

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS.

VERBATIM JOURNAL (Transcript)

Forty-Sixth Day
Thursday, December 2, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 10:37 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 34 Delegates present. Delegates Jose R. Cruz, Benjamin T. Manglona, Prudencio T. Manglona, Pedro M. Ogo and Leon I. Taisacan were excused. No Delegates were absent. A quorum was present.

(Delegate Felipe Atalig moved that those Delegates not in attendance be excused. The motion was seconded and carried.)

(4) ADOPTION OF THE JOURNAL

Floor Leader Rnsa: I move that the Summary Journals of Days 44 and 45 be adopted by the Convention.

The motion was seconded and carried.

(5) COMMUNICATIONS - None.

(6) COMMITTEE REPORTS

Chairman Mafnas: Mr. President, your Committee on Governmental Institutions would like to meet after this session to consider Section 11 of the Schedule on Transitional Matters. I urge every member to be present.

Secretary Atalig: The Style Committee, Mr. President, has met and decided on the printing of the Constitution, the style of the print, the type of paper they're going to use and so on. Also, they have tentatively decided that the signing session will be Monday at six o'clock at Mt. Carmel Auditorium. Now, this is tentative. They have also made an order of business for that ceremony, which I will submit at a later date.

Floor Leader Rnsa: Mr. President, a suggestion to the Style Committee. Would it be possible to have the signing on Sunday instead of Monday?

Secretary Atalig: I would like the consensus of this body on whether it should be Sunday or Monday.

President Guerrero: May we ask the consultant first, because they're the ones who will be dealing with the final documents. Will Sunday give you enough time to finish and review it, Howard?

Mr. Willens: Our work is coming along, Mr. President, slowly but surely. It can be done by Sunday if the Convention wants a signing ceremony on that date. This afternoon I hope to be able to distribute to you a complete draft of the Constitution as you have passed it on Second Reading, and with some additional style changes. There are very few and I will highlight the few matters of more than routine importance for you. I don't think, however, that there will be any surprises there. The section by section analysis that we've been talking about for some weeks is not yet completed. It is more than 200 pages and it is somewhat difficult to complete it when I am in here. But it is coming along and I hope that we

could get that distributed to you tomorrow--maybe not in the morning, but maybe in the afternoon. It's not something that you have to review and pass on, although it would be desirable if you did have it in front of you to review and if you did have some formal motion of adopting it. But that would be up to you--you don't have to adopt it at all. The analysis could just be, in fact, the consultants' analysis of the document. If you want to disown it, you are free to do that. It may be useful for you to look at it, though, and decide whether you want to officially adopt it. There are some legal significance to your doing that and it may help in the future interpretation of that document. So, in answer to the President's question, I think there will be a draft for you this afternoon that you ought to review and then I think you will want to consider having a vote on the entire document. And then the section by section analysis will be available tomorrow, hopefully, in the afternoon. I think the Constitution itself, Mr. President, could be ready for Sunday if the printing can be done by that time.

President Guerrero: I think then that our Style Committee can come up with a firm report tomorrow. You will also take into consideration, I hope, the special invitations and the public in general. The larger the participation, the better.

Delegate J. Borja: I suggest island attire.

President Guerrero: I'm sure the Committee will come up with a suitable recommendation for attire.

Secretary Atalig: I would like the Committee to meet right after this session.

(7) INTRODUCTION AND FIRST READING OF COMMITTEE RECOMMENDATIONS

Calendared: Section 11 of the Schedule on "Transitional Matters, regarding "Saipan Election Districts"

President Guerrero: I would like at this time to suspend discussion on this particular matter in the Plenary Session. We will have to wait until the Committee on Governmental Institutions has met and is ready to present their report to the Convention. I hope we can discuss it this afternoon.

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

(9) INTRODUCTION OF RESOLUTIONS

Chairman Atalig: I move that Resolution No. 7, regarding "The migration of Northern Marianas people to the United States," be adopted.

The motion was seconded.

(The Convention Secretary read the text of Resolution No. 7.)

Delegate O.T. Borja: Mr. President, I would like to speak in support of this Resolution. It is an excellent idea. The Northern Marianas Legislature in August adopted two resolutions identical to this, one asking the U.S. Congress to change the Immigration Act so that we can get a card and move around freely for education or employment purposes, as well as for business purposes. I think it is good for this Convention to express what we want for our people before we recess. I, therefore, ask my fellow Delegates to support the Resolution with some small amendments that I would like to offer now. These are only for style and I ask that there be no objection to suspending Rule 47.

(There was no objection.)

Delegate O.T. Borja: I move to amend Resolution No. 7 by deleting the word "almost" in the second whereas clause, deleting the word "vacation" and adding employment in the fourth whereas clause, and changing "urge" to "urges" in the first resolving clause.

The motion was seconded.

Chairman Filial: Point of Information, Mr. President. The word "urge" was "urges" on the original Resolution. The "s" apparently got lost in the Xerox machine.

President Guerrero: That's just a minor correction, then, and can be taken care of easily without the motion on that word.

Delegate Dela Cruz: Mr. President, in this Resolution that we're discussing here we are asking the United States to allow us to migrate to U.S. territories for us to seek employment. Are we giving the same opportunity to United States citizens to come in to seek employment in our area without going through the process of Immigration and the Labor Department? If we are asking the United States to give us this opportunity, I feel we should give them the same opportunity.

Delegate Herman Guerrero: I have some reservations about the word "almost." Can we say that we have adopted our Constitution when we truly only almost have?

Delegate Torres: It may just be a matter of style, but I think that the first resolving clause it should be "effective date" instead of "effectiveness." If there's no objection, I so move.

Delegate Manuel Tenorio: If there's no objection I would like to see it "United States and its territories" in the heading and the resolving clause.

(There was no objection to the suggestions from Delegates Torres and Tenorio.)

Delegate Dela Cruz: My question still has not been answered, Mr. President.

President Guerrero: Maybe Senator Borja can answer that question.

Delegate O.T. Borja: Yes, Mr. President, I can answer that. The answer is "no, we are not asking the U.S. citizens to come in like that." The Resolution is simply expressing our desire to get rid of all the red-tape because we are going to be a part of the U.S. family. What we are asking for is to travel freely. Some of those restrictions have already been waived because we can travel to the U.S. now with only an I.D. card. As a further answer, after 1981 the U.S. citizens have the right to come in here, just as we have the right to go into the United States.

Delegate Dela Cruz: My concern, Mr. President, is that we are asking a lot of favors and, yet, we do not want to extend the same favors to these same people. What are we trying to do here?

President Guerrero: If I'm not mistaken the intention of this Resolution is that when our Constitution is ratified and approved we will have some flexibility between then and the end of the Trusteeship Agreement. Is that correct from the authors?

(Several Delegates answered "yes.")

Chairman Mafias: Mr. President, I would like to ask Delegate Dela Cruz to remember that the United States is not joining us--we are joining them. That is why we are taking this initiative to ask the mother country to allow us to go in. If they want to take that initiative to ask if they can come in here, let them take it.

President Guerrero: I believe that upon ratification and approval of this Constitution our future fellow Americans, as well as our American nationals, will be able to come in here.

Delegate Palacios: The answer to the question is that we have a problem and we want to ask if we can solve that problem. If the United States citizens want to come in here and seek employment and education, let them ask. It's not wrong to ask.

Delegate Dela Cruz: Mr. President, I understand this. But, yet, I am saying that since we have laws regarding employment and exempting them, we are asking too much.

Delegate Manuel Tenorio: Mr. President, I did want my suggestion incorporated into the motion. To add "and its territories."

Chairman Fitial: Shouldn't that include "and areas under its jurisdiction?" Wouldn't that take care of all of them?

Delegate Maratita: "And areas under its jurisdiction" wouldn't be necessary.

Floor Leader Rasa: I move for the previous question.

The motion was seconded and carried.

Motion to adopt Resolution No. 7, as amended, was carried on vote by show of hands.

Floor Leader Rasa: I move to adopt Resolution No. 8, extending thanks and appreciation to our sergeant-at-arms.

The motion was seconded.

Chairman Mafnas: Mr. President, just a minor change. On the second sentence it should be "Sergeant Jose" instead of "Officer Joe" and, likewise, on the last sentence. That is just a minor change. I think it deserves notation in the Resolution that Sgt. Ada is a sergeant and has that rank, not just a rookie.

Chairman Atalig: I would like to point out, Mr. President, that the rest of the staff needs a similar Resolution.

Chairman Fitial: A Resolution to accommodate Chairman Atalig's concern is being drafted.

Floor Leader Rasa: I move to end debate.

The motion was seconded and carried.

Motion to adopt Resolution No. 8, as amended, carried on vote by show of hands. The vote was unanimous.

Chairman Fitial: I would like to ask the Delegates to signify their appreciation to Sgt. Ada by their applause. (Applause)

Chairman Mafnas: May I also ask that a copy of this Resolution be sent to the Chief of Police. This is very important for an employee to receive annual increment or quality increase. We have to look in his personnel jacket then.

President Guerrero: I believe that it is a proper request. I will ask the Convention Secretary to do so.

At this time I would like to have this Convention take into consideration on rather urgent matter, a possible amendment to the Schedule on Transitional Matters. Unfinished Business is our next order and since there is none, we can take this possible amendment up under Special Orders.

(10) UNFINISHED BUSINESS - None.

(11) SPECIAL ORDERS OF THE DAY

President Guerrero: Now we can take up the proposed amendment.

Chairman Fitial: If there is no objection from the floor, I would like to introduce this proposed amendment to Section 1 of the Schedule on Transitional Matters. This is for First Reading.

(The Convention Secretary read the proposed amendment.)

Chairman Mafnas: I was just wondering, Mr. President. Should the people of the Northern Marianas disapprove the Constitution, what recourse is there available in order to save money that the legislature can amend, or whatever.

President Guerrero: I think that issue has to deal with our local legislature and the special legislation has to be introduced by the district legislature.

Delegate J.S. Demapan: A suggestion, Mr. President. Instead of having the legislature deal with the Constitution if it has been rejected, couldn't we appoint some of our own Delegates to reconvene again and handle it? Maybe one from Tinian, one from Rota and four from Saipan.

President Guerrero: I feel that the matter will be considered by our legislature and if they feel there should be some participation from the members of this Convention, they will make provision for such.

Delegate Torres: I'd like to ask who prepared this amendment.

President Guerrero: The chair and our legal consultant.

Delegate Torres: Why was it prepared?

Mr. Willens: It occurred to me that it might be useful to plan for this unpleasant possibility. As you know, the Constitution drafted in 1950 by Puerto Rico was turned by the Congress of the United States and was sent back. And, as I recall, there was another constitutional convention even though the difficulties that the United States had were very minor. They were principally matters of language. I thought it would be useful to have this procedure available to the legislature if they wanted to use it and if the United States disapproved the Constitution. I am optimistic that they will not disapprove this Constitution. I think it is, and as you have heard me say before, a sound document, a legal document, and is thoroughly consistent with the Covenant and the Constitution. Furthermore, you have dealt with all the major concerns of the United States government if we have been made aware of them. If the United States turns it down because of some mistake that the consultants have made, or because of some mistake in a judgment you have made, we want to be able to cure that problem as quickly as possible. This provision permits the legislature to do it by amendment, although it does not require the legislature to do it. So, if the United States disapproves because Articles I, III, V, VI, XI and XVIII are defective from beginning to end, then obviously the legislature would want to consider a new constitutional convention. If the United States disapproves only on one or two very small points, then it would permit the legislature to make those changes quickly and put it back to the people for their approval. But, to be candid, the disadvantage to this is that it means the United States might look even harder for even small reasons to disapprove this Constitution because there is an easy way to fix it. It is my legal advice to you, however, that this Constitution must be approved by the United States under the Covenant, unless inconsistent with the Covenant or the United States Constitution. I would recommend that, if the United States disapproves this because they disagree with something that you did that's not inconsistent with the Constitution or the Covenant, that you go to court and secure approval of the United States in order to force the United States to honor its commitment. Section 202 of the Covenant authorizes judicial action to be sure that any approval or disapproval is based on the grounds that are set forth in the Covenant. I've spoken longer than I intended to, Delegate Torres, but have I answered your question or could I answer anything else?

Delegate Torres: Yes, one more. My concern is on making it easier for disapproval. Although I have confidence in our legislature, don't you think this Convention should tackle that problem if and when the need arises?

Mr. Willens: Possibly, but there is no way that you can legally insure that you will be able to reconvene. You were elected for fifty days and as of Monday, midnight, you disappear like pumpkins. So, it will be up to the legislature to decide. If the disapproval is a significant disapproval, the legislature would be well advised to reconvene this group or a newly elected group to reconsider the problem of the Constitution.

Delegate Torres: Yes, but my problem here is that we seem to think the legislature is the proper legal entity to confine this to the Covenant. I was just wondering if, because we're more versed on the provisions here, maybe the legislature should extend the life of this Convention if and when the need arises.

Mr. Willens: The legislature is referred to here because it is the only legal entity that we know exists. But you're right. If you wanted to, you could provide expressly here an option that the legislature could reconvene this body for the purpose of reconsidering the matter. I don't know that you would want to force the legislature to do that, but you might want to specifically authorize them to do so if that looked like a useful thing to do. And, since several members of this body are in the legislature, you do have the expertise of this Convention that will be drawn on. It seems to me that the legislature would be a reasonably efficient and prompt way to do things. But it's your judgment on this. You do not need this provision at all. Let me make that clear. If you don't like this you could go ahead without it.

Delegate Calvo: Mr. President, I would go along with this provision only if the language is such that the legislature will not be able to touch those provisions that are not in question. I think we should consider wording to that effect. Not the entire Constitution.

Delegate Maratita: Mr. President, the Transitional Schedule will be in effect when the Constitution has been ratified by the people and approved by the United States. I believe this particular provision has nothing to do with this Convention. We should, perhaps, introduce a resolution requesting that this is what we want the legislature to do. I feel this provision has no place in the Transitional Schedule.

Delegate Diaz: I would like to ask our honorable legal consultant if he feels such provision should be in the Schedule on Transitional Matters.

Mr. Willens: Yes, I feel this is an appropriate section to put into the Schedule on Transition. The Schedule on Transition deals with problems that arise after the Constitution has been approved by the Northern Mariana Islands. As Delegate Maratita says, many of the provisions pertain to the period after the United States approves the Constitution, at which point it becomes effective. But there is nothing wrong with including a provision of this kind in the Schedule on Transition. One advantage to doing it is that the Schedule will be before the people when they vote on the Constitution. They will vote on the Constitution and on the attached Schedule and it will have the force of law. So, anything in the Schedule does have the force of law and, therefore, it would be useful to have the people clearly giving the legislature the authority to use this shortcut if it seems useful to do so. I have amended it, tentatively, to deal with Delegate Calvo's point--which I think is a good point--and I think it should read: "by the affirmative vote of three-fourths of the senators may amend the specific provisions of the Constitution disapproved by the United States..." Have I answered your question, Delegate Diaz?

Delegate Diaz: Yes, but I have one more. If we didn't have such provision in here. What other avenue is available?

Mr. Willens: If you're silent on this and the United States disapproves the Constitution, it will be up to the Resident Commissioner and the legislature to decide what to do. The legislature might feel it has no choice but to reconvene this Convention or create a new constitutional convention. I think there might be a possible legal question with the legislature trying to fix the amendment themselves without this kind of authority. So, the advantage is to make it clear. I would argue that if you did not have the section the legislature still could do this so long as they submitted the things to the people, but there might be a question raised about the legislature's authority to make those changes. And the Resident Commissioner might raise an issue about the propriety of proceeding in that way.

Delegate Diaz: In that case I wholeheartedly share the concern of Delegate Torres and Delegate Calvo.

Delegate Magdalena Camacho: I would like to ask our consultant if 3/4 of all of the members in the legislature?

Mr. Willens: I did use the toughest formula that we have used in this Convention, 3/4 of all of the members. There are 22 and 3/4's, as I count it, in 17 members. Because it is a matter of such importance I thought that you should set a very high burden on the legislature. Because, if it is anything more controversial, then it should be done by convention. But if the section disapproved by the United States is technical in nature and reflects some kind of real or imagined concern about the Constitution, I think it should be cured on a non-controversial and non-political basis by the legislature. If it is controversial and political then the legislature cannot get 17 out of 22 votes and I think they should call a convention.

Delegate Manuel Tenorio: Do I understand Section 202 of the Covenant to say that if the United States disapproves the Covenant the legislature can make the amendments and then not have to resubmit the Constitution to the United States?

Mr. Willens: It would have to be corrected and then resubmitted to the United States. The process goes on until the Constitution has been approved by both the people of the Northern Mariana Islands and by the government of the United States.

Delegate Manuel Tenorio: In other words, this means what on the amendments?

Mr. Willens: "Amendments to the Constitution" means amendments made to the Constitution after it has become effective the first time. We have a Constitution now which has no amendments. It will be effective, hopefully, within a year. And then at some time in the future the people may decide to amend the Constitution in order to change something, and that amendment does not have to be sent to the United States for approval. That is one of the things we negotiated in the Covenant to make certain that once this Constitution was made operative, you could amend it just as any state could amend their constitution. A state does not have to submit an amendment to a state constitution to the United States and we wanted to make certain that the Commonwealth did not have to do that either.

Delegate Palacios: I rise in support of this amendment. Our consultant is right in that when the Puerto Rican constitution was submitted there was one specific amendment in there in the area of education. The United States Congress changed that. Puerto Rico then handled that in another constitutional convention. If the amendment is small I think the legislature should be able to change it and submit the change to the people. My question in here is that if there is an amendment made by the Congress of the United States, or suggested amendment, and the President says he would like to amend this area--and everything is approved except that one section--should we make it a part of this provision that everything else is effective and operative except that one particular area. Then we wouldn't have to wait for the amendment to be approved if the President has signed the rest of it. I was thinking that should not waive the effectiveness of the other sections until that one particular section was good.

Mr. Willens: Delegate Palacios, I think it is very unlikely that the United States would approve it contingent upon something being done. I think that if they want a particular amendment made, they will disapprove it and then state what change they want made. I understand your point and it would be more efficient for the United States to approve it IF a change is made and go ahead and set an effective date so you can begin preparing for the new constitutional government. But I think the language here covers the circumstances that you have mentioned. I think it is up to the United States to decide whether or not they will turn it down and ask that a particular change be made, or approve it's contingent upon a change being made. I don't think they'll do that. I think they'll insist upon the changes being made before they approve it.

Delegate Palacios: Howard, can we make a language somewhere here or in the Constitution itself that if everything else is approved except that one particular area, we can start our constitutional government except in that one area?

Mr. Willens: It might be possible to think some more about that. But you understand what I am saying--that it does not become operative at all until the United States approves it and sets an effective date within 180 days in the future. It might be possible, however, if the objection is a very small one for the United States to say that it will become effective on a date in the future if this provision is just eliminated. The only thing I can think of in response to your question more than I've said already, is to propose that you clearly indicate here that the Constitution can go into effect with whatever changes are made by the legislature and approved by the people, that each provision of the document is a separable provision so that if a particular provision is struck from the Constitution, the rest still will go into effect in accordance with the President's proclamation. I would like to think about this some more.

Delegate O.T. Borja: I support this proposed addition to the Schedule as it would provide for lower costs. I also like Delegate Calvo's amendment. But regarding the same Delegates reviewing the changes, the question may arise from the voters that we are elected only for fifty days. That would be a legal question and I think the Resident Commissioner might be in order, maybe with public hearings and our same Delegates expressing their opinions. Maybe a public education committee, the legislature and the Resident Commissioner could make the changes and provide for the people's approval.

President Guerrero: I think the legislature is the most appropriate body to come up with new legislation to cover this. Such legislation could be worded to include members of this delegation.

Delegate J.S. Demapan: I would like to ask the consultant if he considered the necessity of specifying the number of days allowed for the legislature to act.

Mr. Willens: I considered that but decided it would be very difficult to specify a fixed number of days. I am hoping that, if there's any disapproval, the legislature will act promptly. The interest of the Marianas is getting the Constitution approved as quickly as possible. The legislature can call itself into session, as I understand it, by the presiding officer. It does not need the Resident Commissioner to convene it. So I did not think a time period would be necessary. If you did put a time period it might be useful and force the legislature to move more quickly, like maybe 30 days. You could certainly emphasize the importance of it by saying "within 30 days after receipt of the message from the United States." That could be done.

Delegate Torres: Delegate Demapan has made a good point, I think, and I would hope the Convention would put a time limitation. I have every confidence in our legislature but we know that if they act promptly on this their term will be shortened. Also, on the concern of these Delegates having an input, I would hope that the legislature would give these Delegates the first right of refusal as consultants without pay.

Secretary Atalig: If the Constitution is disapproved by the United States, I would like to see the legislature reconvene this particular body. It might discourage the U.S. to disapprove this Constitution for very minor points and it might encourage it if we put it in the suggested form. I think the point of cost would discourage them and also the time consumed for a convention.

Delegate Maratita: What about if it is disapproved by our own people?

President Guerrero: That area will be the concern of our legislature. They would have to enact new special legislation.

Secretary Atalig: Also, Mr. President, as Delegate Torres pointed out, this body is more versed on the problems concerning the Constitution. I am not confident that our legislature could tackle this problem.

Delegate Vicente Manglona: I support this provision provided it is agreeable with Delegate Calvo's modification.

Delegate King: I think the legislature is the one to handle this if disapproved by the United States.

Delegate Magdalena Camacho: I move for the previous question.

The motion was seconded and carried.

Motion to adopt the possible amendment to Schedule on Transitional Matters, as amended, was carried on First Reading.

Delegate Torres: Pursuant to the rules, I hereby give notice to recall the amendment we passed yesterday relating to the lower house, that's Section 3(a) of Article II. That's to be placed on the Special Orders for tomorrow.

President Guerrero: Is there an objection to that request?

(There was no objection.)

Delegate Torres: I would like to insert a proviso that reconsideration of that particular matter would be on the condition that all Delegates from Rota and Tinian would be present for the signing of the Constitution.

President Guerrero: Can you try to disseminate the information of your intention?

Delegate Torres: I will take the initiative to advise the Rota and Tinian Delegations.

Delegate Diaz: Since some of the Delegates left Saipan this morning for Rota and Tinian, may I request that those Delegates be informed of Delegate Torres' proposal so they will be here for the signing.

President Guerrero: I believe Delegate Torres will take care of that as per the request of the chair.

Delegate Herman Guerrero: I would like to ask Delegate Torres just exactly why he is wanting to bring that Article back up.

Delegate Torres: As I said earlier, my intent of recalling this for reconsideration is that I would like to find out if there is a chance to accommodate the request of Rota. That is my reason.

Delegate Calvo: A portion of the Rota Delegation left, however, there is still half of the Rota Delegation here, plus the majority of the Tinian Delegation. We, the ones left behind, are the ones that will represent Rota. Those who chose to go home made their choice. We have made ours and we will proceed with the business of this Convention.

Delegate J. DLG. Demapan: Mr. President, I respect the concern of Delegate Torres but I am very sure that those Delegates who left will not change their decision unless they are certain a majority of the Delegates here will come up with support for their concern.

President Guerrero: I would suggest that Delegate Torres get in touch with these Delegates and more or less get the consensus before we calendar this matter on tomorrow's calendar.

Secretary Atalig: Mr. President, I would also like to give one day notice for reconsideration of the same provision as Delegate Torres.

Delegate Jesus Villagomez: Mr. President, I would like to give one day's notice for reconsideration of Article II, Section 2, regarding composition of the Senate.

President Guerrero: Well, I think we will have to just make up our minds. I would like to remind this Convention that we are getting close to the very last day of our session and if we are going to continue requesting reconsideration of various provisions, we are never going to be able to finish our task. I would request the members to please try to be cooperative. We should try to eliminate any obstacle that could appear before this Convention.

Delegate Dela Cruz: Mr. President, if the upper house is altered, I think that's the time the entire Rota Delegation will walk out.

Delegate Jesus Villagomez: Mr. President, I would like to withdraw my request. I will not jeopardize the Convention.

Chairman Fitial: Mr. President, I would like to give notice for this Convention to reconsider my notice which I gave previously that the Carolinian Delegation to this Convention will host a party for this Convention on Saturday from six to eight p.m. (Laughter) Everyone is urged to be present.

Delegate King: There was some confusion yesterday, Mr. President. I think everybody thought that I was one of the ones who walked out--but I did not walk out. I would like to express how I feel about those people. They are strong people and they went back to their home islands. I believe we should give respect to those people, too. But are we going to talk about the Commonwealth or are we going to talk about ratification of the Constitution by the people of each municipality? But I'd like to make the point that the people who have remained here will vote and work for their people. I think the people have the right to vote on their Constitution in Rota.

(12) GENERAL ORDERS OF THE DAY - None.

(13) MISCELLANEOUS

Delegate Diaz: I just want to make our position clear. Only one Delegate from Tinian left and if there is no change in the upper house, the rest of us will stay. If there is a change in the confirmation power, we will walk out. I want to make that very clear.

President Guerrero: I ask the Delegates from Rota and Tinian to please continue with this Convention. We have already accomplished 99% of our assigned task and I'm sure we can complete it.

Delegate Jesus Villagomez: I would like to apologize for my unnecessary outburst a while ago. I will try to use all my influence to be sure that there is no change from what we have already adopted.

Delegate Calvo: I want to take exception to what Delegate King said earlier. Although we stay in Saipan we were voted in by the people of Rota and we represent the people of Rota.

Chairman Mafnas: I would like to ask the members of the Committee on Governmental Institutions to meet with me for five minutes immediately following this session.

Floor Leader Rasu: I move that the Convention recess until 2:30 this afternoon.

The motion was seconded and carried.

The Convention recessed at 12:05 p.m.

RECESS

The Convention reconvened at 2:47 p.m.

Chairman Mafnas: Mr. President, your Committee on Governmental Institutions regrets to report that it was unable to come up with an acceptable formula to satisfy the requirements of Section 11 of Transitional Matters, regarding "Saipan Election Districts." Your Committee feels that since this is a highly political issue, Section 11 can best be served by the chair appointing six members on a special committee to decide on the issue. We feel that because we're pushing close to the end of this session, this matter can be expedited best by the special committee. The Committee has names to recommend to the Convention that the Committee feels should be involved in this deliberation. The Committee recommends:

Delegate Dr. Carlos Camacho, Delegate Senator Herman Guerrero, Delegate David Maratita, Delegate Dr. Francisco Palacios, Delegate Senator Oscar Rasa and Delegate Benigno Fitial.

President Guerrero: Do you have members from your committee to participate on this special committee?

Chairman Mafnas: Yes, Senator Guerrero and Delegate Maratita. I should mention that these are the names the committee recommended for this special committee.

President Guerrero: The chair will take that as an official appointment as members that were mentioned. I urge that the chairman of the Governmental Institutions Committee will act as chairman of that special committee. Please report this special committee's deliberations to us no later than tomorrow afternoon. If possible, it would be better if you could report in tomorrow's morning session.

Delegate J. DLG. Demapan: Mr. President, I would like to ask the Convention to recognize the presence of Juan A. Sablan, Executive Officer for the Trust Territory. (Applause)

President Guerrero: The chair would also ask the Convention to recognize the presence of other members of the community who are in the gallery. (Applause)

Delegate Diaz: Mr. President, some members of this Convention have nothing to say about Section 11, but if our assistance is required we will assist in anyway we can.

President Guerrero: Thank you. Chairman Mafnas, you heard the offer from the good Delegate and if the Committee feels these other Delegates could be of assistance, please do not hesitate to call on their assistance.

Chairman Mafnas: Yes, Mr. President. We appreciate the offer.

President Guerrero: The chair would designate at this time another responsibility to the Special Conference Committee chaired by Delegate Senator Borja. I want you to deal with several items of correspondence received by the Convention and chair from various concerned citizens and officials of the government concerning our draft Constitution. I will assign that and ask you to please talk with your special committee and come up with some recommendation and be prepared to respond to the communications.

Chairman Borja: We will be happy to carry that responsibility and report back tomorrow, if possible.

President Guerrero: I would also like to report that I have been informed by our Secretary that our draft Constitution will be ready in its final form for distribution sometime today. I urge each of the Delegates to review this so we can consider it for its final adoption sometime tomorrow or the day after. Mr. Willens, do you have any comments regarding this?

Mr. Willens: Yes, Mr. President. We have circulated the draft with a cover memorandum from me addressed to the members of the Convention. I have noted in the memorandum the changes that have been made for the reasons indicated and I do want each of you to review it to make certain that it coincides with your understanding of the actions taken by the Convention. My recommendation is that a final approval be placed on the agenda for tomorrow. Another vote by the Convention is not really legally necessary but I think it might be desirable for your historical records to have the entire document made the subject of a single motion and vote. I think that would be useful to do so that you have the opportunity to go on record on the entire Constitution rather than just the individual articles. That is a necessary step to be taken, I believe, before any printing arrangements can be made. I am informed by the Secretary that if this Constitution is given to the printers tomorrow afternoon, they will be able to produce it in printed form by Sunday. So, it's up to the Convention, of course, as to what you want to do. But if you can approve the document tomorrow it can be printed and ready for distribution on Sunday.

President Guerrero: May we have some direction from this Convention? I see that it is very important for us to review this document and then we will have the opportunity to discuss this again tomorrow. As the consultant stated, it is very important for us to take the final vote of the Convention in its final adoption. I think it's worth voting again on the final adoption of the entire Constitution.

Chairman Atalig: Mr. President, since we have a copy before us and we should be given time to review this, I suggest that we recess until tomorrow.

Delegate O.T. Borja: As you pointed out earlier, we have essentially passed the requirements as required by the law. Now it's just a matter of going over the entire package and making sure that it is as was adopted, and there is a need to go over it very thoroughly, to be sure. I was thinking that it would be ample time for the Delegates to study this afternoon and tonight and then we can take just one official vote tomorrow morning on the whole thing. That would be my recommendation.

President Guerrero: Okay, we will take final action on our final draft tomorrow morning. And that is including the Saipan Districting issue, so we will need a report from the Special Committee first.

(14) ANNOUNCEMENTS

Chairman Mafnas: Mr. President, I would like to ask the Special Committee to meet right after this session in this hall.

Secretary Atalig: I'd like to ask the Style Committee to meet right after this session.

Chairman Borja: Although I know some members of my special committee are also members of the special committee for Governmental Institutions, I would like to ask the available members to meet right after the Plenary Session today in the Saipan Delegation Room.

Chairman Fitial: I belong to both special committees.

President Guerrero: You may proceed with Chairman Mafnas' committee.

Chairman Borja: For Chairman Fitial's information, we will only review the correspondence today and not take final action until all members are present.

Chairman Mafnas: Mr. President, I am also a member of Chairman Borja's committee. Could Delegate Igitol replace me temporarily in that committee?

President Guerrero: Yes.

Chairman Fitial: Perhaps, Mr. President, someone could replace me temporarily in that special committee as well. How about Delegate King?

President Guerrero: If Delegate King wishes to, it will be fine. But I understand that Delegate Manglona from Tinian is also a member of that committee. How about a Delegate from Saipan to replace you temporarily?

Chairman Fitial: Okay, I'll ask Delegate Tony Cunacho.

President Guerrero: That's good. Delegate Cunacho has indicated he will sit in for you.

Chairman Borja: Mr. President, Delegate Benjamin Manglona is also a member of my committee and not present. Shouldn't we get another member from Rota?

President Guerrero: Yes, I'll appoint Delegate Calvo. Delegates from Tinian, since Delegate Manglona has asked to be excused from the meeting right after the recess, could one of you from Tinian sit in in the absence of Delegate Manglona? Delegate King, could you do so?

Delegate King: Yes, I will.

President Guerrero: The chair would like to call a meeting tomorrow morning at 8:30 for the officers of the Convention. That will include the three chairmen, the three vice presidents (with Delegate Calvo sitting in for the Rota vice president), the Secretary and Floor Leader. I would also like to invite some other of the Delegates to attend the meeting: Delegates Ramon Villagomez, Carlos Camacho, J.P. Tenorio and Manuel Tenorio.

Chairman Fitial: I would like to remind the Delegates of the party on Saturday night from six to eight p.m. There will be a lot of fish.

Delegate Magdalena Camacho: Will there be entertainment?

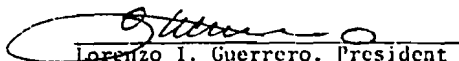
Chairman Fitial: Yes, the "Islanders" will be performing.

Delegate Magdalena Camacho: I move that we recess until ten o'clock tomorrow morning.

The motion was seconded and carried.

The Convention recessed at 3:12 p.m.

APPROVED:


Lorenzo I. Guerrero, President
Northern Marianas Constitutional
Convention


Pedro M. Atalig
Convention Secretary