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CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

FIRST DAY
Monday, October 18, 1976

In accordance with Marianas Law No. 4-205 the Constitutional Convention of the Northern Mariana Islands was begun with formal ceremonies at 9:15 a.m.

Acting President was Erwin D. Canham, Resident Commissioner of the Northern Mariana Islands.

Acting President Canham: The first session of the Northern Marianas Constitutional Convention will be in order. Please let me say that it is indeed a great privilege and honor to welcome each and everyone of you.

First, to invoke divine blessing on this solemn occasion, I invite the Reverend Monsignor Tomas A. Camacho to lead us in prayer. Will you all please rise.

Monsignor Camacho: In the name of the Father, the Son, and of the Holy Spirit. Let us pray.

God of Abraham, God of Isaac, God of the Forefathers of the American people, as we begin another chapter of this historic and momentous occasion of our future destiny, we beg You to come and to enlighten these duly elected members of the Constitutional Convention of the Northern Mariana Islands. Help them to be people that are always mindful of Your grace and glad to do Your will. Bless with wisdom and nobility of spirit these ladies and gentlemen so that the decisions they make will not reflect selfishness, but for the benefit of all future Americans living on this far-flung of the future frontier. Bless this august body with proper guidance as they confront the problems of making a wise and practical constitution. Help them to remember the spirit of courtesy and graciousness in dealing with the people of the Mariana Islands and their neighboring islands. Grant that the product of this Constitutional Convention be a symbol of freedom and justice for the rest of the Pacific Islands. Keep ever before us on this Bi-Centennial Year of the United States the vision of the land of the free, the home of the brave, and the nation whose God is the Lord. We ask this through our Lord Jesus Christ, your Son, who lives and reigns with You and the Holy Spirit, one God, for ever and ever. Amen.

Acting President Canham: It is indeed a very great privilege to be able to welcome the Elected Delegates to this Convention. Let me congratulate you because you have been called upon to perform the most important function in the history of these beautiful islands and their eager people. Your job is defined in the briefing papers prepared for this Convention in the following terms:

"The essential task of the Constitutional Convention is, which I quote: "to shape the basic institutions of government of the new Commonwealth." This undertaking requires first that the Delegates identify the political values that their people cherish and the goals they hope to achieve. Next they must fashion the political institutions that reflect these values and provide the machinery to pursue their goals. And, finally, they must write a Constitution to give legal effect to the system they have created and to provide a symbol of unity for all the people of the Commonwealth."

This is a massive task. You do not have much time in which to accomplish such great purpose. But I have full confidence in the capacity of this representative body. You were elected by a large turn-out of voters who coped with an unavoidably complex ballot with considerable discrimination. You are served by an able staff of advisers and provided with expert and scholarly analyses of your problems.

Yet all the decisions are yours and you will be accountable for them up to the stage of ratification by the people of the Northern Marianas and up to final approval by the Government of the United States. You will have very difficult decisions to reach, some of them calling for the wisdom of Solomon and Thomas Jefferson combined. Will your Constitution be broad and general or specific and restrictive? How will you divide power between the executive, the legislative, and the judicial branches?

What kind of provisions will you make for the special conditions and unique traditions of these islands?

You have one great advantage. The Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States already defines many constitutional elements and relationships. It is a solemn act of self-determination, carefully negotiated, ratified by an overwhelming majority of your people and also by the Congress and President of the United States. The Covenant is a guide and a commitment for your labors.

But your task still remains immense, and I am sure you realize there is no time for petty disputes over issues that are not really constitutional issues at all, nor for indulgence in oratory for its own sake while the 50-day clock continues to tick relentlessly on.

My respect for this body's capacity for good judgment and for self-restraint is great. When you have finished your labors, I am sure the people of the Northern Marianas will have added respect for yourselves and for the historic decisions you make with objectivity and wisdom.

Needless to say, the administration government of the Northern Marianas stands ready to assist you in any way we can, as we are obligated to do. We are also indebted to our very good neighbor and our long-time parent, the Trust Territory Government. We live in close cooperation with that Government. If as a kind of eldest son, or oldest child, we have left the family roof, it does not mean that our respect and affection for the old homestead is diminished. Indeed, no less than eleven of you are officials of the Trust Territory Government and as a member of the Joint Commission on Transition, I must express to the Acting High Commissioner and his Deputy our great appreciation for their willingness -- let me put it bluntly -- to put you on administrative leave. It is a most generous aid to a tight budget.

A great deal could be added in recognition of this wonderful moment that has come. You must feel as I do, profoundly moved. This is a long-awaited hour. It is solemn; it is full of challenge and difficulty, and yet, it is full of the brightest of hope. Thank you.

Now, May I call upon a distinguished speaker, the Honorable Vicente N. Santos, Speaker of the Northern Marianas Legislature.

Speaker Santos: Thank you very much. Delegates to the Northern Mariana Islands Constitutional Convention. To all superficial appearances today, October 18, 1976, might be just another prosaic Monday, indistinguishable from a long list of prosaic Mondays past; but appearances would be wrong, very wrong. Today, Monday, October 18, 1976, is a very special day, a benchmark day, an historic day.

Today marks an ending and a beginning for our people. It heralds the end of a long subserviency to many masters and the beginning of our journey into destiny under our own helmsmanship.

The people of the Northern Marianas have spoken. They have selected you to act for them at their constitutional convention; in effect charging you with the awesome responsibility of charting a meaningful course into the harbor of constitutional government.

On the one hand, the great honor bestowed upon you is both signal and historic; on the other, it imposes responsibilities of monumental proportions. The "work" in the sense of an opus which you are called upon to mold within the coming days is nothing less than a commitment to a future way of life, not only for this generation, but for our posterity. We do not delude ourselves that the task will be easy; it will demand application of historic perspective, vision, and a keen sense of selectivity to achieve a work which must be nothing short of an eclectic masterpiece.

In exercising their franchise the people of the Northern Mariana Islands have expressed confidence in this honorable Delegation; they have said that you possess the necessary qualifications and that you shall lead the way.

For myself, I am in full accord with the wisdom of the people. I have full confidence that you will acquit yourselves well; that we shall all have just cause to acclaim your efforts. I hope, however, that at this point a few well intentioned cautions will not be thought presumptuous.

Remember that the edifice that you have been commissioned to erect must be able to withstand the stresses of time.

Remember that meaningful content must take precedence over fine rhetoric if your endeavor is to endure intact.

Remember that while brevity may be the soul of wit, it is not necessarily the hallmark of an acceptable law of the land.

Our Constitution must be as comprehensive and detailed as the times, the state of development of our people, our culture and our place among the nations of the world demand. Where to draw the line is no easy task. I do not pretend to know, but with the aid of the excellent briefing papers provided by your advisors and their daily counseling coupled with your own innate sense of what is fitting and needful, I do not doubt the outcome.

What is fundamental and critical, it is your function to discern and implement.

May God grant you vision, the greatness of soul to rise above partisanship, objectivity and an appreciation of the historical significance of the great endeavor upon which you embark today.

We wish you well; we await your accomplishment. Thank you.

Acting President Canham: My next responsibility is to call the roll of the Delegates. I think just to be original, I will begin with the smallest Delegation first. Each please respond in turn.

(Acting President Canham called the roll alphabetically, by Delegation.)

Acting President Canham: The entire Delegation, without exception is present.

My next duty is to ask the Delegation to rise for the purpose of the Oath of Office. It will be taken together and I will ask you to repeat en masse:

"I do solemnly swear that I will faithfully execute the office of Delegate to the Northern Marianas Constitutional Convention and will, to the best of my ability, support the Constitution of the United States and the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, so help me God."

Acting President Canham: The next task, the last one which I am required to perform, is the election of your president.

Delegate Francisco T. Palacios: I move that Lorenzo I. Guerrero be elected President of the Convention.

The motion was seconded.

Delegate Vicente T. Attao: I move that nominations close.

The motion was seconded to close nominations.

The motion carried by voice vote to close nominations.

Motion to elect Lorenzo I. Guerrero as President of the Convention carried unanimously by voice vote.

Resident Commissioner Canham: With the greatest pleasure I invite President Guerrero to the Chair.

President Guerrero: First of all I would like to extend my appreciation to the Delegates of this Convention for giving me their confidence to be elected as your President of this Convention. I thank you, everyone of you. Before I proceed with the agenda, I would like to make a short remark: Fellow Delegates to this Convention, Distinguished Guests, Ladies and Gentlemen:

The glorious days have come for us, the Delegates to this Convention, to carry out the mandate of our people, and commence the task of drafting a constitution which is truly representative of our people's wishes and aspirations, and within the guidelines set forth under the Covenant on the establishment of the Commonwealth of the Northern Mariana.

Framing a constitution is not an easy task. Each and every Delegate has his or her own ideas and beliefs on what would best suit the requirements under our new government, and which governmental setup would be the most suitable for adoption. It is in the consolidation of our individual ideas that we could really form a constitution that would apply to the present generation, and the future.

While time is of the essence in this given task, our approach on sensitive and delicate matters must always be with caution and extreme care. The matter of citizenship and naturalization, for instance, must be given the strictest degree of concern. Let us learn from the mistakes of other nations, and have the lessons of the past guide us in securing a brighter future. Let us provide an assurance that our people will continue to be the majority in our island nation. We must similarly provide due protection to our people's rights and strengthen the safeguards to the privileges they now enjoy as part of the democratic way of life.

To achieve success, we must first attain unity and harmony, and maintain a close working coordination among all the Delegates. I am confident that we will succeed in our common goal of having a constitution which embodies our people's ideals and aspirations, and that this Constitutional Convention will go down as one of the most significant events in the history of our nation. Thank you Si Yuus Maase!

President Guerrero: Before we go on to the next item in our agenda, which is adoption of Rules of Procedure, I recognize Delegate Benigno R. Fitial.

Delegate Benigno R. Fitial: I move we postpone items eight (8) and nine (9) of the agenda and move on to other business.

