

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

NINETEENTH DAY
Friday, November 5, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 2:07 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 Carlos S. Camacho, Jose R. Cruz, Herman Q. Guerrero, Francisco T. Palacios, Oscar C. Rasa and Joaquin S. Torres were excused. No Delegates were absent. A quorum was present.

(Delegate Benigno Fitial moved that Delegates not in attendance be excused. The motion was seconded and carried.)

(Delegates Rasa and Torres entered the Convention Hall during Committee of the Whole.)

(4) ADOPTION OF THE JOURNAL

Delegate Felipe Atalig: Mr. President, I move that the Summary Journal of the 18th Day and the Verbatim Transcripts of the 1st, 2nd, 3rd, 4th and 5th Days be adopted.

The motion was seconded and carried.

(5) COMMUNICATIONS

The Convention Secretary read the following communication:

"The Honorable Larry I. Guerrero, President
and Honorable Delegates
Marianas Constitutional Convention
c/o Saipan Intercontinental Inn
Saipan, Mariana Islands 96950

Dear President Guerrero and Honorable Delegates:

As your Marianas Liaison Officer in Washington, it is my privilege and honor to convey to you not only my personal greetings and congratulations but also those of your friends in the Mainland upon the calling of the Marianas Constitutional Convention.

Our friends in Capitol Hill, Congressman Phil Burton, on behalf of himself and the members and staff of the House Committee on Interior and Insular Affairs, and his colleagues in the California Delegation; Senator Bennett Johnston, on behalf of himself and his colleagues in the Senate Committee on Interior and Insular Affairs; Senator Fong, on behalf of himself and the Hawaiian delegation, former Ambassador Franklin Hadyn Williams, Ambassador Phillip Manhard and the staff of the OMSN and the staff of the Office of the Territorial Affairs, Department of the Interior; Former High Commissioner Will Goding; Continental and Pan American Airlines; the various services of the Armed Forces of the U.S.; former commissioners of the Micronesian War Claims Commission; the Peace Corps; former expatriate employees of the Governments of the Northern Mariana Islands and the Trust Territory; and residents of the Marianas in the Mainland have called in the office to convey their best wishes to all of you for the historic occasion of our endeavor to formulate and adopt the Constitution for the Marianas toward self-government.

"These friends of ours in the mainland have asked to be remembered by you and the people of the Marianas and to extend their best wishes for a successful convention.

Sincerely yours,

/s/Ed

Edward DLG. Pangelinan
Marianas Washington Liaison Officer

(6) COMMITTEE REPORTS

Chairman Mafnas: Mr. President, I have several Delegate Proposals to report disposition by your Committee on Governmental Institutions. Delegate Proposal No. 68, regarding "Removal of Executive Appointee from Office," was accepted by your Committee. Delegate Proposal No. 65, regarding "the Executive Branch of Government," which provides that the Governor shall organize, arm and discipline the militia of the Commonwealth, etc., etc., etc. To the disappointment and consternation of the distinguished Delegate Maratita, this Proposal was unanimously defeated. Instead, your Committee recommended that the governor shall be empowered to declare a state of emergency and request from the United States Government assistance with military personnel, or call upon the local law enforcement to deal with the state of emergency. Delegate Proposal No. 59, in line with the previous Proposal that I mentioned, "In the event of threat of war or insurrection, or civil disturbance.....the Governor is empowered to declare a state of emergency." This Proposal was accepted by your Committee. Delegate Proposal No. 58 requires the Governor to submit an annual budget to the Congress and empowers the Governor to exercise item veto on appropriations. This Proposal was dealt with by your Committee and accepted in part. Thank you, Mr. President.

Chairman Atalig: Your Committee on Personal Rights & Natural Resources, Mr. President, has submitted Committee Report No. 5 for the Convention's consideration. I would also like to note that the Committee has been working vigorously on the "Private Lands Matters" and it is expected that this week the Committee will finish their assignment on private lands.

Chairman Fitial: Pursuant to your request regarding the status of Delegate Proposals referred to substantive committees, your Committee on Finance, Local Government and Other Matters today is submitting its report on Delegate Proposals in writing. Copies are now being distributed by Mrs. Guerrero. Also, pursuant to your second request concerning committee meeting attendance, your chairman would like to report that with the exception of two Delegates, attendance has been very good.

(7) INTRODUCTION AND FIRST READING OF COMMITTEE RECOMMENDATIONS - None.

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

(9) INTRODUCTION AND ADOPTION OF RESOLUTIONS

Delegate Olympio T. Borja moved that Resolution No. 4, as introduced by Delegate Benigno Fitial, be adopted by the Convention. The motion was seconded.

Delegate Borja also moved for the temporary suspension of Convention Rule No. 47. The motion was seconded and carried.

Delegate Borja moved that wording be added to the proposed Resolution between "A Resolution" and the first "Whereas" clause. He proposed to add "Conveying greetings and best wishes to President-Elect James Earl Carter, Jr." The motion was seconded.

Delegate Benigno Fitial moved to end debate. The motion was seconded and carried.

The motion to amend, as offered by Delegate Olympio T. Borja, carried.

Delegate Olympio T. Borja moved to further amend by adding another "Whereas" clause after the fifth "Whereas" clause and before "Be It Resolved." The proposed wording was "Whereas, it is the sense of the delegates of the Constitutional Convention of the Northern Mariana Islands that President-Elect Carter should receive due recognition from his future fellow Americans in the Marianas; now, therefore,". The motion was seconded and carried.

Delegate Felipe Atalig offered an oral amendment that was defeated.

Delegate Benigno Fitial moved that all Delegates to the Convention sign the Resolution if adopted as amended. The motion was seconded and carried.

Delegate Olympio T. Borja moved to amend the motion to adopt the Resolution as offered by the Committee of the Whole. The motion was seconded and carried.

The motion to adopt Resolution No. 4, as amended, carried. The Resolution is as follows:

"Resolution No. 4.

A RESOLUTION

Conveying greetings and best wishes to President-Elect James Earl Carter, Jr.

WHEREAS, pursuant to the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, the people of the Northern Mariana Islands are engaged in the historic task of drafting a constitution; and

WHEREAS, the Constitutional Convention has heard the results of the election for the Office of President of the United States; and

WHEREAS, the Commonwealth Constitution will take effect during the term of office of the next President of the United States; and

WHEREAS, the people of the Northern Mariana Islands desire to secure 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 elected officers and other officials of the United States; and

WHEREAS, it is the sense of the delegates of the Constitutional Convention of the Northern Mariana Islands that President-Elect Carter should receive due recognition from his future fellow Americans in the Marianas; now, therefore,

BE IT RESOLVED, That the greetings and best wishes of the delegates to the Constitutional Convention of the Northern Mariana Islands be expressed to the Honorable James Earl Carter, Jr., on the occasion of his victory in the presidential election; and

BE IT FURTHER RESOLVED, That the Secretary of the Constitutional Convention be requested to send a copy of the text of this Resolution to the Honorable James Earl Carter, Jr.

Adopted: November 5, 1976"

(10) UNFINISHED BUSINESS - None.

(11) SPECIAL ORDERS OF THE DAY - None.

(12) GENERAL ORDERS OF THE DAY

President Guerrero: We have two items to be discussed today during the Committee of the Whole. They are Committee Recommendation No. 3 from the Committee on Governmental Institutions, regarding "Legislative Branch of Government," and Committee Recommendation No. 5 from the Committee on Personal Rights and Natural Resources, regarding "Public Lands."

Delegate Hilario Diaz: I move that the Convention resolve itself into the Committee of the Whole.

The motion was seconded and carried.

President Guerrero: I would like to have Delegate Maratita Chair the Committee of the Whole for today.

Delegate David Maratita: I appreciate the honor, but I would like to yield to someone who has not been Chairman of the Committee of the Whole.

President Guerrero: Will Delegate Dela Cruz Chair the Committee of the Whole?

Delegate Pedro Dela Cruz: Mr. President, I have to leave on airport matters and I have already reported this earlier. I thank you for the offer.

President Guerrero: I call on Delegate Juan P. Tenorio from Saipan to Chair the Committee of the Whole.

The Convention resolved into the Committee of the Whole at 2:40 p.m.

The Convention reconvened in Plenary Session at 4:48 p.m.

Chairman Juan P. Tenorio: The Committee of the Whole has adopted Committee Recommendation No. 3 from the Committee on Governmental Institutions, regarding "Legislative Branch of Government."

Regretfully, the Committee of the Whole decided to defer action on Committee Recommendation No. 5 from the Committee on Personal Rights and Natural Resources, regarding "Public Lands."

