposal Regarding Disposition of Public Lands.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 24, entitled "Proposal Regarding Eminent Domain.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 25, entitled "Proposal Regarding Bill of Rights.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 26, entitled "Proposal Regarding Eminent Domain.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 27, entitled "Proposal Regarding Eminent Domain.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 28, entitled "Proposal Regarding the Status of the

Constitution.", was referred to the Committee on Finance, Local Government and Other Matters.

(8) SECOND AND FINAL READING OF PROPOSALS - None.

(9) MOTIONS AND RESOLUTIONS

Chairman Fitial: Mr. President, I move that the Convention adopt, or receive, the Committee Report and Recommendation No. 2 as reported by the Committee on Finance, Local Government and Other Matters, regarding "Education."

The motion was seconded and carried.

President Guerrero: Chairman Fitial, just for the record, is that supposed to be considered for First Reading today?

Chairman Fitial: To be placed on the calendar for tomorrow, or whenever you feel, Mr. President.

President Guerrero: You are requesting the Chair to calendar the Committee's Report?

Chairman Fitial: Yes, and at the same time for the Convention to accept the Report.

Vice-Chairman Palacios: Mr. President, what happened to my motion? I moved that your Committee's Proposal be received by the Convention.

President Guerrero: May I call on the Floor Leader.

Floor Leader Rasa: Mr. President, if I may. I think it would be most appropriate if we adopt a Committee's Report under "General Orders of the Day." Before adopting it we should go into Committee of the Whole. After Committee of the Whole we rise, and the Committee of the Whole will make a recommendation to the Convention. After that we go back to motions and we move that all those motions, all those Reports be adopted.

President Guerrero: Is that clear, Delegate Palacios?

Vice-Chairman Palacios: Yes.

(10) UNFINISHED BUSINESS - None.

(11) SPECIAL ORDERS OF THE DAY - None.

(12) GENERAL ORDERS OF THE DAY

Floor Leader Rasa: Mr. President, I move that the Convention now resolve itself into the Committee of the Whole in order to consider Committee Recommendation No. 1 from the Committee on Finance, Local Government and Other Matters, regarding "Constitutional Amendment," and to consider Recommendation No. 1 from the Committee on Governmental Institutions, regarding "Washington Representative."

The motion was seconded and carried. The Chair requested that Delegate David Maratita preside.

The Convention resolved into the Committee of the Whole at 2:30 p.m.

The Convention reconvened in Plenary Session at 3:56 p.m.

President Guerrero: The meeting is now called to order again. I will receive the report of the Committee of the Whole.

Chairman Maratita: Mr. President, your Committee of the Whole is pleased to report back to the Convention that it has acted on the two proposals as presented to it, one from the Committee on Governmental Institutions and the other from the Committee on Finance, Local Government and Other Matters. Your Committee has debated on two particular Recommendations. One was the Constitutional Amendment and your Committee is pleased to report that the Committee has adopted the Committee's recommendation with an amendment to the Report on the draft Article. Your Committee has also adopted the Recommendation from the Governmental Institutions Committee on Washington Representative.

Chairman Fitial: Mr. President, I move that we place these two Committee Reports along with the Recommendations for Second and Final Reading.

The motion was seconded.

President Guerrero: Any specific date?

Chairman Fitial: At your discretion, Mr. President.

Delegate Jose R. Cruz: Point of information, Mr. President. Could I ask the Floor Leader for some direction on this, as to whether or not we could dispose of this on Final Reading today. If we can do it, and there is no objection, why not do it today?

Floor Leader Rasa: Mr. President, as I understand it, there is nothing in the Rules which would prohibit this Convention from adopting or placing the Committee's Reports from Committee of the Whole for Final Reading or adoption of the Report. We can place it for Second and Final Reading, at the same time we can dispose of it anytime we wish to.

President Guerrero: That is the reason why the Chair pointed out to the Delegates that, if there is no objection, I have to hear from the Delegates of this Convention.

Delegate Jose R. Cruz: Mr. President, if I am in order, I would like to move that Committee Recommendation No. 1 on the subject "Washington Representative" be adopted by this Convention on Final Reading.

The motion was seconded.

Floor Leader Rasa: Mr. President, these are issues that might have some connection with other Constitutional provisions which we have not seen. Second and Final Reading demands the final phrasing of the Constitutional language. So, the only reason why I would like to request for the Convention to at least try to get in touch with other members in other that we try to see the relationship between this provision and other related provisions. I understand that in the final analysis there will be a review of the complete draft which must be considered by the Convention. That will call for a Third Reading, in essence. But I would still like to see that the Convention does not act on it immediately, so that a complete revised amendment be given to each member and that Final Action should be determined at the discretion of the President.

President Guerrero: It is so ordered, Floor Leader. The Chair will recognize that and I will try to calendar further discussion and for Final Reading sometime next week.

Delegate Jose R. Cruz: Point of order, Mr. President. There is a complete motion on the floor. I am not in the same position with the Floor Leader's suggestion. I am in favor of completing the remaining process of the motion and then we can go into the next business.

President Guerrero: Delegate Cruz, for your information, I consulted with our legal counsel in that respect and if the Convention would like to dispose of the motion made by Delegate Cruz, we can vote on it without any objection from the Chair.

Delegate Jose R. Cruz: I am simply saying, Mr. President, that there is a complete motion that should be acted upon by this Convention. The Chair cannot deprive this Convention of a complete motion action.

President Guerrero: The Chair recognizes your motion, Delegate Cruz.

The motion unanimously failed.

Delegate Jose R. Cruz: I voted against it, Mr. President, based on the explanation.

Chairman Fitial: Mr. President, I move that these two Committee Reports, along with their Recommendations, be placed on the calendar for Second and Final Reading at your discretion.

The motion was seconded and carried.

Ramon Villagomez: Since it appears that we have covered most of the things that were set for today, I move that we recess until Monday morning at ten o'clock.

Chairman Mafnas: Point of order, Mr. President, we still have one item on our calendar.

President Guerrero: Our next item of business is Announcements, but before we go into that, does anyone have a speech to be given today?

Floor Leader Rasa: Mr. President, I understand that everybody is tired in here but I wish to say a few remarks with regard to the works of this Convention. I would like to address these remarks to all the Delegates, but particularly to those from the outer municipalities. I don't suppose that we can form a Commonwealth if the intent of separatism, of regionalism, continues to haunt this Hall. Mr. President, I am disgusted by the distrust in which most of the members from the outer municipalities have placed upon the Delegates from the municipality of Saipan. I, for one, will never support a Proposal just because it has been introduced...or is a Proposal introduced by the Saipan Delegation. I think a Propposal had to be judged on its merits and demerits and not essentially from its originators. We'll be confronting a lot of complex issues which would demand give and take, and we cannot continue to have equal distribution on this basis. We have to accept the fact, Mr. President, that even here in the Marianas alone-- here in the municipality of Saipan--we don't get to support each other's view all of the time. So, with the kind of attitude which is evidence of the negative attitude towards our Delegation, I wish to inform Delegates from the other municipalities that we are here with open minds and we are not here to support what we think is good for Saipan and not for Rota or Tinian. I hope that we can come to a compromise because not all the issues can be distributed equally. If we have only Three Dollars and we continue to put out One Dollar for each municipality, and such municipality doesn't need the One Dollar, then we're going to end up with three separate, independent Commonwealths. I don't think that's the course of this Convention. All the lip-service of "unity" has lost its definition just a few minutes ago. I thank you.

Delegate Benjamin Manglona: Mr. President, thank you. The remarks made by our Floor Leader have prompted me, also, to make a few remarks. Mr. President and fellow Delegates, I don't think it is right to accuse the Rota Delegation, nor the Tinian Delegation, for the action we have done in this Convention. I think we are deliberating our work here and I don't think we have come to the point where we use this Convention to disrupt the activities of this honorable body. I think the action which we have just approved is a good action and I think it is a good compromise. I don't think it's right that Delegate Rasa should.....

Floor Leader Rasa: Point of order, Mr. President. May I ask the speaker to confine himself to the issue and not to mention particular members in his speech.

President Guerrero: I ask the patience of the Delegate from Rota to confine it and not mention the name of a person.

Delegate Benjamin Manglona: Mr. President, I don't want any member or Delegate from this Convention to try to accuse a Delegate from my municipality. I think we have to have mutual respect of each other's Delegations. I feel all of us know of the continuous grievance of our people and I think that's why we are presented this problem here in this Convention. So that in the process of framing our Constitution we have to make this a workable Constitution for all of us. I don't know that I could find words to say it other than "we're dissatisfied," so that I could convince Delegates to this Convention to use just terms. The reason why I came here to say "this is our problem" and "that is our problem" is that I have to say it. I cannot hide it. Experience has taught us to do this. I regret, if in a way, if I hurt some of the Delegates, but I assure you that my Delegation is willing to work along with each and everyone of you.

Delegate Leon Taisacan: Mr. President and fellow Delegates, I do not know the real definition behind these unfavorable remarks from one of the Delegates, but if it is to better facilitate better communication among the Delegates, then let it be so. However, if it is for any other reason, then I pray that such arrangement will not affect our unity in this Convention. With these Committee Reports we have heated expression on some issues, but let us not forget that we are here to represent our peoples' view. That view, Mr. President, is the drafting of a sound and effective Constitution for the Commonwealth of the Northern Marianas.

Delegate Francisco T. Palacios: Mr. President, the concern of the smaller municipalities in many instances is justified, based on their previous experience

with the administration. But bear in mind that the administration is not us, administered by someone else. Because of that experience they generate fear that a similar experience may occur under the Commonwealth. They're looking for justice and justice borne out of equality. In the name of equality, we, the bigger municipality, should not try to take advantage of the smaller municipality. At the same time I have mixed feeling whether the smaller municipalities....it is injustice for the smaller municipalities to take advantage, in the name of justice, that 2/3 of each municipality should be able to block the wishes of the majority of the people. If, indeed, one-man/one-vote concept is the democratic concept, I feel that in the name of unity and justice, it is not good for the bigger municipality or bigger population to dominate the smaller municipality and smaller population. At the same time we should be careful that the smaller municipality does not dominate the bigger municipality because, by the same token, the bigger population should not dominate the smaller population. If the smaller population dominates through the name of equality, then it becomes inequitable and we will have a Rhodesia. In Rhodesia the minority dominates the majority. So let us discuss this thing and talk about it in the next couple of days and let us look at it, issue by issue, and see how we can resolve this.

Delegate Jose R. Cruz: Mr. President, I just want to thank the first speaker for his eloquent and straightforward frankness on the very important issue that all of us should remember during the remaining balance of this Convention. I want to assure the original speaker and the rest of the Delegates that the Tinian Delegation is here to frame a workable Constitution for the people of the Northern Mariana Islands. As evidence of our faithfulness and our pledge to this principal, I wish to remind everyone here that the people of Tinian, with its very limited land, has committed more than 2/3 of its land to our future national defense and for the future of the Commonwealth Government of the Northern Mariana Islands. Thank you.

Delegate Hilario Diaz: Thank you, Mr. President. I just want to add something to what my fellow Delegate from Tinian just said. I'll make it very short. We respect the views of every Delegate in this Convention and I believe we all have a concern to see that we have equal representation, equal protection and equal opportunity in our new government which will be the Commonwealth Government. That is all I have to say, Mr. President. Thank you.

Delegate Juan P. Tenorio: Mr. President, if there are no further announcements, I would like to move that the Convention recess until Monday morning at 9:00.

President Guerrero: Before I entertain that motion there should be announcements.

(13) ANNOUNCEMENTS

Chairman Mafnas: Your Committee on Governmental Institutions, Mr. President, will be meeting tomorrow at 10:00 in the Convention Hall. I urge that every member be present. If a member cannot be present tomorrow, Mr. President, I urge that he makes a proxy so his vote can be counted. Thank you.

Chairman Fitial: Your Committee on Finance, Local Government and Other Matters will be meeting tomorrow at the same place at three o'clock in the afternoon.

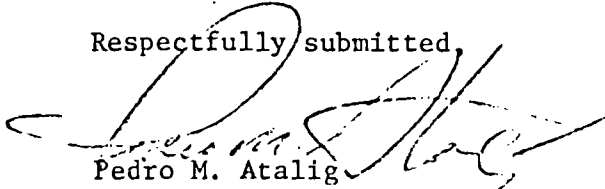
Acting Chairman Palacios: Your Committee on Personal Rights & Natural Resources will meet Monday right after the Plenary Session.

Floor Leader Rasa: Mr. President, there being no further business, I move that the Convention recess until two o'clock tomorrow.

Convention Secretary: Mr. President, one more announcement first, please. I would like to remind the Delegates that we need the originals on all Delegate Proposals. I would like them to be given to me for filing purposes and for duplication.

The motion to recess was seconded and carried. The Convention recessed at 4:20 p.m.

Respectfully submitted,

  
Pedro M. Atalig  
Convention Secretary