The motion was seconded.

President Guerrero: Delegate Jose R. Cruz.

Delegate Jose R. Cruz: I move we have a 10 minute recess.

The motion was seconded.

President Guerrero: The Chair recognized that we should dispose of the motion for recess first.

(A voice vote was taken and was not conclusive.)

Delegate Jose R. Cruz: I would like to request a roll call vote.

The roll was called and the Delegates voted as follows:

AFFIRMATIVE: Delegates Felix A. Ayuyu, Jose S. Borja, Olympio T. Borja, Antonio M. Camacho, Carlos S. Camacho, Magdalena C. Camacho, Juan DLG Demapan, Herman Q. Guerrero, David Q. Maratita, Jesus G. Villagomez, Ramon G. Villagomez, Jose R. Cruz, Daniel P. Castro.

NEGATIVE: Delegates Felipe Q. Atalig, Vicente T. Attao, Luis A. Benavente, Juan S. Demapan, Benigno R. Fitial, Pedro L. Igitol, Luis A. Limes, Jose P. Mafnas, Francisco T. Palacios, Oscar C. Rana, Manuel A. Tenorio, Joaquin S. Torres, David M. Atalig, Pedro M. Atalig, Gregorio S. Calvo, Pedro Q. Dela Cruz, Benjamin T. Manglona, Prudencio T. Manglona, Pedro M. Ogo, Leon I. Taisacan, Hilario F. Diaz, Henry U. Hofschneider, Esteven M. King.

ABSTENTIONS: Vicente M. Mangiona, Juan P. Tenorio.

President Guerrero: The vote is 23 affirmative, 13 negative and 2 abstentions. The motion for recess is defeated.

I would now like to entertain the motion to postpone Items 8 and 9 on the agenda until later on today.

(A voice vote was taken and the motion was passed to postpone items 8 and 9 until later that day.)

The next item on our agenda is item 10, the Organization of the Convention, and at this time, I would like to call on Pedro A. Tenorio, Director of Transition Studies and Planning to give us the organization of this Convention.

Director Pedro A. Tenorio: Thank you Mr. President. On behalf of my staff in the Office of Transition Studies and Planning, I would like to congratulate all of you Delegates on your election to serve in this very important body.

In accordance with provisions of the Marianas Law No. 4-205, establishing the Marianas Constitutional Convention, and in particular Section 11, dealing with financial and staff support from the Office of Transition Studies and Planning, I would like first to report to you that my office and staff are prepared to assist the Convention Delegates in every way possible to insure that administrative problems do not interfere with your basic role and responsibilities as Delegates.

In order to properly coordinate the activities of the Convention and to streamline support services to you, there is within my office an administrative organization created specifically to meet the needs of the Convention. Such organization consists of personnel who are assigned general and specific functions to perform the necessary services and to support you.

In the area of financial support, the Office of Transition Studies and Planning will be responsible for the payments of salaries and per diems of the Delegates, including all other expenses related to the Convention. In addition to the United States funds made available for the holding of the Constitutional Convention, the Northern Marianas Legislature has also made available \$30,000.00 to defray expenses of the Convention.

I wish to acknowledge, as the Resident Commissioner has already done, the generosity of the Trust Territory Government, specifically the Acting High Commissioner and the Executive Officer, in granting administrative leave to those Delegates who are employed by the Trust Territory Government. This represents a savings of approximately \$20,000.00 to the Convention.

I also wish to acknowledge the support and cooperation of the Resident Commissioner, Mr. Canham, and his staff, for their assistance and support in the planning of this event. In addition, Mr. Canham's willingness to assign to the Convention several key members of his staff is greatly appreciated.

Lastly, I also wish to acknowledge the cooperation of the Speaker of the Northern Mariana Islands Legislature, Mr. Santos, in providing equipment, clerical and logistical support to the Convention. At this time, I would like to introduce the key employees of the Convention and the Office of Transition who will be performing the administrative and general support services to the Delegates.

Mr. Pedro M. Atalig, who is a Delegate will act as the principal in charge of the overall administrative functions of the Convention. He will be assisted by Mr. John Boyer, the Administrative Officer.

Per diem and salary checks of Delegates will be disbursed by Mr. Boyer. The person in-charge of recording and public information activities is Mr. Rudy Sablan. He will be assisted by Mr. Herbert Rosario.

Mrs. Stacy Pounds will be the principal Journal Clerk and will be assisted by Mrs. Emy Sablan and Mrs. Linda Layne. A typing and secretarial pool will be set up for the use of the Delegates and for the reproduction of journals. It will be under the supervision of Mrs. Connie Togawa. Our printing room supervisor is Mr. Ben Kapileo, and the Librarians for the Convention are Mrs. Rita Camacho and Chris Ramirez. The Sergeant at Arms is Mr. Jose Ada from the Marianas Department of Public Safety.

A map of the location of delegations, consultants and staff offices is provided this morning to acquaint you with the layout of the Convention facilities.

The Law Firm of Wilmer, Cutler & Pickering of Washington, D. C. was retained by the Office of Transition Studies and Planning to prepare briefing papers for the Delegates, to advise regarding the organization and procedures of the Convention, and to provide other professional services during the Convention. The law firm will work under the general supervision of the President and Officers of the Convention. The firm will be available to prepare legal memoranda regarding issues before the Convention, to assist the committees in their work, to draft constitutional provisions reflecting the decisions of the Convention, and to perform such other assignments as seem appropriate. The work of the law firm and other professional consultants is under the supervision of Mr. Howard Willens. I will ask Mr. Willens to introduce the members of his team. Mr. Willens.

Consultant, Mr. Howard Willens: Thank you, Mr. Tenorio. Mr. President, Resident Commissioner, Delegates to the Convention and Honored Guests. It is an honor to be here on behalf of my law firm to assist this Convention in its important assignment. I have had the good fortune during the past four years to work closely and get to know many of you. I hope during the near future, I will have the opportunity to get to know all of you.

I would like to introduce two of my senior colleagues who will be helping this Convention. First, I would like to introduce my partner, Deanne C. Siemer. Ms. Siemer received her training at George Washington University and the University of Hawaii. She took her legal education at the Harvard Law School and has practiced law in Washington during the past eight years. She has had a distinguished career with the United States Budget Bureau as well as with our law firm.

Second, I would like to introduce Howard N. Mantel, who is the Associate Director of the Institute of Public Administration. Mr. Mantel is a lawyer by training. He has worked with the Institute as an advisor to local, state and federal government agencies in the United States. Mr. Mantel has a wide range of experience you can take advantage of in the course of your deliberations.

We have four additional lawyers from my law firm here to work with the Convention. Mr. Paul S. Koffsky, Robert A. Major, Neal S. Solomon and A. Mark Weisburd. They will be working with Ms. Siemer, Mr. Mantel and myself.

As you know from our briefing papers, we have basically one assignment here, that is to help you prepare a Constitution that is consistent with the Covenant and the United States Constitution and responsive to the needs of your people. We have prepared briefing papers which are designed to put before you the various alternatives which we think you would like to consider on many of the important issues before this Convention. We have no predilections regarding the kind of Constitution you should have. We are here to provide you with our guidance, if you request it. We are prepared to assist you in every way possible during the next 50 days and look forward to the opportunity of working with you. Thank you.

Director Pedro A. Tenorio: Thank you, Mr. Willens. Mr. President, I would like to say if any of the Delegates has any particular problem they want us to look into, please do not hesitate to call upon myself and the other members of my staff. Again, on behalf of the members of my staff, I wish you all success in your very difficult role as you prepare the Constitution for the Islands of the Northern Marianas. Thank you very much.

President Guerrero: Thank you, Mr. Tenorio. The next thing on our agenda is the report of the Pre-Convention Committee. At this time, I would like to call Mr. Jose P. Mafnas, who is the Chairman of the Pre-Convention Committee. Mr. Mafnas.

Chairman Jose P. Mafnaa: Thank you, Mr. President, Resident Commissioner Canham, and Members of this Convention.

Your Pre-Convention Committee met last week to discuss the organization and procedures of this Convention. We developed a proposed agenda for this first session, a set of procedural rules, and a draft schedule for consideration by this body. The results of our work were passed out to each Delegate last week.

It is now up to all of us - from each Delegation - to work together to draft a Constitution for the Commonwealth of the Northern Mariana Islands. No Constitutional Convention in recent history has tried to do so much in so little time. We must use each of our 50 days to the fullest. It is for that reason that the Pre-Convention Committee proposed a draft schedule for your consideration. This schedule provides that our committees would try and complete their work in the first three weeks of the Convention and submit their reports at the conclusion of that period to the Convention sitting as a Committee of the Whole. We know that this is an ambitious schedule. Speaking on behalf of the Pre-Convention Committee, let us set aside our political differences, let us put our heads together and concentrate our efforts on the next 49 days so that when December 6th arrives, we can be proud of our accomplishment. Thank you.

President Guerrero: The Chair recognizes Delegate Benjamin T. Manglona, Chairman of the Rota Delegation. Mr. Manglona.

Delegate Benjamin T. Manglona: Mr. President, Fellow Delegates and Honored Guests:

Before we end this opening session I would like to make a few remarks on behalf of the Rota Delegation.

My fellow Delegates from Rota and I wish to extend our congratulations to the Delegates from Tinian and Saipan to this Convention. We believe it is a great honor to be elected by our people to prepare the first Constitution in the history of the Northern Mariana Islands. We are here to work. We wish to assure the Delegates from Tinian and Saipan of our wholehearted support in the important assignment of this Convention.

It is unfortunate that this Convention opens during a political campaign season. Some of us belong to the Territorial Party; others belong to the Popular Party. We must avoid the temptation of using this Convention to advance our own political fortunes or those of any political party. We must unite -- regardless of political affiliation -- in the effort to write a workable Constitution for all the people of Northern Mariana Islands.

We from Rota come to this Convention with an open mind, ready to forget the injustices of the past. We do not believe that our people were always fairly treated by the leaders from Saipan. We are prepared to look to the future, not the past, and to assume that all the islands in the Marianas will share equally in the benefits of our new Commonwealth. There can be no progress without justice, and there can be no justice until we recognize that the people of the Northern Marianas are one people. Our Constitution must reflect this basic principle.

We have much to do in only 50 days. We must take advantage of each of these days, even if it means hard work and long hours to accomplish the job given us by the voters. The success of the Convention lies in our hands. Let us begin. Thank you, Mr. President.

President Guerrero: The Chair recognizes Delegate Olympio T. Borja at his request to make a few remarks. Mr. Borja.

Delegate Olympio T. Borja: Resident Commissioner and Mrs. Canham, Mr. President, Delegates to the Constitutional Convention of the Northern Mariana Islands, Honored Guests, Ladies and Gentlemen:

Mr. President and Honorable Delegates, with your indulgence, I wish to make a few brief remarks at this opening session of our Convention.

At the outset, I want to extend my deep and sincere appreciation and "dangkulona si yuus maase" to the people of the Northern Marianas for allowing me -- and all of us -- the opportunity to represent them in this crucial event. Second, I want to offer my heartiest congratulation to you, Mr. President, for the election to the high office of President and this assures me that our work here will be carried out efficiently and effectively, in the best spirit of harmony, cooperation, and mutual interest for the benefit of our people, and I offer my sincere cooperation in this regard.

Mr. President, I am sure that the historical importance and meaning of this Convention have escaped none of us: We have undertaken a solemn and serious duty to write the basic legal foundation for our future Government, one that will allow for local autonomy, yet be responsive to all our citizens. It is an awesome task, but I am certain that we will all rise to meet the challenge to the best of our abilities, so we may see realization of full Constitutional self-government early in 1978. As I mentioned, this is an historical convention for it is yet another step in achieving towards our ultimate political goal -- it is a step which perhaps was preordained when American Armed Forces liberated the people of the Northern Mariana Islands amidst the smoke and ashes of World War II some 30 years ago. Prior to that day, our people and islands had been no more than colonial possessions of three foreign powers over a period of three centuries. Now, as a logical consequence of our liberation and administration by the United States of America, and our long desire to become a part of the American Political Family, we are preparing to write our own Constitution and prepare for true self-government; we are preparing for a final step in the process which began with our status negotiations, the plebiscite, and the signing of the Covenant. In effect, Mr. President, what could not have been done in 300 years previously, we will accomplish in 30 short years.

In therefore realizing the historical significance of this moment, and this Convention, it behooves all of us to also look forward to the next 300 years, and the next generations of our people. We must protect their interests, and the interests of their children in this one document, and consequently, I respectfully suggest that each one of us was elected a Delegate to do a job for all of our people. As elected representatives I urge all of us to put aside any political, cultural or other affiliations we may have, and to work together in a spirit of harmony for all our people. Of course, Mr. President, there are bound to be problems, and many perplexing questions to consider in our Convention. While the concept of a Constitution is a simple one, it involves complex matters, and difficult decisions. A Constitution should be brief, but not too brief; it should be flexible, not too vague; it should be all encompassing, but not unduly restrictive; it must fit the particular history, circumstances and needs of a people, but it must also anticipate a change in those circumstances and needs in the future.

For this reason, Mr. President, I want to single out for praise our Consulting Firm of Wilmer, Cutler & Pickering for the extensive and exhaustive briefing papers which have been professionally prepared for our review and consideration. Certainly the excellence of their research in their background papers will be of invaluable assistance to our considerations and deliberations in the days forthcoming. The better prepared we are, the better chances are for a successful convention, and an excellent Constitution.

Therefore, I have every hope and expectation that, given the quality of the Delegates and leadership, and the technical expertise provided, we will successfully accomplish our mission within the 50 days allowed by our Law.

In setting forth on our task, we must note that because of the unique requirements of the Trusteeship agreement, our entrance into Constitutional Government perhaps has been delayed far beyond what we wished, but on the other hand, we must also acknowledge that with the Covenant in hand, and the Constitution close at hand, we will have the potential for enjoying local autonomy and self-government to a degree which remains beyond the grasp of other jurisdictions within the American Political Family.

In conclusion, Mr. President and Delegates, let us ask the Lord for His Blessing upon this Convention and upon us so that we will carry out his work, with foresight and wisdom, with equity and with courage, and also discharge our duties and responsibilities as Delegates in this very important and historical task for the benefit of our Islands and our generations to come. Thank you very much, Mr. President.

President Guerrero: Delegate Felipe Q. Atalig is recognized by the Chair.

Delegate Felipe Q. Atalig: I am not going to give any speeches today, but I would like the house to recognize Commissioner Pedro Nakatsukasa, Jose C. Tenorio, Mayor Felipe Mendiola, Speaker Jose R. Rios, Speaker Alfred Apatang, Chief Exec. Francisco C. Ada, Dr. Benusto R. Kaipat, and prospective Senatorial candidate, Jose R. Lifoifoi.

President Guerrero: The Chair recognizes Benigno R. Fitial, Delegate from Saipan.

Delegate Benigno R. Fitial: I move we recess until 1:30 p.m.

The motion was seconded

Delegate Jose R. Cruz: Mr. President, I just want to request this Convention to recognize everybody in the gallery.

President Guerrero: Yes, we thank you all for coming today.

The motion has been made and seconded that we recess until 1:30 p.m.

Recognize Delegate Jose R. Cruz.

Delegate Jose R. Cruz: Point of Information. This body is duly constituted, however, this body is without Rules.

Delegate Oscar Raaa: There is a motion on the floor.

President Guerrero: We will now vote on the motion to recess until 1:30 this afternoon.

A voice vote was taken and the motion carried for recess.

President Guerrero: That will conclude our program for this morning, Ladies and Gentlemen. We thank you for your presence at the Convention this morning.

The Convention recessed at 10:10 a.m.

RECESS

President Guerrero called the Convention to order at 2:10 p.m.

President Guerrero: As per the motion made this morning, our first order of business should be to adopt the Rules of Procedure for this Convention. Do I hear a motion?

Delegate Francisco T. Palacios: Mr. President, I move that the Rule of Procedure as proposed for the Convention, inclusive of the eleven proposed amendments as just distributed, be adopted as the official Rules of Procedure of this Convention.

The motion was seconded.

Delegate Olympio T. Borja: Mr. President, I would like to ask the privilege of expressing my views on the motion, particularly on the proposed amendments to the Rules of Procedure. I believe that the Rules of Procedure to be adopted should be the ones prepared by the Pre-Convention Committee since Public Law No. 4-205 gave them the authority and mandate to prepare such for consideration. After reviewing the eleven proposed amendments it appears to me that they are in conflict when we don't have the official Rules of Procedure adopted. I can see that these proposed amendments could be appropriate if they were taken up later on as provided for in the Rules. I think it is only correct, Mr. President, if we adopt our own Rules of Procedure, they should be the ones prepared by mandate and authority. They

should be the official Rules of Procedure. These were prepared in advance and we had time to study them. The proposed amendments have been distributed too recently for us to have time to study them. If I look up the chapter pertaining to future changes, we can easily adopt any amendments at a future date. It appears to me, Mr. President, that every Delegate here is entitled to advance notice and time for them to review and deliberate. It would be good to have notice of one day, or possibly five days, as provided for here. The only opposition I have for the motion is that I do not like to see us, the Delegates, act on the proposed amendments when we do not already have the official Rules of Procedure for this Convention. Therefore, Mr. President, I would like to make an amendment as a privileged motion to adopt the Rules of Procedure that have been prepared solely by the Pre-Convention Committee.

The motion was seconded.

President Guerrero: There is now an amendment to the main motion, is that clear? Delegate Borja requested that the Rules of Procedure prepared by the Pre-Convention Committee be adopted before any amendments be adopted by this Convention.

Delegate Olympio T. Borja: Mr. President, I would like to clarify my point a little bit. The proposed amendments, numbers one through eleven provide within themselves that they are amendments. My objection is that we should adopt the official rules first and then discuss and perhaps adopt the amendments.

Delegate Francisco T. Palacios: We cannot amend the Rules at this time because there are no Rules to amend. First we must adopt the Rules of the Convention. Any Delegate who wants to amend the Rules should do so after we adopt the Rules of Procedure; so the motion to amend is not in order.

Delegate Ramon G. Villagomez: Mr. President, I agree wholeheartedly with Delegate Borja and I would like to add to his position. The eleven amendments that are before us are proposed changes in the Rules of Procedure. They have been given to us within the last few moments and we have had no opportunity to look at them and take them into consideration. I believe that the main, or primary, Rules of Procedure were issued by the Pre-Convention Committee and the members of this Convention have had time to determine whether they are proper or improper. We have not had time to look at the proposed changes to the Rules. Therefore, I believe that not only is it more proper at this time to adopt the Rules given to us by the Pre-Convention Committee, but we should wait until after then to make any amendments as permitted. If we are going to adopt the proposed amendments now, we are jumping ahead of ourselves. We have not had time to look over those proposed amendments. I think it is proper at this time to open discussion and discuss each one of those proposed amendments.

Delegate Joaquin S. Torres: Mr. President, I vehemently disagree with Delegate Borja. If a lack of time is the concern, may I suggest that we have a fifteen minute recess. The proposed amendments are very simple and I think we should go ahead with the work of this Convention in adopting the Rules at this time.

Delegate Jose R. Cruz: Mr. President, how can we propose amendments to the Rules of Procedure when we have no Rules? May I remind all of the Delegates that this morning I posed that question. I said that this body is duly constituted, therefore, we must have the Rules as soon as possible. These eleven sheets of paper handed to me just minutes ago are simply proposed amendments. The question rises now: "How can you amend a Rule when you don't have a Rule?" Certainly I agree with Delegate Borja's remarks.

