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11-17-76

CONSTITUTIONAL CONVENTION  
of the  
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

EIGHTEENTH DAY  
Thursday, November 4, 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 39 Delegates present. No Delegates were absent or excused.

(4) ADOPTION OF THE JOURNAL

Floor Leader Rasa: I move we adopt the Summary Journal for the 17th Day.

The motion was seconded and carried.

(5) COMMUNICATIONS - None

(6) COMMITTEE REPORTS

Chairman Jose P. Mafnas: I would like to report on the disposal of Delegate Proposals by the Committee on Governmental Institutions.

Delegate Proposal No. 139, entitled "Proposal Regarding the Commonwealth Legislature," states:

1. The new Commonwealth Legislature shall be on a part time basis for the first seven years of its existence.
2. The salary of the Upper House of the Commonwealth Legislature shall be set at \$1,200.00 per annum the first seven years of the Legislature's existence.
3. The salary of the Lower House of the Commonwealth Legislature shall be set at \$1,000.00 per annum the first seven years of its existence.

Your Committee feels that this Proposal would be most economical and acceptable in principle, however, it is the feeling of the Committee to reject the Proposal in its entirety. We want our Legislature to be on a full time basis and to be compensated accordingly, in order to obtain qualified people.

Delegate Proposal No. 134, entitled "Proposal Regarding Legislative Branch," states:

1. Provides reapportionment at least every 15 years;
2. Provides a special election to fill vacancy for unexpired term or more than one year; appointment by Governor, less than one year.
3. Any member of Congress, i. e., Senator or House, may not hold any other public office or employment.
4. Any legislation of appropriation should be passed by 3/4 votes of each of the two houses.

Your Committee feels reapportionment should take place at least every 10 years. Special election should be conducted to fill vacancy for unexpired term of more than one year. The Governor should appoint those candidates who received the next highest vote if the vacancy is for unexpired term of less than one year, provided the appointee is from the municipality in which the vacancy exists. The Committee also feels that no member of the Legislature shall be permitted to hold any office in the Judiciary and Executive Branches and a member of the Legislature shall not be permitted to serve on any board or regulatory agency, whether a voting member or non-voting.

Delegate Proposal No. 90, entitled "A Proposal Regarding the Legislative Branch of Government," states:

1. Requires that members of the Legislature be elected by the cumulative voting system.

I regret to report that this Proposal is not acceptable at this time. The one man - one vote principle is in the best interest of our future Commonwealth Government.

Delegate Proposal No. 75, entitled "Proposal Regarding Public Officials," states:

1. Provides that the minimum age for Senator be 25 years;
2. Provides that minimum age for Representative be 21 years;
3. Provides that minimum age for Governor be 30 years;
4. Provides that minimum age for Mayors be 25 years; and
5. Provides that minimum age for Attorney General be 25 years.

Your Committee, upon reconsideration, has accepted this proposal in principle.

Delegate Proposal No. 62, entitled "Proposal Regarding Immunity," has been accepted by your Committee in principle.

Delegate Proposal No. 114, entitled "Proposal Regarding Legislative Matters," states:

1. Provides that no member of the Northern Marianas Legislature be a voting member of any board, group or body established by that Legislature;
2. Provides further that no legislation be enacted contradictory to the purpose provided above;
3. Provided further that no appointments which may be provided by law be made contradictory to this provision.

Your Committee recommends acceptance of this restriction whether a voting member or non-voting member. This Proposal is along the same line as Delegate Proposal No. 134, which I have already reported on.

Mr. President, your Committee on Governmental Institutions is now ready to present to the Convention its Recommendation No. 3 on the "Legislative Branch." Your Committee recommends that the Convention adopt, in principle, the Constitutional provisions with respect to the Legislative Branch of government which we will now submit.

Chairman Felipe Atalig: Your Committee on Personal Rights and Natural Resources has submitted their Committee Recommendation No. 5, regarding "Public Lands." We would like to request that the Delegates take time in going over the report and we also request that Committee Recommendation No. 5 be placed on tomorrow's calendar. Furthermore, in compliance with the Chair's request yesterday, regarding the status of Delegate Proposals, I wish to report that attached to Committee Recommendation No. 5 is a status report on Delegate Proposals beginning on Page 21.

Chairman Benigno Fitial: Your Committee on Finance, Local Government and Other Matters is still deliberating on the subject of "Local Government." In regard to your request for a report on Delegate Proposals, your Committee will submit a written status report.

#### (7) INTRODUCTION AND FIRST READING OF COMMITTEE RECOMMENDATIONS

Chairman Felipe Atalig: I wish to introduce Committee Recommendation No. 5, regarding "Public Lands," to be adopted on the First Reading.

Chairman Jose P. Mafnas: Committee Recommendation No. 3, regarding "Legislative Branch of Government," from the Committee on Governmental Institutions is ready to be placed on tomorrow's calendar.

President Guerrero: We will place both Committee Recommendation No. 5 from the Committee on Personal Rights and Natural Resources and Committee Recommendation No. 3 from the Committee on Governmental Institutions on the calendar tomorrow under General Orders of the Day.

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

(10) UNFINISHED BUSINESS - None

(11) SPECIAL ORDERS OF THE DAY - None

Delegate Hilario Diaz: Point of order. I believe we passed one item on our agenda and that is "Introduction of Resolutions."

(9) INTRODUCTION OF RESOLUTIONS

Delegate Hilario Diaz: Actually, I do not have any resolution to introduce at this time, however, I would like to re-introduce the resolution submitted by Chairman Atalig the other day. Since we all know now that Jimmy Carter is the President-Elect of the United States, I would certainly like to see the resolution become a reality by this Convention.

Chairman Benigno Fitial: I do have a resolution to introduce regarding this, in order to extend our congratulations and greetings to the newly elected President of the United States, and I would like the Secretary to read the resolution.

Convention Secretary: Resolution No. 4:

"A Resolution

The Constitutional Convention of the Northern Mariana Islands meeting in Plenary Session on the 4th Day of November, 1976.

WHEREAS, the people of the Northern Mariana Islands pursuant to the Covenant with the United States of America are engaged in the historic task of drafting a constitution for the Government of the Commonwealth of the Northern Mariana Islands in political union with the United States of America; and

WHEREAS, the Constitutional Convention has heard the results of the national election for President of the United States; whose term of office will take place when the Constitution now being drafted comes into being; and

WHEREAS, the people of the Northern Mariana Islands desire to secure wholesome, effective and cooperative relations with the Government of the United States of America, now and in the future; and

WHEREAS, such good relations involve close ties between our people and the Government of the United States in Washington and the elected officers of the United States;

NOW, THEREFORE, MEETING IN CONSTITUTIONAL CONVENTION,

RESOLVED, that the Greetings and Best Wishes of the Delegates of the Constitutional Convention of the Northern Mariana Islands are expressed to The Honorable James Earl Carter on the occasion of his stunning victory as President of the United States; and

RESOLVED FURTHER, that the Secretary of the Constitutional Convention is directed to send a copy of the text of this Resolution to The Honorable James Earl Carter."

President Guerrero: I believe the legal consultants should review this Resolution before it's sent.

Chairman Felipe Atalig: I think it is also proper that this Convention recognize the work of the outgoing President of the United States.

(12) GENERAL ORDERS OF THE DAY - None

(13) MISCELLANEOUS

Chairman Felipe Atalig: Mr. President and fellow Delegates to this Convention. This afternoon I want to take this opportunity to address a few remarks to my colleagues concerning our work here.

At the outset, Mr. President, I want to associate myself with remarks made earlier by some Delegates, concerning the need for harmony, cooperation, and just plain hard work needed to make this Convention a successful one.

As we all know, the events leading to and including this very Convention epitomize what is evasively termed as the "democratic process"; a phrase which is not without some substantial meaning as evidenced by the American Resolution Bicentennial celebrated in the United States this year.

This Convention was conceived in freedom and democracy and is dedicated to foster that concept and practice.

The framing of Constitutions is not an easy task, whether it be a State or National, whether the goal be separate or political entity from one polity or merge it with another.

One might hark back to the drafting of the U. S. Constitution which replaced the unworkable Articles of Confederation; the stage setting for that meeting in Philadelphia took place in the wake of a national depression and a rebellion. During it, there was considerable disagreement, protest, and dissension -- yet ultimately to their credit, one of the most workable, flexible, and durable Constitutions in the world was formulated and later approved. In fact, Mr. President, if memory serves correctly, many of the same issues addressed at that Convention in 1787 are being here today in the Northern Marianas in 1976.

For this reason it is understandable -- to me at least -- some of the confusion and complaints we have heard here in our meeting place. It is understandable that this is the first time some Delegates have had contact with such a sophisticated and complex matter.

Related to this, I want to assure the Convention that the work of the Committee on Personal Rights and Natural Resources has exemplified a non-partisan, democratic approach, in confronting and seeking solutions.

Delegate David Maratita: November 2, 1976, is my birthday as well as an historic day for the U. S., in that a Democratic candidate has been elected to the U. S. Presidency in eight years. The election of Jimmy Carter and a new administration would be important to us in this Convention because the commitment of the U. S. Government has agreed upon in the Covenant to establish a Commonwealth of the Northern Mariana Islands could have a serious complication as to the outcome of the kind of Constitution we have out of the Convention. We must bear in mind the fact that the Republican administration has given its full support to our desire to become a permanent member of the American political family and that it was President Ford, himself, who gave us that assurance by approving the Covenant on March 24th of this year.

It would appear proper then for us in this Convention to express our appreciation by adopting a resolution addressed to President Ford and his Republican administration, for the support given to the Mariana Islands in its quest for a close and permanent relationship with the United States and to President-Elect Jimmy Carter, and his new Democratic administration, urging him to continue the spirit that the U. S. has initiated by acting favorably on our Constitution when presented to the U. S. Government for consideration. I hope that our product from this Convention will receive the same degree of enthusiasm and approval by the new U. S. President as that of his predecessor. We have yet to see the new leadership in Washington with respect to our future relationship with the United States.

Chairman Felipe Atalig: I guess the previous speaker forgot that it was a Democratic Congress that actually passed the Covenant for the approval of the President of the United States, so I hope he will take that into consideration.

Delegate David Maratita: I just want to remind my colleague from Susupe that the Democratic Congress is still retaining control of the U. S. Congress, so they're still in order.

Delegate Juan P. Tenorio: It is my understanding that most of the remarks and speeches are usually submitted in writing. I respectfully request the Chair to spare me the agony of listening to those speeches and have them passed out to the Delegates.

President Guerrero: Fellow Delegates. As you know, incumbent President Gerald Ford has lost the U. S. Presidential elections to Mr. Jimmy Carter. The election results would have been just an ordinary and insignificant event to us in the Northern Marianas if it were not for the overwhelming support we received from President Ford and his administration in our quest for Commonwealth status. As a final proof of that support, President Ford signed the Covenant on March 24, 1976.

While we certainly regret President Ford's loss, because of its possible effect on the U. S. ratification of the Constitution we are now drafting, we should in all candor also send our message of congratulations to the President-Elect, Mr. Jimmy Carter, with the sincerest hopes that our Government will still continue to receive the support previously extended by the Ford Administration. I feel that a resolution to this effect will be very timely and in order. Thank you.

(14) ANNOUNCEMENTS

Chairman Jose P. Mafnas: Your Committee on Governmental Institutions will meet tomorrow at 9:00 a.m.,

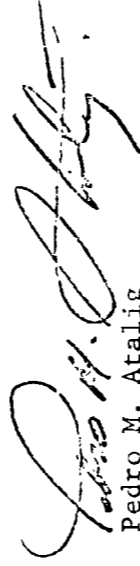
Convention Secretary: I would like to remind the Delegates that the four day period has lapsed for review of the Verbatim Transcript Journals for the 1st through the 5th Days and adoption of these journals will appear on tomorrow's calendar.

Floor Leader Rasa: I move that the Convention recess until 2:00 p.m. tomorrow.

The motion was seconded and carried.

The Convention recessed at 2:32 p.m.

Respectfully submitted,



Pedro M. Atalig  
Convention Secretary