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CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

SEVENTEENTH DAY
Wednesday, November 3, 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 Carlos S. Camacho and Manuel A. Tenorio were excused. No Delegates were absent.

Floor Leader Rasa: I move that those Delegates not in attendance be granted leave of absence.

The motion was seconded and carried.

(4) ADOPTION OF THE JOURNAL

Floor Leader Rasa: I move we adopt the Summary Journal for the 16th Day.

The motion was seconded and carried to adopt the Summary Journal for the 16th Day.

(5) COMMUNICATIONS - None

(6) COMMITTEE REPORTS

Chairman Benigno Fitial: Your Committee on Finance, Local Government and Other Matters has made remarkable progress today in the matter regarding, "Local Government." Tomorrow we will have final determination on how the Local Government Provision will be designed in our Constitution.

Chairman Felipe Atalig: Your Committee on Personal Rights and Natural Resources has completed their work on "Public Lands" and it is expected that some time tomorrow this particular report will be given to the House. The Committee is now working on "Natural Resources", which is one of the very important issues to this Convention.

Chairman Jose P. Mafnas: Your Committee on Governmental Institutions will submit its report on "Legislative Branch" tomorrow at this time.

President Guerrero: I would like to ask all the Chairmen to please make a summary report of all the Delegate Proposals regarding the action that has been taken by your Committee for the convenience of all the Delegates. This will help us know what action has been taken on the Delegate Proposals.

(11) SPECIAL ORDERS OF THE DAY - None

(12) GENERAL ORDERS OF THE DAY

President Guerrero: We have two items on our agenda to be discussed today. These are Committee Recommendation No. 5 from the Committee on Finance, Local Government and Other Matters and Committee Recommendation No. 6 from the same Committee.

Floor Leader Rasa: I move that the Convention resolve into the Committee of the Whole.

The motion was seconded and carried.

President Guerrero: At this time, I would like to ask the First Vice President from Rota, Benjamin Manglona, to Chair the Committee of the Whole for today.

The Convention resolved into the Committee of the Whole at 2:14 p.m.

The Convention reconvened in Plenary Session at 2:30 p.m.

Chairman Benjamin Manglona: Your Committee of the Whole, to which you referred two Recommendations, is pleased to report the following: Committee Recommendation No. 5, regarding "Commonwealth Taxation" and Committee Recommendation No. 6, regarding "Commonwealth Debt," have been unanimously adopted by the Committee of the Whole.

Chairman Benigno Fitial: I move that the Convention adopt Committee Recommendation No. 5, regarding "Commonwealth Taxation" and Committee Recommendation No. 6 regarding "Commonwealth Debt" from the Committee on Finance, Local Government and Other Matters.

The motion was seconded and carried.

The adopted Articles are as follow:

ARTICLE _____
TAXATION AND FINANCE

Section 1: Public Purpose. No tax shall be levied or appropriation of money made, directly or indirectly, except for a public purpose.

Section 2: Report on Tax Exemptions. Every five years the governor shall prepare a report to the legislature that assesses the use and the social, fiscal and economic impact of any tax exemptions established by law. The report shall include any recommendations by the governor on exemption policy or laws.

ARTICLE _____
COMMONWEALTH DEBT

Section 1: Public Debt Limitation. No public indebtedness other than bonds or other obligations of the government payable solely from the revenues derived from any public improvement or undertaking shall be authorized in excess of ten percentum of the aggregate assessed valuation of the property within the Northern Mariana Islands or for any operating expenses of the Commonwealth government or its political subdivisions.

Section 2: Public Debt Authorization. No public debt shall be authorized or incurred unless approved by two-thirds (2/3) of the members in each house of the legislature.

(13) MISCELLANEOUS

In this connection, Mr. President, while we have yet to hold public hearings on some of our proposals, committee work has progressed well, and we have molded some of the basic concepts for our Government.

In terms of the judicial system, there is general basic agreement, but we still find problems with the executive, especially on the degree of autonomy for local government.

Mr. President, I strongly believe that if we trust each other here in this meeting, then it will be both easy and possible to create a government structure which will protect the interests of everyone.

Unfortunately, recent debate on certain issues has thus far left me impressed with the progress so far, but distressed at the certain issues -- which should not be major issues -- appear to be major obstacles blocking our path to a smooth and rapid end to our proceedings.

I have seen a lot of references in the news media about so-called "geographical differences" at this Convention. For myself, however, I wonder just what geographic differences are being referred to?

I had always thought when we negotiated the Covenant, we were talking about the Northern Mariana Islands -- not the Commonwealth of Rota, the Commonwealth of Tinian and the Commonwealth of Saipan. Mr. President, let us recall that we are drafting neither a Declaration of Independence, nor the Constitution of an emerging nation. What we are drafting in point of fact is very similar to that of a State Constitution, with the Covenant and the U. S. Federal Constitution as compelling and practical examples.

Certainly, the point our colleagues from Tinian and Rota emphasized is not lost on us; we know that they have been neglected in the past under a Trust Territory Administration. This was not our fault. What happened in the past should not be repeated, and that, of course, is the very point the distinguished Delegates from Tinian and Rota are making.

I, for one, certainly believe and support the concept and the practice of giving more autonomy to local areas, to all chartered municipalities with the further thought that it will be the Commonwealth Legislature which will provide the necessary funds to implement priority programs and projects to the municipalities according to their requirements and demands -- and which funds will be managed and controlled by them in a decentralized fashion. But, at the same time, we should not, and we cannot afford to let some of our differences in the manner of representation paralyze this Convention, and inhibit it from carrying out its task.

Related to this, Mr. President, I recall a statement I prepared for the Covenant, signed by President Ford in Washington, D. C. What I concluded in that statement was that we are proud of becoming a part of the United States and that we pledge that America will be proud of us.

Mr. President, not only are the eyes of our representatives, the people of the Northern Mariana Islands upon us, but also the attention of our friends in the Territory of Guam, the Trust Territory, and the Executive Branch and Congress of the United States, as well as our future fellow Americans. What are they to think of our deliberations? Are we truly equal to the task at hand?

Surely, Mr. President, the result of this Convention, and the way in which we go about drafting our Constitution, will rightfully raise or lower our stature in the eyes of those who are watching us. Therefore, I for one, ask us all to

would appear to me that our job here consists of setting the general guidelines; we are not here to do the legislature's battle; we are here to create a structure containing checks and balances; we are not here to constrain or otherwise limit the option and undermine the prerogatives of the future legislative branch.

For these reasons, Mr. President, I sincerely ask us all to concentrate on the main objective and that is a workable Constitution, consistent and in conformance with the Covenant and with the Constitution of the United States of America.

Of course, we realize that no product of human endeavor is perfect, the Constitution and the Covenant included, and that is the reason why provisions are made for amendment of those documents.

Therefore, let us at this point in history, try to forge together the most reasonable, equitable and effective Constitution for the Northern Mariana Islands. Let us not contemplate extension, for extension of our legal life of 50 days would only prolong debate over some issues which are perhaps more properly within the realm of our future government. Additionally, we must not let our differences create the potential for disapproval of this historic document. Instead, let us work together so that when we come to the final product, we will be able to take pride in having discharged our duties and responsibilities in a commendable manner on behalf of our constituents.

We have the opportunity, at this time, to set a shining example for other island areas under U. S. jurisdiction, and to prove that we are worthy of the trust placed in us by the United States, and to truly make the people of America proud to have us as members of their political family.

The choice is up to us. Thank you, Mr. President.

Chairman Benigno Fitial: Mr. President and fellow Delegates. I speak today concerning a matter which, I fear, threatens the success of our Convention. I refer to the spirit of narrow localism with which some Delegates are so pronouncely concerned.

Some of our colleagues tell us, "we are a minority, therefore, we must have protection; for we cannot trust the new government." Mr. President, if any group is a minority in these islands, it is the Gupalao. If discrimination is to be feared, surely we must fear it more than anyone else. The late President Roosevelt once said, "There is nothing to fear, but fear itself." The Gupalao do not demand special arrangements; we do not assume that the new government will treat us badly. Mr. President, the Gupalao in the Northern Marianas number 4,000 people. If we wished, we too could demand special arrangements under the name of "protection." But we do not. We realize that our Commonwealth can succeed only through mutual trust and cooperation. We understand that insistence on special arrangements can destroy that spirit of trust, thereby destroying the Commonwealth before it is even underway

We, the Gupalao from Saipan, even without a single Representative in the Northern Marianas Legislature, are now ready to place our faith in the honesty, integrity, and good sense of the majority. All I ask from the Delegates from Rota and Tinian is that they do no less. Thank you, Mr. President.

Chairman Felipe Atalig: I am deeply touched by the remarks made by Delegate Fitial and I am in support of the speech that he made.

Delegate Benjamin Manslova: We are delaying the work of this Convention. We

Delegate Pedro Dela Cruz: I would be very satisfied if someone could clarify for me, how are we delaying the work of the Convention?

President Guerrero: The Chair does not feel that this is the right time for debate on this particular issue. I believe that all the Delegates in this Convention are working in a most cooperative manner and the Chair recognizes that this should be the case during this Convention. I will not recognize anymore speakers in this regard.

Chairman Benigno Fitial: I just want to cheer-up the Convention. I want to propose that we, the Convention, send a congratulatory message to the new President of the United States, whoever it may be.

Delegate Felipe Atalig: A few days ago, I introduced a Resolution regarding Jimmy Carter and I think it is proper at this time to consider such a Resolution.

President Guerrero: For your information, Chairman Atalig, the Chair recognizes the urgency of that Resolution. As you were notified earlier today, action will be taken later on in the session.

Delegate David Maratita: I want to remind Delegate Atalig, that I think we should defer the Resolution regarding, Jimmy Carter, until we know for sure he is the new President.

(14) ANNOUNCEMENTS

Chairman Benigno Fitial: Your Committee on Finance, Local Government and Other Matters will be meeting tomorrow at 9:00 a.m.

Chairman Jose P. Mafnas: Your Committee on Governmental Institutions will be meeting immediately after this session.

Chairman Felipe Atalig: Your Committee on Personal Rights and Natural Resources will be meeting immediately after this session.

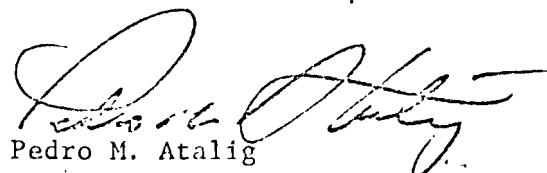
President Guerrero: The Committee on Organization and Procedures will meet immediately after this session in the President's Office.

Delegate Juan DLG. Demapan: I move that the Convention recess for today until 2:00 p.m. tomorrow.

The motion was seconded and carried.

The Convention recessed at 2:50 p.m.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary

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VERBATIM JOURNAL (TRANSCRIPT)

FOURTEENTH DAY
Sunday, October 31, 1976

There was no Plenary Session this date, however, there were committee meetings.

Respectfully submitted,

Pedro M. Atalig
Convention Secretary