Delegate Oscar C. Rasa: Point of order, Mr. President. Delegate Borja's motion is out of order simply because Delegate Palacios' motion is not to amend the Rules of Procedure, but to incorporate the proposed changes. We have to make a point of clarification in here. We cannot amend a Rule that is not in existence. In order for these Rules of Procedure to be adopted, this Convention as a Whole will have to vote on them. We have not yet voted on these Rules. The motion made by Delegate Palacios is that we must incorporate not the amendments, but the proposed changes. Therefore, the amendment to the motion is out of order. Mr. President, I move for the previous question.

The motion was seconded.

Delegate Herman Q. Guerrero: Point of privilege, Mr. President. Could we have time to review this question?

Delegate Oscar Raza: May I ask the Delegate to identify what point of privilege. There is a motion for the previous question. He is out of order Mr. President.

President Guerrero: The Chair recognizes Delegate Herman Guerrero. Please state your privilege. Please make sure it's consistent with our discussion.

Delegate Herman Q. Guerrero: Mr. President, we should all be able to work harmoniously in this Convention. We should have Rules, I agree with this wholeheartedly. The incorporation of the proposed changes to the Rules of Procedure as proposed, as the papers have been handed to us only within the last minutes, have not left time to digest what is proposed. We do not know what effect these proposed changes will make. All I am asking is sufficient time to review these proposed changes. Thank you.

President Guerrero: There is a question on the floor. At this time the Chair recognizes that we should dispose of the main motion as made by Delegate Palacios.

Delegate Jose R. Cruz: Mr. President, having heard the explanation of Delegate Raza, I believe that we have, in essence, the same position. The eleven sheets of paper just distributed, as I was saying before, propose Rule amendments. You can look at the top of each of these eleven sheets and they say "Proposed Rule Amendment." My question is: How can we have a proposed amendment to a Rule when this body doesn't have any Rules? I am saying that I agree with Senator Borja.

Delegate Oscar Raza: Mr. President, I made a motion for the previous question.

President Guerrero: We will now vote on Delegate Raza's motion for previous question.

Voice vote was taken on the motion for previous question. A division of the house was called. On vote by show of hands, motion carried for previous question.

President Guerrero: At this time I would like to ask Delegate Palacios to please restate his motion.

Delegate Francisco T. Palacios: Mr. President, my motion was to adopt the proposed amendments to the proposed Rules of Procedure for the Convention, inclusive of proposed eleven amendments.

The motion was seconded.

President Guerrero: The floor is open for discussion on that motion.

Delegate Jose R. Cruz: Mr. President, I would like to request, perhaps from the Legal Department, some clarification under Public Act No. 347

Delegate Olympio T. Borja: Mr. President, there is already, a motion for the previous question. Point of order.

Delegate Jose R. Cruz: Point of order, Mr. President, he has not been recognized by the Chair and is speaking.

President Guerrero: Please, I ask your cooperation in this. May I call upon our legal counsel to clarify this matter. Delegate Cruz, please continue.

Delegate Jose R. Cruz: The question I am posing, Mr. President, is that under Act No. 347, Section 6(b), there is language that stipulates that this Convention has the legal and final authority to determine the eligibility of the delegate-elect. Now, under the so-called Proposed Amendment No. 4, it says, "No protest or petition contesting the election or appointment of any delegate shall be received or considered by the Convention." I just want a simple clarification of that.

President Guerrero: May I have an opinion from our Legal Consultant, please.

Mr. Willens: Mr. President, it is our view that the Proposed Rule Amendment No. 4 is consistent with the enabling Act.

President Guerrero: We will now vote on the main motion as made by Delegate Palacios.

Voice vote was taken and a division of the house called. Upon vote by show of hands, motion carried to adopt the proposed Rules of Procedure for the Convention, including the eleven proposed amendments as presented.

President Guerrero: I just want to make a clarification here. I hope it is the understanding and majority of consensus that we adopted the Rules of Procedure as amended by the proposed amendments. Our next order of business is the election of our officers. We will elect three vice presidents and according to the Rule just adopted, we will have a floor leader.

Delegate Benigno R. Ftial: Mr. President, I nominate Delegate Benjamin T. Manglona, Delegate from Rota, for our First Vice President.

The nomination was seconded.

Delegate Jose R. Cruz: Mr. President, I move that nominations are closed.

Motion was seconded to close nominations.

Delegate Oscar C. Rasa: Mr. President, there being no further nominations, I move that we elect Delegate Manglona by acclamation to First Vice President of our Convention.

The motion was seconded.

President Guerrero: Motion being made and seconded that Delegate Benjamin T. Manglona be elected to our First Vice President, may we have a round of applause.

First Vice President Benjamin T. Manglona: Mr. President, I would like to express my deepest appreciation to each and every one of the Delegates for their vote of support in making me First Vice President of this Convention.

Delegate Manuel A. Tenorio: Mr. President, I would like to nominate for Second Vice President Delegate Vicente M. Manglona from Tinian.

The nomination was seconded.

Delegate Jose R. Cruz: I move that nominations close.

Motion was seconded to close nominations.

Delegate Oscar C. Rasa: Mr. President, I move that Delegate Vicente Manglona be elected Second Vice President by acclamation.

The motion was seconded.

President Guerrero: Delegate Vicente M. Manglona is elected Second Vice President by acclamation.

Second Vice President Vicente Manglona: On behalf of my family and myself, I would like to extend my sincere appreciation to all those who have delegated the responsibility of Vice President to me.

Delegate Leon I. Taisacan: Mr. President, I nominate Delegate Francisco T. Palacios as our Third Vice President.

The nomination was seconded.

Delegate Jose R. Cruz: Mr. President, I nominate Delegate Olympio T. Borja as Third Vice President.

The motion was seconded.

Delegate Olympio T. Borja: Mr. President, as much as I appreciate the nomination, I must decline. I move that we elect Francisco T. Palacios by acclamation.

The motion was seconded.

President Guerrero: Delegate Palacios is elected by acclamation to the position of Third Vice President.

Third Vice President Delegate Francisco T. Palacios: I would like to express my appreciation to you for electing me your Third Vice President.

Delegate Benigno R. Fitial: Mr. President, I nominate Delegate Oscar C. Rasa for the office of Floor Leader.

The nomination was seconded.

Delegate Olympio T. Borja: Mr. President, I move that we elect Delegate Rasa by acclamation.

The motion was seconded.

President Guerrero: Gentlemen, Mr. Rasa is our new Floor Leader by acclamation. The election of our officers is now concluded.

Delegate Pedro Q. Dela Cruz: Mr. President, correct me if I am wrong, but I believe the Rules of Procedure state the Secretary should be elected, too.

Delegate Benigno R. Fitial: Mr. President, I'm not sure if it is required, but I nominate Delegate Pedro M. Atalig as our Secretary.

Delegate Herman Q. Guerrero: Point of Information, Mr. President. I'm not sure the Convention Secretary is to be elected by the Delegates.

President Guerrero: For your information, I checked before the meeting today and that position of Convention Secretary does not have to be elected. I am sure that Delegate Pete Atalig is being appointed as Secretary for our Convention and is to be congratulated.

Delegate Benjamin T. Manglona: Mr. President, may I request a brief recess, subject to the call of the Chair. I so move.

Motion was seconded

President Guerrero: There will be a short recess, subject to the call of the Chair.

The Convention recessed at 2:40 p.m.

RECESS

President Guerrero called the Convention to order at three o'clock, p.m.

Delegate Benjamin T. Manglona: Mr. President, I wonder if I am in order to make a motion to amend Chapter VII, Section 1(b), and Chapter VII, Section 3(b), of our newly adopted Convention Rules of Procedure. I want to change the wording of the adopted Rule to the old proposed wording as provided in the Rules of Procedure. I want it placed on tomorrow's calendar in accordance with the Chapter that calls for one day's notice. I move that these matters are placed on the calendar for tomorrow.

The motion was seconded and carried for Chapter VII, Sections 1(b) and 3(b), to be considered on the Order of Business for the following day.

President Guerrero: There has been a sheet of paper recently distributed in this Convention Hall. The Chair would like to take this opportunity to assign the following Delegates to each respective Committee:

Chairman of the Committee on "Governmental Institutions" will be Delegate Jose P. Mafnas. The Vice Chairman will be Delegate Prudencio Manglona. Members will be Gregorio Calvo, David Atalig, Benjamin Manglona, Pedro Igitol, Vicente Attao, Joaquin Torres, Jose R. Cruz, Olympio T. Borja, Herman Q. Guerrero, David Q. Maratita and Antonio M. Camacho.

Chairman of the Committee on "Personal Rights and Natural Resources" will be Delegate Felipe Atalig. The Vice Chairman for that Committee will be Delegate Ramon G. Villagomez. Members will be Delegates Henry Hofschneider, Leon Taisacan, Pete Atalig, Luis Limes, Francisco Palacios, Juan S. Demapan, Manuel A. Tenorio, Felix A. Ayuyu, Jose S. Borja, Daniel P. Castro and Hilario F. Diaz.

The Chairman of the Committee on "Finance, Local Government and Other Matters" will be Delegate Benigno Fitial. Vice Chairman will be Delegate Pedro Dela Cruz. Members will be Delegates Pete Ogo, Esteven King, Luis Benavente, Juan Tenorio, Oscar C. Rasa, Vicente Manglona, Jesus G. Villagomez, Magdalena C. Camacho, Juan DLG. Demapan and Carlos S. Camacho.

If there are no objections from the floor, those will be the assignments of each Committee.

Delegate Ramon G. Villagomez: Mr. President, I would like to express my appreciation for my appointment as Vice Chairman of the Committee on Personal Rights and Natural Resources. However, I would like to say that I am more interested in being involved in the work of this Committee as a member. For that reason, I would like to inform you that I would prefer to not accept the appointment, Mr. President.

President Guerrero: Thank you, Delegate Villagomez. The Chair recognizes the interest you have expressed. At a later time today I will make another appointment for the Vice Chairman of that Committee.

