

CONSTITUTIONAL CONVENTION  
of the  
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

Forty-Fifth Day  
Wednesday, December 1, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 10:23 a.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 Herman Q. Guerrero and Esteven M. King were excused. No Delegates were absent.

(Secretary Atalig reported that Delegate King would be late because of a flat tire on his automobile.)

President Guerrero: At this time I would like to ask the Convention to recognize the presence in the gallery of a group of students from Hopwood Junior High School.

(4) ADOPTION OF THE JOURNAL

President Guerrero: The Journal is not ready for distribution this morning so we will have to adopt it during a later part of the day.

(5) COMMUNICATIONS

The Journal Clerk read the following dispatch from Edward Pangelinan, Marianas Washington Liaison Officer:

President Lorenzo I. Guerrero and Delegates  
Marianas Constitutional Convention  
Saipan Inter-Continental Inn  
Saipan, Mariana Islands 96950

I have discussed draft constitution with executive and legislative branch officials here in Washington. Your draft is sound document and your political compromises appear to be workable. Most urgent concern in Washington is size of government in executive, legislative and judicial branches. Anything you can do to minimize size will be of great assistance in securing prompt U.S. congressional approval. Second urgent concern is that article XIII section 3 not include any monetary relief. Current draft including only priority with respect to public land is good provision. Respectfully urging you and delegates to press hard for completion by December 6. Approval may be more difficult and lengthy if we cannot meet our own self-imposed deadline. Much admiration here in Washington for your outstanding work. My personal congratulations to all of you. Regards.

Edward Pangelinan  
Washington LNO

(6) COMMITTEE REPORTS - None.

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

(8) SECOND AND FINAL READING OF RECOMMENDATIONS

Calendared: Schedule of Transition, all Sections except Section 11

Floor Leader Rasa: I move to adopt Section 1 of the Schedule on Transitional Matters on Second and Final Reading.

The motion was seconded and carried by roll call vote. The votes were affirmative by all Delegates present. (37 affirmative)

Floor Leader Rasa: I move to adopt Section 2 of the Schedule on Second and Final Reading.

The motion was seconded and carried unanimously by roll call vote.

Floor Leader Rasa: I move to adopt Section 3 of the Schedule on Transitional Matters on Second and Final Reading.

The motion was seconded.

Delegate Manuel Tenorio: Just one minor point, Mr. President. Does this provision guarantee those people who are affected by the reduction in force in some sectors.....does it guarantee that they will be hired back by the Commonwealth?

Chairman Fitial: No, Mr. President. Only those working for the Northern Marianas government and the municipal governments.

Delegate Jose Cruz: Just clarification, Mr. President. This section somewhat confuses me. The response by the Committee Chairman was only those employed by the Northern Marianas government as well as the municipal governments. What about those positions that are no longer necessary? Are they to be retained? For example, some of the labor jobs in the municipalities. At the installation of the Commonwealth government the mayor or whoever's in charge could determine that such position is no longer necessary. Would he still have to be retained because of this provision?

Chairman Fitial: No, Mr. President. There is a phrase here that says "or as otherwise provided by executive order, rule, regulation or law."

Chairman Mafnas: Yesterday we agreed that the mayor is the executive officer of the local government. Wasn't that the agreement yesterday?

President Guerrero: I believe that was the assumption, yes.

Chairman Mafnas: Could the mayor issue an executive order in line with Delegate Cruz' suggestion?

Chairman Fitial: I would like that question answered by our legal consultant.

Mr. Willens: I would appreciate it if Delegate Mafnas could spell out the question for me a little bit more fully.

Chairman Mafnas: Senator Cruz posed a question whether a mayor could eliminate those positions that he considers unnecessary in the future. Now, on Section 3, yesterday we talked about the mayor being the executive officer of the local government. The mayor being the executive officer of the local government, could he issue an executive order eliminating those positions that he feels are unnecessary?

Mr. Willens: Are you talking about the situation before this Constitution is approved?

Chairman Mafnas: After.

Mr. Willens: You're asking whether the new mayor elected under the provisions of Article VI can eliminate positions in the local government?

Chairman Mafnas: Yes, under Section 3.

Mr. Willens: Section 3 applies only up to the point of the effective date of this Constitution. It provides only that those employees who are employed by

the municipal government as of the effective date of the Constitution become at that time employees of the Commonwealth government. Up to that effective date the current mayor has the authority over those employees under his normal law. After the effective date of the Constitution the new mayor will have no jurisdiction over the employees because they will be Commonwealth employees. The mayor who is elected under Article VI will have jurisdiction only over those assistants that he is able to employ to assist him under the provisions of the Constitution.

Delegate David Atalig: I have two questions, Mr. President, to ask Mayor Benavente. How many employees does the municipal government have now?

Delegate Benavente: Approximately fifty.

Delegate David Atalig: And out of that fifty how many are in public works related jobs?

Delegate Benavente: About thirty.

Delegate David Atalig: So employees working with public works related jobs comprise most of the staff?

Delegate Benavente: Yes.

Delegate Atalig: How are the employees appointed by the municipal government? With approval of the municipal council or can the administration decide who will be hired? Do you have a procedure?

Delegate Benavente: As far as the department head, the mayor appoints with the consent of the council. The other employees are under the mayor's appointment.

Delegate Atalig: I have confidence in our present mayor of Saipan but there is a possibility that this provision could be abused. Employees could be hired prior to the effective date of the Constitution and thereby be guaranteed employment by the Commonwealth government. That is my concern on Section 3. If there is nothing that would prevent the municipal government from hiring an excess of employees, this can be abused. But, as I said earlier, I have confidence in our present mayor of Saipan. My other concern, Mr. President, is that regarding some skilled work, for example, in the Central Public Works Department, if the present number of employees....let's say truck drivers. We have more truck drivers than what we need and because of this provision we will be absorbing perhaps five or ten more. When we're talking about savings of cost, I don't know what we're going to do with these people. Here it says they will be performing the same duties after they become employees of the Commonwealth. They may be absorbed but there may be nothing for them to do. The cost factor, too, is something to consider.

Delegate Manuel Tenorio: Mr. President, I am concerned about the vacant positions. If, at the effective date of this Constitution, there is a vacant position. Do I take it that that position will not be taken up by the Commonwealth?

Delegate Jesus Villagomez: The answer would be no. The Commonwealth government would only accommodate employees and not positions.

Delegate Manuel Tenorio: Even though those positions were budgeted for?

Delegate Jesus Villagomez: No, Mr. President.

Delegate Manuel Tenorio: In the case of a position that is essential to departmental function and is not filled now because of a lack of funds. Do I understand that those positions will be omitted or eliminated? That the department involved cannot recreate those positions? May I please be answered by the consultant.

Mr. Willens: In my opinion the Commonwealth government would have the discretion and the authority to either fill those positions or not fill those

positions, as they decide is appropriate. If monies exist to fill the vacant position and if it is in the interest of Commonwealth public services to fill the position, then the Commonwealth authorities will be able to do so. So, you should not conclude that every vacancy will remain vacant. It might be filled, but the decision will be made by Commonwealth authorities based on government organization plans, existence of funds and desirability of filling that position at that time. Have I answered your question?

Delegate Tenorio: Yes, I understand that. But with respect to those people who are temporarily relieved of their duty because of lack of funds, then by the time this Constitution comes into effect those people cannot then be hired, if I understand you correctly. Because of the temporary situation, I mean, and that they were laid off because of lack of funds. From your explanation I would take it that they cannot be rehired even if such money becomes available.

Mr. Willens: No, that is not correct. If funds are available they certainly can be rehired. It will depend on whether the funds are available, whether the position should remain in effect and how it fits into overall government reorganization within the Commonwealth. But those positions certainly could be filled.

Delegate Tenorio: But the Commonwealth will provide for those and not the mayor?

Mr. Willens: That is correct.

Delegate J.S. Demapan: Mr. President, I am concerned about those 500 residents of the Northern Marianas that are presently working for Headquarters. Will they be included by the language of Section 3?

President Guerrero: I doubt, Delegate Demapan, that they will be covered by this section.

Delegate J.S. Demapan: I wonder whether we have an obligation to these people.

Delegate Dela Cruz: Mr. President, the present practice now within the government of the Northern Marianas is to accommodate or to give preference to people of Northern Marianas descent who are working for the Trust Territory government. In the event that there is someone within the T.T. who is qualified and wishes to fill a vacancy within the government of the Northern Marianas, that vacancy does not have to be announced. They are given first preference.

Delegate J.S. Demapan: I just don't think it is possible for the central government to accommodate all of these people.

Delegate Jose Cruz: Mr. President, I would like to pursue further the question raised by the distinguished delegate from Rota. If, several months before the installation of the constitutional government, a mayor started hiring municipal employees. As explained by the previous speakers, this provision would guarantee jobs to all of them with the Commonwealth government. There is a pitfall here. This has no bearing to the incumbent mayors, however, say, our mayor of Tinian could very well hire ten people. Then because of this constitutional provision, even if these ten people are not necessary, they would be guaranteed a job. The Commonwealth would be burdened. Could someone answer or clarify this, please?

Delegate Palacios: If the mayor of Tinian or Saipan hired ten more employees just before the Commonwealth government came into existence, the Commonwealth government has the authority to fire them under this provision.

Delegate Cruz: That's the point I would like to get clarified, Mr. President. This provision guarantees that the positions will be carried on. What provision are you citing, Delegate Palacios?

Delegate Palacios: Section 3. "...until otherwise provided by executive order, rule, regulation or law." The executive order may, the next day, terminate them.

Delegate Cruz: Then this provision, if that's the case, is ineffective and unnecessary. My next question, Mr. President. Who has the supervising authority for former municipal employees when the constitutional government has been installed? In the case of the block-making machine here in Saipan, the Tinian municipal boat that the municipal government operates for commuting between the islands of Tinian and Saipan, and the employment of such employees? It is part of the municipal functions that is necessitated as a part of the public service between the islands and Tinian and Saipan. Now, who hires the supervising authority under this arrangement? Is it the department head of Public Works, is it the mayor or the governor? Can the consultant answer that, please.

Mr. Willens: I think that is one of the problems that Dr. Mantel and his staff will be looking at during this period of planning. There is a real issue that Delegate Cruz has raised as to where those operations, facilities and personnel will be assigned. Within the next six to nine months Dr. Mantel and his staff will propose for the new Commonwealth government an allocation of each of those functions and the responsible people and appropriate department of the government. It might be a Commonwealth executive department, it might be the mayor, or it might be left for some specially created position.

Delegate Cruz: In other words, Mr. President, it shall be provided by law by the Commonwealth legislature after the completion of the study made by Dr. Mantel. Is that correct?

Mr. Willens: Yes.

Chairman Mafnas: On the last sentence of Section 3, Mr. President. "Employees of the government of the Northern Mariana Islands shall have the same functions and responsibilities and shall perform the same duties after becoming employees of the Commonwealth." If the municipal government has a budget officer and the Commonwealth government also has a budget officer, do I take it to mean that there will be two budget officers?

Chairman Fitial: Mr. President, I am sure the placement and the organization of the new Commonwealth executive branch will take care of the hierarchy within the departments and agencies. I think Chairman Mafnas failed to continue the whole sentence, "unless otherwise provided by executive order, rule, regulation or law." That will take into account the organization of the new Commonwealth executive branch.

Delegate Cruz: Mr. President, if we are to wait until Dr. Mantel finishes with his research and recommendation, it could be six months or maybe even nine months. Meanwhile it could create a situation and chaos. At the institution of the Commonwealth government these people would be left without supervisory authority. Now, I want to know who has the immediate responsibility of running the department as I posed the question earlier. Thank you.

Chairman Mafnas: I purposely did not finish the sentence, Mr. President, because my question was based on what I read. I'm talking about before the executive order or the executive rule, regulation or law is promulgated. Before such time I see under this sentence that there will be two budget officers.

President Guerrero: Would the distinguished consultant answer that, please.

Mr. Willens: Well, this provision is designed to prevent chaos. It is not designed to create chaos. If you did not have a provision like this you would, in fact, have chaos. This is designed to permit you to plan during this transitional period to deal with the kind of human and governmental problem that you are now discussing. You have a year to plan and deal with these problems. These kinds of problems are one of the important responsibilities that the Northern Marianas legislature will be considering during the next six to nine months. The legislature should be considering how to take care of the situation so you do not have two budget officers doing the same thing. That cannot be allowed to happen. It would be a waste of time and it would be a waste of money. You have a year to prevent it from happening. You have Dr. Mantel and the Institute of Public Administration available to assist you. You have the Northern Marianas legislature to pass necessary laws during

the next year to prevent this from happening. So I really think you should look at this provision as a way to help employees and a way to help the efficiency of your new government--not as a provision that is going to create problems.

Delegate Cruz: In other words, the present legislature and not the constitutional Commonwealth legislature? You're talking about the present legislature?

Mr. Willens: I'm saying that that's one alternative that you have. The "provided by law" referred to in Section 3 in a new Commonwealth law but I'm saying that once this Constitution is ratified by the people and approved by the United States government, you then know exactly what is going to happen when it becomes effective. You know that the municipal councils are going to disappear; you know that these employees are going to become employees of the Commonwealth; and then is the time at which the current legislature should begin to deal with these problems. Begin to phase out municipal services and integrate them into the Northern Marianas services so as to prepare for the Commonwealth government in some logical and practical way. I will go on to say that one of my greatest concerns about this new Constitution is the fact that no one is doing the kind of planning for this transitional period that I think ought to be done. It is the responsibility of the Office of Transition Studies and Planning but, also, they are limited in their ability. It really is the responsibility of the Resident Commissioner and the present legislature.

Delegate Cruz: That is my concern. If these particular problems have to wait to be provided for by the new constitutional Commonwealth legislature--meanwhile the various activities of the municipalities that are presently being carried on under this provision--they will be without a department head.

Mr. Willens: I agree with that. I agree with you absolutely. It will take planning and action. And there is nothing you can do in this section other than what you have done to make sure that there will be planning and appropriate action by the Resident Commissioner, by the legislature, by the Office of Transition and by the United States government. I hope you insist that the proper actions are taken by all of those agencies to plan for this new Commonwealth so it comes into effect in a logical and efficient way.

Delegate Cruz: Thank you very much.

Chairman Fitial: If there is no objection I wish to move for the previous question.

The motion was seconded and carried.

Motion to adopt Section 3 of the Schedule on Transitional Matters on Second and Final Reading carried by roll call vote. The votes were as follow:

YES: Delegates D. Atalig, F. Atalig, P. Atalig, Attao, Ayuyu, Benavente, J. Borja, O.T. Borja, A. Camacho, C. Camacho, M. Camacho, D. Castro, Dela Cruz, J.S. Demapan, Diaz, Fitial, L. Guerrero, Igitol, Mafnas, B. Manglona, P. Manglona, V. Manglona, Maratita, Ogo, Palacios, Rasa, Taisacan, J. Tenorio, M. Tenorio, Torres, J. Villagomez and R. Villagomez. (32 votes)

NO: Delegates Calvo, Cruz, J. DIG. Demapan, Hofschneider and Limes. (5 votes)

ABSTAIN: Delegate King. (1 vote)

(As per the earlier ruling of President Guerrero, the 1 abstention was counted as an affirmative vote, making the final count 33 affirmative and 5 negative.)

Floor Leader Rasa: I move that we adopt Section 4 of the Schedule.

The motion was seconded.

Delegate Ramon Villagomez: Section 4 changes the present district court into

the Commonwealth Trial Court. It says all those cases presently pending in the Trust Territory High Court will remain in the High Court, including those pending cases which are supposedly under the jurisdiction of the Federal District Court and the Commonwealth Trial Court. There is nothing in this provision that indicates where cases will be filed, cases that are not under the jurisdiction of the island court, cases that will be under the jurisdiction of the Federal District Court, and the only way that this can be explained is if a Federal District Court will be in existence the day the Constitution becomes effective. My question is: Will there be a Federal District Court on the day our Constitution becomes effective? And, if not, where are we going to file those cases that are not under the jurisdiction of the Commonwealth Trial Court and are supposed to be filed in the Federal District Court, but there is no Federal District Court?

President Guerrero: Who can answer this? Chairman of the Governmental Institutions?

Chairman Mafnas: This section was not assigned to us.

President Guerrero: May we assign the question, then, to the consultant?

Delegate Ramon Villagomez: Right, please.

Mr. Willens: I think Delegate Villagomez has raised a couple of very good points and we might ought to discuss it here. One problem that was identified is the question of what happens if there is not a United States District Court in existence on the effective date of the Constitution. I have received some comment about Article IV on the judicial branch with respect to including a section and specifying what the jurisdiction of the United States District Court is. There was some question raised as to whether it is appropriate for the Marianas Constitution. What I am proposing to do and was going to report to you is to change the provision, subject to your approval, so as to provide that if there is no United States District Court in existence at the outset of this Commonwealth, then the legislature will have the authority to give the Commonwealth Trial Court all jurisdiction. We have to anticipate the contingency that there might not be a United States District Court in effect and the way to do that is to make clear that if there is not such a court in existence, then the legislature is free to increase the jurisdiction of the Commonwealth Trial Court to include all local matters, both civil and criminal. That is one way to deal with the contingency and the real problem that Delegate Villagomez has pointed out.

The other problem is what happens to cases presently in the court. This section provides that cases presently in the High Court continue to remain in the High Court. The reason we did that was because the Statute of Limitations might have run and the case might be so far along that it would be unfair or inefficient to force that case out of the High Court and put it into the Commonwealth Trial Court or the United States District Court. There are probably other ways to handle this and I would certainly respect the views of Delegate Villagomez to assist us in finding the most flexible and efficient way of handling the problem.

Delegate Ramon Villagomez: I have no objection to leaving cases in the High Court. I think that is the most appropriate way to do that. I was simply explaining what my understanding of this section is. With respect to giving the Commonwealth Trial Court all jurisdictions of every case that comes up in the Commonwealth, I foresee a possible problem in that presently we have a District Court with only one judge. Judge Salas, I feel, is a very capable judge. He did not go to law school but the way he judges, in my opinion, is very competent in comparison to his background. But we have to take into consideration the fact that the District Court at the present time has more cases than it can handle. The District Court is way behind in the cases primarily because there is only one judge and also because there are just too many cases for one judge to handle. In addition to that, there will be cases which require a person with a law degree and experience in the practice of law, to be able to handle those cases. That is a very serious problem. What that will do, if we give all the cases to the island court with only one judge who is already behind in his work for some good reasons, and is not capable of handling all of the big--the very complicated cases--what we're

simply doing is eliminating any court. It's like saying "there is no court." At this moment I can't come up with an answer but I think we shouldn't pass this provision as it is. It's a very important part of our government.

Mr. Willens: I think it's a real problem but I don't know what we can do to solve the problem here. It is my understanding that the United States government is proposing in the current budget for fiscal year 1978 that there be a U.S. District Court here in the Northern Marianas to fulfill this commitment under the Covenant. I left Washington, obviously, before that budget was finalized and I cannot state with certainty that it is included in the budget. If it is included in the proposed budget I expect it will be enacted by Congress and there will be monies authorized for the new District Court in September of next year. That will be plenty of time to establish the court and hire the necessary personnel before the effective date of the Commonwealth. So, this is largely a problem that is beyond our control. It is up to the United States Congress to authorize a District Court for the Marianas to honor its commitment under the Covenant. I agree with Delegate Villagomez that it would be very damaging if there was not a U.S. District Court in operation at the time the Commonwealth became effective. I think that you should pass this provision but that part of your effort in Washington should be to insure that the United States approves this document and takes the necessary actions to prepare for the Commonwealth. One of those steps would be the U.S. District Court.

Delegate Ramon Villagomez: Let me ask you, Howard, do you know if we can after the effective date of the Constitution continue to file cases in the High Court of the Trust Territory?

Mr. Willens: I would think not, as it is presently written. Cases arising after the effective date of the Constitution would have to be filed either in the Commonwealth Trial Court or the U.S. District Court.

Delegate Ramon Villagomez: Would the Trust Territory High Court not be sitting on Saipan?

Mr. Willens: That would be, obviously, up to that court. I expect that that court would remain here but that, along with other government institutions in the Trust Territory, it might at some point leave Saipan for one of the other districts. I don't think there is anyway we could insure that the Trust Territory courts would be open to your cases. It might be possible to provide here that if no U.S. District Court is provided, that would be available as an alternative for you.

Delegate Ramon Villagomez: Would it be possible to file cases in the Federal District Court in Guam?

Mr. Willens: Cases with respect to local matters here in the Commonwealth?

Delegate Ramon Villagomez: Local matters that are not within the jurisdiction of the local court.

Mr. Willens: I think the answer is no.

Delegate Ramon Villagomez: So the only thing we can do is pray that the U.S. District Court will come before the effective date of the Constitution?

Mr. Willens: I hope you can do more than pray. Praying will help, but some lobbying in Washington might be more useful.

President Guerrero: Delegate Villagomez, are you finished?

Delegate Ramon Villagomez: Yes, I am satisfied that there is nothing that we can do.

Delegate Jose Cruz: Hearing the explanation under this section that the jurisdiction of the High Court will remain until the case is decided, once you have already filed it. I am concerned here because only a moment ago Delegate Villagomez informed this Convention that the Marianas District Court is piled up with outstanding cases, undecided case. I would like to remind



this Convention that also the High Court of the Trust Territory is in arrears and piled up with cases. What happens if the High Court continues undecided on the outstanding cases? Will it be an opening for a motion to dismiss cases because of lack of a speedy trial? I know for a fact that one public official who was charged with thirteen counts of felony was dropped out--the case was dropped by the High Court because of lack of prosecution. This is the kind of thing I'm concerned about. Could someone enlighten me?

Delegate Ramon Villagomez: I'm not very clear on the question.

Delegate Cruz: This provision provides that all cases already filed under the High Court will stay under their jurisdiction until finally decided. Now, hearing the explanation that at the moment the government of the Northern Marianas is--at the district court level--confronted with more cases than it is possible for the judge to handle. We also experience the same with the High Court of the Trust Territory. There are many cases pending. My question is what will happen if the High Court doesn't decide those cases because of their load of work? Wouldn't this be an avenue to throw out the cases because of a violation to the Bill of Rights, the right for a speedy trial? And I would like to cite one case. One public official was charged with thirteen felony cases and they were dropped by the court because of this provision. This is bad, bad, and very serious.

Delegate Villagomez: There are actually two parts to the question. The first part is what happens if the backlog continues. That is a court administrative problem and is a problem that only the court can solve by putting more time in their work or by hiring more judges or concentrating more judges on Saipan. There is nothing we can do because the judges decide how many cases to hear in a week. But with respect to the question of speedy trial--the question of lack of prosecution. That is in the control of the attorney general and the prosecutor. In our Constitution we have a section that says you have a right to a speedy trial. What that means is that when the government has enough evidence to prosecute you, they are required by the Constitution to prosecute you then. They cannot wait for two years and then prosecute you. You should not be sitting for two years and suffering, waiting to be prosecuted. In the particular case that you're talking about, what the attorney general didn't do was prosecute that person at the time that he had sufficient evidence to prosecute. When the court was made satisfied by the defense attorney that the government negligently or without good reason failed to prosecute after it had evidence, the court decided to dismiss the case.

Delegate Torres: I think what Delegate Villagomez is saying is that a speedy trial doesn't mean three months. It can be three years. My problem here is the Statute of Limitations. In a civil matter, if there is no High Court in which to file the case I'm afraid the Statute of Limitations will run out. I think, Howard, maybe we could provide in this Transitional Schedule that until such time as the Federal District Court is established, people could file cases with the Commonwealth Trial Court--notwithstanding the jurisdiction of the Trial Court.

Mr. Willens: Yes, Delegate Torres. That is exactly what I have done, tentatively. In the review I am giving the document right now I am proposing that we anticipate that contingency. I don't have the precise language now but in essence it is that if....If you will recall, the Commonwealth Trial Court has limited jurisdiction for a period of five years. What I am proposing to you is that we say that the legislature may increase the jurisdiction of the Commonwealth Trial Court after five years or at an earlier date if no United States District Court has been established to exercise jurisdiction over other cases. I am proposing that in order to meet possible criticism back in the United States but, more importantly, in order to protect you against the contingency that the United States District Court would not be created on time.

President Guerrero: Are you saying that you are proposing that language to be inserted into this provision?

Mr. Willens: No, it would not be in this provision, Mr. President. It would be in Article IV dealing with the judicial branch.

Delegate Dela Cruz: Mr. President, may I be enlightened? This is regarding speedy trial. In the event the person is denied a speedy trial and the case is dismissed because of that technicality, can the person involved turn around and sue the government for damages incurred? For the distress, for the cost of attorneys' fees, reputation, etc?

President Guerrero: Could the distinguished consultant answer that?

Mr. Willens: I'd be glad to if I knew the answer. I'm not sure, frankly. Usually, Delegate Dela Cruz, the defendant is so glad that the charges have been dismissed that he wants to flee the jurisdiction. I do not think he could sue for the legal expenses and other expenses that he has incurred, or for the mental suffering. I'm sure that would be a special kind of a tort action against the government which usually requires the government's consent.

Delegate Dela Cruz: But, if from the beginning he could prove that he was innocent. Yet, the government continues to press charges against him.

Mr. Willens: There would be no cause of action under those circumstances.

Delegate Diaz: Mr. President, I am quite concerned as to what will be the outcome on this particular section based on the response given by our distinguished consultant. If we are to wait and pray until we have the proper court to handle all of these cases--I don't think that is the proper way to do it. I think we should try to improve the language here.

President Guerrero: May I advise the speaker that the consultant is going to take that under advisement and will come up with the proper language in order to handle our concern. It will not be in this particular section.

Delegate Ramon Villagomez: I am satisfied with the answer I was given by Howard and I think he is going to provide another section. So I think this section is okay. For that reason I move to end debate.

The motion was seconded and carried.

Motion to adopt Section 4 of the Schedule on Transitional Matters was carried by roll call vote with 37 affirmative votes and 1 negative vote. The negative vote was cast by Delegate Dela Cruz.

Floor Leader Rana: I move that we adopt on Second and Final Reading, Section 5.

The motion was seconded.

Delegate O.T. Borja: On Section 5 the first sentence is okay. But in the second sentence where it says the legislation passed but not yet approved by the Resident Commissioner shall be of no effect. This part I think is worth discussing further. Would there not be some important things legislated regarding the transitional matters? Sometimes the Resident Commissioner does not take action on a bill for thirty days. I would like to see a time limit so that some of the legislation that calls for the Constitution will be enacted and approved. Or, I think it is a usual legislative practice to say that if no action is taken within "x" days, it will become law. I am concerned about this. Can our good consultant provide us with the wording to put either 20 or 30 days in there as a time limit so it will then be effective? That will be a protection there for good legislation.

Mr. Willens: Delegate Borja, is there any current period of time within which the Resident Commissioner must either veto or approve a bill?

Delegate Borja: Yes, if the legislature is continuously holding a session there is a certain period of time. But many times the legislature will pass a law and upon the receipt by the Resident Commissioner the legislature will recess or adjourn.

Mr. Willens: As I understand it, the current legislature is in continuous session, is it not?

Delegate Borja: It is, but the speaker has the right to call for a one or two month recess at anytime.

Mr. Willens: I would have no problem in changing this language to conform to the present practice or law but I would be a little hesitant to write into here something that is different than your current law with regard to the relationship between the legislature and the Resident Commissioner. I don't think that would be advisable. If you will tell me, though, the current law is that any legislation becomes effective if not vetoed within ten or twenty or thirty days then we could make this section identical to the law.

Delegate Borja: There is always a question of legality involved on our fulltime-- they call it an annual session of the legislature. Some of the charters provide that upon the receipt by the Resident Commissioner there are twenty days if the legislature is still in session. If the legislature has already been recessed it's no longer considered as a limitation. My proposal is that legislation passed twenty (or thirty) days prior to the effective date of the Constitution shall be of no effect.

Mr. Willens: You would say that any legislation passed in the last twenty days is of no effect?

Delegate Borja: I can see that. Yes.

Mr. Willens: Twenty days or thirty days, or whatever. The trouble with that is that if the Resident Commissioner vetoes something and sends it back, you would want the legislature in the last twenty days to be able to deal with it. That certainly can be done and I see no legal objection to doing it, however, providing that legislation passed within twenty days before the effective date of the Constitution will be of no effect.

Delegate Borja: My proposal is either twenty or thirty. Twenty days, I think, will be more effective for the new legislature since there will be so many things they will have to act upon to smooth the transition. But before I can make that proposal I have to get the unanimous consent to suspend Rule 47, Mr. President.

President Guerrero: May I first give some information? Howard, the latest amendment of the district legislature is that the legislature will meet twice a year for a forty-five day session. Of course, the speaker as well as the Resident Commissioner may call a special session. So, the language will have to accommodate the latest amendment.

Mr. Willens: Well, I have just two points to make, Mr. President. This is a fairly technical area. During the last thirty days before this Commonwealth becomes effective there may be many things to be done. In some respects I think it would be desirable to permit the legislature to be able to participate in doing the things that have to be done. At the same time you do not want the legislature in the last thirty days to be taking over responsibilities of the Commonwealth legislature which will have to be elected and coming into session right away on the effective date of the Constitution. Those are the two competing concerns. You want to do the useful thing but you don't want to take away the jurisdiction of the Commonwealth legislature. I think it's for the body to discuss and give me direction on this.

Delegate Jesus Villagomez: Mr. President, I think the existing provision is adequate and very flexible.

Delegate Maratita: I would have to agree to the provision, Mr. President. I think this gives much leeway to the legislature as well as the administration to consider bills of importance. If we're going to limit them twenty to thirty days prior to the effective date of the Constitution then they are really limited to enact legislation that they feel is necessary. As a check and balance there if the Resident Commissioner feels that it is not in the best interests of the Northern Marianas, he has the prerogative to veto a bill. I think this is a good provision as it is.

Floor Leader Rasm: I move for the previous question.

Motion was seconded and carried for previous question.

Motion to adopt Section 5 of the Schedule on Transitional Matters was carried unanimously by roll call vote. (38 affirmative)

Floor Leader Rasa: Mr. President, I move to recess until 1:30 this afternoon.

The motion was seconded and carried.

The Convention recessed at 11:45 a.m.

RECESS

The Convention reconvened at 1:47 p.m.

(Delegate Herman Guerrero was present for the afternoon session, making attendance 39 Delegates.)

President Guerrero: I would ask the Convention to recognize the presence in the gallery this afternoon of Senator-Elect Pedro Guerrero, Senator-Elect Jesus Mafnas and Dr. Jose T. Villagomez. (Applause)

Floor Leader Rasa: I move to adopt on Second and Final Reading Section 6 of the Schedule on Transitional Matters.

The motion was seconded.

Chairman Fitial: Mr. President, I move to defer action for a short period of time on the rest of the transitional schedule and move now to Article II, Section 3, regarding "Composition of the Lower House."

The motion was seconded.

President Guerrero: Is the Special Committee ready to make their report?

Chairman Borja: Yes, Mr. President. I was going to make my report after we had completed the transitional matters.

Chairman Mafnas: I agree with Chairman Fitial that we should take it up now. I feel that composition of the lower house is more controversial.

President Guerrero: If there is no objection from the floor we may do so.

(There was no objection.)

Delegate Carlos Camacho: Since the Schedule on Transitional Matters is not controversial maybe we should clear the calendar. I am afraid we could spend the balance of our time on the hard one.

Delegate Ramon Villagomez: I agree with the principle that we should do the easy ones first and then come back to the hard ones. In the Special Committee we became aware that the question of the composition of the lower house is possibly going to prevent this Constitution from being ratified. And we cannot proceed with the districting until we have disposed of the composition of the lower house. There is the possibility that we will have to fight over this provision from now until Monday night, we don't know. So I think it will be best to tackle this problem first and tackle it as well as we can, as hard as we can until we come up with the answer. Then when that is resolved we know that we will have a Constitution. Before we solve this problem we don't know if we will have a Constitution, therefore, even though I think it's a better idea to handle the easier ones first, I think we should handle the composition of the lower house now.

President Guerrero: Shall we take a vote?

Chairman Mafnas: I move, Mr. President, that we defer action on the transitional matters and touch the matter relating to composition of the lower house.

The motion was seconded and carried on vote by show of hands.

Chairman Borja: Mr. President, in order for the discussion to proceed on Article II, Section 3, regarding composition of the lower house, I would at this time like to make a report on behalf of your Special Committee. Mr. President, your committee was assigned the task of reaching a compromise on the composition of the lower house and they have met four times trying to do that. As of this afternoon, Mr. President, I am sorry to report that the committee cannot reach a unanimous compromise. The majority of the committee would like to see the formula as 16-2-1, some want 14-2-1 and two members of the committee wanted 12-1-1. Therefore, I can only recommend to the Convention that it stay the same as in our original provision, at 16-2-1 and not more than 25. Mr. President, we have discussed this in the Special Committee with Delegates from Saipan, Rota and Tinian, we have consulted with our consultant and we have consulted with you. Therefore, Mr. President, on behalf of the committee I would like to make a motion at this time that Section 3, "Composition of the House of Representatives," will remain as in our original version of the draft Constitution. I so move.

The motion was seconded.

Delegate Magdalena Camacho: Mr. President, I move that we amend by adopting proposed amendment 83. It was proposed by Delegate Pedro M. Atalig.

The motion was seconded.

Chairman Fitial: Objection, Mr. President. We should consider the report by the Special Committee. The Special Committee was charged to deal specifically with the composition of the legislative branch. I would consider such move to be very disrespectful to that committee and their integrity.

President Guerrero: May we hear from Delegate Camacho?

Delegate Magdalena Camacho: Mr. President, the report was clear that they could not come up with a unanimous decision. Therefore, I am proposing an amendment amending that recommendation made by that committee.

President Guerrero: I suggest, not to cause anymore hard feeling or misunderstanding, that we take the vote on the committee's recommendation first. If that recommendation is defeated we will entertain any amended motion.

Delegate Cruz: Inasmuch as I despise the amended motion, I think the motion was proper and we should take a vote on it. It's a proper motion and it has been seconded. I am against it but we do have to follow procedure.

President Guerrero: Okay, if there is no objection then we could entertain the motion made by.....

Chairman Fitial: I object.

Delegate Juan P. Tenorio: Any objection on this floor is unconstitutional according to Article I, Section 2, that we just passed.

President Guerrero: I think we should proceed and entertain the motion offered by Delegate Camacho.

(The Convention Secretary read the text of Proposed Amendment No. 83 because all Delegates could not locate their copies.)

Motion to adopt Proposed Amendment No. 83 was defeated by roll call vote.

Delegate Ramon Villagomez: Mr. President, I would like to move at this time that the recommendation be amended so that the composition of the lower house will be 12 for Saipan, 1 for Rota and 1 for Tinian.

The motion was seconded.

Delegate Ramon Villagomez: Mr. President, I would like to speak on the subject.

If you will recall, when this matter was first introduced in the Committee of the Whole for First Reading, it was passed by the Committee of the Whole but not without opposition. It was really opposition on two basis. The first was the unnecessaryness of such a large composition of the legislature and the second was the outrageous expense that it will incur. After that we had the public hearings and the public spoke to us and told us that it was too large and unnecessary and it was also too expensive. Today we received communications from Washington, D.C., telling us the composition as was drafted was too large, unnecessary and too expensive. But that is only half of the issue.

The second issue that has arisen since then is whether to give the municipality of Rota two representatives in the lower house and Tinian only one. What I would like this Convention to consider is when we give the municipality of Rota two representatives in the lower house, so as to give them an over-representation of approximately 500, and then we also give the municipalities of Rota and Tinian the power of confirmation in the senate--meaning that the municipalities of Rota and Tinian will be the ones to determine who is going to run the government of the Northern Marianas, because they will be the ones to determine who will be the heads of the departments; and they will be the ones to determine who will be the heads of the departments in each of their islands; they will determine who is going to be our judges, attorney general, public defender, public auditor and members of the board for the land corporation which is a very important part of our government--if we are to give the municipalities of Rota and Tinian the power of confirmation, plus over-representation in the upper house, I can guarantee you that we will go to court on the question. It will be such that the representation with unequal disbursement or distribution of power will give the people of Saipan the incentive to file suit and call that composition unconstitutional. I want the Convention to recognize that.

On the other hand, if we lower the number of representatives in the lower house, not only will we be complying with the desires of the public, the desires of the people in Washington, D.C., but we will also be taking away from the people the incentive or reason to file suit for this Constitution to be declared unconstitutional. It will give only one representative to Rota and one to Tinian and twelve to Saipan. That would lower the deviation to 36%. Rota would be under-represented by 42. Saipan would be under-represented by 26. The representation would be so close that there is no need for any person to complain. Also, because we have taken away that much over-representation the people will not complain too much about giving the power of confirmation to the senate. We can say that since they are also under-represented, we are taking away some of the power that they maintain in the lower house, and it justifies giving them the power in the upper house to do the confirmation. I think that for purposes of satisfying the needs and desires of the people of the Northern Marianas, satisfying the people in Washington, saving some money and making our legislature workable and also discouraging any person from bringing this matter to court to declare our Constitution unconstitutional, the formula of 12-1-1 is the best formula that we can come up with. I don't see that any other formula can possibly be better. For that reason I support 12-1-1 and hope we will take into consideration all the points I have raised. Make your decision on the basis of those facts and not on the basis of how much power you want to have. Thank you.

Delegate Torres: A question to the previous speaker. If this Convention adopts the 16-2-1 formula, what is the chance of this Constitution being declared unconstitutional?

Delegate Ramon Villagomez: The percentage deviation on 16-2-1 will be 33.4%. I would say that the chances of losing this case in court would be 3% lower than the 12-1-1. In addition, we will gain approximately five more unnecessary legislators in the legislature.

Delegate Torres: Would I be correct to say that the 12-1-1 has a higher chance of being declared unconstitutional over the 16-2-1 formula?

Delegate Ramon Villagomez: Insignificantly, yes.

Chairman Atalig: Mr. President, as regards the factual information manifested by the previous speaker regarding the communication from Washington, D.C., I wish to note for the record that the U.S. is fully aware about the composition of the.....I mean....we have a bicameral legislature approved in this Covenant. Therefore, the communication was basically coming from a representative who is just hanging around, looking, as a representative of the Office of Transition. It is inevident, Mr. President. At the very beginning we were too concerned about expense but now it is becoming to be a political issue rather than expense. And for that very reason, Mr. President, if we were to look over on the deviations of the formula given by Representative Villagomez I am sure that the deviation of this formula is very high and the chances of having it approved, Mr. President, would be more less. And for that reason, Mr. President, I wish to register my opposition to that.

Delegate Dela Cruz: Mr. President, I would like to ask some questions but first I would like to make some statements about Delegate Villagomez' remarks. Some of his reasoning is very unfounded for the 12-1-1. Not on all measures will Tinian and Rota be together. Regarding confirmation, even ourselves and some of our legislators do not believe in and trust our own people. If we are to continue using such reasoning, I don't think it is very logical. Thank you.

Delegate Cruz: Mr. President, it has been said that if we follow the 16-2-1 formula the outcome may be that our people may be filing protests in the courts and it might ultimately might be considered unconstitutional. In the United States of America there is such a thing as an act of congress, and that Congress is also bicameral. The population in the state of Rhode Island, Hawaii, Alaska and a few other states are so low compared to the other states like California, New York, Chicago and elsewhere, and yet it is provided by law and by the Constitution that they will have two houses. So I don't think the argument is here that simply because Rota and Tinian are guaranteed equal representation in the senate, as provided by the Covenant. Do we need to keep repeating the concern of Rota that you already have the equal representation provision in the senate and, therefore, you shouldn't have more seats in the house. That's not the case, Mr. President. I think we in this Convention should take into consideration the unique situation in the case of the outer islands of this Commonwealth that we are talking about. In the case of Tinian I have no quarrel whatsoever. I think we've already made it very clear that we are content with one seat. But, certainly, I would like to see Rota with at least two seats. A minimum of two seats. I said during the Committee of the Whole that it is very difficult for a representative representing an island with only one voice because in any legislative organization usually there are three or four standing committees. By allowing only one representative, it is very difficult for this one body, one person, to be actively and effectively representing his people. There are many times when the committees meet simultaneously and one person cannot be everywhere at the same time. It was also said that we were opening an avenue for the court to eventually strike this down as unconstitutional. I say I will take that chance. We are also taking that chance on these other provisions that this Convention has already approved on Final Reading, such as alienation of land, the 25-years proviso, all of those things are subject to challenge by the future citizens of the Commonwealth. Yet we went ahead and approved them. Now when it comes to the composition of the lower house--and we repeatedly say that we want more voice because it is impossible for one man to run and represent his people--now we're saying that it could very well be struck down as unconstitutional. Again, I say that I will take a chance. Mr. President, I support the concern of the people of Tinian, the concern of the Delegates from Rota, because--as I said already--it is a necessity. In the case of Tinian I can understand, Mr. President, that it is very hard for us to ask for two seats unless we increase more, perhaps up to 25, from Saipan. I can understand that. That's even more serious. But in the case of Rota the composition would be only 16-2-1. Let's give it to them, to the people of Rota. By giving it to them, at times when the "lone ranger" from Tinian is unable to attend all of the committees, at least we can rely on the neighboring island of Rota. For that reason I urge this Convention to approve the 16-2-1. I'm afraid that unless we compromise on the basis of this we will never be able to finish the Constitution that we are drafting by December 6. I don't think Rota is asking too much. We've compromised a lot already. We've sacrificed in the past. And I don't think it's fair for

the people of this Convention to be constantly reminding the people of Rota and Tinian "you already have the senate." The question is not the senate; the question is the house. So I urge this Convention, let's finish our job. Thank you.

Delegate Benjamin Mangiona: Mr. President, I wish to stress four points for the record. First, on the advice and consent. The advice and consent is not given to Rota and Tinian municipalities. It is given to the senate, comprised of three representatives from each island. Three from Saipan, three from Rota and three from Tinian. Now, on the cost: Yes, Mr. President, I agree that the Washington dispatch came from Mr. Pangelinan in Washington, D.C. That particular dispatch concerned itself with the original draft which called for thirty-nine representatives for both houses in the Commonwealth legislature. If we are to be concerned with the cost, we can cite some figures for the record. Originally this Convention decided that we will have a 39-membership legislature at a \$12,000 per annum salary, which will cost us \$468,000 per annum for the 39 members of the legislature. This amount was substantially cut down in the recent weeks. Down from 30 in the house to 19 in the house and we retained the same number of members in the senate, which is 9. That gives us a total of about 25 membership for both houses. At the same time we also cut down the salary from \$12,000 to \$8,000. If we are to add these figures together, that will give us \$200,000 per annum for the salary for 25 members. If we compare the original draft to the present draft on the expenditures per annum, it will give us a savings of \$268,000 which is over 50% savings. And this is the concern of the cost. That means that under the present membership of 16-2-1 and 9 from the senate, this will give us a savings of \$268,000 which is over 50% from the original proposal. Now, on the constitutionality of this provision. We have heard from our consultant that a 16-2-1 provision is justifiable to the United States government. He has said it can be defended. So these are my four points and I wish the Convention to disapprove the proposed amendment.

Delegate Manuel Tenorio: Actually, I have the same reasoning as Ben. The document that was...or, rather, the dispatch that was received from the Liaison Officer in Washington was based primarily on the original document which was substantially different from what we are doing now. On top of that, public concern was based on that original document. I agree with the merits for consideration but we have come to a point now where we have established a salary for the legislators and we have cut down the cost considerably. That was going to be my question to the main mover of this; that it was the original document that is, in fact, being contested.

Floor Leader Rasa: Mr. President, I wish to also register my opposition to the proposed amendment. The message received from Washington should not be construed as the official voice of the U.S. Congress or the executive branch of the U.S. government. If we look carefully at the political history of this particular provision we will find out--and it is well recorded--that the President of the United States signed the Covenant which provides for the two houses, knowing that there will be an upper house and a lower house. It is unfortunate, too, that the United States Supreme Court came up with a ruling that in all gerrymandering processes there must be the application of one man-one vote. Now, this might not meet our desire to have a small legislature. If we go back again and look at the Constitution and the arguments that have been posed that the municipalities of Rota and Tinian have been given the power of advice and consent--and I say this is misleading because the power of advice and consent has been given to the senate. The senate comprises all of the senators from all of the three islands. We come against another argument and that is the constitutionality of this provision. We have seen a classic example in Palau. The Palau election was suspended because of its failure to meet the one man-one vote rule. But the Trust Territory Code was not nullified in its entirety. The only section that needs better interpretation, better application of laws is the one concerning the representation by representatives. Should this provision be found by the court to be unconstitutional it would not nullify the whole Constitution of the Northern Marianas, but it would practically nullify the part about the composition of the house of representatives. Mr. President and fellow Delegates, cost versus representation are two different animals.



We have been talking about representation, yet we are about to say over here that there is a difference between 26 and 34. I see that the difference is not that substantial. But if you look up at the municipality of Saipan, should we decide to give Rota one and Tinian one and Saipan twelve, I must submit that we will be under-representing the people of the municipality of Saipan. I think the only best formula by which our people could be fully represented--all the ethnic minorities and the people at large--is by providing and passing the 16-2-1. I think that 12-1-1 would only provide insignificant cost which could be saved by other means instead of capitalizing on the cost of salary, on the salaries to be given to the legislators. Fellow Delegates, it is easy to use as a political weapon the saying that this Convention has opposed the minimizing of a legislature for the Northern Marianas. But I also pose a question, would it be fair for the people of Saipan if we restrict ourselves to twelve? I never believe in numerical representation because you can have two million representatives whose work could have been done better by at least ten representatives, but the concept of representation remains that these people must be represented. And the best compromise is the 16-2-1. I urge all the Delegates to disapprove the 12-1-1 proposal.

Delegate Juan DLG. Demapan: Mr. President and fellow Delegates, in the past we have heard often about holding down cost. I wonder where is that concern by this body. I feel that with the admonition of maximizing efficiency and at the same time minimizing costs, I think, Mr. President, the formula of 12-1-1 provides significant costs. Mr. President and fellow Delegates, when we were discussing about the salaries of the legislature, I wholeheartedly recall that many of us are so concerned regarding costs. To make it short, Mr. President, I just want to urge my fellow Delegates to come up with a just decision that is appreciated by our people.

Delegate Mafnas: Basically my argument was already mentioned by Delegate Benjamin Manglona. However, I would like to emphasize that when we had the public hearing here on Saipan, the main concern of the people that testified during the hearing was the original 29 composition of the total membership in the legislature. I submit we have made a substantial reduction in the membership and salaries. Mr. President, there is no solid ground for this convention to believe that Rota and Tinian will always be partners in the confirmation powers of department heads. As stated by previous speakers, the confirmation power is given to the upper house - the Senate. To adopt the 12-1-1 formula would mean arriving at December 6 without a constitution. I urge you Delegates, some people wanted that. We will be walking into a trap. Some people wanted not to have any constitution and we will be walking into a trap. Without a constitution, Mr. President, we will have one hell of a time convincing the United States Congress to come up with an appropriation to foot the next Constitutional Convention and this will be your task, Mr. Congressman and Mr. Senators. You would have to go to Washington, D.C., and talk to the people there and convince the Congress that next time we will be smarter. I am sorry last time we were dumb. I urge the members of this Convention to defeat the proposed formula of 12-1-1 in the interest of having a draft constitution by December 6. Thank you.

Delegate Jesus Villagomez: I am not a politician, I am not a person from Rota or Tinian, I am not a lawyer either. I am simply a very poor man from Saipan finding a hard time meeting expenses. Let's take a look at this body that we are trying to create from the resources standpoint because that's where everything is going to be based. If we don't have the money; we cannot have a government. If we don't have a government, it is going to be very expensive for the people because we are going to have chaos. On the other hand, if we have a government that is going to burden the people, that is also going to be chaos because the people will suffer, and once the people suffer, they will rather see no government at all than an expensive government and if we don't have any government, we are going back to chaos. Let's come into an understanding regarding costs because everyone here seems to be taking costs very lightly and something that we can play with. We have to look at this from our resources. And let's not forget that Uncle Sam will not give us a penny to foot the bill of the legislature. To begin with, we have already created nine monsters in the upper house. Are we going to create another nineteen monsters in the lower house? Don't forget that every time we add one body in there, there is a geometrical effect on the expense. It is not just the salary that is going to increase--administrative cost, contingency and what not. So, Mr. President, and fellow Delegates, I don't give a shit where we take the cut as long as we get the cut - be it 9-2-1 or be it 11-2-1 or 12-1-1. I don't care. I tried to put out 10-1-1 but everybody seems to think that costs is of no importance and that we seem to think that we have millions of dollars out here to play with. Now here we are with 12-1-1. We still want some more, we still want some more bodies in here. Like I said before, I am not a politician. I am looking at this from a management standpoint, economic standpoint and from practical standpoint. What is the practicality in here? How many people are we going to represent? 15 million? We are only going to represent 15,000. Peanuts! Puerto Rico has

5 million people and they only have 15 representatives. We have only 15,000 and we are going to have 29 representatives. They want 19 on the bottom with 9 on the top. Actually the 9 people are enough to represent us adequately and fully. We still want another body down there and we want it bigger than the one on top because it is important to look at our resources. Fellow Delegates, let us look at our resources. Uncle Sam has promised us to finance the programs of the Commonwealth government--programs which will deliver services to the people, programs that will try and help us to create economic basis out here. Perhaps some viable economy out here so that we can eventually support our own government. I would like to start out small and grow because if you start out big, there is no room for growth any more. And the only room there is, is to collapse. And when you collapsed, you might hurt your face. So, I am begging you fellow Delegates, let us grow from something small and as we continue to grow or as we are more capable to finance bigger government because of need, then we increase the number of representatives. Who knows, ten years from now we might be able to support 50 representatives and 500 senators. But at this time, let us be realistic--we cannot afford 15 representatives. And mind you too, we are talking about full--time monster and when you put somebody on a full--time position and nothing to do, it is going to be expensive, so you have to take this money and put them back to the people. Mr. President, our resources is very limited. I am going to repeat this plenty times if I have to. Let us live within our own means. What are we trying to do to our people, give away all their money just because you want 29 congressmen? No way, let us start small. The essence of growing is to be born first and you are not borned with beard and ten foot tall and all these things. Let us try and start small, let us try to be efficient, let us try to be responsive, let us try to be practical, economical and let us be reasonable. Let us allow our future people to grow. Let us not impose something on them right now and restrict their ability to grow because they won't have the chance to decide whether they want more representatives and more senators. I would like to see 6 senators, 2 from each municipality, but my brothers in Tinian won't like this because if that happens, then they only have three. I agree with three from each municipality, but let us not get carried away with the concept of representation. Only politicians talk about representation. When it comes down to U.S. dollar, then they turn around and they say I don't know--go check the Governor. When we put more people in the House of Representatives, we need more money to propose these things. Again, don't forget we have nine monsters, big ones, and if we are going to make a bigger body in the lower house, bigger and bigger and bigger, we are going to have to continue paying more taxes. I want to repeat this - the essence of growing is to be born first. We are not born with beards and ten foot tall and all these things, see. Small baby - growing up, growing up. Let us try and start small, let us try to be efficient, let us try to be responsive, let us try to be practical, economical, let us be reasonable, please. And let us allow our future people to grow. Let us not impose something on them right now and restrict their ability to grow because that is bad. Let us give them the chance to decide whether they want more representatives and more senators. Let us not cut in the future because it is almost impossible to cut in the future. All these nonsense in here, in our provision it should be our job to either increase or decrease, who is kidding who. Once you start out something with something like this, it is a bureaucracy and burcaucracy because it is run by the people who want to perpetuate themselves. And this is try. Instead of reducing itself, we have the tendency to grow. This has been experimented by social scientists. Let us try to be realistic and let us create a small government now that we can afford and then as we get richer, let us pray that we get richer, then let us have more representation. When we have more people, let us have more representation. But don't forget that dollar sign there. Because nothing can be done with the dollar sign without resources.

Delegate Palacios: I was present for the Delegate hearing in Saipan and the message that I received is that the people tell that the proposal has too many representatives. The number at the time was based on 39 - these representatives centered around the cost of the number of legislators. The people are thinking in terms of costs. Therefore, I have been analyzing this situation in similar way with Delegate Ramon Villagomez but there was something missing with Villagomez' analysis and my

analysis that came out to me very reasonably last night. If you look at our legislators today, the number of legislators, we should not look at the District Legislature today alone. We must look that there is something else including the Municipal Council. And according to our constitutional proposal we eliminated this council. Let me quickly calculate this. All the Councils from Tinian, Saipan and Rota and the number of district legislators today actually we have 46 legislators. I can see the 12-1-1 is \$48,000 cheaper than 16-2-1. If I remember the Mayor's report yesterday, he stated that the salary of the Municipal Council or the operation of the Municipal Council was \$40,000. So if we have this 16-2-1, we still have the salary we will be paying - the \$40,000 salary - to the present legislature but other operation of the Municipal Council in Tinian and Rota have been saved. And when we review the other expenses of the municipality, we will be still saving money. Now when we come to percentile of the 1-1 man vote, 16-2-1 is less deviation. Therefore, if we look at the whole situation today, Municipal Council from Tinian, Rota and Saipan and the proposal 16-2-1 and 9, I think we are still saving money if money is to be saved. It's nice to save money and the best way to save money is not to spend one penny. Not have a legislature at all but we cannot get along with that kind of thinking. Somehow we must spend money because we need legislators. I still think that it is extremely unreasonable to have 16-2-1. I know it is better in terms of number of 12-1-1, we will be saving \$40,000 in salary. But that doesn't mean that we are going to be poorer than what we are today, because the Municipal Council from Saipan is spending salary and operation of \$40,000. So I think the people will not complain if we explain to them what's the real cost on 16-2-1. That's my reasoning, Mr. President.

Delegate Herman Q. Guerrero: (Equipment failure, unable to transcribe full text of conversation.)

Delegate Herman Q. Guerrero also share the same concern with the other Delegates who voiced their concern with a big legislature. He stated that reducing the number of legislators to 14 members would have very little effect as far as efficiency and operations are concerned and at the same time would have substantial savings.

Delegate Carlos Camacho: Mr. President, I also will speak in support of the 12-1-1 and 3-3-3 ratios for the Commonwealth Legislature. 15-2-1 is a little bit too high for my liking. My constituents are not going to support this type of constitution where we have more regards whatsoever about economy inspite of all flowery talks in the past about let's make the legislator's salary \$8,000 because we should trust each other and we should set the amount--admirable talk, good for the Floor, good for the newspaper. Unfortunately, it's not going to work because the Constitution is still going to be approved by the Delegates and also by the people. And the people is where the most money is going to come out and the people are not interested in incurring a monster like Delegate Villagomez described here. I think the record should be made straight on some of these things that have been repeatedly put out on the Floor about advantages that were given up for the sake of the Constitution so we can see which one has given the most. I think we should compromise. There is still area of compromise. I want to assure you, Mr. President, that I rather not have the Constitution than have the majority repeatedly remind me for the next five years about what blunder we made here in the Constitution. I realize that the confirmation is the senate and not the three Delegates from Rota and three from Tinian. Yet, when we look at it closely and we review the proceedings of the past 45 days, one day we talked about let's trust each other and another day, let's pass something that just completely reverse that speech about let's trust each other. Who are we deceiving ourselves? There is repeatedly talk of let's go to this thing and finish. Mr. President, what good will it do anybody to finish the Constitution that will never get out of the ConCon or for that matter than when it gets out, it will be defeated. Why can't we work on all these things now before we get out and iron out our differences, compromise wherever possible like we have done and come out with something that is fair, equitable and everybody is represented and let's not continue to talk or put a sign in front of us--what will be my role in the future, what power will I hold? Thank you, Mr. President.

Delegate David Atalig: I have a question that I would like our legal consultant to comment. My question was answered by Delegate Ramon Villagomez and I also talked to the legal consultant regarding the question of the composition of the lower house. I remembered when I talked to the legal consultant about whether there will be a problem in pushing through the 12-1-1 combination. I believe he told me that it's not as difficult as the 16-2-1. I want to confirm that, Mr. Willens.

Mr. Willens: Mr. President, I think that the message that you received this morning is an accurate reflection of the concern in the United States government. I think

that the officials there would prefer to see a small legislature. They are looking at both houses together and are interested enough to fill the figure in. I believe that a 14-man in the lower house is slightly better from a total standpoint than I have said before and I will say again that 19-man house can also be presented in the United States and defended and will be upheld by them in my opinion. They have to realize that there are economic considerations here, that there are also political consideration and legal consideration and I think we can point out again that even a 14-man lower house or 19-man lower house are the same legal nature with respect to complying with their role. I agree with Delegate Villagomez with respect to that segment. So, I think you can say that the lower the house, the lower the total number in the legislature, the better from a political standpoint of 28-9 plus 19, I think would also stand a very good chance of being approved.

Delegate David Atalig: I like to speak from a personal feeling that to me 2 legislators from Rota and Tintian are enough to serve the needs of the people of Rota. This is my personal opinion that I believe 2 legislators could be more than enough to serve our people. We have already approved the upper house for 3 legislators from each municipality. That is one more that will represent the people of Rota. Those are my personal feelings. I am not a politician, Mr. President, and I have no political aspiration in the future. I am really concerned of the cost and concerned of the large number of legislators that I think will not be really efficient. I foresee many of these legislators will be running around, going to various departments and try to run the departments. This is evident today. I have many--- contact with many of these legislators. They seem to have the knack of wanting to run the departments and this is what I am afraid of by having too many legislators and I can see that in the future, they won't have much work to do and will try to run the executive departments. I feel, Mr. President, that this is the time that we should prevent that from happening. We already made a provision that in the future if population increases, we can increase the number of representation. If we have two representatives from Rota, that is not a guarantee that Rota will always get the two representatives. Based on apportionment, Rota may have one taken out.

This is why I am speaking Mr. President, for the good of the Commonwealth. We should decrease the cost and I would like to give some information here about the U.S. Congress--I believe there are six-tenths in the National Congress that have one representative that represents I don't know how many millions of people. Here if we have one representative in Rota, that will be representing only about 1,500 people. One representative, let's say for a State of Wyoming or Rhode Island, one representative representing I don't know how many millions of people, Mr. President. I feel that we should strive to work together instead of working toward separating ourselves.

Delegate Ramon Villagomez: Mr. President, this is a very, very important issue. I don't think we should deprive people the right to express their opinion. If it requires that each person speak, I think each person should speak.

Delegate Fitial: This is one issue that is very political in nature. I would like to inform this Convention of my position and my position is only one position. My position does not and should not be construed to be a reflection of any group's position or public opinion. It is only my one personal opinion. And that is, Mr. President and fellow Delegates, that I do not support the intention of the bicameral system, I do not support any intention that would have created or will create a large legislature. The reason for this, Mr. President and fellow Delegates, is that I think and I believe that we also should start small and grow. I have repeatedly expressed this opinion and position ever since this issue came into being. However, Mr. President and fellow Delegates, I believe that one of the most important roles of this Convention is to formulate the constitution that will be ratified by the people. It is not our responsibility to formulate and ratify the constitution at the same time. I am not taking sides, because I have my own principle to live with. I favor the 12-1-1 but if this 12-1-1 formula cannot be accepted by the majority of the Convention, then I would have to go against my own principle for the sake of the peoples' right to exercise their ratification right. Mr. President and fellow Delegates, we heard a very good speech made by my distinguished colleague Delegate Jesus Villagomez. I am of that opinion. I share the opinion expressed by Delegate Villagomez because I believe in efficiency, I believe in uniformity and I believe in practicality. I also believe very strongly we must not realize and must be mindful that we have to live within our own means. This is one principle that we must comply with. Mr. President, as far as the political intervention of this issue, let the people decide. We cannot decide for the people. We are only the initiators of this particular document called "Constitution". And what we initiate, the people must ratify. So, I urge all the Convention Delegates to consider this issue and to let this issue become the property or custody of the people in the ratification stage.

Delegate Ramon Villagomez: I agree with all the speakers that we should have a constitution. I agree that we should not spend the rest of our fifty days fighting over this issue. I don't think there is any need to go to 16-2-1 and then defeat it and go to 17-2-1 and then defeat and go back to 10-1-1 and defeat it again. I think that we have to make a decision now. If we make a decision now, we'll be finished. So let's vote now and settle this. Let's vote for 12-1-1 and that's it. We don't need to go 16-1-1 and defeat it again. Thank you.

Delegate Jose Borja: I wish to speak in support of the amendment of 12-1-1. From the beginning we have been compromising and I think we have met the needs of our neighboring islands, Rota and Tinian. This question of composition arises from the beginning and that 25-3-2 has been drawn up because Tinian wants 2 representatives but then the people complained. Now Rota wants 2 and that's what we are trying to satisfy now. But then, we got the third group who wants that economic value should be decreased substantially and that's the 12-1-1 group. That's a minority group in this Convention. Could we satisfy that on the compromise of that group? We are speaking in terms of the people not for ourselves nor for political influence on this situation. It's the costs that we are concerned. We have reduced substantially the salary for congress from \$12,000 to \$8,000. We never stop in the middle and we say 16-2-1 would be the compromise. I don't think we should do that. We should go all the way and that 12-1-1 should be justified as far as deviation is concerned because an increase of 3.5 deviation from the 33.4 doesn't really matter. If we look from the individual standpoint of the island, Saipan in itself with their underrepresentation of 34 on the composition of 16-2-1, their percent will decrease substantially to about 1.9% and they will be under-represented by 26 only. On the same thinking, Rota would be over-represented by 239, now they are under-represented by 48 but the decrease on the percentage is 24.9--that is a substantial decrease. And we are talking as far as economic is concerned. I hope the delegates in this Convention would realize the economic value and that the increase of subdivision of 3.5 justified that need of economic saving. I think 12-1-1 will well represent the people but by giving Rota one more would never satisfy their need I don't think just because they could have the representation in the lower house of one more. I think one person could do that job well if he is willing to work for the people. Just like Delegate Atalig has mentioned, there is some place in the United States that there is one representative. I think that justifies the thing. We are talking here with a few people. I think that by giving that minority here who is fighting for economic advantages and that's lowering the house, going all the way down to 12-1-1. I think that should justify our need and that we are representing the people as far as economically not politically. So, Mr. President, I would like to suggest that when we vote on this, we vote in secret ballot. Thank you.

Delegate Esteven King: This concern in the debate is a very touchy issue. Just to point out that I have been fooled by the foolish people and the foolish people are still here, that is why I ask you to permit me to speak at the same time as a delegate to defend the Convention and this Constitution and also at the same time to express my feeling why I am against the 12-1-1.

President Guerrero: The Chair recognizes that. It is a very important issue so I will allow you to speak on that particular request.

Delegate King: Fellow Delegates, in the past years before we start the Covenant, a lot of people and I see those people who came to Tinian and spoke in front of me and said you are going to see a lot of Lincoln face, Thomas Jefferson, George Washington flying over when we become Commonwealth. Now, I have been fooled and those people that fooled me are trying to protect themselves in this Constitution. Please, what are you trying to do now? I felt guilty because I defended the \$8,000 and I was against the \$12,000 to drop down to \$8,000. I felt guilty in defending that. But, now that I see the long run of these people, what will they do to defend themselves in front of the public in the coming future? I see that these are the people that voted yes, that is why I am still against the Covenant and I am still against this section, this article and this debate that are posing out now. When we talked about saving, let's have happy labor. That is the best way to save. But, what I want to see now in my Commonwealth that we are going to establish, is to see those people that promised me that we are going to have a lot of money to become Commonwealth. And now I see that we don't have any money. The 400 people working at Headquarters are going out without any work because no money. Why did you vote yes in the Covenant and now we don't have any money? Those people came over to Tinian and said that you are going to see a lot of Lincoln face. This is why I want to express myself because I have been fooled and I like to defend this Convention and this Constitution. At the same time, too, I like to protect those people that promised me.

Delegate Herman Q. Guerrero: Can you be specific?

Delegate King: This is specific and realistic. I don't like to create a constitution.

Delegate Herman Q. Guerrero: Let the record show we negotiated a Covenant and you have to be specific.

Delegate King: Confine yourself because I am speaking.

President Guerrero: Delegate King, will you please confine your statement to the proposed amendment?

Delegate King: I don't know what you are trying to do and I don't know what you are trying to hide, but I have been fooled already, and it hurts to defend those people who fooled me. Mr. President and fellow Delegates, 16-2-1 is the best compromise. I am not speaking too much because we cannot get 2 from the lower house. One so far we can get. But 16-2 is the best compromise for these two municipalities. I am asking the Delegates that let's support this 16-2 and we are going to see instead of Lincoln face, we will see George Washington's face - the first President that established the Constitution of the United States, when we establish this Constitution. So instead of Lincoln, let's see President George Washington's face. Because that, I believe, that is the proper compromise instead of Lincoln. It's a bunch of lies. You can fool people sometimes but not all the time; 16-2-1 is the best compromise for the two islands and I am supporting that--12-1-1--don't try to hide what you vote in the Covenant.

Delegate Juan S. Demapan: First, I want to ask a question to the Committee that deliberated on the subject matter. Did the Committee discuss any other alternatives instead of just leaders in the lower house?

Delegate Olympio T. Borja: We have discussed so many things not only figures but, including some of the things that may reach to compromise including economic factors, the maximum deviation that may bring some suit from the citizens, the possibility of maybe the approval of the Covenant. So many things that were involved even to the extent that maybe we can compromise to reducing the upper house or trying to share the confirmation part. We spent four days, good solid hours.

Delegate Juan S. Demapan: The reason that I ask, there is a possibility that 5 years time you can get proper initial.

Delegate Olympio T. Borja: It was discussed when we go with the 19, there is a provision, it can't be increased to not more than 20 or 25. All those things were taken into consideration except reduction which I don't think there is any provision that will give any reduction unless we do change to make it consistent.

Delegate Juan S. Demapan: Say that we get the 19 in the lower house and after 5 years, the people determined it was too much, can it be lowered then?

Delegate Olympio T. Borja: I believe that was really presented very ably and satisfactory from Delegate Villagomez that once you got it at 19, it's hard to bring it down.

Delegate Juan S. Demapan: I am reluctant to support the 12-1-1. In ten years time, maybe I would not be reluctant. I think I am looking at your dilemma a little differently. We have experienced why I am compelled to be reluctant. It is not that of adequate representation but I think the question is capable and adequate representation. I wonder whether anyone here could tell me whether those individuals that won in the last election are the best ones to carry out our needs and desire. If I am not mistaken, every election in the past, only 4 at the most elected were capable. In other words, it is only our people and our extreme politics that hurt us. Because of ignorance of our people at the present circumstance, I think that allowance for this ignorance of our people may be answered and that is the 16-2-1.

Delegate Magdalena Camacho: At this time, I would like to speak in support of the amended motion. And I also wish to point out a statement that was made: Abolition of the municipal council doesn't mean that we have to increase our legislators because the savings that we could get from the abolition of the municipal council could be utilized for public services instead of salaries of legislators in the future. The excess money should be used to upgrade our health services, should be used to upgrade the standard of education. We are beyond meeting the U.S. standard. In 5 years, we see a possibility of the creation of the municipal council. If we had 19 or if we had 16 in the lower house for Saipan alone and we created a municipal

council, how many councilmen are we going to have in the future? How many legislators or lawmaking body would we have? That's going to increase. Now in speaking of the salaries, the compensation of the legislators, \$8,000--they just don't stay there. There's additional costs, there's contingencies and what not. Who knows, they might end up with \$12,000 each year. I must say and I am not referring to Delegate King's statement--but you are a fool to be fooled by a fool. If we are going to start debating on this issue and let the majority in this Convention of the 16-2-1, then I am sure that the people are going to end up with holes in their pocket. Mr. President and Delegates of this Convention, I accept my position and I don't think I could ever change because I owe allegiance to my constituents as well as to the general welfare of the people concerned in the Commonwealth.

Delegate Francisco Palacios: The present proposal of legislators 12-1-1 plus 9 is 23. The present legislators, every district legislature is 22. If we are going to reduce the number, why didn't we vote for 12-1-1.

Delegate Magdalena Camacho: I voted for that.

Delegate Diaz: I have gained a considerable amount of enlightenment after listening to the previous speakers. At this point, I wish to register my opinion on the subject matter discussion. I wish to remind the Delegates of this Convention that we already have a provision in the Constitution that we will be phasing or eliminating the municipal councils of the respective municipalities. It appears to me that our future legislature or the members of that legislature, the people of the Northern Marianas will be depending heavily on those members that legislature for a simple fact that we would not be having our municipal councils any longer upon the effectiveness of our constitution. I do know for a fact that there are 15 members of the municipal legislature on Saipan, 9 on Rota and 7 on Tinian. I can only say that it is the contention and the position of the Tinian delegation that we will support what is fair for our people in the Northern Marianas and to see here that we have equal representation in our municipality. I am sorry to say that the Tinian delegation cannot go beyond or farther than what we are discussing here now and that is simply to mean to say that our representatives in the lower house is just one. We cannot go any lower because that would be zero. We will support the position of the Rota and Saipan delegations if it would ever reach a good compromise on that basis. If and I like to ask a question at this time in concluding my statement--if the Rota delegation and the Saipan delegation feel that they should have better representation to the lower house, then we will support the house. At the same time, if they feel that the people of the Northern Marianas, specifically Rota and Saipan, will be represented adequately and equitably with a lower number of representative in the lower house, then we will support that. But I'm sorry to say again that our position or our contention in this particular subject is that we cannot go any further or we cannot go beyond. We will have only one. We still support whatever will be ultimately be compromised by both delegations.

Delegate Joaquin Torres: We have already adopted an executive branch under local government article which I consider to be rather elaborate and perhaps very expensive. If we were concerned about cost, then our action perhaps do not reflect that concern. The committee will recall that I was strongly opposed to the composition of the upper and lower house, sitting and substantiating my position with personal observation of government in other jurisdiction. Delegates, Let us not make this issue ruin what we have hoped for and what we as a whole have done so far. Let us not make our action on this issue simplify a show of foe or an ego. If we are men of principles, then let us go to the executive branch on local government article and re-examine this article and at the same time apply our principles by cutting out all unnecessary expenses or costs. I, personally, I am not too excited over the 12-1-1 or 16-2-1 proposal because our prior actions are not indicative of this cost concern. Let us all act like men and I for one will support what a majority of this Convention decide. I think that the additional of 5 representatives or a decrease of 5 representatives should not, in my mind, bar and deprive our people who have, for several years, been looking forward to a constitution and a political union with the United States. Whatever this Convention decides, I would hope and trust that we voted with our constituents in mind.

Delegate Ramon Villagomez: The last sentence of Delegate Torres was to consider what our constituents had in mind. That is exactly what I was intending to discuss with this Convention. Do you ask yourself only "what do I want" or do you ask yourself "what do those 2,000 voters want when they put me in this position?" Do the people of Saipan want a lower house that has 12-1-1 or do the people of Saipan want a house that has 16-2-1? Ask yourself that question. Go back to the people and in your imagination ask them, "Do you want a large legislature or do you want a small legislature?" I can almost guarantee they will say that they want a small legislature, as small as we can get it. Thank you.

Delegate Hofschneider: Since this is the first time I have spoken on this issue I would like to ask some questions, but I don't want an answer. Why did the people vote "yes" and some "no" on the Covenant? Why was "land" versus "Commonwealth" in the negotiations? I rise to say that I opposed the Covenant, however, I respect the decision and the integrity of the people who decided to become part of the United States. Let me also state some principles here, Mr. President. Each one in this house right now has their own principles. My principle is of economy, salaries being raised at times when necessary in the future, reapportionment being necessary--a fact that is true. I would have to say that I agree and I will have to submit that during the past 46 days this is the first time I have gone against my fellow Delegates from Rota. I wholeheartedly support the 12-1-1 proposal. I disagree when such proposal as to eliminate the powers of the senators in the upper house is taken away for confirmation rights. However, the Saipan delegation considered that matter and gave it back to the upper house. Of course it's the upper house--but who's there? Tinian, Rota and Saipan. So I ask myself when I am going to vote on this issue, "am I voting for the principle of economy; am I voting for this 12-1-1 because I know the salaries will rise at times when necessary; and am I voting because I know the lower house will be reapportioned in the coming future?" For the truth is that it is going to be reapportioned. This Commonwealth is not for ten years. It's for more than ten years multiplied by one hundred years. I am not urging anyone to vote for 12-1-1, however, I would like to say this: Let's vote for principle.

Delegate Ramon Villagomez: Privilege, Mr. President. I withdraw my amendment 85 and I happily condone giving the confirmation power to the senate. Thank you.

Delegate Diaz: Point of information, Mr. President. I wish for Delegate Villagomez to clarify his proposed amendment 85 and what he's going to do. Has it been distributed to the members?

Delegate Ramon Villagomez: Yes, it has been distributed and it was intended to change the confirmation power so that it was shared by the people of Saipan, also, in the lower house. As it appears that some people of the Rota Delegation are inclined to agree that 12-1-1 is the best for the Commonwealth, I withdrew that amendment.

President Guerrero: Delegate Manglona, on point of privilege.

Delegate Vicente Manglona: Mr. President, I would like for you in the future to recognize me when I raise my hand. Thank you.

Delegate Jose Cruz: Point of privilege, Mr. President. I want everybody here to understand that it is purely parliamentary maneuver when some Delegates.... sometimes, even if they are serious. We know this. Anybody in this Convention can come up with a proposed amendment to strike down the confirmation authority vested in the senate. But it seems to me that it is rather a threat, with all due respect. We're talking about principle so let's do it. When it comes to striking down the power of the senate for confirmations, then let's not agree with that, too. Let's stick to the principle.

Delegate Juan D.G. Demapan: I move to end debate.

The motion was seconded and carried.

Delegate Jose Borja: Privilege. Mr. President, I request secret ballot.

Delegate Jose Cruz: I object.



Delegate Magdalena Camacho: Mr. President, since this is a very controversial matter and I see politics involved in this, I really suggest and urge the members that we vote by secret ballot.

(There were numerous objections from the floor.)

Delegate Ramon Villagomez: I move that we vote by secret ballot.

The motion was seconded.

President Guerrero: Let's be aware that this is just an amendment. If we take a secret ballot now then we have to do it again on its final vote.

Delegate Maratita: I don't see why we have to vote on secret ballot. Let's vote on the issue.

President Guerrero: Okay, let's vote on the issue and let this Convention solve the problem.

Motion to vote by secret ballot was defeated on vote by show of hands.

Motion to amend the composition of the lower house to a 12-1-1 composition, by roll call vote, was 16 affirmative, 16 negative and 7 abstentions.

President Guerrero: I announced during the voting that the prevailing side would have the abstentions, so the abstentions will go to the affirmative because that was the prevailing side before the abstentions were called again. Motion is carried with 23 affirmative and 16 negative.

Delegate Palacios: Is 23 three-fourths?

President Guerrero: No, but this is just an amendment.

Chairman Mafnas: Point of privilege, Mr. President. We have just arrived at no Constitution at all.

President Guerrero: No, this is just an amendment. We haven't come to the final voting.

Chairman Mafnas: I warn the Convention that we are walking into a trap.

President Guerrero: I want to remind this Convention that there must be one member present from each municipality before we can proceed with the business from this Convention.

(Some Delegates left the Convention floor. They were Delegates Jose R. Cruz, Esteven M. King, Benjamin T. Manglona, Prudencio T. Manglona, Pedro M. Ogo and Leon I. Taisacan.)

Delegate Maratita: Privilege, Mr. President. I wish to recess for five minutes.

(There were numerous objections from the floor.)

Delegate Hofschneider: Privilege, Mr. President. I want the record to show that we were elected by the people to write a Constitution and we want to go back with a Constitution. Thank you. (Applause)

Delegate Magdalena Camacho: Let your conscience be your guide.

President Guerrero: I would hope that all the Delegates would please come to an understanding.

Delegate Maratita: Let the record show that those who stay are the great men.....

(Point of order was called by Floor Leader Rasa and Secretary Atalig.)

(At the request of President Guerrero, the Convention Secretary certified that there was a quorum and a representative from each municipality.)

Secretary Atalig: Mr. President, I move to reconsider amendment 83.

(There were several objections from the floor.)

President Guerrero: We will now vote on the Final Reading of Article II, Section 3, "Composition of the House."

Floor Leader Rasa: If somebody wants to call "out of order," let it be. But I think we have come to a point and I would like to urge those who voted "no" to support this provision because this is the majority. If you want 12-1-1....the Constitution is more important than this particular provision. So let's have a Constitution!

President Guerrero: I will not entertain anymore points of privilege. I think we have had enough. Are you ready to vote? Roll call, please, Mr. Secretary, for the Final Reading of Article II, Section 3, as amended to 12-1-1.

Motion to amend the composition of the lower house (Article II, Section 3) to a composition of 12-1-1 was carried by roll call vote. There were 33 Delegates present, 3 of whom were not voting. The votes were as follow:

YES: Delegates D. Atalig, Attao, Ayuyu, Benavente, J. Borja, O.T. Borja, A. Camacho, C. Camacho, M. Camacho, Castro, Dela Cruz, J. DIG. Demapan, J.S. Demapan, Diaz, Fitial, H. Guerrero, L. Guerrero, Hofschneider, Igitol, Limes, Maratita, Palacios, Rasa, J. Tenorio, M. Tenorio, J. Villagomez and R. Villagomez. (27 votes)

NO: Delegates P. Atalig and Mafnas.. (2 votes)

ABSTAIN: Delegate Culvo. (1 vote)

NO VOTE: Delegates F. Atalig, Torres and V. Manglona.

(As per the earlier ruling of President Guerrero, the one abstention was counted as an affirmative vote, making the final count 28 affirmative and 2 negative.)

President Guerrero: The Chair will now call a short recess, subject to the call of the Chair.

The Convention recessed at 4:15 p.m.

RECESS

The Convention reconvened at 4:25 p.m.

Floor Leader Rasa: I move that we adopt Section 6 of the Schedule on Transitional Matters as approved on First Reading.

The Motion was seconded.

Delegate Jose Borja: I move to adopt proposed amendment 97.

The motion was seconded.

(There were several objections from the floor.)

President Guerrero: The motion is in order. He is offering that amendment to the floor for its Second Reading.

Delegate Jesus Villagomez: Mr. President, when we defeated this particular amendment before, everybody threw away their copies.

Chairman Fitial: Mr. President, I think that when you're dead, you should be dead.

President Guerrero: Let's respect the Delegates. Each Delegate has the privileges and prerogatives of this Convention.

Delegate Dela Cruz: Mr. President, I do not see the rationale for the language to be included in this since we have been discussing....and Section 6 clearly defines that all licenses that are in effect, be it a dog license, liquor license, corporations, professions. But the doctors are a unique group. This is the reason why we are trying to have some protection. Yesterday it was mentioned that if we do not have the ship's officers there will be no ships that will be coming in. Can I ask how many ships there are in this area that are manned by Micronesian officers?

Delegate Jose Borja: I would say that there are about 13.

Delegate Dela Cruz: I'm talking about Northern Marianas.

Delegate Jose Borja: As far as Saipan citizens working for the T.T. government, I'd say there would be 12 or more. And we're talking here about protecting a profession where there are only 7 people. What's the discrimination?

Delegate Dela Cruz: Mr. President, to become a ship's officer doesn't take that much technical training. But to become a doctor you need extensive training.

Delegate Olympio T. Borja: I'd like to ask about the term "health professionals." Does that mean only medical officers or is it to include anyone working in the public health who is a professional?

Delegate Dela Cruz: Mr. President, this includes the medical officers, registered nurses and paraprofessionals. The paraprofessionals are the medics.

Delegate O.T. Borja: If that is the understanding of the Delegates why do we have any objection to including the land surveyors, ship's officers and so forth? I had thought we were only concerned with the medical officers and I wholeheartedly support protecting them. I fail to see the rationale set forth by Delegate Dela Cruz.

Delegate Jose Borja: Mr. President, I want to point out that the committee when discussing this did not even take into consideration including the ship's officers and land surveyors. They should have considered them and perhaps had public hearings on that. They just indicated that they wanted health professionals and I think that's discrimination.

Delegate Jesus Villagomez: Mr. President, I am hearing the same old things that were discussed yesterday, therefore, I would like to move to end debate.

Delegate Manuel Tenorio: I wish to speak in support of the amendment. I think we are all aware that if the Constitution had been silent on this issue all federal statutes that are applicable to the United States would be applicable here. But I wish to ask the consultant if the Federal Maritime Law will be applicable here if nothing is stated in this Constitution.

Mr. Willens: The question of what federal laws will become applicable depends on the Covenant. There is nothing that you can say in this Constitution with respect to the applicability of those federal laws. But, if you are asking specifically whether the Jones Act will become applicable....And let me remind you that the Covenant provides that the Jones Act, which governs transportation by water between ports of the United States, will not become applicable until after the Trusteeship Agreement terminates and, then, only if Congress affirmatively acts to make it applicable. It is under that law, as I understand it, that the Coast Guard exercises jurisdiction or authority to issue licenses to ships' officers. So that federal law may or may not become applicable in the 1980's. Now, other maritime laws in the United States (which cover a very wide area in the federal law) will become applicable upon the effective date of this Constitution.

Delegate Manuel Tenorio: Thank you. I understand, then, that if this law becomes applicable out here it will need our constitutional protection for these people. Because our legislature cannot enact laws against those laws. Is that correct?

Mr. Willens: If the federal laws govern who gets a license then there's nothing you can do in your Constitution because the federal laws take precedence. So, if the federal laws provide that the Coast Guard give licenses to ship's officers or port authorities or whatever, then those laws will control. What we're talking about here are only those certificates or licenses which can be given by the Commonwealth government under the terms of its Constitution.

Delegate Manuel Tenorio: Then what is the purpose of having the legislature enact laws with regard to this if some of these provisions could be declared null later on if the federal law applies out here? For that matter, what then is the purpose of this provision?

Mr. Willens: There are many categories of people that you're talking about who are licensed under Trust Territory law and will be licensed under Commonwealth law. For example, lawyers in the United States are not licensed by the United States but are licensed by the individual states. Doctors are usually licensed by the states. Surveyors or accountants are licensed by the states. So the Commonwealth will have that kind of authority to use if your legislature decides to establish standards, establish a licensing board and do the other things required to provide for such licenses. This provision is directed only to the licenses currently in effect and provides that they will remain in effect until the legislature acts.

Delegate Manuel Tenorio: Let me get one point straight, Mr. Consultant. Do I understand that the Admiralty Law will become effective in the Northern Marianas or not if we remain silent on that?

Mr. Willens: The Admiralty Law will apply only depending upon the provisions of the Covenant. There is nothing that you can say in the Constitution that will affect it one way or the other.

Floor Leader Raza: Point of information. What present professions are required the issuance of a professional license here in Saipan?

Delegate Jose Borja: As far as I know there are only four. The land surveyors, ship's officers, health professionals and practicing trial assistants.

Floor Leader Raza: Mr. President, I see no fault with this amendment and I think the other provision with respect to health professionals is discriminatory in nature. Professions have their own standards and to determine standards of any particular profession by saying that it is more important than the other is to misconstrue the issue. I think that all professionals at this point and time, if they're considered professionals and required to have a license here, should be given the opportunity to retain those licenses. I support the amendment.

Delegate Dela Cruz: Point of information, Mr. President. The committee that I chaired the day when the doctors were here.... We discussed this at length and the committee learned that when the Organic Act came into effect in Guam the U.S. standards were applied. That meant that all medical practitioners must have the degree of M.D. There were few there at that time and so they became lab technicians or sanitarians. Yet they were qualified as medical practitioners. There is no difference between medical officers in Great Britain as awarded to physicians vs. M.D.'s. Degrees vary with the different origins. The practitioners that we have here in the Northern Marianas are qualified and they have an equivalence of an M.D. degree. I'd like to point out, too, that even when Dr. Villagomez was in New Zealand his degree as a medical officer was very well taken. He, in fact, directed almost a 300-bed hospital for almost a year because of the New Zealand government recognizing such degree. We do not want the legislature to enact certain legislation recognizing only certain degrees of medical doctors--M.D.'s--and not letting the medical practitioners here in this area continue to have his practice as M.O.'s and barring them from taking the examination to practice medicine. We're not giving these people a lifetime insurance for their jobs, we're only authorizing them to take the examination. If they pass, they practice. If they don't, tough luck. Thank you.

Delegate Vicente Mangiona: Point of question. I would like to ask Delegate Dela Cruz if he has any knowledge concerning ship's officers and whether or not they are qualified to be ship's officers. Do you have any information that these people are incompetent? I'll cite one man who has been a chief engineer for almost ten years. Nobody has ever said that he is not qualified. He is chief engineer. He's been operating that ship for ten years. Is he supposed to be incompetent?

Delegate Dela Cruz: Mr. President, I'm not questioning the capability or integrity of these people. I'm only pointing out what happened when the Organic Act was effective in Guam. Secondly, we felt that the doctors are unique people because they are dealing with lives. I would say that half of the people in this room have been treated by these doctors and, in fact, when they were born these doctors were there too.

Delegate Torres: Health professionals deserve and must be given constitutional recognition. I would like to direct my question to the chairman. Does he foresee that the future legislature in their right minds would enact legislation to preclude or prevent our physicians from practicing in the Commonwealth?

Delegate Juan Tenorio: I'll answer that, Mr. President. As I stated yesterday I really want to see a provision in our Constitution that protects these licenses. I put, during the hearings, a question to Dr. Chong, the Director of Health Services. I asked him if there had been any petty politics involved and he said yes, there has been. When I asked how often, he said it's an everyday thing. So the insecurity is right there and the possibility is right there, according to the testimony given by Dr. Chong. There is a good possibility, in fact, that these physicians will be prevented from practicing in the future through sheer politics. I feel that the 15,000 lives in the Northern Marianas are just too much to take that chance. I want to reiterate that the feeling of the committee was to make sure that they be able to continue to practice their professions. Also, the testimony showed that we might not have our own doctors for another 15 years.

Delegate Torres: I'll repeat my question. Does he foresee that the future legislature in their right minds would enact legislation to prevent ship's officers, land surveyors or trial assistants from further practicing their professions?

Delegate J. Tenorio: Mr. President, I cannot answer for the future legislators. I do not know who they will be and what their thinking will be in the times to come. I would have to say I don't think so, but I just don't know the answer.

Floor Leader Rasa: Move to end debate.

Delegate Igitol: Since we seem to be interested in only four types of professionals, how do we classify the mechanical and electrical engineers?

Delegate J. Borja: I think there is no such license given out in the Trust Territory so we shouldn't be concerned.

Chairman Fitial: I would like to ask Delegate Borja if he anticipates that these additional professionals will practice privately in the future.

Delegate J. Borja: Presently they are practicing privately and they are performing such services for the public itself. The ship's officers are bringing in service at a cheaper rate. The land surveyors are performing their services at a cheaper rate than it would be from bringing in the services from another place. So I think it is justified that they should be protected, too, and not only the health professionals.

Chairman Fitial: Further, are you afraid that the licenses may be revoked in the future?

Delegate J. Borja: I answer that in the same way. Why on the health professionals in the same way. Are they afraid they will lose their licenses? The answer is yes.

Chairman Fitini: It was the committee's concern that we do not want to see our doctors demoted in the future. We fear such thing to happen in the future. It was our concern that our doctors and dentists should be protected in the future. These people are providing services to the public at no cost. They are not charging for their services. That is the only concern that I have and that is why I feel we should provide protection for these people. They are providing services for nothing--for free. Land surveyors can obtain a license and provide services at a cost.

Delegate J.P. Tenorio: I would like to go on record that during the hearings the doctors interviewed did not in anyway try to influence the committee's decision on this. In fact the record will clearly reflect that the doctors left the position that it would be completely up to this Convention and that they would accept whatever decision was reached by this Convention. The committee decided that it was an urgent need to protect these doctors because it could be 15 years before we have our own doctors here in the Marianas.

Chairman Atalig: I would like to register my support to protect the present doctors in here. But I think we should also note that the people of the Northern Marianas have spoken and they have decided to be part of the United States and, as such, we expect that certain standards on any profession that have to be made. Mr. President, on the matter of politically involving the hospital there is a necessity to check--and I stand to be corrected--it has been enough cried by the public of the inefficiency, services. And it has been evidenced by the various committee investigated different departments. For that reason, Mr. President, I feel that we should not really just confine ourselves and restrict any future legislation that will meet the standards as anywhere else in the United States. I would like to note for the record that I personally have been very satisfied with the services of our doctors.

Delegate Maratita: I want to note my support of the proposed amendment due to the fact, Mr. President, that I think licenses would protect the people involved. On the other hand, I want to ask the committee whether any other professional people were invited to the committee or whether they confined their hearing to the health personnel.

Delegate J.P. Tenorio: The committee was aware of only that one hang-up when the Organic Act went into effect. We did not have time to talk with any other people. After our deliberations we felt this was the most urgent matter because it was a matter of lives to protect the health professionals. For that reason we concentrated our efforts on them.

Delegate Maratita: I feel the committee should not confine itself to only health professionals. There are other people involved that will be heavily affected and, therefore, I feel that to give equal protection to those other people that will be affected, this amendment will be in order. Mr. President, I know that we have to come up with certain standards in the new Commonwealth but certain standards will be based on the existing situation. That is the very reason that we are proposing that such amendment is necessary, so that all of these professionals will be protected in the new Commonwealth. I mean the doctors, dentists, ship officers, land surveyors and trial assistants. This does not mean, Mr. President, that if they do not qualify in the future to the standards set for the legislature. To me the medical officer and the medical doctor have the same qualifications, but the mere fact that their degrees are not the same--that makes the difference.

Delegate Manuel Tenorio: I want the record to show that I am also in support of having a constitutional provision to protect our doctors. I am also in support of this amendment and I will not support a Constitution that discriminates against its very own people.

Delegate Benavente: I just want to ask Delegate Borja if this provision, by inserting these three positions of land surveyor, ship's officers and trial assistants, are they thereby granted a lifetime license?

Delegate J. Borja: No, because there is an expiration date on each license. If renewed, it would continue.

Delegate Benavente: May I ask, also, if the doctors are granted lifetime licenses?

Delegate Carlos Camacho: No, the licenses could be revoked. And, aside from that, there is a licensing board that in due to relicensing in 1978, I think. Every two or three years there is relicensing.

Delegate Benavente: Is it necessary, then, that we provide this? If they have to be relicensed anyway, is it necessary?

President Guerrero: I think there are two different things they are trying to accommodate on the protections. Reissuing licenses when they have expired, I think that can be done if this provision is inserted.

Delegate Jesus Villagomez: I would like to pose a question to the consultant to clear up this matter once and for all. Is Section 6 unconstitutional as it is written now, without the amendment?

Mr. Willens: No.

Delegate Jesus Villagomez: Then I'd like this body to recognize that it is not unconstitutional as it is written.

Delegate Diaz: I would like to see our doctors be protected, however, my conscience tells me that it would be discriminatory to protect only that profession. If there's an exception made of any certain professionals, it is wrong. Therefore, I can only support this provision if it is not discriminatory.

Delegate Calvo: For the information of the Delegates I would like to inform why, maybe, this group of professionals was singled out and why they are the ones who should be protected. You have to remember that health professionals have no place else to go; no place else to practice. Their degrees and their licenses are not accepted anywhere else where U.S. standards are accepted. The only place they can practice is here in the Commonwealth. The other professionals could probably go someplace else and live and practice their professions. These are people that we should consider because of the necessity of their positions and the fact that they don't have another avenue to practice their professions. I'm not against the land surveyors or the ship's officers but, as I said, they could go somewhere else if they had to. These medical professionals are the ones that are the most affected and so they're the ones that need the most protection.

Secretary Atalig: Mr. President, I admire the persistence of Joe Borja with respect to the ship's officers. It appears to me that this is an issue that will make or break the Constitution. (Laughter) Therefore, I am willing to compromise and not include the trial assistants. Our profession can take care of them. I move for the previous question.

The motion for previous question was seconded and carried.

Motion to adopt proposed amendment 97 carried by roll call vote.

Motion to adopt on Second and Final Reading Section 6 of the Schedule on Transitional Matters, as amended, was carried by roll call vote. The votes were as follow:

YES: Delegates D. Atalig, F. Atalig, P. Atalig, Ayuyu, Benavente, J. Borja, O.T. Borja, C. Camacho, M. Camacho, Castro, Dela Cruz, J. DLG. Demapan, J.S. Demapan, Diaz, Fitial, R. Guerrero, L. Guerrero, Hofschneider, Igitol, Limen, Mañas, V. Mangiona, Maratita, Palacios, Rasa, J. Tenorio, M. Tenorio, Torres, J. Villagomez and R. Villagomez. (30 votes)

NO: Delegate Calvo. (1 vote)

AbsTAIN: Delegates Atalig and A. Camacho. (2 votes)

(As per the earlier ruling of the President, the 2 abstentions were counted as affirmative votes, making the final count 32 affirmative and one negative.)

Floor Leader Rana: Mr. President, I move that we adopt Section 7 of the Schedule on Second and Final Reading.

The motion was seconded and carried by roll call vote. The votes were as follow:

YES: Delegates F. Atalig, Atano, Benavente, J. Borja, O.T. Borja, C. Camacho, M. Camacho, Castro, J. DLG. Demapan, Diaz, Fitial, H. Guerrero, L. Guerrero, Hofschneider, Igitol, Limes, Mafnas, V. Manglona, Maratita, Palacios, Rasa, J. Tenorio, M. Tenorio, Torres and R. Villagomez. (25 votes)

NO: Delegates D. Atalig, P. Atalig, Ayuyu, Calvo, Dela Cruz, J.S. Demapan and J. Villagomez. (7 votes)

ABSTAIN: Delegate A. Camacho. (1 vote)

(As per the earlier ruling of President Guerrero, the one abstention was counted as an affirmative vote, making the final count 26 affirmative and 7 negative.)

Floor Leader Rana: Move to adopt Section 8 of the Schedule on Transitional Matters.

The motion was seconded.

Delegate Jesus Villagomez: Mr. President, I think there is an amendment on this Section.

Chairman Atalig: No, I withdraw my amendment.

Delegate Maratita: For the record, I want to state my opposition to Section 8, subsection (c). The definition of U.S. citizen or U.S. national under this provision is such that we would be affording other people what was not yet given as definition for U.S. citizen or U.S. national under the Covenant. If we are not yet given the full United States citizenship I feel we should not give the same privilege to those who have not yet met the provisions of the Constitution for such.

Delegate J.S. Demapan: I'm just wondering if there's any difference between citizenship and owing allegiance to a country.

President Guerrero: Could our consultant answer that, please.

Mr. Willens: A citizen or national who owes allegiance to....What you are doing here in Section 8 is creating a temporary definition of U.S. citizen or national in order to permit this Constitution to go into effect. And in order to permit your people, including those in this room, to vote in the new Commonwealth. It is taken from the Covenant language and I think subsection (c) which has been discussed at some length covers only a very few people. It is designed to permit your people who will become citizens at the conclusion of the Trusteeship Agreement to begin to participate in your Commonwealth government. It applies only to people who do not owe allegiance to any foreign state. It cannot apply to anyone who is a citizen or national of another country.

Delegate Antonio Camacho: I would like to know if we can find another language from this. The Covenant says that will be effective at the end of the Trusteeship Agreement and now we're stringing the whole thing out.

Mr. Willens: I really don't think there's any other way to do it. I think the language in the Covenant describes who are the people who will become U.S. citizens and nationals in 1980 or 1981. If they're going to become citizens or nationals in 1980 or 81 why not define them now and permit them the ability to participate in your Commonwealth government? That's the theory. I agree



with you that this is not very beautiful language. It's terrible language but it's the best we could do in negotiating to try to describe the people that you wanted to share in the benefits of U.S. citizenship and national status.

Delegate Calvo: Mr. President, I'm only concerned about one thing and if I'm satisfied with the answer I'll vote yes for this provision. Are we including here those people who are Trust Territory citizens or any other citizens who are serving jail sentences at the time of the effective date of this Constitution? I think we shouldn't give those criminals the opportunity to take part because they are not acceptable to the society that they are in. And unless there's a provision in here to exclude those people, I will vote no.

Chairman Mafnas: Mr. President, whether we like it or not, criminology is part of society. I cannot, however, intelligently answer Delegate Calvo's question. All we have in the jail now are T.T. citizens, our own people.

Delegate Diaz: Do I understand it that a person has to be qualified under all subsections of this section in order to be a U.S. citizen?

Mr. Willens: The answer is no. A person has to fall only within one of the three categories and, in addition, a person must not owe allegiance to any foreign state. So a person has to do two things in order to fit within the temporary definition: 1) A person cannot owe allegiance to any foreign state; and 2) He must fall within one of the three categories, or subsections.

Delegate Diaz: On the term "owe allegiance to a foreign state," do I take it to mean that even if a person has lived out here for ten years, if that person has not renounced his or her citizenship to a foreign country, that person does not qualify?

Mr. Willens: That is correct, yes.

Floor Leader Rasa: I move to end debate.

The motion was seconded and carried by voice vote.

Motion to adopt Section 8 of the Schedule on Transitional Matters was carried by roll call vote. The votes were as follow:

YEA: Delegates D. Atalig, F. Atalig, P. Atalig, Attao, Ayuyu, Benavente, J. Borja, O. Borja, M. Camacho, Castro, Dela Cruz, J. DLG. Demapan, Diaz, Fitial, H. Guerrero, L. Guerrero, Hofschneider, Igitol, Limes, Mafnas, V. Manglona, Palacios, Rasa, J. Tenorio, M. Tenorio, Torres, J. Villagomez and R. Villagomez. (28 votes)

NO: Delegates Calvo, J.S. Demapan and Maratita. (3 votes)

ABSTAIN: Delegate A. Camacho. (1 vote)

(As per the earlier ruling of President Guerrero, the one abstention was counted as an affirmative vote, making the final count 29 affirmative and 3 negative.)

Floor Leader Rasa: I move to adopt Sections 9 and 10.

The motion was seconded and carried by roll call vote to adopt Sections 9 and 10 of the Schedule on Transitional Matters for Second and Final Reading. The votes were unanimous, with 32 affirmative.

Floor Leader Rasa: I move to adopt Sections 12 and 13.

The motion was seconded and carried unanimously by roll call vote to adopt Sections 12 and 13 of the Schedule on Transitional Matters for Second and Final Reading. There were 32 affirmative votes.

President Guerrero: Let's move down our order of business now.

Delegate Jesus Villagomez: Let's suspend the order of business and recess.

President Guerrero: Okay, I'll entertain a motion now.

Chairman Fitiaf: Privilege, Mr. President. I have Resolution No. 8 to introduce. It is a resolution of commendation to our Sergeant-at-arms.

President Guerrero: May I ask the Chairman of the Governmental Institutions to please try to meet with your committee tomorrow to work your schedule on Section 11.

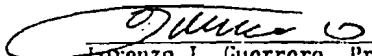
Chairman Mafnas: I will, Mr. President.

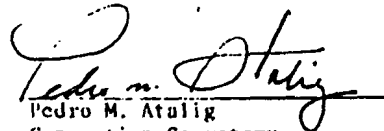
Delegate Ramon Villagomez: I move that we recess until ten o'clock tomorrow.

The motion was seconded and carried.

The Convention recessed at 5:40 p.m.

APPROVED:

  
Lorenzo I. Guerrero, President  
Northern Marianas Constitutional  
Convention

  
Pedro M. Atalig  
Convention Secretary