

CONSTITUTIONAL CONVENTION  
of the  
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

Thirty-Third Day  
Friday, November 19, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 2:10 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 Jose R. Cruz and Ramon G. Villagomez were excused. No Delegates were absent. A quorum was present.

Floor Leader Rasa: I move that those Delegates not in attendance be excused.

The motion was seconded and carried.

(4) ADOPTION OF THE JOURNAL

Floor Leader Rasa: I move that the Summary Journals of the 30th, 31st and 32nd days be adopted by the Convention.

The motion was seconded and carried.

(5) COMMUNICATIONS

Convention Secretary: There are two letters to be placed in the record. Both letters are addressed to President Lorenzo I. Guerrero. They read as follow:

November 17, 1976

Dear Mr. President:

On the occasion of my return to New York, I extend to you and through you to all the Delegates to the Constitutional Convention my admiration for the splendid job in forging a good and honorable constitution for the new Commonwealth.

Like the Founding Fathers of the American nation, you have served above the call of duty. Business and family responsibilities have been pushed temporarily to the background so that the full energies of Delegates can be devoted to the historic task of writing a Constitution.

The Constitution will soon be a reality. The work of building a Commonwealth, united and proud, will begin. When I return in the New Year, I look forward to working closely with you, Mr. President, and with my many friends among the Delegates to the Constitutional Convention, in the exacting task of achieving a secure future for the Northern Mariana Islands.

Godspeed in the weeks and months ahead.

Sincerely,

/s/Howard N. Mantel

November 16, 1976

Dear Mr. President:

As a citizen of the Northern Marianas, I am most pleased that the Constitutional Convention, under your able leadership, appears to have overcome many if not all the problems with which it was initially confronted and is now headed towards successful completion of its historic task of drafting a constitution for our islands.

The Convention should especially be commended for recognizing and appreciating concerns of our fellow citizens in Rota and Tinian. By providing for their equal representation in the commonwealth, legislature and permitting them adequate executive control over their internal affairs the convention has, I am confident, insured harmonious relationships among our people, but importantly has guaranteed that never again will our fellow brethren and sisters in these two islands be subject to neglect by the government in the future.

It is in this spirit of accommodation and recognition of special concerns and interests by the constitutional convention that I am writing to you and the honorable members of the convention to consider the unique situation of the Carolinian community. If I am not mistaken, there is no provision in the constitution, as tentatively approved, that insures fair representation of the Carolinian community in the legislature commensurate with its numerical proportion to the entire population; neither is there any provision that guarantees that the Carolinian share adequately in the executive power of the government.

While the proposed constitution prohibits, in the language itself and by implication, discrimination against any person on account of race, color and ancestry, discrimination against the Carolinian minority can continue, as today, to exist because there is no office in the executive branch that is charged with the functions and responsibility of insuring that the Carolinian minority is accorded similar if not equal privileges and opportunities provided to the majority population by the government.

It may be argued that the Carolinian minority can find legal avenues in the U. S. Constitution, federal statutes and in the Bill of Rights in the proposed constitution with which to promote and protect its interests. This may be true in theory but in many instances the law is overlooked and in some cases is deliberately not enforced when it is not politically expedient or against the interest of those who are charged with enforcing it.

It may be of interest to you to know that the U. S. District in Alabama recently abolished the municipal government in Mobile, Alabama because it did not provide for adequate representation of the black minority in that community. The court further ordered the Mobile community to come up with a governmental system which gives the blacks equitable say in the government.

This is the first opportunity that we have in fashioning our system of government that can be fair and representative of our unique circumstances. If we recognized and accommodated some of these unique characteristics but ignored others in this basic document now, we would leave open the future to possible interference by the federal government to set things right, a prospect that I think none among us would like to see.

I am, therefore, respectfully requesting that the constitutional convention consider the special situation of the Carolinian community and insure that they are represented fairly in the legislature and that they have an office in the executive branch that promotes and protects their interests and insures that they are given a chance to equal opportunities in jobs and other programs provided by the government and the private sector.

Sincerely,

/s/Felicidad T. Ogumoro

cc: United Carolinian Association,  
Saipan

Delegate Vicente Manglona: Mr. President, it is my pleasure to report to the Convention concerning the public hearings held on Tinian. The hearings were all attended, and the members of the public present took great interest in the proceedings. In general, our proposed draft was well received. In fact, there were only three subjects which aroused seriously unfavorable comments.

The first was the cost of the legislature. Everyone who spoke on this matter felt that the salaries of members of the legislature should be reduced. Mr. James Fleming suggested that the matter be left out of the Constitution proper, and instead be treated in the schedule.

The second set of criticisms involved local government. Some members of the Municipal Council opposed the abolition of the municipal councils. However, Mayor Mendiola, Councilman Alfonso Borja and the general public strongly supported the approach taken by the draft Constitution. There was also some discussion on the mayor's appointment power; however, this mainly involved certain members of the Delegation.

Finally, there was some feeling that the terms of the homesteading program should be altered. Several people felt that five years was too long to wait for title to vest. Three years had more support. The provision forbidding sales within ten years after title vests was approved in its main outlines, but it was felt that it should be possible to sell at least a portion of the homestead before ten years had passed in an emergency. It was thought that the Public Land Corporation could be required to make rules concerning such sales.

No other criticisms were expressed. As I said, the people were in general satisfied with our work. The members of the committee wish to thank the Convention for the opportunity to get first-hand constructive criticisms which these hearings gave us. Thank you, Mr. President. Respectfully submitted by Vicente M. Manglona, Chairman, Tinian Delegate; Jose S. Borja, Saipan Delegate; Olympio T. Borja, Saipan Delegate; Juan S. Demapan, Saipan Delegate; Benigno R. Fitial, Saipan Delegate; Pedro M. Ogo, Rota Delegate; Antonio M. Camacho, Saipan Delegate; Juan P. Tenorio, Saipan Delegate; Hilario F. Diaz, Tinian Delegate; and Jose R. Cruz, Tinian Delegate.

Delegate Benjamin Manglona: I would like to report on the public hearings held on Rota. The Delegation went to Rota on Wednesday and returned to Saipan on Thursday afternoon. We had a hearing on Wednesday from 7:30 p.m. until 11:00 p.m. We had an audience of approximately 100 people from all walks of life. At the decision of the Delegation, we discussed the most important articles of the draft Constitution. We touched upon 10 articles on Wednesday and had question and answers on Thursday. The following are the major concern of the people attending the public hearings:

1. A question was raised in regard to the age of the member of the House of Representatives as shown in the "Executive Branch of Government." Some people thought 21 was too young and the person would not be mature, experienced and concerned at that age. One person thought 21 was old enough to be a Representative.
2. Also in regard to the "Executive Branch," some people expressed disappointed as to the language used in the compromise made by this Convention. They thought the word "shall" should be used in place of "may," and more power should be given to the major in discharging Commonwealth services, and why should there be a Land Corporation instead of the way it is now with Land Management to handle the land problems. Chairman Atalig explained to the people, the Delegates are trying to get land out of politics and give more power to independent agencies and stop government interruption.
3. Also, why do the people have to wait five years to get their title on their homestead. They felt this time was too long and would keep them from getting a loan from the bank for mortgage purposes to construct a home. They felt since land is a very precious item we need to provide adequate safeguards so that the people will not sell their land as soon as they get their title.

Some people felt there since there was already a provision in the Covenant on "Alienation of Land," that safeguard is sufficient rather than making additional restrictions.

The people of Rota were very satisfied as far as the other provisions in the draft Constitution. They, also, were thankful to you, Mr. President, and to the leadership for making the public hearings possible to provide them with information on the language of the Constitution. Thank you.

President Guerrero: Will you submit a written report later?

Delegate Benjamin Manglona: Yes, after I make a few revisions.

Delegate Francisco T. Palacios: The Committee for Public Hearings on Saipan held their hearings according to schedule on November 17th and 18th. Various individuals testified and submitted written testimony and other individuals raised points of information. Organizations, such as the Chamber of Commerce, submitted written testimony, all of which will be submitted together to the Convention. The concerns expressed during testimony were in Article II, Section 3; Article II, Section 2(c) and 3(b); Article II, Section 11; Article II, Section 8; Article III, Section 2; Article III, Section 4; Article V, Section 2; Article XI, Section 4(b). Written testimony from the Chamber of Commerce also included Articles X, XI, XII, XV, and XVIII. I do not believe I should discuss all the concerns in detail, at this time, as written testimony will be submitted later. Thank you.

Chairman Jose P. Mafnas: Your Committee on Governmental Institutions met this morning and discussed several amendments that will be made on the "Legislative Branch," by this Committee tomorrow.

Chairman Benigno Fitial: Your Committee on Finance, Local Government and Other Matters met last Tuesday and discussed the transition schedule. A report will be submitted to the Convention with respect to this schedule. Also, I would like to report that your Committee reconsidered the very important Delegate Proposal No. 39, introduced by Third Vice-President Palacios. This Proposal concerns the members of the medical and dental professions here in the Marianas. Your Committee felt that a safeguard should be provided in the Constitution to allow the present members of the medical and dental professions in the Marianas to continue practicing in the Commonwealth. Also, any new members of the medical and dental professions will be treated by the legislature by statute. The formal Constitutional language to this effect will be submitted to the Convention for its consideration.

President Guerrero: Do the Chairman of the public hearings have any comment regarding the short notices of the hearings?

Chairman Francisco T. Palacios: Yes, several witnesses for the public hearings expressed that they felt it was an extremely short time between when they received the draft Constitution and then had to testify. It was a short time for the people to digest, assess, and have an intelligent opinion on the implications of the provisions. The members of my Committee hope that when the final version of the Constitution is passed by the Convention, members of each Delegation will be assigned to go into the various municipalities to explain in detail the implications of each provision. We regret that we have only 50 days to work on this Constitution and that we haven't had more time to digest the proposed constitutional provisions. One person suggested that we go into a recess for two weeks to give the people time to read, digest, and assess the Constitution, however, according to the statute enabling us to prepare our Constitution requires that it be done within 50 consecutive days, whether we work or not. Therefore, we cannot do that.

Delegate Henry Hofschneider: I would like to ask the Chairman of the Public Hearings on Saipan if a copy of Wednesday morning's session is available. We have received only Wednesday afternoon and Thursday.

Chairman Francisco T. Palacios: It will be available.

Delegate Olympio T. Borja: Although I am not a Chairman, I would like to say this on behalf of the Chairman of the Committee for Public Hearings on Tinian.

Even though the Committee had a very short time to review the draft Constitution, I believe they did a very good job summarizing and explaining in detail the draft Constitution. I personally feel that these are not only public hearings, but part of the political education. The people of Tinian were very pleased with the results of the public hearings.

Delegate Joaquin Torres: I would like to ask that my name be stricken from the record of the Saipan public hearing for Thursday, November 18. I was with the Rota Delegation in Rota.

Delegate David Maratita: I hope, with due respect to the Chairman, Dr. Palacios, that the summary of the Saipan public hearings is not final, because there are some corrections that need to be made. For instance, some witnesses who were here at the hearings names have been omitted. I would hope that a revised report could be made to include these witnesses.

Chairman Francisco T. Palacios: This is not the total report; it is only part of the report.

President Guerrero: I urge the Committees for the public hearings to get together and finalize their reports for submission to the Convention.

(7) INTRODUCTION AND FIRST READING OF COMMITTEE RECOMMENDATIONS

Delegate Benigno Fitial: I have an amendment to offer to the Convention on Article II. Copies of this amendment have been distributed to each Delegate

President Guerrero: There is a "Convention Schedule" which has been distributed. I urge that you refer to this memorandum regarding the submission of amendments.

(8) SECOND AND FINAL READING OF PROPOSALS - None

(9) INTRODUCTION OF RESOLUTIONS - None

(10) UNFINISHED BUSINESS - None

(11) SPECIAL ORDERS OF THE DAY

President Guerrero: As shown on our Order of Business, we have Resolution No.6 to consider.

Chairman Felipe Atalig: I move that Resolution No. 6 be adopted by the Convention.

The motion was seconded.

Convention Secretary: The Resolution reads as follows:

A RESOLUTION

Thanking and commending the consultants for the Committee on Personal Rights and Natural Resources.

WHEREAS, the Committee on Personal Rights and Natural Resources has completed its deliberations and has reported its recommendations of constitutional provisions to the Convention; and

WHEREAS, the Committee produced eight (8) constitutional articles and thirty-nine (39) constitutional sections, plus supporting papers amounting to one hundred-sixteen (116) pages; and

WHEREAS, the Committee was faithfully and diligently assisted and provided every necessary professional guidance at every moment of its deliberations by the two legal consultants, Deanne C. Seimer, Esq., and Neil S. Solomon, Esq.; and

WHEREAS, the consultants did not in anyway impose any idea or opinion upon the Committee but did give comprehensive and objective analyses of all the Committee's recommendations; and

WHEREAS, the Committee is greatly appreciative of every assistance and guidance received from its consultants;

NOW, THEREFORE, BE IT RESOLVED, By the Northern Marianas Constitutional Convention that its delegates express and extend their appreciation and congratulate the consultants for their successful assistance; and

BE IT FURTHER RESOLVED, That the Secretary of the Convention be requested to send a copy of the text of this Resolution to the two consultants named above and to the law firm of: Wilmer, Cutler and Pickering, 1666 K Street, N. W., Washington, D. C. 20006.

Delegate Francisco T. Palacios: I move for previous question.

President Guerrero: Let me recognize Floor Leader Rasa before I entertain your motion.

Floor Leader Rasa: As much as I would like to support the Resolution, I think it is unfair to the other consultants who have assisted the other two Committees. If we pass this Resolution today, it is anticipated by the end of the Convention we would have three separate Resolutions. Wilmer, Cutler, and Pickering Law Firm has several attorneys helping us and I think it is unfair to the attorney who left last week, Mr. President, I understand the seriousness of the Committees attempt in trying to give commendation to each legal advisor, but I think we should treat this as a unit and include all the counselors. We should also give all the pageboys some kind of commendation. Everyone, one way or the other, has assisted in this Convention. I, therefore, move that we defer action.

The motion was seconded.

Chairman Felipe Atalig: Point of information. There was already a motion made and seconded for adoption of the Resolution.

A roll call vote was taken on the motion to defer action on Resolution No. 6.

YES: Delegates David atalig, Vicente Attao, Luis Benavente, Gregorio Calvo, Antonio Camacho, Carlos Camacho, Daniel Castro, Pedro Dela Cruz, Juan DLG. Demapan, Herman Guerrero, Pedro Igitol, Esteven King, Benjamin Manglona, Vicente Manglona, David Maratita, Pedro Ogo, Oscar Rasa, Juan Tanorio, Joaquin Torres and Jesus Villagomez.

NO: Delegates Felipe Atalig, Pedro Atalig, Felix Ayuyu, Jose Borja, Juan S. Demapan, Hilario Diaz, Benigno Fitial, Henry Hofschneider, Luis Limes, Jose Mafnas, Prudencio Manglona, Francisco Palacios, Leon Taisacan, Manuel Tenorio and Ramon Villagomez.

ABSTAIN: Delegates Olympio Borja, Magdalena Camacho and Lorenzo Guerrero.

The motion was carried to defer action.

Chairman Benigno Fitial: The reason I voted "no" was because I had already drafted Resolutions commending the two legal consultants working with the Committee on Finance, Local Government and Other Matters.

Delegate Jesus Villagomez: I would like to refer to the Resolution as "deferred Resolution No. 3 from Delegate Felipe Atalig."

(12) GENERAL ORDERS OF THE DAY - None

(13) MISCELLANEOUS

Chairman Benigno Fitial: Mr. President, I just reviewed your memorandum regarding submission of amendments. I refer to where it states, "All proposed amendments to Constitutional provisions must be submitted in writing to the Secretary of the Convention at least 48 hours before the article is scheduled to be considered by the Convention." Do I take this to mean that it is not necessary to introduce amendments in the Plenary session?

President Guerrero: No, all amendments have to be introduced in the Plenary Session, but for coordination of the amendments, they must be issued through the Secretary of the Convention.

Chairman Benigno Fitial: Why is it I was prevented from introducing the amendment? It is just a matter of walking up to the Secretary and handing him the proposed amendment I would like to offer.

President Guerrero: The Chair would like to first consult with the Convention's officers. I should be calling a meeting right after the session today and will discuss that particular matter.

Chairman Benigno Fitial: I gathered from the Chairman of the Committee on Governmental Institutions, they will be meeting to discuss Article II, if not tomorrow then the day after tomorrow. If this amendment does not get introduced today, it may not get considered.

Floor Leader Rasa: Point of clarification. An amendment can be introduced at the time a proposal is under discussion. This does not require you to have it introduced or relayed through the Secretary. It can be introduced anytime during the discussion. This does not restrict you from introducing your amendment when that proposal is up for question.

Chairman Benigno Fitial: So that is the answer to my first question. I don't have to introduce the amendment before the Convention.

President Guerrero: Chairman Fitial, as I stated earlier, the Convention's officers have to meet and discuss this matter, because we foresee some problems

Chairman Benigno Fitial: Mr. President, I don't think it would hurt anybody if I could introduce my amendment today.

Floor Leader Rasa: I think the problem here rests with the phrase, "submitted in writing." "Introduce an amendment" and "submit it in writing to the Secretary of the Convention," means two different things. You could submit your amendment in writing to the Secretary, but that does not necessarily mean that you have introduced your amendment in the Plenary session. You must introduce it during the deliberation.

President Guerrero: Is that clear with you Chairman Fitial?

Chairman Benigno Fitial: Clear as mud.

Delegate Pedro Dela Cruz: This is in line with Chairman Fitial's concern. If you would refer to your memorandum, Section 3, you urge the Committees to review the proposed amendments. If the proposed amendment is to be introduced on the day that certain provision is to be discussed, how can that Committee review such amendment before it is review as a whole?

President Guerrero: Your point is well taken, Delegate Dela Cruz. I understand your opinion that in order for any substantive Committee to support your amendment, such amendment has to at least pass through the Committee in order to get any support. That is the reason we stated here that each substantive Committee should at least deliberate the amendment to get their views.

Floor Leader Rasa: Mr. President, if you look at number 2, as stated in your memorandum: "All proposed amendments to constitutional provisions must be submitted in writing." This does not mean that your amendment has been introduced, it merely says that amendment has been submitted. Now, to introduce an amendment, it's a procedural matter, meaning, Delegate Fitial's amendment would be out of order if he were to introduce it at this point, simply because the Committee Recommendation No. 3 is not on the General Orders of the Day. You cannot amend a proposal that is not placed for discussion. He has so far complied with Section 2 of the memorandum. This means that the Convention must consider the amendment as introduced by Chairman Fitial.

Chairman Benigno Fitial: The only concern that I have, is it doesn't hurt anybody if I introduce this amendment today.

Floor Leader Rasa: You cannot introduce the amendment today. You can submit it, but if you introduce the amendment you will be out of order.

Chairman Benigno Fitial: Alright, I will submit it to the Convention Secretary, no further.

Floor Leader Rasa: If that amendment is to be considered as "Introduced," there is need to reconsider Section No. 3 of your memorandum in order to be in order.

President Guerrero: I suggest that this matter be discussed after this session. As I stated, I will be calling a Committee meeting for all the Chairmen of the three substantive Committees, the three Vice Presidents, Convention Secretary and the Floor Leader, to meet in the office of the President.

Delegate Juan DLG. Demapan: The Chamber of Commerce testimony presented in the Saipan public hearings refers to a letter from Judge Hefner, regarding the "Judiciary." May I ask Chairman Palacios if he has received this letter? May we have copies of that letter?

Chairman Francisco T. Palacios: I have not officially received any written recommendation from Judge Hefner, but I have talked with different people regarding the content of the letter.

Floor Leader Rasa: We have a communication from Judge Hefner directed to Deanne Seimer, and I think that is the reason why it has not been circulated among the Delegates. I would like to ask the permission of the Chair that this document be Xeroxed and given to the Delegates.

President Guerrero: May I ask the Convention Secretary to provide copies for the Delegates at tomorrow's meeting.

Delegate Carlos Camacho: I would like to ask the Chairman of the Saipan Public Hearing Committee why the summaries of the hearings show Delegates being absent during the Thursday hearings but none on Wednesday. Is this an oversight?

Chairman Francisco T. Palacios: That is the way the secretary wrote.

Delegate Carlos Camacho: Are we to understand that there were no absences on Wednesday?

Chairman Francisco T. Palacios: That's the way it's written.

President Guerrero: As I stated earlier I hope the Committee's on the public hearings will review their reports before submitting a finalized copy.

Delegate Olympio T. Borja: I would like to go back to item 5, "Communications," regarding the letter from Felicidad T. Ogumoro. I was really impressed with the contents of that letter commending the Delegates of the Convention, and asking them to consider a point which she raised. I would like to ask the President if he is going to take any action in regard to the request made by Ms. Ogumoro?

President Guerrero: I will bring that matter up to the Procedure and Organization Committee to see what action should be taken.

Delegate Carlos Camacho: At this time I would like the House to recognize the presence in the gallery of Senator-Elect Pedro Rogolofoi Guerrero.

#### (14) ANNOUNCEMENTS

Floor Leader Rasa: Your Select Committee to conduct public hearings on Guam is scheduled to leave tomorrow at 8:30 a.m.

President Guerrero: Could you tell us the names of the members of that Committee who are going to Guam?

Floor Leader Rasa: Mr. President, I understood that each Delegation was to select a member from their Delegation to go to Guam. The first time I got a



name from the Rota Delegation it was Delegate Benjamin Manglona, the second time it was Delegate Pedro Atalig and the third time it was Delegate David Atalig. So I decided to leave it to the discretion of the Convention.

Delegate Benjamin Manglona: I am sorry for the miscommunication on the part of the Rota Delegation. We have decided among our Delegation that Delegate David Atalig will be our official representative at the Guam public hearing.

Floor Leader Rasa: The Delegation from Tinian has appointed Delegate Henry Hofschneider, and Delegate Pedro Atalig has been appointed by the President in order to secure the itinerary for the Delegates. Delegate Olympio T. Borja, Ramon Villagomez, and myself will also be going. Others who are interested are allowed to go at their own expense. I would like to further announce that this particular Select Committee will not be given per diem and will be responsible to purchase anything that they need.

Delegate Benigno Fitial: Mr. President, this morning I received an airline ticket to Guam. Am I included in this trip?

Floor Leader Rasa: I am sorry I forgot to announce your name.

I suggest that those who are going to Guam should meet at the airport at 7:30 a.m. tomorrow. The hearing is scheduled to be held at the University's Student Lounge and the Guam Legislature will be providing transportation to all the Delegates.

Delegate Ramon Villagomez: Will there be housing furnished.

Convention Secretary: Yes, there will be housing furnished.

Delegate David Maratita: It was remarked yesterday at the Saipan public hearing that possibly a delegation would be sent to Honolulu and the mainland to talk to Saipanese students there regarding the draft Constitution. Perhaps Delegate Igitol and I will go.

Delegate Herman Cuerrero: Could we possibly send 10-15 copies of our draft Constitution to the students in Honolulu?

President Guerrero: For your information, that was taken care of the day before yesterday.

Before I entertain a motion for recess, I would like you to look at the schedule we distributed. Perhaps, instead of meeting on Saturday we should meet instead on Sunday since several of the Delegates will be in Guam.

Delegate Luis Limes: In regard to our schedule, the Convention's Administrative Officer approached me and several other Delegates in regard to appearing on television. I don't know what our schedule is.

President Guerrero: In regard to the appearance on television, those matters should be discussed during the officer's meeting. We may select three members of the Convention to possibly appear before WSZE television to give summary of what appears in the draft Constitution as passed by the Convention on First Reading.

Chairman Jose P. Mafnas: Your Committee on Governmental Institutions will meet immediately following this session to discuss the "Legislative Branch." Since I will be attending the officer's meeting, I delegate authority to the Vice Chairman of our Committee to conduct this Committee meeting.

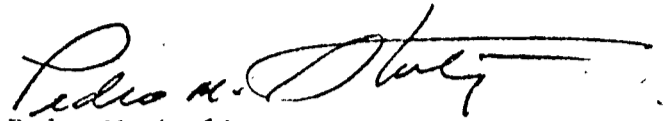
Chairman Benigno Fitial: Your Committee on Finance, Local Government and Other Matters will meet tomorrow following the Plenary session. Since I will be in Guam, the Vice Chairman will be conducting the meeting. There are important matters to be discussed.

Floor Leader Rasa: I move that the Convention recess until 9:00 a.m. tomorrow, in order to adhere to the schedule. Even though there are some members going to Guam, this will not jeopardize the Convention meeting tomorrow.

The motion was seconded and carried.

The Convention recessed at 3:12 p.m.

Respectfully submitted,



Pedro M. Atalig  
Convention Secretary