Chairman Jose P. Mafnas: I move that the Convention adopt on First Reading Committee Recommendation No. 3, regarding "Legislative Branch of Government," from the Committee on Governmental Institutions.

The motion was seconded and carried.

(13) MISCELLANEOUS - None.

(14) ANNOUNCEMENTS

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

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

Chairman Benigno Fitial: The Committee on Finance, Local Government and Other Matters will recess for the weekend.

Delegate Hilario Diaz: I move that the Convention recess until Monday morning, November 8, 1976, at 10:00 a.m.

President Guerrero: I would respectfully like to remind the Delegates that the Convention should at least have Committee Meetings over the weekend.

Delegate Benigno Fitial: The Committee on Finance, Local Government and Other Matters has nothing to discuss until Monday.

Delegate Felipe Atalig: Your Committee on Personal Rights and Natural Resources will not be meeting on Sunday.

President Guerrero: May I ask the consultants in regard to the law that the Convention will meet everyday for 50 consecutive days; since there are no Committee Meetings or Plenary Session on Sunday, will this be in accordance with the law?

Consultant Willens: In our view, the action establishing this Convention requires that you complete your work in 50 days; it does not require that you meet each and everyday within those 50 days. That is our interpretation of the Act.

Delegate David Maratita: In terms of salary, when there are no meetings, will we be paid by the Convention?

President Guerrero: The law says Delegates will be paid when meeting and working for the Convention, the Chair also says that when you are not meeting, whether in Plenary Session or Committee meeting, there will be no salary paid for those days.

Delegate Jose Borja: There is also the possibility that some Committee members work at night. Sometimes we work for more than eight hours. As long as we work at night, that justifies being paid.

Delegate Manuel Tenorio: I would like to be enlightened in regards to the law. Does it state that a work day will be 8 hours?

President Guerrero: The law states you will be paid for "a Convention Day," whether it be 8 hours or even if we have to work at night.

Delegate David Maratita: It would appear to me, if a Delegate comes to a committee meeting or plenary session, then he is entitled to the pay. But if there is no session or committee meeting, then the Delegate is not entitled to pay.

Delegate Gregorio Calvo: I would like to announce that the Rota Delegation is willing to stay over the weekend and work so that we will not be accused any further of delaying the work of this Convention.

Chairman Jose P. Mafnas: If the main motion will be withdrawn, I would like to make another motion.

Delegate Hilario Diaz: I withdraw my motion.

Delegate Jose P. Mafnas: I move that on Sunday the Delegates will report back to their constituents and report the progress of the Convention, and I move that the Convention recess until Monday at 2:00 p.m.

The motion was seconded and defeated.

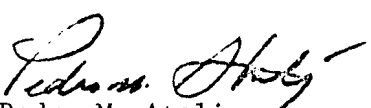
Delegate Pete Ogo: Clarification should be made on record that the motion was defeated because it stated that on Sunday the Delegates should report back to their respective precincts, not just for outer islands.

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

The motion was seconded and carried.

The Convention recessed at 5:15 p.m.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

Summary Journal

NINETEENTH DAY
Friday, November 5, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 2:07 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 Carlos S. Camacho, Jose R. Cruz, Herman Q. Guerrero, Francisco T. Palacios, Oscar C. Rasa and Joaquin S. Torres were excused. No Delegates were absent. A quorum was present.

(Delegate Benigno Fitial moved that Delegates not in attendance be excused. The motion was seconded and carried.)

(Delegates Rasa and Torres entered the Convention Hall during Committee of the Whole.)

(4) ADOPTION OF THE JOURNAL

Delegate Felipe Atalig moved that the Summary Journal of the 18th Day and the Verbatim Transcripts of Days 1 through 5 be adopted. The motion was seconded and carried.

(5) COMMUNICATIONS

The Convention Secretary read a letter to the Convention from Edward DLG. Pangelinan, conveying best wishes to the Convention from various friends on the Mainland. Mr. Pangelinan is the Marianas/Washington Liaison Officer.

(6) COMMITTEE REPORTS

Chairman Mafnas gave an oral report on disposition of various Delegate Proposals by the Committee on Governmental Institutions.

Chairman Atalig reported that the Committee on Personal Rights & Natural Resources had submitted Committee Report and Recommendation No. 5, regarding "Public Lands." He also reported that the Committee was working vigorously on the matter of private lands and they anticipated completing their work on that matter soon.

Chairman Fitial submitted a written report showing disposition of Delegate Proposals by the Committee on Finance, Local Government and Other Matters. He reported orally that Committee members' attendance, with the exception of two members, had been very good.

(7) INTRODUCTION AND FIRST READING OF COMMITTEE RECOMMENDATIONS - None.

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

(9) INTRODUCTION AND ADOPTION OF RESOLUTIONS

Delegate Olympio T. Borja moved that Resolution No. 4, as introduced by Delegate Benigno Fitial, be adopted by the Convention. The motion was seconded.

Delegate Borja also moved for the temporary suspension of Convention Rule No. 47. The motion was seconded and carried.

Delegate Borja moved that wording be added to the proposed Resolution between "A Resolution" and the first "Whereas." He proposed to add "Conveying greetings and the best wishes to President-Elect James Earl Carter, Jr."

Delegate Benigno Fitial moved to end debate. The motion was seconded and carried.

The motion to amend, as offered by Delegate Olympio T. Borja, carried.

Delegate Olympio T. Borja moved to further amend by adding another "Whereas" clause after the fifth "Whereas" clause and before "Be It Resolved." The proposed wording was "WHEREAS, it is the sense of the delegates of the Constitutional Convention of the Northern Mariana Islands that President-Elect Carter should receive due recognition from his future fellow Americans in the Marianas; now, therefore,". The motion was seconded and carried.

Delegate Felipe Atalig offered an oral amendment that was defeated.

Delegate Benigno Fitial moved that all Delegates to the Convention sign the Resolution if adopted as amended. The motion was seconded and carried.

Delegate Olympio T. Borja moved to amend the main motion to adopt the Resolution by the Committee of the Whole. The motion was seconded and defeated.

The motion to adopt Resolution No. 4, as amended, carried.

(10) UNFINISHED BUSINESS - None.

(11) SPECIAL ORDERS OF THE DAY - None.

(12) GENERAL ORDERS OF THE DAY

Delegate Hilario Diaz moved that the Convention resolve itself into the Committee of the Whole in order to consider Committee Recommendation No. 3 from the Committee on Governmental Institutions, regarding "Legislative Branch of Government.", and Committee Recommendation No. 5 from the Committee on Personal Rights and Natural Resources, regarding "Public Lands.". The motion was seconded and carried. The President asked Delegate Juan P. Tenorio to preside over the Committee of the Whole.

The Convention resolved into the Committee of the Whole at 2:40 p.m.

The Convention reconvened in Plenary Session at 4:58 p.m.

Chairman Tenorio reported that the Committee of the Whole had adopted Committee Recommendation No. 3 from the Committee on Governmental Institutions, regarding "Legislative Branch of Government." He also reported that the Committee had regretfully deferred action on Committee Recommendation No. 5 from the Committee on Personal Rights & Natural Resources, regarding "Public Lands."

Chairman Mafnas moved that Committee Recommendation No. 3 from the Committee on Governmental Institutions, regarding "Legislative Branch of Government.", be adopted by the Convention on First Reading. The motion was seconded and carried.

(13) MISCELLANEOUS - None.

(14) ANNOUNCEMENTS

Chairman Mafnas announced that the Committee on Governmental Institutions would meet the following morning at nine o'clock.

Chairman Atalig announced that the Committee on Personal Rights & Natural Resources would also meet the following morning at nine o'clock.

Chairman Fitial announced that the Committee on Finance, Local Government and Natural Resources would recess for the weekend.

There was discussion regarding a lack of committee meetings on Sunday and whether or not the Delegates would receive a salary for the weekend.

Delegate Hilario Diaz moved that the Convention recess until Monday morning at ten o'clock.

There was further discussion regarding salary and per diem for the Delegates.

Delegate Diaz withdrew his motion to recess.

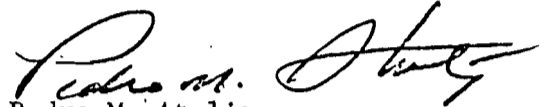
Delegate Jose Mafnas moved that the Delegates report back to their constituents on Sunday, regarding progress of the Convention, and that the Convention recess until Monday afternoon at two o'clock. The motion was seconded and defeated.

Delegate Pete Ogo asked that the record reflect that the defeated motion was asking for all Delegates to report back to their constituents, and not just those from the outer islands.

Floor Leader Rasa moved that the Convention recess until Monday afternoon at two o'clock. The motion was seconded and carried.

The Convention recessed at 5:15 p.m.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary