

NORTHERN MARIANAS CONSTITUTIONAL CONVENTION
SAIPAN, MARIANA ISLANDS 96950
Wednesday, November 17, 1976

Summary of Public Hearing

The Public Hearing reconvened at 2:07 p.m.

The Honorable Francisco T. Palačios chaired the Hearing.

First witness was Mr. Manuel T. Sablan.

Question No. 1: Sections 2 and 3 of Article II of the draft constitution stated the age required to be eligible for candidacy for both Houses of the Legislature. I would like to be enlightened with regard to the differences of age requirements for both Houses.

Question No. 2: Section 13 of Article II (Legislative Immunity) of this draft states "...no member of the legislature shall be subject to arrest while going to or coming from a meeting of the legislature or a committee."

Question No. 3: Section 9, subsection (d) of Article III states "The governor shall have the power to grant reprieves, commutations and pardons after conviction for all offenses after consultation with a board of parole...". What is the meaning of this provision? Can the governor pardon a person without the approval of the board or is it an independent decision upon each other? Can it be clarified further?

Question No. 4: Section 12, Article I. What is the difference between this section and Section 5 of the same Article, Due Process?

Question No. 5: Section 7 of Article I, Availability of a Militia. Can this provision be explained further? To me, it points to the fact that this is para-military.

Question No. 6: Section 4 of Article I, subsection (j) - Criminal Prosecutions. Can this subsection be clarified further?

Mr. Sablan then offered comments with regard to Section 11 of Article III - Attorney General. He disagrees with the phrase "...and shall serve as chief law enforcement officer with responsibility for prosecuting violations of Commonwealth law." He suggests that lawyers be allowed to practice and the police enforce the law. He pointed out that the Attorney General would be in an awkward position because there will be times when he will be called upon as a witness in court which is unethical as far as criminal justice is concerned. He also pointed out that at the TT Headquarters, they are in the process of eliminating the Public Safety Department under the jurisdiction of the Attorney General, and leave it under the jurisdiction of the High Commissioner; the new Attorney General for the TT Government agrees with the concept.

Second witness - Mr. Ned Arriola, Marianas High School student.

Question No. 1: Section 1, subsection (a) of Article XV - Education. What is the meaning of compulsory and public elementary and secondary education. Can this be explained in further detail?

Question No. 2: What is the meaning of higher education? High school or post-secondary high school? Is special education also included in this section? It would be better to specify each clearly in these subsections.

Question No. XVIII, Section 1 - Oath of Office. What is the meaning of this section? Is everyone, even a janitor who is an employee of the government, required to take this oath?

Third witness was Senator Herman R. Guerrero.

Question No. 1: Section 4, subsection (e) of Article I, "No person shall be put twice in jeopardy for the same offense", can it be explained further? I

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would like to be enlightened further on this provision.

Question No. 2: Section 7 of Article I - Availability of a Militia. I am confused this provision, can I be enlightened further?

Question No. 3: Section 12 of the same Article - Privacy. Can someone define the word "compelling", it is much too general.

Question No. 4: Section 2 of Article II. The composition of the legislative body here in the Marianas is far too high compared to the population. I suggest that the number of members required to fill the legislative seats be reduced to read 6 members for the Senate, 2 each from Rota, Tinian and Saipan, and the House of Representatives be reduced to 16 members, although 16 members is still large for the population of the Marianas.

With regard to qualification for either House of the Legislature, nothing in that section states that a person who is serving a major sentence or anything in that line is not eligible to run. This will enable those persons to run for the congressional seat. Can we be more specific?

Question No. 5: With regard to the age requirement to run for either seat of the Legislature, I recommend that for both Houses, the age of 25 be set as a qualifying age to run for either seat. At this age, a person is more mature and capable to run as a candidate for the Legislature.

Question No. 6: Section 3, subsection (c) of Article II states in part "...and Saipan shall be divided into six (6) electoral districts...". I would recommend that this figure be reduced to either 3 or 4 electoral districts, and at the same time, we must bear in mind that the minority groups have to be accommodated in this section.

Question No. 7: Section 11 of Article II, Legislative Compensation. I feel this is sufficient at this time for a legislator's salary, although this amount is inadequate for a congressman's compensation. This compensation will not attract qualified and able citizens of the Marianas to run for a congressional seat. Reducing this salary further, would be worse. It will only attract businessmen who may be interested in a congressional seat, to enact legislation for their own interests. We must bear in mind that at least 1/4 or 1/3 of a legislator's compensation returns to the public in the form of donations, campaign expenses or public pressure, etc.

A short recess was declared at 3:20 p.m., subject to the call of the Chair.

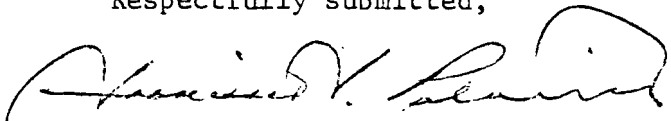
The Hearing reconvened at 3:30 p.m.

Mr. Joe Screen, Chairman of the Committee on Governmental Relations from the Saipan Chamber of Commerce, was the next witness. A written testimony of the Chamber's position with regard to the draft constitution was submitted. (See attached).

The Hearing recessed at 4:10 p.m., to reconvene at 7:00 p.m.

The Hearing reconvened at 7:30 p.m. No witness or witnesses appear to testify, the Hearing recessed at 7:35 p.m., to reconvene at 9:30 a.m., Thursday, November 18, 1976.

Respectfully submitted,


Francisco T. Palacios
Chairman, Saipan Public Hearing