

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

rec'd
11-17-76

VERBATIM JOURNAL (TRANSCRIPT)

TWELFTH DAY
Friday, October 29, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 2:40 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 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 11th Day.

The motion was seconded.

Chairman Benigno Fitial: Mr. President, there is an error on page 4, under Special Orders of the Day. It should reflect that Committee Recommendation No. 1 was from the Committee on Finance, Local Government and Other Matters.

President Guerrero: The Chair will order that such correction be made.

Motion to adopt the Summary Journal of the 11th Day carried.

(5) COMMUNICATIONS - None.

(6) COMMITTEE REPORTS

Chairman Mafnas: Mr. President, your Committee on Governmental Institutions met this morning and they are discussing the Executive Branch of Government. If I may continue, Mr. President, I will give the disposal of Delegate Proposals assigned to your Committee.

President Guerrero: Please continue.

Chairman Mafnas: Delegate Proposal No. 03, "Judicial Branch of Government.", was discussed by your Committee on the portion that discusses a court with jurisdiction over disputes involving land. Your Committee reported out on that in a Committee Recommendation made yesterday, Committee Recommendation No. 2. On the portion that proposed to create at least one judgeship to staff the court, that was also reported out in Recommendation No. 2 yesterday. On the portion proposing appointment of an attorney who is not a resident of the Northern Marianas to serve as a judge of the court, your Committee decided on Recommendation No. 2 to be silent on that in the Constitution. Also from the same Delegate Proposal, Mr. President, the request that a judge be authorized to sit temporarily on courts which decide cases not involving land, was reported out favorably by your Committee yesterday.

On Delegate Proposal No. 09, "A Proposal Regarding Special Court to Deal with Land Matters.", your Committee Recommendation No. 2 made yesterday reflects favorably on the Proposal in its entirety.

On Delegate Proposal No. 15, "Proposal Regarding the Legislative Branch of Government.", your Committee recommended (in a Recommendation to be submitted at a later date) that the bi-cameral legislature be called Northern Marianas Commonwealth Legislature and not Northern Mariana Islands Legislature. That the upper house, to be addressed as Senate, with three members from each chartered municipalities--that was tentatively agreed upon by your Committee.

That the lower house be addressed as House of Representatives and membership configuration be based on population--in a report to be submitted at a later date your Committee recommended a membership of 30 in the House of Representatives (25 from Saipan, 3 from Rota and 2 from Tinian). We have not acted on length of term for members of either house, but provide for a minimum age of 30 years in the upper house and 25 years in the lower house. These are subject to changes in the Convention Hall, Mr. President.

On Delegate Proposal No. 82, Mr. President, regarding "Extradition," your Committee has yet to reach a position on this matter. We have, in fact, discussed this Proposal this morning.

Delegate Proposal No. 85, regarding "Failure to Make Appropriations."--your Committee has reached a favorable decision on it in its entirety.

Delegate Proposal No. 100, regarding "The Different Orders of Court."--your Committee Recommendation No. 2 has reported that Proposal favorably.

Delegate Proposal No. 101, regarding "The Jurisdiction of the 'Supreme Court' of the Commonwealth."--that position, Mr. President, is reflected in your Committee's Recommendation No. 2.

Delegate Proposal No. 69, regarding "Pardon and Clemency.", this is a provision granting the power to the governor--your Committee reported out favorably and provided a Board of Pardon and Parole who recommends approval of any pardon or clemency.

Chairman Atalig: Mr. President, your Committee on Personal Rights & Natural Resources has considered the Recommendation No. 3, regarding "Initiative," and I believe Minority has also made a report in this regard. At this time I would like to ask the Convention Secretary, since he's one of the signatories of the minority report, to report this to the house.

Convention Secretary Atalig: There is a report to the Committee of the Whole and the Convention as a whole that the Minority feels that the required number of votes required for "Initiative" should be three-fourths of the votes cast. We submit our Minority Report in this matter.

Chairman Fitial: Your Committee on Finance, Local Government and Other Matters is still deliberating on "Local Government." At its next meeting, Mr. President, your Committee will have its final deliberation on "Revenue and Taxation Finance" and, hopefully, by Tuesday we will have a complete and final Committee Recommendation for the review and consideration of the Committee of the Whole. Thank you, Mr. President.

(7) INTRODUCTION AND FIRST READING OF PROPOSALS

Delegate Jose S. Borja introduced and read Delegate Proposal No. 127, entitled "Proposal Regarding Preamble."

Delegates Pedro Dela Cruz and Benigno Fitial introduced Delegate Proposal No. 128, entitled "Proposal Regarding Regulation of Business." The Proposal was read by Delegate Dela Cruz.

Delegates Henry U. Hofschneider, Jose R. Cruz, Pedro M. Atalig, David M. Atalig, Leon I. Taisacan, Pedro Dela Cruz, Prudencio Manglona, Jose Borja, Esteven King, Felix Ayuyu, Benjamin Manglona, Manuel Tenorio, Vicente Manglona, Hilario F. Diaz, Gregorio Calvo and Pedro Ogo introduced Delegate Proposal No. 129, entitled "Proposal Regarding a Land Corporation." The Proposal was read by Delegate Hofschneider.

Delegates Esteven M. King, Benigno Fitial, Henry Hofschneider, Pedro Dela Cruz and Luis M. Limes introduced Delegate Proposal No. 130, entitled "Proposal Regarding Official Languages of the Commonwealth." The Proposal was read by Delegate King.

Delegates Carlos S. Camacho, Antonio M. Camacho, Felix Ayuyu and Juan DLG. Demapan introduced Delegate Proposal No. 131, entitled "Proposal Regarding Alien Immigration Quota into the Northern Marianas." The Proposal was read by Delegate Demapan.

Delegates Francisco T. Palacios, Daniel P. Castro, Benigno R. Fitial, Manuel A. Tenorio and Luis M. Limes introduced Delegate Proposal No. 132, entitled "Proposal Regarding Executive Branch Offices." The Proposal was read by Delegate Palacios.

Delegate Magdalena Camacho introduced and read Delegate Proposal No. 133, entitled "Proposal Regarding Personal Rights."

Delegate Magdalena Camacho introduced and read Delegate Proposal No. 134, entitled "Proposal Regarding Legislative Branch."

Delegates Francisco T. Palacios, Daniel P. Castro, Juan S. Demapan, Benigno Fitial and Manuel A. Tenorio introduced Delegate Proposal No. 135, entitled "Proposal Regarding Bill of Rights." The Proposal was read by Delegate Palacios.

Delegates Francisco T. Palacios, Luis M. Limes, Manuel A. Tenorio, Juan S. Demapan and Jose S. Borja introduced Delegate Proposal No. 136, entitled "Proposal Regarding Economic Development." The Proposal was read by Delegate Palacios.

Delegates Francisco T. Palacios, Juan S. Demapan, Benigno Fitial and Manuel A. Tenorio introduced Delegate Proposal No. 137, entitled "Proposal Regarding Natural Resources." The Proposal was read by Delegate Palacios.

Delegates Francisco T. Palacios, Daniel P. Castro, Benigno R. Fitial, Manuel A. Tenorio and Luis M. Limes introduced Delegate Proposal No. 138, entitled "Proposal Regarding Education."

Delegates Juan P. Tenorio, Oscar C. Rasa, Henry U. Hofschneider and Manuel A. Tenorio introduced Delegate Proposal No. 139, entitled "Proposal Regarding Commonwealth Legislature." The Proposal was read by Delegate Juan P. Tenorio.

Delegates Manuel A. Tenorio, Magdalena S. Camacho, Ramon G. Villagomez, Jesus G. Villagomez, Juan P. Tenorio and Carlos S. Camacho introduced Delegate Proposal No. 140, entitled "Proposal Regarding Public Land Matters." The Proposal was read by the Secretary.

Delegates Larry I. Guerrero, Benigno R. Fitial and Felipe Atalig introduced Delegate Proposal No. 141, entitled "Proposal Regarding Refusal." The Proposal was read by Delegate Atalig.

Delegate Olympio T. Borja introduced and read Delegate Proposal No. 142, entitled "Proposal Regarding Preamble."

Delegates Lorenzo I. Guerrero and Benigno R. Fitial introduced Delegate Proposal No. 143, entitled "Proposal Regarding Consultation on Matters Involving the Commonwealth of the Northern Mariana Islands." The Proposal was read by Delegate Fitial.

Delegates Pedro Ogo and Carlos S. Camacho introduced Delegate Proposal No. 144, entitled "Proposal Regarding Members of the Medical, Dental, Nursing and Education Professions."

Delegates Carlos S. Camacho, Antonio M. Camacho and Felix Ayuyu introduced Delegate Proposal No. 145, entitled "Proposal Regarding Executive Branch of Government." The Proposal was read by the Convention Secretary.

Delegates Juan S. Demapan, Jose S. Borja and Pedro M. Atalig introduced Delegate Proposal No. 146, entitled "Proposal Creating Environmental Protection Board."

Delegates Juan S. Demapan, Jose S. Borja and Pedro M. Atalig introduced Delegate Proposal No. 147, entitled "Proposal Regarding Mass Transit."

Delegates Herman Q. Guerrero and Carlos S. Camacho introduced Delegate Proposal No. 148, entitled "Proposal Regarding the Taking of Census."

Delegate Jose R. Cruz offered a Proposal orally, regarding the Commonwealth Legislature, and then immediately ruled himself out of order because it was not offered in writing.

REFERRAL OF PROPOSALS

Delegate Proposal No. 112, entitled "Proposal Regarding Land.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 113, entitled "Proposal Regarding Sovereign Immunity.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 114, entitled "Proposal Regarding Legislature Matters.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 115, entitled "Proposal Regarding Land Use.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 116, entitled "Proposal Regarding Natural Resources.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 117, entitled "Proposal Regarding Natural Resources.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 118, entitled "Proposal Regarding the Northern Marianas Youth Congress.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 119, entitled "Proposal Regarding Public Disclosures by Elected Officials.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 120, entitled "Proposal Regarding Public Disclosure of the Budget.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 121, entitled "Proposal Regarding Governmental Institutions.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 122, entitled "Proposal Regarding Public Land.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 123, entitled "Proposal Regarding Employment and Conditions of Labor.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 124, entitled "Proposal Regarding the Imprisonment of Children.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 125, entitled "Proposal Regarding Child Labor.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 126, entitled "Proposal Regarding the Structure of Government.", was referred to the Committee on Governmental Institutions.

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

(9) INTRODUCTION OF RESOLUTIONS - None.

(10) UNFINISHED BUSINESS - None.

(11) SPECIAL ORDERS OF THE DAY

Chairman Fitial: Mr. President, I move that the Convention reconsider your Committee's Recommendation No. 1, regarding "Constitutional Amendment." And I also move that it be placed under General Orders of the Day on Tuesday for consideration.

The motion was seconded and carried.

(12) GENERAL ORDERS OF THE DAY

Floor Leader Rasa: Mr. President, I move that the Convention resolve into the Committee of the Whole in order to Consider Committee Recommendation No. 3, regarding "Initiative," and to consider Committee Recommendation No. 4, regarding "Bill of Rights."

The motion was seconded and carried. President Guerrero appointed Vice-President Vicente Manglona to preside over the Committee of the Whole.

The Convention resolved into the Committee of the Whole at 3:10 p.m.

The Convention reconvened in Plenary Session at 4:31 p.m.

Chairman Manglona: Mr. President, I would like to yield the floor to the Chairman of the Committee on Personal Rights to give the report.

Chairman Atalig: Thank you, Mr. President. The Committee of the Whole recommended again that Committee Recommendation No. 3 on "Initiative" is to be deferred until the next meeting, which will be on Tuesday. I would also like to report to you, Mr. President, that on the same matter the Committee's Recommendation No. 4 has been adopted by the Committee of the Whole. At this time I move that the Committee's Recommendation No. 4 on "Personal Rights" be adopted.

The motion was seconded and carried.

Floor Leader Rasa: Mr. President, Section 10 on "Free Public Education," according to the Committee's Report, provides that each person shall have the right to a free public education. If we go back and review the Recommendation which was passed by the Committee of the Whole and the Convention regarding Section 1 on "Education," which states that there shall be free, compulsory and public elementary and secondary education.....I think there is a substantial difference between the two. Public education could be considered to be institutions which are run and subsidized by the government. Compulsory public elementary and secondary education stipulates that there must be primary and secondary levels. I have to oppose the counsel's decision that we should incorporate the Article on Education as submitted by the Committee on Finance and Taxation under the Committee's Recommendation on "Free Public Education" because I think there is a substantial difference. And I do intend to come in with an amendment on the Second Reading. Thank you.

President Guerrero: I ask that any amendment be made before taking our Second and Final Reading, please. Have it in advance, written and ready to distribute among all the Delegates. That will give them a chance to read it and make the final decision in their voting.

(13) MISCELLANEOUS

Delegate Benjamin Manglona: Mr. President, I would like to make a few remarks.

Mr. President and fellow Delegates:

Today marks the 12th day of our Convention. When our Delegation entered this sacred hall of justice for the first time, we pledged ourselves to devote our full energy to the challenging task ahead of this Convention. We are here to frame a workable constitution that will guarantee the pursuit of happiness, protection and prosperity to all our people. A workable Constitution that will be equally enjoyed by the people of Saipan, Rota and Tinian. During the last 11 days, we have sat in this Convention and heard many eloquent speeches. We have heard speeches on unity. We have heard speeches on mutual trust and cooperation. We have heard speeches condemning the delegation from one or more of the municipalities. The free expression of the Delegates in this Convention is a model to all of us of the American democracy in action. We can proudly say that we are glad that we are part of America, a great nation.

We came to this Convention with some reservations. We know we are the minority. We know we will have many differences. We know that at times we may even quarrel on issues. We anticipated heated debates. But despite all these reservations, you should be grateful that we are here. We are here as your good friends and good neighbors. Let us reason together to achieve a good compromise.

Our delegation does not regret that we are sharing together in this Convention. We are getting to know and understand each other's position, day by day. We are learning to be a Saipanese while you are learning to be a Rotanese. And at the same time we are all learning to be a Tinianese. Altogether we are one people. But our ocean has divided us and our past experience has disunited us.

Today, as we frame our Constitution we seek unity, we seek friendship, and let us all hope that the products of our hard work will produce a workable Constitution that will make one island out of many islands and one people out of many people so that all generations to come can proudly say that I am glad that Saipan is my home, Rota is my home and Tinian is my home. I thank you, Mr. President.

Delegate Esteven King: Mr. President, I have a speech today, please.

Mr. President and fellow Delegates of the Northern Marianas:

With respect and honor, let's have the type of Constitution in the new Government of the Northern Marianas that we can ever hope to achieve the kind of life we desire by protection of law. The Constitution, the supreme power that there will be many changes to expect in life in the Marianas. The citizens of the Marianas will ratify the new Constitution for our country and its people for the protection of unity. The people of the Marianas will be the ones to hold the power of the Government, compromising with the personal guarantee without any foreign interference. But, let us have the type of Constitution that will give the people of the Marianas the strength of authority and responsibility that they will no longer be dependent upon outside powers to handle internal and external affairs. Let's have the type of Constitution to defend us from all advantages and disadvantages of foreigners. The Constitution will be a great guide in solving the problems that we will face in our metamorphosis to a free and strong paradise country. Mr. President, we shall preserve the heritage of the past and protect the promise of the future. Without justice under law for all and equal protection--that means the Marianas Government would not be strong without a Constitution. Mr. President and fellow Delegates, let's not make it a simple Constitution because of 'minority and majority.' Let's make it strong so that the people of the whole world will respect us and we will become the proud guardians of our islands and our people, now and forever. Thank you.

(The Plenary Session was conducted in the Chamorro language from 4:37 p.m. until 4:46 p.m.)

(14) ANNOUNCEMENTS

Chairman Fitial: Mr. President, your Committee on Finance, Local Government and Other Matters will be meeting Saturday at ten o'clock, Sunday at ten o'clock and Monday at two o'clock in their usual, regular meeting place.

Chairman Atalig: Your Committee on Personal Rights & Natural Resources will meet at 1:30 p.m. on Saturday. Their meeting times for Sunday and Monday will be announced later.


Delegate Benjamin Manglona: Mr. President, Chairman Mafnas asked me to announce that your Committee on Governmental Institutions will be meeting at ten o'clock Sunday morning.

Delegate Jose R. Cruz: Mr. President, I move that the Convention recess until nine o'clock, Tuesday morning.

The motion to recess was seconded and carried.

The Convention recessed at 4:55 p.m.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary