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CONSTITUTIONAL CONVENTION  
of the  
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

TENTH DAY  
Wednesday, October 27, 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 37 Delegates present. Delegates Juan DLG. Demapan and Oscar C. Rasa were excused. No Delegates were absent. (Delegate Juan DLG. Demapan arrived on the Convention Floor just after roll call.)

Delegate Felipe Atalig: I move that those Delegates not present be granted leave of absence.

The motion was seconded and carried.

(4) ADOPTION OF THE JOURNAL

Delegate Jose R. Cruz: I move we adopt the Journal for the 10th Day.

Delegate Olympio T. Borja: I would like to amend the motion to state "8th and 9th Days."

The motion was seconded and carried to adopt the Summary Journals for the 8th and 9th Days.

(5) COMMUNICATIONS - None.

(6) COMMITTEE REPORTS

Chairman Jose P. Mafnas: On behalf of the Committee on Governmental Institutions, I am pleased to submit Committee Recommendation No. 2. This Recommendation concerns the "Judicial Branch of Government" and consists of a proposed constitutional article on the judicial branch and an accompanying explanatory report.

The Committee recommends the creation of a Commonwealth court system. The Committee recognizes, however, that the Northern Marianas has few lawyers and little experience with administering a judicial branch. Accordingly, we suggest that at the beginning only a Commonwealth trial court of defined jurisdiction be formed. The court would consider all land matters, all other civil matters not involving more than \$5,000, and criminal cases involving fines of not more than \$5,000 or imprisonment for not more than five years. Other civil and criminal cases and all appeals would be heard by the United States District Court for the Northern Marianas.

Five years after the Constitution becomes effective, the Committee's recommended language would permit the legislature to expand the jurisdiction of the Commonwealth trial court and to establish appellate courts.

The Committee's proposed article would empower the governor to appoint Commonwealth judges, subject to the advice and consent of the upper house of the legislature. Judges would serve for an initial term of six years. They would be eligible for reappointment to one or more terms. The Committee's proposed language would authorize the legislature to increase the terms of judges who are reappointed to a period not to exceed 12 years. Judges would be subject to impeachment and to removal by the governor following the recommendation of an Advisory Commission composed of lawyers and representatives of the public.

The judiciary would have the power to issue rules governing criminal and civil procedures, admission to the bar, the affairs of the bar, judicial ethics, and other matters of judicial administration. These rules would be submitted to the legislature and would take effect 60 days after submission unless disapproved by either house of the legislature.

Mr. President, the Committee on Governmental Institutions believes the judicial system that I have outlined would serve the Northern Marianas people efficiently, fairly and economically. The Committee urges the Convention to accept this Recommendation and to calendar it for early consideration by the Committee of the Whole.

Thank you, Mr. President.

Chairman Felipe Atalig: The Committee on Personal Rights and Natural Resources completed its reconsideration regarding Committee Recommendation No. 3: Initiative, Referendum and Recall, as requested by the Committee of the Whole. The Committee has three reports to submit. First, a Committee report on referendum and recall; second, a majority report on initiative; and third, a minority report on initiative.

Each of these reports has attached to it proposed constitutional language that the Committee will ask the Committee of the Whole to consider. Thank you.

Chairman Benigno Fitial: On behalf of your Committee on Finance, Local Government and Other Matters, I am happy to submit Committee Recommendation No. 4, regarding "Constitutional Amendments."

Mr. President, I wish to address a most important issue which has already received the attention of this Convention in its Committee of the Whole.

I refer to the subject of constitutional amendments and more specifically to ratification methods. The Committee of the Whole had amended the original recommendation of the Committee on Finance, Local Government and Other Matters to require approval by 2/3 of the votes cast in each of the three municipalities.

Your Committee has reconsidered this amendment and its implications. We are concerned because under it any one municipality could prevent ratification although the voters of that municipality constituted a small percentage of the total votes cast by the Commonwealth as a whole.

Denial, Mr. President, of the basic principle of majority rule might pose constitutional problems under the Federal Constitution Equal Protection Provision. This is true in light of the important decision of the United States Supreme Court in Reynolds v. Sims, the "one man-one vote" decision.

For constitutional reasons, as well as governmental and political ones, we favor the principle of majority rule. At the same time, Mr. President, we should not ignore the separate and special needs of the individual municipalities.

How then, Mr. President, can we blend both sets of interests -- those of the majority of the population and the interests of the individual islands? The Covenant provision on legislative representation suggests an approach.

We propose a further amendment to the ratification provision. In the case of constitutional amendment proposed by legislative initiative, in which the individual municipalities are equally represented in the upper house, a majority of the votes cast would be required. In the case of amendments proposed by constitutional convention or popular initiative an affirmative vote of a majority of the votes cast -- Commonwealth wide -- would be required and a two-thirds vote of each of two of the three municipalities. Thus, you have blended two interests: majority rule and special needs of the islands.

Delegate Olympio T. Borja: I would like to move for acceptance of the report made by the Chairman of the Committee on Governmental Institutions.

The motion was seconded and carried.

Delegate Olympio T. Borja: I move we accept the reports made by the Chairman of the Committee on Personal Rights and Natural Resources and the Chairman of the Committee on Finance, Local Government and Other Matters.

The motion was seconded and carried.

(7) INTRODUCTION AND FIRST READING OF PROPOSALS

Delegates Ramon G. Villagomez, Jose S. Borja, Juan S. Demapan and Henry U. Hofschneider introduced Delegate Proposal No. 75, entitled "Proposal Regarding Public Officials." The Proposal was read by Delegate Borja.

Delegates Pedro M. Atalig, Benjamin T. Manglona, Leon I. Taisacan, Prudencio T. Manglona, David M. Atalig, Gregorio S. Calvo, Henry U. Hofschneider, Vicente M. Manglona, Esteven M. King, Pedro M. Ogo, Pedro Q. Dela Cruz, and Jose R. Cruz introduced Delegate Proposal No. 76, entitled "Proposal Regarding Governmental Institutions." The Proposal was read by Delegate Dela Cruz.

Delegates David M. Atalig, Prudencio T. Manglona, Benjamin T. Manglona, Pedro M. Ogo, Leon I. Taisacan, Pedro Q. Dela Cruz, Gregorio S. Calvo, Pedro M. Atalig, Vicente M. Manglona, Henry U. Hofschneider, Esteven M. King, Hilario F. Diaz and Jose R. Cruz introduced Delegate Proposal No. 77, entitled "Proposal Regarding Code of Ethics." The Proposal was read by Delegate Dela Cruz.

Delegates Pedro Q. Dela Cruz, Leon I. Taisacan, Benjamin T. Manglona, David M. Atalig, Pedro M. Atalig, Prudencio T. Manglona, Gregorio S. Calvo, Pedro M. Ogo, Vicente M. Manglona, Esteven M. King, Jose R. Cruz and Hilario F. Diaz introduced Delegate Proposal No. 78, entitled "Proposal Regarding Capital Punishment." The Proposal was read by Delegate Dela Cruz.

Delegates David M. Atalig, Prudencio T. Manglona, Benjamin T. Manglona, Pedro M. Ogo, Leon I. Taisacan, Pedro Q. Dela Cruz, Gregorio S. Calvo, Pedro M. Atalig, Vicente M. Manglona, Henry U. Hofschneider, Esteven M. King, Hilario F. Diaz and Jose R. Cruz introduced Delegate Proposal No. 79, entitled "Proposal Regarding Private Employer." The Proposal was read by Delegate Dela Cruz.

Delegates Pedro M. Atalig, Benjamin T. Manglona, Leon I. Taisacan, Prudencio T. Manglona, David M. Atalig, Pedro Q. Dela Cruz, Esteven M. King, Jose R. Cruz, Hilario F. Diaz, Pedro M. Ogo, Gregorio S. Calvo and Vicente M. Manglona introduced Delegate Proposal No. 80, entitled "Proposal Regarding the Bill of Rights." The Proposal was read by Delegate Dela Cruz.

Delegate Vicente T. Attao introduced Delegate Proposal No. 81, entitled "Proposal Regarding Land."

Delegate Vicente T. Attao introduced Delegate Proposal No. 82, entitled "Proposal Regarding Extradition."

Delegate Vicente T. Attao introduced Delegate Proposal No. 83, entitled "Proposal Regarding Apportionment in the House of Representatives."

Delegate Vicente T. Attao introduced Delegate Proposal No. 84, entitled "Proposal Regarding Public Land."

Delegates David M. Atalig, Prudencio T. Manglona, Benjamin T. Manglona, Pedro M. Ogo, Leon I. Taisacan, Pedro Q. Dela Cruz, Gregorio S. Calvo, Pedro M. Atalig, Vicente M. Manglona, Henry U. Hofschneider, Esteven M. King, Hilario F. Diaz and Jose R. Cruz introduced Delegate Proposal No. 85, entitled "Failure to Make Appropriations."

Delegates David M. Atalig, Prudencio T. Manglona, Benjamin T. Manglona, Pedro M. Ogo, Leon I. Taisacan, Jose R. Cruz, Vicente M. Manglona, Henry U. Hofschneider, Pedro Q. Dela Cruz, Gregorio S. Calvo, Pedro M. Atalig, Esteven M. King and Hilario F. Diaz introduced Delegate Proposal No. 86, entitled "Proposal Regarding Oath of Office."

Delegates David M. Atalig, Prudencio T. Manglona, Benjamin T. Manglona, Pedro M. Ogo, Leon I. Taisacan, Pedro Q. Dela Cruz, Gregorio S. Calvo, Pedro M. Atalig, Vicente M. Manglona, Henry U. Hofschneider, Esteven M. King, Hilario F. Diaz and Jose R. Cruz introduced Delegate Proposal No. 87, entitled "Proposal Regarding Existing Officers Continued in Office."

Delegates David M. Atalig, Prudencio T. Manglona, Pedro M. Ogo, Benjamin T. Manglona, Pedro Q. Dela Cruz, Gregorio S. Calvo, Pedro M. Atalig and Jose R. Cruz introduced Delegate Proposal No. 88, entitled "Proposal Regarding Public Employees."

Delegates David M. Atalig, Prudencio T. Manglona, Benjamin T. Manglona, Pedro M. Ogo, Leon I. Taisacan, Pedro Q. Dela Cruz, Gregorio S. Calvo, Pedro M. Atalig, Vicente M. Manglona, Jose R. Cruz, Hilario F. Diaz, Henry U. Hofschneider and Esteven M. King introduced Delegate Proposal No. 89, entitled "Proposal Regarding Sea Fisheries."

Delegates Benigno R. Fitial, Pedro Igitol and Luis M. Limes introduced Delegate Proposal No. 90, entitled "Proposal Regarding the Legislative Branch of Government." The Proposal was read by Delegate Fitial.

Delegates Hilario F. Diaz, Vicente M. Manglona, Henry U. Hofschneider and Jose R. Cruz introduced Delegate Proposal No. 91, entitled "Proposal Regarding the Office of Ombudsman." The Proposal was read by Delegate Diaz.

Delegates Hilario F. Diaz, Vicente M. Manglona, Henry U. Hofschneider, Esteven M. King and Jose R. Cruz introduced Delegate Proposal No. 92, entitled "Proposal Regarding Revenue From Natural Resources." The Proposal was read by Delegate Diaz.

Delegates Jose R. Cruz, Hilario F. Diaz, Vicente M. Manglona, Henry U. Hofschneider and Esteven M. King introduced Delegate Proposal No. 93, entitled "Proposal Regarding Justification of Governmental Programs." The Proposal was read by Delegate Cruz.

Delegates Esteven M. King, Henry U. Hofschneider and Hilario F. Diaz introduced Delegate Proposal No. 94, entitled "Proposal Regarding Personal Rights." The Proposal was read by the Convention Secretary.

Delegates Esteven M. King, Vicente M. Manglona, Henry U. Hofschneider and Hilario F. Diaz introduced Delegate Proposal No. 95, entitled "Proposal Regarding Finance." the Proposal was read by the Secretary.

Delegates Pedro M. Ogo, Pedro Q. Dela Cruz, Leon I. Taisacan, Henry U. Hofschneider, Esteven M. King, Francisco T. Palacios, David M. Atalig, Gregorio S. Calvo, Benjamin T. Manglona, Prudencio T. Manglona, Vicente M. Manglona, Hilario F. Diaz and Jose R. Cruz introduced Delegate Proposal No. 96, entitled "Proposal Regarding Official Flag." The Proposal was read by Delegate Taisacan.

Delegate Daniel P. Castro introduced and read Delegate Proposal No. 97, entitled "Proposal Regarding Governmental Institutions."

Delegates Luis M. Limes and Lorenzo I. Guerrero introduced Delegate Proposal No. 98, entitled "Proposal Regarding Ombudsmen."

Delegates Luis M. Limes and Lorenzo I. Guerrero introduced Delegate Proposal No. 99, entitled "Proposal Regarding Micronesian Claims Act."

Delegates Lorenzo I. Guerrero and Luis M. Limes introduced Delegate Proposal No. 100, entitled "Proposal Regarding the Different Orders of Court."

Delegates Lorenzo I. Guerrero and Luis M. Limes introduced Delegate Proposal No. 101, entitled "Proposal Regarding the Jurisdiction of the 'Supreme Court' of the Commonwealth."

Delegates Lorenzo I. Guerrero and Luis M. Limes introduced Delegate Proposal No. 102, entitled "Proposal Regarding the Native Language of the Commonwealth of the Northern Mariana Islands."

Delegates Luis M. Limes, Lorenzo I. Guerrero, Leon I. Taisacan, Pedro M. Atalig, Felix A. Ayuyu, Hilario F. Diaz and Henry U. Hofschneider introduced Delegate Proposal No. 103, entitled "Proposal Regarding Conflicts of Interest."

Delegates Luis M. Limes and Lorenzo I. Guerrero introduced Delegate Proposal No. 104, entitled "Proposal Regarding Bill of Rights."

Delegates Luis M. Limes and Lorenzo I. Guerrero introduced Delegate Proposal No. 105, entitled "Proposal Regarding the Constitution."

Delegates Luis M. Limes and Lorenzo I. Guerrero introduced Delegate Proposal No. 106, entitled "Proposal Regarding Employment of Minorities in the Labor Force."

Delegates Luis M. Limes and Lorenzo I. Guerrero introduced Delegate Proposal No. 107, entitled "Proposal Regarding Natural Resources."

Delegates Luis M. Limes and Lorenzo I. Guerrero introduced Delegate Proposal No. 108, entitled "Proposal Regarding Oath of Office."

Delegates Juan P. Tenorio, Esteven M. King and Pedro Ogo introduced Delegate Proposal No. 109, entitled "Proposes a Provision in the Commonwealth Constitution that the Following be Included in the Local Government." The Proposal was read by the Convention Secretary.

Delegates Juan P. Tenorio, Esteven M. King and Pedro Ogo introduced Delegate Proposal No. 110, entitled "Proposal a Provision in the Commonwealth Executive Branch." The Proposal was read by the Secretary.

Delegate Ramon G. Villagomez introduced and read Delegate Proposal No. 111, entitled "Proposal Regarding Chamorro Language Requirement for Government Jobs."

#### REFERRAL OF PROPOSALS

Delegate Proposal No. 49, entitled "Proposal Regarding Board of Education.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 50, entitled "Proposal Regarding Inter-Island Sports Competition.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 51, entitled "Proposal Regarding Bill of Rights.", was referred to the Committee on Personal Rights and Natural Resources.

Delegate Proposal No. 52, entitled "Proposal Regarding Natural Resources.", was referred to the Committee on Personal Rights and Natural Resources.

Delegate Proposal No. 53, entitled "Proposal Regarding Natural Resources.", was referred to the Committee on Personal Rights and Natural Resources.

Delegate Proposal No. 54, entitled "Proposal Regarding Narcotics and Other Dangerous Drugs.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 55, entitled "Proposal Regarding Local Government.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 56, entitled "Proposal Regarding Transaction of Business.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 57, entitled "Proposal Regarding the Passage of Bills.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 58, entitled "Budget Submission.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 59, entitled "Emergency Power.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 60, entitled "Proposal Regarding the Restrictions of Office.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 61, entitled "Proposal Regarding the Legislature.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 62, entitled "Proposal Regarding Immunity.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 63, entitled "Proposal Regarding Bill of Rights.", was referred to the Committee on Personal Rights and Natural Resources.

Delegate Proposal No. 64, entitled "Proposal Regarding Bill of Rights.", was referred to the Committee on Personal Rights and Natural Resources.

Delegate Proposal No. 65, entitled "Proposal Regarding the Executive Branch of Government.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 66, entitled "Proposal Regarding Land Alienation.", was referred to the Committee on Personal Rights and Natural Resources.

Delegate Proposal No. 67, entitled "Proposal Regarding Bill of Rights.", was referred to the Committee on Personal Rights and Natural Resources.

Delegate Proposal No. 68, entitled "Proposal Regarding Removal of Executive Appointee from Office.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 69, entitled "Proposal Regarding Pardon and Clemency.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 70, entitled "Proposal Regarding Restoration of Civil Rights and Liberties.", was referred to the Committee on Personal Rights and Natural Resources.

Delegate Proposal No. 71, entitled "Proposal Regarding Land Ownership.", was referred to the Committee on Personal Rights and Natural Resources.

Delegate Proposal No. 72, entitled "Proposal Regarding Governmental Institutions.", was referred to the Committee on Personal Rights and Natural Resources.

Delegate Proposal No. 73, entitled "Proposal Regarding Natural Resources.", was referred to the Committee on Personal Rights and Natural Resources.

Delegate Proposal No. 74, entitled "Proposal Regarding Land.", was referred to the Committee on Personal Rights and Natural Resources.

President Guerrero: I would like to remind the Delegates that according to Rule 54, as amended, no Delegate Proposal can be presented after October 29, 1976.

- (8) SECOND AND FINAL READING OF PROPOSALS - None
- (9) INTRODUCTION OF RESOLUTIONS - None
- (10) UNFINISHED BUSINESS - None
- (11) SPECIAL ORDERS OF THE DAY

Delegate Olympio T. Borja: I would like to move that Committee Recommendation No. 2 from the Committee on Governmental Institutions, regarding "The Judicial Branch of Government.", be placed on the calendar under General Orders of the Day for tomorrow for consideration by the Committee of the Whole.

The motion was seconded and carried.

- (12) GENERAL ORDERS OF THE DAY

Chairman Benigno Fitial: I would like to move that the Plenary Session resolve into the Committee of the Whole in order to consider Committee Recommendation No. 3 from the Committee on Personal Rights & Natural Resources, regarding "Initiative, Referendum and Recall.", and, also, Committee Recommendation No. 3 from the Committee on Finance, Local Government and Other Matters, regarding "Corporations.".

The motion was seconded and carried.

President Guerrero: At this time, I would like to call on Vice President Francisco Palacios, to preside over the Committee of the Whole.

The Convention resolved into the Committee of the Whole at 2:38 p.m.

The Convention reconvened in Plenary Session at 4:07 p.m.

Chairman Palacios: I would like to report that the Committee of the Whole adopted the sections in the Reconsideration of Committee Recommendation No. 3 regarding "Referendum and Recall," but they recommended re-referral of the section regarding "Initiative" to the Committee on Personal Rights and Natural Resources.

The Committee of the Whole also adopted Committee Recommendation No. 3 from the Committee on Finance, Local Government and Other Matters, regarding "Corporations."

Delegate Pedro Dela Cruz: Point of order, Mr. President. I think we need to adopt the report from the Committee of the Whole. I feel we need to do this.

Chairman Benigno Fitial: I move that the Committee Recommendations, as adopted by the Committee of the Whole, be adopted by this Convention.

The motion was seconded and carried.

(13) MISCELLANEOUS

Delegate David Q. Maratita: Mr. fellow Delegates, I wish to take a moment of your time to express my views about the proposal I introduced to provide for a draft Constitutional article prohibiting the creation of units of local government in the new Commonwealth.

As we all know, the government that we shall be forming under the new constitution should be a functional government taking all things under this system as totally devoid of the inconsistencies of the past experiences under the Trust Territory Government Administration.

The Municipal Governments that we now have are more than what I can normally call a "parasite" which eat of a sizeable amount of the capital resources that would have more appropriately been under a centralized agency.

Allow me to qualify my observation on why I feel that we, in this Convention, should provide an article in the constitution prohibiting the creation of local governments.

First, if we are to continue the present system, that is, the existence of municipal governments in the new Commonwealth, we will be sacrificing an essential part of the capital resources made available to fund for the operations of municipalities. As an example, the Saipan Municipal Government for its fiscal year budget for 1977, that is July 1, 1976 to June 30, 1977, a total of about \$451,883.00 will be needed to operate the municipality against an estimated revenue of \$453,392.00.

In a locality such as Saipan where the central government has activity such as Public Works, the services performed by the Municipal Government in public works become inter-phased in area of similar responsibilities. While Saipan is more evident of the duplication of public service efforts, Rota and Tinian to a certain degree, equally share the problem of duplicating some of the efforts that are provided by the central government. This appears unnecessary and unwarranted in the new Commonwealth Government for economic reasons.

Second, the absence of local government would make the delivery of services to the people more efficient. Legislative programs can be handled more effectively by limiting the process to one level of government, the central government. In other words, the legislature and the governor can program for the people under the concept of a central government with decentralized functions operating for the entire Commonwealth. Since the Commonwealth Legislature will be composed of representatives elected from the islands of Rota, Tinian and Saipan and the governor elected on a commonwealth-wide basis, there should be a reappraisal of our mental attitude to refer to our government as one central government and not persist on separate political sub-divisions.

Since the Covenant under Section 203(c) gives the people of Rota and Tinian protection that their particular interests be recognized and accommodated in the new Commonwealth, it would to a large degree be more advantageous to include a constitutional provision that would prohibit the creation of separate political sub-divisions on the islands of Rota, Tinian and Saipan. To insure, however, that the people living on these three main islands are represented in the executive branch of government, we should consider providing a constitutional language that would require the governor to establish within his immediate staff, a person to be responsible for the affairs of the islands, a position that would require the advice and consent of the legislature. At the same time, a provision could be

provided that the legislature be required to establish by a commissionership system or whatever allowing for the election of one person from each island who will be the chief representative of the governor on matters pertaining to their particular island. Compensation of these commissioners will be as provided by law and to be included in the commonwealth-wide budget for the operation of the executive branch. The Commissioner for Rota and Tinian under this system could be authorized by statute to be in direct charge of the administration in the delivery of services under a decentralized budget developed by the respective commissioner and approved in the governor's budget.

By doing away with a local government, the degree of delineation of authority as to what the local government can and cannot do will be less confusing to our people. In other words, the sad experiences that have been had prior to the new Commonwealth Government should not be repeated. I feel that a government functioning as one unit, that is the central government, will do more for the people on a commonwealth-wide basis rather than permitting a local government to perform only certain things for a given locality. The less local government we have the more efficient services can be delivered by the central government in that there will only be one level of government to work with. By decentralizing the function of this central government to Rota and Tinian allocating the authority that can be locally handled in matters pertaining to the administration of the government, we will not have to worry about maintaining another level of government operating under its separate identity such as we used to experience.

My fellow Delegates, perhaps what I have expressed may be facetious, but I feel that we are here in this Convention drafting our charter for a new government. I will urge a close review of our present political experience and ensure ourselves that what we will be providing for our future government will be a workable and acceptable approach to our new Commonwealth.

In conclusion, I am for a central Commonwealth Government under the concept of decentralized functions with respect to the administration of such a government.

Delegate Hilario F. Diaz: Mr. President and fellow Delegates. The Convention has now used over nine of its allotted 50 days. We have made substantial progress in some areas. Nevertheless, I think that it is important to pause to assess what we have done and what we must accomplish in the next 40 days in order to accomplish our mission.

Our Mission is straightforward; we must write a Constitution that not only creates a workable structure of government but also is sturdy and flexible enough to withstand the test of time. We must devote all of our efforts to achieving this objective. We must not permit geographic differences to interfere with our crucial task. The minority must never take advantage of the majority. The majority must never dominate the minority. Let us always remember that the United States Government would probably veto any Constitution that unfairly discriminates against any group, majority or minority, of our people. Rejection of our Constitution by the federal government would be a tragedy whose dimensions would be beyond our capacity to measure.

Mr. President and fellow Delegates, we must all remember that the Constitution will serve as the foundation of our new Commonwealth. But what is a commonwealth? It is a government founded on law and united by the people's compact with themselves to act for the common good. To speed the creation of our Commonwealth, we of the Tinian Delegation are willing to consider the completed Constitution as an entity. Even though we may disagree with specific provisions adopted in principle by the Committee of the Whole, we will not obstruct the work of the Convention. After the drafting of the Constitution is concluded, we will examine the entire document to determine if the interests of our constituents are adequately protected.

Mr. President, the Convention has heard many words urging Delegates to cooperate with each other. Over the next 40 days, we must give meaning to those words. We must act in the interests of all of our people on all of our islands. Let us create a Commonwealth that will serve us and our children well. Thank you.

Delegate Henry U. Hofschneider: Mr. President and Honorable Delegates of this historic Convention. This day marks our 10th day of our Convention and I would



like to take this opportunity on behalf of my fellow Delegates from Tinian to congratulate all of our hard working Delegates in this Convention.

First of all, Mr. President, I would like to go on record that disunity among us, in each perspective municipality in the Government of the Northern Mariana, has become idealistic since the beginning of this Convention. Let me further state that speeches and comments have been well established in this Convention against the wishes of both Rota and Tinian Municipality desires and presumably the Northern Islands. We all wish to frame a Constitution which would not duplicate our experience of frustration in our government system but to formulate a supreme government system in which that as citizens of the Northern Mariana Islands should ratify without the sense of future confrontation between ourselves. We, the Delegates from Tinian, wish to express and assure all Delegates, and you, Mr. President, that we will cooperate in order to form a workable Constitution that will be accepted by all our people. We are divided by a body of ocean, however, this should not be an obstacle; we will not let it be an obstacle. It pains me to think that at one time our ancestors were one people and then were colonialistically divided by foreign power; we have been see-sawing from one power to the other.

Mr. President and fellow Delegates, let us not lose this opportunity to break forever from the Trust Territory Government. In conclusion, my fellow Delegates and Mr. President, Tinian is ready and opens its hands to its brothers. Thank you.

Delegate Leon Taisacan: Mr. President and fellow Delegates. We assemble here in this Convention for the purpose of creating a workable Constitution for the Northern Marianas Government. During our assemblage in this Convention Hall, I have heard some encouraging speeches on unity in this Convention. I sincerely hope that each of us is honest about unity. I do not believe it would be worth anybody's while to note that if we want unity in this Convention and then attempt to break-up the spirit of unity and cooperation through actions. I hope that what we have said here about unity can be put into meaningful actions.

Mr. President, I just want to inform the Delegates that our proposal of 20% participation in the initiative process did not come out from our briefcase. It came out over a long period of time. It came out especially from the experience Rota and Tinian have had in the District Legislature in a manner in which we have treated each other. It came out from a long history and background of our relationship with the two Municipalities. Thank you.

Delegate Gregorio Calvo: I noticed on the Convention Journal for the 9th Day that there was no session. I believe the fact that we had committee meetings that day, even though there was no Plenary Session, should be in the Journal.

President Guerrero: Yes, the Convention Journal will be corrected to show that committee meetings were held on the 9th Day, even though there was no Plenary Session.

Delegate Jose R. Cruz: I just want to state an observation concerning a remark made earlier by one of the Delegates. While I am very much concerned about governmental levels, expenditures, funding and so forth, I wish to point out to this Convention that we should not close the door in drafting the Constitution for the possible future creating of a local government. I wish to remind this Convention, for example, the State of Hawaii, has county and city governments similar to the structure the Marianas presently has. Perhaps only the names are different. The reason why local government has not been very successful in the Northern Marianas is simply because there was no decentralization of responsibility according to the various municipalities. I want this to be a reminder to all the Delegates, in drafting our Constitution, it is very important that we include the provision that if we want to have local government in the future, we have the avenue to do so.

Delegate Benigno Fitial: I just want to cheer-up my fellow Delegate from Tinian. In regard to his remarks, that particular Delegate Proposal has been tabled.

(14) ANNOUNCEMENTS

Chairman Felipe Atalig: Your Committee on Personal Rights and Natural Resources will meet tomorrow at the usual place at 9:00 a.m.

Chairman Jose P. Mafnas: Your Committee on Governmental Institutions will meet tomorrow morning at 9:00 a.m. in the Convention Hall.

Chairman Benigno Fitial: Your Committee on Finance, Local Government and Other Matters will meet tomorrow morning at 9:00 a.m. in their regular meeting place.

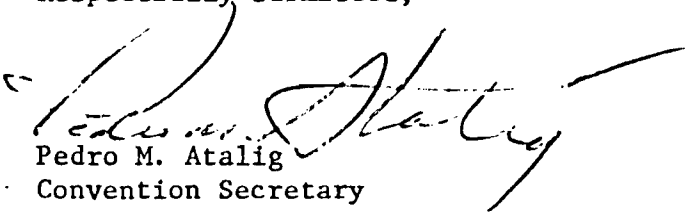
President Guerrero: I would like to announce that the Committee on Procedures and Organization will be meeting immediately following this session.

Delegate Pedro Dela Cruz: I move that we recess until tomorrow at 2:00 p.m.

The motion was seconded and carried.

The Convention recessed at 4:27 p.m.

Respectfully submitted,

  
Pedro M. Atalig  
Convention Secretary