I would like to announce before we adjourn today that the Committee on Organization and Procedure that consists of all officers just elected will have a meeting just as soon as the Convention adjourns today. We need to proceed with the necessary actions to be followed in this Convention and we also need to put in the calendar for tomorrow's meeting.

The Chair has not at this time, of course, appointed any sub-committees. Appointment is pending meetings with these other officers. If we see that it is required, we will assign some of the members to those sub-committees.

Delegate Jose R. Cruz: Mr. President, I move that we recess until tomorrow morning at nine o'clock.

Motion was seconded.

Delegate Olympio T. Borja: Point of information, Mr. President. Did you have further business?

President Guerrero: Yes, I would like to make two announcements before we recess. There is a reception this evening to be hosted by the Resident Commissioner, the Office of the Northern Mariana Islands Transition Commission and the Office of Transition Studies and Planning of the Northern Mariana Islands. It will be from six to eight o'clock p.m. at this hotel and all Delegates are urged to attend.

I recognize Delegate David Q. Maratita.

Delegate David Q. Maratita: Mr. President, I would like to inquire what title we are going to use in this Convention. Are we going to use "Delegate" or "Senator?" I would hope that each of us would be "Delegate."

President Guerrero: Thank you, Dave, for your concern. The most proper language for all of us to use is "Delegate" since we are all Delegates to this Convention.

Delegate David Q. Maratita: Thank you, Mr. President. I would just like to be assured that no more favorable treatment would be given a Senator than to any Delegate.

Delegate Jose R. Cruz: Mr. President, may I suggest that if the President wishes to insist on titles, when he recognizes someone like Delegate Borja, he says, "Mr. Borja, Senator Borja, Delegate Borja." (Laughter)

Delegate Hilario F. Diaz: Mr. President, point of interest, please. As I understand it, all the elected officers have expressed their appreciation in this Chamber today. I was just curious about our Floor Leader, the distinguished Delegate Oscar Rasa. I would like at this time to make a brief speech on his behalf.

Floor Leader Rasa: Mr. President, it would be most appropriate if I did this in writing. That is the reason why I have not expressed my appreciation. Be rest assured that I will do this in writing.

President Guerrero: Thank you. There is one other sheet that was distributed today listing the Administrative Assistance/Public Information Officers for each Delegation. For the Saipan Municipality it is Mr. Nick Santos. For the Rota Municipality it is Mr. Mateo Masga. For the Tinian Municipality it is Mr. Martin San Nicholas. Saipan, by the way, includes the Northern Islands.

Delegate Oscar C. Rasa: Mr. President, there being no further business, I move that the Convention recess until nine o'clock tomorrow morning.

The motion was seconded.

Delegate Jose R. Cruz: Mr. President, point of order. I believe the motion made by our Floor Leader is out of order as the motion was already on the floor. (Laughter)

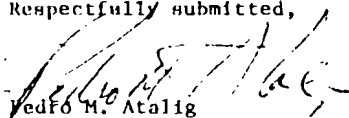
Floor Leader Rasa: Mr. President, the motion as entertained by Delegate Cruz is technically dead. A new motion to recess is in order.

Delegate Jose R. Cruz: I respectfully withdraw my point of order, Mr. President.

President Guerrero: The Convention is hereby recessed until tomorrow morning at nine o'clock.

The Convention recessed at 3:15 p.m.

Respectfully submitted,



Jedfo M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

SECOND DAY
Tuesday, October 19, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 9:15 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 38 Delegates present. Delegate Herman Q. Guerrero was absent.

Floor Leader Rasa: Mr. President, I move that Delegate Herman Guerrero be granted leave of absence.

The motion was seconded and, there being no objection from the floor, the President so ordered.

(4) ADOPTION OF JOURNAL

President Guerrero: The next item on our agenda is the adoption of our Journal. For your information, I received information from the Secretary that duplication of our Journal for yesterday's meeting is not completed and is in the process.

Floor Leader Rasa: Mr. President, just a point for clarification. According to the rules and procedures that we adopted yesterday item number 4, "Adoption of the Journal" is not included in the official Rules of Procedure. I, therefore, move that we bypass this and move on to item 5.

The motion was seconded and carried by voice vote.

(Delegate Herman Q. Guerrero entered the Convention floor.)

(5) MISCELLANEOUS COMMUNICATIONS - None.

(6) COMMITTEE REPORTS

Chairman Felipe Q. Atalig: The Committee on Personal Rights & Natural Resources has no report at this time, Mr. President.

Chairman Jose P. Mafnas: Mr. President, your Committee on Governmental Institutions has no report as yet.

Chairman Benigno Fitial: The Committee on Finance, Local Government and Other Matters has not yet met and, therefore, has no report at this time, Mr. President.

(7) INTRODUCTION OF PROPOSALS - None

(8) FIRST READING OF PROPOSALS - None

(9) SECOND AND FINAL READINGS OF PROPOSALS - None

(10) MOTIONS AND RESOLUTIONS

Delegate Benjamin T. Mangiona: Mr. President, before I make a motion I would like to refer this Convention to line item 68 of our Rules of Procedure, "Notice and Vote Concerning Amendment of Rules." It requires this Convention to have not less than five (5) Convention days' notice in order to make an amendment. Therefore,

Mr. President, at this time I wish to move for the temporary suspension of our Rules of Procedure in order to adopt Proposed Amendment Number 12.

The motion was seconded and carried by voice vote.

Delegate Carlos S. Camacho: Point of information, please. I don't have a copy.

President Guerrero: Do any other Delegates not have copies of the Proposed Amendment? Are you ready to vote on that suspension of the Rules?

Delegate Olympio T. Borja: Point of information, Mr. President. I believe we just adopted the suspension of the Rules and I think we now need a motion to adopt Proposed Amendment No. 12.

Delegate Pedro Q. Dela Cruz: I so move--that the Proposed Rules Amendment No. 12 be adopted.

The motion was seconded and carried by voice vote. Proposed Rules Amendment No. 12 was adopted by the Convention.

Delegate Luis M. Limes: Mr. President, I am sorry but I am all mixed up. Has Proposed Amendment No. 12 been passed out yet?

President Guerrero: I am sure that all the necessary papers have been passed to the individual Delegates. Does everyone have a copy at this time, please?

Delegate Luis M. Limes: Yes, Mr. President. Thank you.

President Guerrero: Before going to item eleven I would like to ask our legal counsel about the "Summary of Voting Requirements under Convention Rules" that was distributed this morning.

Mr. Willens: Mr. President, we thought it would be useful for the Delegates to have a summary of the voting requirements established by the Rules of Procedure that you have adopted, which we have distributed to you. It is a one page summary of the voting requirements, so that when during debate you come up against a particular motion, you will be able to easily ascertain whether a majority vote is needed or whether some other requirement is established by the Rules. It is for your convenience, and has no independent legal significance.

Delegate Olympio T. Borja: Thank you, Mr. President. I believe that while we are discussing Motions and Resolutions, the point raised by Floor Leader Rasa is a valid point. I concur with him, but I fail to see any provision in the Rules that the Delegates must adopt the Journal on the following day. I must bring this notice in advance, like Delegate Manglona did yesterday. Since this provision is very important I would like to make a motion that such insertion for the adoption of the Journal be placed on the calendar for tomorrow. I will put it in writing following today's session so that it will be included on tomorrow's calendar. Therefore, Mr. President, in the interest of convenience and an effective Journal for the Convention, I move that tomorrow's calendar contain a proposal to insert the requirements of the Journal for the approval of the Convention.

The motion was seconded.

Delegate Benigno Fitial: Mr. President, point of information. Was this intentionally left out by the Pre-Convention Committee?

Delegate Jose P. Mafnas: No, it was not intentionally left out. It was inadvertently omitted.

Floor Leader Rasa: To provide more enlightenment on the issue, upon reviewing yesterday's Journal, it appears that a few of the statements were left out. I suggest that we should get together and try to decide just how we're going to work those aspects which will affect the adoption of the Journal. The members should be given time to review statements they made because we do make mistakes, Delegates as well as secretaries. It should be reviewed before adoption by the Convention as a whole.

Mr. Willens: The Rules provide in Rule 14(b) that the Secretary has the responsibility of keeping a daily Journal of the Convention proceedings, summarizing the matters considered and the actions taken by the Convention, and to provide a copy for the Delegates as promptly as possible. It is the intention of the Rules that the Journal be a summary of the actions taken and the matters discussed and that the Journal not be a verbatim transcription of the proceedings of this Convention. As Delegate Rasa has indicated, a transcription involves numerous problems of accuracy, of completeness, and cannot possibly be done in our view on a daily basis. We believe that a Journal should be a short summary of what was done on each day so that it could be prepared easily and reviewed by the Delegates at the beginning of each session. I am trying to distinguish between a Journal and a verbatim transcription.

Delegate Felipe Q. Aralig: I disagree with the legal consultant. I am specifically referring to my statement on page 9. This is just a minor thing, but "Commissioner" Pedro Nakatsukasa should be inserted in there. It has been deleted and, also, "Prospective Senatorial Candidate" Jose R. Lifofoi. Why was this not included in my statement?

Delegate Jose R. Cruz: Mr. President, for further enlightenment, not for any recrimination motive, Mr. President. But a Journal which must be adopted by the Convention should be on a verbatim basis. We cannot shortcut statements made by the Delegates. Delegate Jose R. Cruz, on the last page, and I quote, Mr. President, "I believe our Floor Leader is out of order as the motion was already on the floor." I did make a response which evidently is eliminated. These are minor things. We should not quarrel. But I think as a matter of record the Journal should be on a verbatim basis. That is why Senator Borja is coming up with a design tomorrow so we can act on it. We cannot shortcut statements, Mr. President, made by the Delegates. This is distorting statements.

Journal

President Guerrero: Your point, Mr. Cruz, is well taken and I am sure that we will discuss this with our recorders here, who are under the responsibility and direction, of course, of the Secretary, so that all the statements made by the individual Delegates will be inserted in the Journal. I would urge, also, that each member should have an opportunity to review the Journal and make sure that all the statements are well taken for the adoption of the Convention.

Delegate Jose R. Cruz: Thank you, Mr. President. I certainly agree with the remarks made by Delegate Rasa. The remark I made yesterday, and the response shown in the Journal certainly made it look very much ridiculous on the part of the Delegate. Mr. President, on page 5, Rule 14(b), as our consultant indicated, this Convention agrees to the substance of these provisions that the Secretary shall keep a daily Journal of this Convention summarizing the matters considered. We have to decide whether we want this Convention to have just a summarized Journal or verbatim. That is the question now that we have to decide, otherwise we are bound by this Rule.

Delegate Dela Cruz: Thank you, Mr. President. This is the same line as Floor Leader Rasa mentioned. Yesterday I made two statements and they are omitted from the Journal entirely.

Delegate Joaquin Torres: I agree with the Delegate from Tinian's interpretation of the Rule. However, that does not include omission of statements made by Delegates. Summary does not mean omission of statements made by Delegates when the Rule provides for summarization of statements made by the Delegates. Again I repeat: that does not authorize omission of statements made by the Delegates.

Delegate Manuel A. Tenorio: Thank you, Mr. President. For clarification, I want to know, for the Convention, if the tapes are kept as a record. And when the Convention does, in fact, adopt the daily Journal, will they adopt the daily recordings for the record, too?

President Guerrero: For your information, Delegate Tenorio, I am sure that all the recordings are in custody of the Convention under the jurisdiction of the Secretary. I am sure that it is well recorded and if anyone has any doubt they could refer to the tapes.

Delegate Francisco Palacios: Mr. President, I agree that the Rules provide for a summary, however, in this First Day Journal some of it is summary and some is verbatim. That is why there is some ill-feeling here, because what Delegate

Cruz stated is verbatim, but that statement is not followed by what Delegate Rasa had stated. There is some unbalance. If we want a summary Journal, then let's have a summary Journal. If not, then let's decide what we should have. Thank you.

Delegate Jose R. Cruz: Thank you, Mr. President. What I think happened during the Pre-Convention meeting, in the interest of efficiency and so that we have a daily digest, it was discussed that perhaps a summarization of the Journal is the best formula. I would like to express a point that I do not condone omission of a statement by a certain Delegate. What I was referring to awhile ago is that we have a Rule, we have adopted such Rules, and we are bound by these Rules that state the Journal will be on a summary basis. Now, if this Convention wishes to have a verbatim Journal, then we should just change the Rules. That is the substance of my remarks earlier.

Delegate Benigno Fitial: Mr. President, we have, I'm sure, identified the problem and if we are going to keep talking about it, I'm sure there is nothing that can be done at the moment. Delegate Borja has a plan that will be submitted in tomorrow's agenda to resolve this problem. So let's end debate on this particular matter. I so move.

The motion was seconded and carried. Debate was ended.

President Guerrero: Are we ready to vote on the main motion by Senator Borja?

Delegate Jose P. Mafnas: Mr. President, point of information. May I ask the distinguished Delegate, Senator Borja, to restate his motion, please.

Delegate Olympio T. Borja: Mr. President, I am very happy to respond and restate my motion. The motion I have placed on the floor is a motion to place on the calendar of business for tomorrow's consideration of an amendment to the Rules of Procedure concerning the requirement of the adoption of the Journal.

Delegate David Q. Maratita: Mr. President, I just want to be enlightened on agenda item number ten, "Motions and Resolutions," referring to Rules of Procedure Chapter 7, Section 1(b) and Section 3(b). Where can I find these particular chapters?

President Guerrero: I'm sure you can find these in the Proposed Rules of Procedure.

Mr. Willens: Mr. President, the Rules have been renumbered so now there is an amendment to Rule 66 and Rule 68.

Delegate Pedro Dela Cruz: I'm sorry, Mr. President. We only have to page 20 of the new regulations, so the old regulations should be taken off.

Mr. Willens: It is on page 18 of the retyped version distributed this morning. There was an amendment to Rule 66(b) and 68(b) and a substitute page can be prepared reflecting the action of the Convention this morning. Throw away the old ones.

President Guerrero: Delegate Maratita from Saipan, is that clear?

Delegate David Q. Maratita: Chapter 7, Section 1(b) and Section 3(b), I cannot find it here.

President Guerrero: That is the old numbering.

Delegate David Q. Maratita: I would like to refer to this particular Chapter. Are we referring to the adopted Rules of Procedure?

President Guerrero: Yes, correct. The one that we adopted yesterday. This is the Proposed Amendment that will be submitted this morning.

Delegate David Q. Maratita: Mr. President, Chapter 7, Section 1(b); can anyone help me in finding this?

Delegate Pedro Dela Cruz: Mr. President, maybe I can explain this.

President Guerrero: I'll have the Delegate from Rota, Mr. Dela Cruz, explain.

Delegate Pedro Dela Cruz: Chapter 7, Section 1(b), is on page 25 of the old regulations. This was amended yesterday and a new version has been produced. So take this old regulation and throw it out the window. And then turn to page 18, number 66, in which number 66, Section 1(b) is, and then you refer back to Proposed Rule Amendment No. 12, which has been adopted. That's where it is. Page 18, No. 66, is supposed to be the old Chapter 7.

Delegate David Q. Maratita: Thank you, Mr. President. I hope we can adopt this system in Chapter 7, Section 1(b), on the new Rules of Procedure. I don't see any Chapter 7, Section 1(b).

Secretary Atalig: Mr. President, if you will recall, yesterday, Delegate Benjamin Manglona moved that we consider Chapter 7, Section 1(b) and Section 3(b) and the motion was carried. That was a motion to put this on the calendar and that is why it appears here, if you recall.

Delegate Benigno Fitial: I think the problem here, as a point of reference, is that the new version of the Rules of Procedure does not include any chapters. The new Rules are being enumerated and they are not classified under the chapter system.

President Guerrero: I am sure that we have had enough discussion on that, so let's move on to our next item on the agenda.

- (11) UNFINISHED BUSINESS - None.
- (12) SPECIAL ORDERS OF THE DAY - None.
- (13) GENERAL ORDERS OF THE DAY - None.
- (14) ANNOUNCEMENTS

Chairman Fitial: Mr. President, I would like to announce that the Committee on Finance, Local Government and Other Matters will have a meeting immediately after this morning's session in one of the rooms over in the annex.

Chairman Atalig: The Committee on Personal Rights & Natural Resources will have a meeting immediately after this session, along with the consultants for the Committee. May I ask, Mr. President, that the attendance of this meeting is mandatory. They have to be there for this meeting, and I urge every member to come and if they don't come, we will exercise the power of the Sergeant-at-Arms.

Chairman Mafnas: Mr. President, your Committee on Governmental Institutions will be meeting immediately after this session. I urge every Delegate to be present.

Delegate Antonio M. Camacho: Mr. President, I would like to add to the directive of Delegate Atalig. I think the Delegate who intends to be absent could send a proxy to his Committee.

President Guerrero: I hope that matter can be settled with your respective chairmen. Make sure that any Delegate who will not be able to attend any meeting will extend a notice of excuse, with some good reason that you will not be able to attend.

Delegate Pete Ogo: Mr. President, for a point of clarification on these announcements. I was listening for some specific place. We have a meeting today but we don't know where we are to meet. I am very sure there is going to be a lot of confusion after this meeting. I hope these announcements for meetings can be more specific in time and place.

Chairman Mafnas: The Committee on Governmental Institutions will be meeting in the Conference Room immediately after this session.

Chairman Fitial: The Committee on Finance, Local Government and Other Matters will be meeting in one of the conference rooms that will be available.

President Guerrero: For your information, the gallery behind us could be utilized for a Committee meeting. I understand there is a partition that can be closed if it is necessary.

Secretary Atalig: I would like to point out that I will be the one scheduling the different rooms for use. Some Committees are larger than others. Naturally those smaller Committees could meet in a conference room. The larger Committees, such as Governmental Organization, could use this Convention Hall. There is also another facility and that is the Keio Room, the Japanese restaurant. I would like the chairmen to get together with me on this and not just schedule their own.

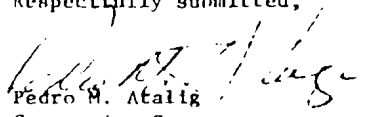
Delegate Manuel Tenorio: Mr. President, if there is no further discussion or announcement, I would like to move that we recess until one o'clock this afternoon.

Delegate Olympio T. Borja: Mr. President, I would like to amend the motion to state that we will recess until tomorrow morning at nine o'clock a.m.

The motion was seconded and carried by voice vote.

The Convention recessed at 10:55 a.m.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

THIRD DAY
Wednesday, October 20, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 9:15 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 39 Delegates present. No Delegates were absent or excused.

(4) COMMUNICATIONS - None.

(5) COMMITTEE REPORTS

Chairman Jose P. Mafnas: Mr. President, I would like to make an oral report to the Convention. Your Committee on Governmental Institutions met yesterday and made substantial progress on the issue of a Washington Representative. A report will be prepared and submitted to the Committee of the Whole. Thank you.

Chairman Benigno Fitjal: Mr. President, your Committee on Finance, Local Government and Other Matters also met yesterday and adopted a schedule of meetings and agenda. We are very confident we will accomplish our assignment in three weeks as provided by the schedule from the Pre-Convention Committee. Today we will discuss Constitutional Amendment and we are also confident that we will accomplish this today.

Chairman Felipe Atalig: Mr. President, at this time I would like to make an oral report. Your Committee on Personal Rights & Natural Resources began its deliberation yesterday morning. The Committee decided to consider the matters assigned to it in the following order: Eligibility to Vote and Election Procedures scheduled for discussion on October 19 and 20; followed by Bill of Rights on October 20 and 21; then Natural Resources on October 26 to 28; and Land Alienation from October 29 to November 4. Your Committee designated November 5 for their review and adoption of all constitutional provisions to be proposed by the Committee to the Convention. At its afternoon meeting the Committee discussed Eligibility to Vote. The Committee tentatively made decisions concerning citizenship, age and residency requirements. Today's agenda for the Committee includes literacy requirements, disqualification from voting due to conviction of a crime, election procedures, initiative, referendum and recall. I wish to further report, Mr. President, that the participation and output of work by your Committee members is excellent and highly commendable by your Committee Chairman. Thank you.

(6) INTRODUCTION OF PROPOSALS

Delegate Jose R. Cruz introduced Delegate Proposal No. 01, entitled "Proposal Regarding the Executive Branch of Government."

At the request of Floor Leader Rasa, President Guerrero dispensed with items (7) and (8) of the Order of Business, there being no objection from the floor.

(9) MOTIONS AND RESOLUTIONS

Floor Leader Rasa: Mr. President, at this point I would like to move that Convention Rule 68(a) be temporarily suspended.

The motion was seconded and carried to temporarily suspend Rule 68(a).

Floor Leader Raza: Mr. President, at this point I would like to introduce Proposed Rule Amendment No. 13, specifically deals with the Journal and the transcript. I move that Proposed Rule Amendment No.13 be adopted.

The motion was seconded and carried. The adopted Rule Amendment is as follows:

RULE AMENDMENT NO. 13

Resolved, That the following be added to the Rules of Procedure:

77. Journal. The journal to be prepared by the secretary pursuant to Rule 14(b) shall consist of a summary of the proceedings of the Convention. The journal shall be produced daily for the delegates and shall be submitted for their approval each day during the Convention's consideration of preliminary matters under Rule 38.

78. Transcript. A verbatim transcript of the proceedings of the Convention shall be produced and distributed by the secretary under Rule 14(g) to the delegates as is practicable. Delegates shall have four (4) days, excluding days on which the Convention does not meet, in which to correct inaccuracies in the transcript by filing an appropriate notice with the secretary of the Convention or by offering an amendment or addition during its consideration by the Convention. Following this four (4) day period, the president shall submit the transcript to the Convention for its approval.

Floor Leader Raza: Mr. President, there being no further action under Motions and Resolutions, I request that we move on to item (10) of our Order of Business.

President Guerrero: There being no objection from the floor, it is so ordered.

(10) UNFINISHED BUSINESS

Delegate Olympio T. Borja: Mr. President, in line with the Rule Amendment No. 13 just adopted by the Convention, I would like to move for the adoption of the Summary Journals of the first and second days.

The motion was seconded.

Delegate Jose P. Mafnas: Mr. President, on page 3 of our Summary Journal of the First Day. Am I correct that the Vice-Chairman of the Committee on Personal Rights & Natural Resources is still Ramon Villagomez?

President Guerrero: For the information of the Delegates, yesterday I officially appointed Delegate Felix A. Ayuyu to be Vice-Chairman of that Committee. This morning I received a communication from Delegate Ayuyu saying that he reluctantly declined to be Vice-Chairman of that Committee. At this time I would like to inform the Delegates that I will delegate the authority to the Chairman of that Committee for them to elect their Vice-Chairman.

Motion to adopt the Summary Journals of the First and Second Days carried.

(11) SPECIAL ORDERS OF THE DAY - None

(12) GENERAL ORDERS OF THE DAY - None

(13) ANNOUNCEMENTS

Convention Secretary: Mr. President, I would like to announce that the three substantive committees will meet immediately following our recess. The following rooms have been assigned for their meetings: The Committee on Governmental Institutions will meet in the Convention Hall. The Committee on Personal Rights & Natural Resources will meet in the Keio Room. And the

Committee on Finance, Local Government and Other Matters will meet in the room at the back of the Convention Hall.

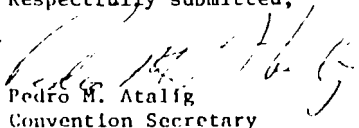
I would also like to announce that coffee and hot tea will be provided to the Delegates at the expense of fifty cents (50¢) per day per Delegate.

Floor Leader Raza: Mr. President, there being no further business, I move that the Convention recess until ten o'clock tomorrow morning.

The motion was seconded and carried.

The Convention recessed at 9:30 a.m.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

FOURTH DAY
Thursday, October 21, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 10:10 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 39 Delegates present. No Delegates were excused or absent.

(4) ADOPTION OF THE SUMMARY JOURNAL

Floor Leader Rasa moved that the Convention Rule of Procedure No. 68(a) be temporarily suspended. The motion was seconded and carried.

Floor Leader Rasa moved to amend Rule 38 of the Rules of Procedure to include "Adoption of the Journal" to appear between item (c) "Roll Call" and item (d) "Reports of Committees." The motion was seconded and passed.

Floor Leader Rasa moved for the adoption of the Summary Journal of the Third Day. The motion was seconded and carried.

(5) MISCELLANEOUS COMMUNICATIONS

Secretary Atalig: Mr. President, we have two Communications this morning. The first is a memorandum to all Convention Delegates from the Convention President, attaching a memorandum from Pedro Tenorio, Director of the Office of Transition and Planning, regarding "Compensation of Marianas Constitutional Convention Delegates." The second Communication is a memorandum to all Convention Delegates from the Convention President concerning "Speeches Given on the Convention Floor." Both memorandums are self-explanatory and have been given to all Delegates.

Delegate Pedro Dela Cruz: Mr. President, after going over the correspondence from the Director of OTSP I have some statements or comments to make regarding the per diem rate and section 2 and section 3. I realize the legality of the per diem rate, as well as the per diem allowance for off-island Delegates, and let me say that I have no quarrel about that. We who are the subject here, being off-island Delegates, do not protest the per diem rate. However, going down to Section III, sub-section 1, where it says, "Each delegate is entitled to one roundtrip transportation except delegates who are employees of the GNMI and whose duty station is Saipan." I feel that is a grossly unfair situation. We might be required to go down to Rota to confer with our constituents. And I think that, in all fairness, that has to be done. If I have to perform the function and responsibility as a Delegate, I feel the Convention should put out the expense of the transportation ticket. I do not feel that I should be using my own financial resources for this matter.

Convention Secretary: Mr. President, to respond to that statement, you know the rationale for the per diem and you know your duty station is here in Saipan. If you are going to Rota on Committee business, I don't think there will be any problem. But for you to go on your own personal business, I don't think the Convention should cover the expense of the ticket.

Delegate Pedro Dela Cruz: When I have to go down to pursue and to discuss matters with my constituents, I think that is Convention business. That is not personal business.

Convention Secretary: Delegate Dela Cruz, if you will come and see me we can clear this up.

Delegate Dela Cruz: Mr. President, this has been discussed previously and I feel the Floor should decide on this.

Delegate Gregorio Calvo: I have to agree with Delegate Dela Cruz, Mr. President. After the Convention I think it is right that we take whatever we have here down to Rota. We feel that is still Convention business even though it is after the Convention. We have to take to our people what has been done here.

Delegate Jose R. Cruz: Mr. President, I just want to inform the Convention that during the Pre-Convention Committee meetings we discussed this briefly. Delegate Ben Manglona and other members of the Pre-Convention Committee were involved in this discussion. To be truthful, I am somewhat surprised to see this communication before us this morning because we informed the OTSP office that the Delegates from other islands are required from time to time to return to their respective municipalities for consultation purposes. It is unlike Delegates from Saipan because they live here and they represent the people here. In the case of Rota, Tinian, and even perhaps the Northern Islands, the Delegates are required to return to their respective areas for consultation. Therefore, Mr. President, I think it would be wise after the session to see the Secretary and settle this internal problem once and for all.

Delegate Hilario Diaz: Mr. President, I wholeheartedly agree with the Delegate from Rota. I also feel that we are obligated to consult with our constituents on Tinian. I therefore request that this particular matter be reconsidered.

Convention Secretary: Mr. President, one of the reasons why we hired the Administrative Assistants was for them to serve as Public Information Officers. It seems that the Delegates are wanting perhaps a roundtrip ticket every week. I must be blunt. The budget does not cover this. We might be in the red if we persist in trying to overspend.

Delegate Felipe Atalig: I think it appears that the matter is more a problem directed to Rota and Tinian. I therefore suggest, Mr. President, that we should go ahead and discuss the rest of the agenda of the house. This should be discussed later on by their respective leaders with our Secretary.

Delegate Benjamin Manglona: Mr. President, I consider this problem to be a communication problem. I agree with Delegate Atalig that we should proceed with the other items on our agenda of business. I will take up this matter with my Delegation and also with the office of OTSP.

Delegate Pedro Dela Cruz: Mr. President, if this cannot be resolved I feel the President should enter this case. Also, I have the feeling that somebody is just ramrodding things down to us.

President Guerrero: I can assure the Delegates that we will study and thoroughly discuss with the Pre-Convention Chairman what commitment was made by the office of OTSP. And we will discuss this matter with the Director. I suggest we proceed with our agenda.

Floor Leader Rasa: Mr. President, I would like to inform the Delegates that under "Miscellaneous Communications" Robert's Rules of Order, the newly revised edition, debate of issues is restricted. I suggest that if there are any problems, they should be directed to the appropriate body.

(6) COMMITTEE REPORTS

Chairman Mafnas: Mr. President, may I respectfully submit my report and ask that it be read by the Secretary.

President Guerrero: Please read the report, Mr. Secretary.

The Committee Report, as read by the Secretary, was as follows:

"Mr. President, your Committee on Governmental Institutions met yesterday and made substantial progress in considering matters dealing with the Judicial branch of government. The Committee will meet today to consider a draft report and constitutional article pertaining to Washington representation. Tomorrow the Committee will turn to the subject of the Legislative branch of government.

"The members of your Committee on Governmental Institutions are working well together and are making good progress towards completing the Committee's assignment. Thank you, Mr. President."

Chairman Fitial: Your Committee on Finance, Local Government and Other Matters met yesterday for a total of five hours and has completed its deliberations on a very important provision to be incorporated in the Constitution, Mr. President, namely, Constitutional Amendments. The exact constitutional language for this particular provision is being drafted by the legal consultants and will be reviewed by your Committee, hopefully, today. If not today, definitely it will be reviewed tomorrow, Mr. President. Also, your Committee is very confident that this particular provision will be ready for consideration by the Convention Committee of the Whole by the end of this week. Mr. President, I want the record to show that the membership of your Committee is fully participating and actively deliberating on this particular issue. I also want the record to show that very careful analysis of this provision has been made. We will be meeting today to discuss and review this matter, and also to take up another very important provision, namely, Education.

Chairman Atalig: Your Committee on Personal Rights & Natural Resources has completed their deliberations on Eligibility to Vote, Election Procedures, and Initiative, Referendum and Recall. I would like to note that the report has been given to the Committee members and I urge the members to review carefully their report. I found out in the first glance that there has been so many deletions and additions in the report, Mr. President, that have not been discussed by the Committee members. I therefore urge the President of this Convention to please provide some sort of recording system for the Committees whereby the matters discussed would be kept accurately.

President Guerrero: Your point is well taken, Chairman Atalig. I suggest, of course, that all Committee Reports be thoroughly discussed before presentation to this Convention.

Delegate Ramon Villagomez: Chairman Atalig mentioned that a lot of points were changed in our Committee Report. I think it is not very accurate to just stop at that point. I think we should also realize that the consultant who drafted this report was given a very short time. We asked to have this report completed by this morning at eight o'clock and they were under a great deal of pressure by lack of time. I think we should take that into consideration. There is an understanding that this report will be reviewed by the Committee so that there may be additions or corrections. So, that is a problem, but it is not that serious a problem. Thank you, Mr. President.

Chairman Atalig: Mr. President, in response to Delegate Villagomez, I want the record to reflect that the report submitted this morning is a reflection of my observations on the glance that I had at the report. I see no reason that there should be substantive changes or deletions on the report.

President Guerrero: As I pointed out earlier, Chairman Atalig, that matter should be discussed thoroughly with your Committee and the legal consultant that is rendering service to that Committee.

(7) INTRODUCTION OF PROPOSALS

Delegate Jose R. Cruz introduced and read Delegate Proposal No. 02, entitled "Proposal Regarding Taxation and Finance."

Delegate Pedro Igitol introduced Delegate Proposal No. 03, entitled "Proposal Regarding the Judicial Branch of Government." The Convention Secretary read the Proposal.

Delegate Francisco T. Palacios introduced Delegate Proposal No. 04, entitled "Proposal Regarding the Protection of the Culture of the Northern Mariana Islands."

Delegate Francisco T. Palacios introduced Delegate Proposal No. 05, entitled "Proposal Regarding the Practice of Traditional Medicine."

Delegate Antonio M. Camacho introduced Delegate Proposal No. 06, entitled "Proposal Regarding Executive Branch of Government." It was read by the Secretary.

Delegate Ramon G. Villagomez introduced and read Delegate Proposal No. 07, entitled "Proposal Regarding the Executive Branch of Government."

Delegate Ramon G. Villagomez introduced and read Delegate Proposal No. 08, entitled "Proposal Regarding Statutes of Limitations in Land Matters."

Delegate Ramon G. Villagomez introduced and read Delegate Proposal No. 09, entitled "Proposal Regarding Special Court to Deal with Land Matters."

(8) FIRST READING OF PROPOSALS - None.

(9) REFERRAL OF PROPOSALS

Delegate Proposal No. 01, entitled "Proposal Regarding the Executive Branch of Government.", was assigned to the Committee on Governmental Institutions.

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

(11) MOTIONS AND RESOLUTIONS - None.

(12) UNFINISHED BUSINESS - None.

(13) SPECIAL ORDERS OF THE DAY - None.

(14) GENERAL ORDERS OF THE DAY - None.

(15) ANNOUNCEMENTS

Chairman Mafnas announced that the Committee on Governmental Institutions would meet immediately after the session in the Convention Hall.

Chairman Atalig announced that the Committee on Personal Rights & Natural Resources would meet at one o'clock in the same room where they had been meeting.

Chairman Fitial announced that the Committee on Finance, Local Government and Other Matters would meet immediately following the session in the Convention Hall back area.

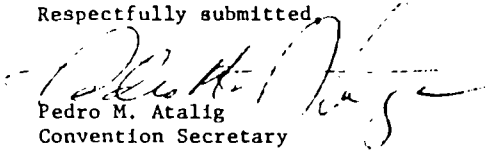
President Guerrero announced that there would be a meeting of the Committee on Organization and Procedures in the Office of the President at 1:00 p.m.

Floor Leader Rasa: Mr. President, there being no further business, I move that the Convention recess until ten o'clock tomorrow morning.

The motion was seconded and carried.

The Convention recessed at 10:40 a.m.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

FIFTH DAY
Friday, October 22, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 10:30 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 39 Delegates present. No Delegates were excused or absent.

(4) ADOPTION OF THE JOURNAL

Floor Leader Raza: Mr. President, I move for the adoption of the Summary Journal of the Fourth Day.

The motion was seconded.

Delegate Felipe Atalig: Mr. President, I would like to call the attention of the Delegates to Page 1, under item (5) "Miscellaneous Communications", paragraph 3. There seems to be some typographical error here in that "miscellaneous communications" was deleted. The sentence should read "Floor Leader Raza suggested that since Robert's Rules of Order, Revised Edition, restricts debate on miscellaneous communications, any problem should be directed to the appropriate body." I would like that correction to be made.

President Guerrero: It is so ordered.

The motion carried. The Summary Journal of the 4th Day was adopted.

(5) MISCELLANEOUS COMMUNICATIONS - None.

(6) COMMITTEE REPORTS

Chairman Fitial: Mr. President, today your Committee on Finance, Local Government and Other Matters happily presents its report on the Constitutional Amendment provision. It is a fourteen page report and I would like to submit it for the record and incorporation into the Journal. Copies are available for distribution to all members of the Convention.

President Guerrero: At this time I would like to announce that some of our Committee Reports are pending and the reason for it is that our Xerox machine is out of order again this morning. We can resolve back to this matter again when copies of the reports are available.

Chairman Fitial: Mr. President, just for the record, your Committee on Finance, Local Government and Other Matters completed deliberations on another very important provision, that of Education, yesterday. The exact constitutional language of this provision is being drafted and will be ready for your Committee's consideration, hopefully, today. Thank you, Mr. President.

(7) and (8) INTRODUCTION AND FIRST READING OF PROPOSALS

Delegate Felipe Q. Atalig introduced Delegate Proposal No. 10, entitled "Proposal Regarding Land." The title of the Proposal was read by the Secretary.

Delegate Felipe Q. Atalig introduced Delegate Proposal No. 11, entitled "Proposal Regarding Nurses and Teachers." The title was read by the Convention Secretary.

Delegate Felipe Q. Atalig introduced Delegate Proposal No. 12, entitled "Proposal Regarding Traditional Custom." The title was read by the Secretary.

Delegate Felipe Q. Atalig introduced Delegate Proposal No. 13, entitled "Proposal Regarding Official Holidays." The title was read by the Secretary.

Delegate Pedro M. Atalig introduced and read Delegate Proposal No. 14, entitled "Proposal Regarding Conflicts of Interest."

Delegate David Q. Maratita introduced and read Delegate Proposal No. 15, entitled "Proposal Regarding the Legislative Branch of Government."

Delegates Benjamin T. Manglona, Jose R. Cruz, Pete Ogo, Prudencio Manglona, Esteven King, Vincente Manglona, Henry Hofschneider, Hilario Diaz, Pedro Dela Cruz, Pedro Atalig, Leon Taisacan, Gregorio Calvo and David Atalig introduced Delegate Proposal No. 16, entitled "Proposal Regarding the Executive Branch of Government."

Delegates Benjamin T. Manglona, Jose R. Cruz, Pete Ogo, Prudencio Manglona, Vicente Manglona, Pedro Atalig, Esteven King, Pedro Dela Cruz, David M. Atalig, Gregorio Calvo, Leon Taisacan and Hilario Diaz introduced Delegate Proposal No. 17, entitled "Proposal Regarding the Legislative Branch of Government."

President Guerrero: Recognize Delegate Benjamin T. Manglona.

Delegate Benjamin T. Manglona: Mr. President and Fellow Delegates. On Monday, at the opening day of our historic Convention, I addressed this honorable body on behalf of the Rota Delegation. As you may recall, the momentum of my opening remarks was centered on the subject of unity and justice. As I sit in this Convention in the last four days, I sense this feeling of unity - I sense this feeling of justice amongst the Delegates.

Fellow Delegates, the real test is now. In the days ahead we will prove the workability of this test.

Today our Delegation is pleased to introduce two Delegate Proposals on two very important issues to be deliberated and to be resolved by this Convention.

Our Delegation has met and discussed several issues of concern to the people of our municipality, who desire to secure adequate representation in the new Government of the Commonwealth of the Northern Mariana Islands. For the purpose of background and as prelude to further discussion and deliberation on topics of critical importance to our people of Rota, our Delegation have cast tentative decisions on the following issues.

See previous paper

I. EXECUTIVE BRANCH OF GOVERNMENT

A. Structure

In pursuit of the goal that is shared by Rota and Tinian municipalities of taking a firm role in the conduct of the new Government of the Northern Mariana Islands, our Delegation proposes the following executive branch structure: an elected Governor (elected at-large, Commonwealth-wide); one elected Vice-Governor (elected at-large, Commonwealth-wide); two elected Lieutenant-Governors (elected at-large, within the respective municipalities, Rota and Tinian). It is the view of our Delegation that since the Governor shall exercise general supervisory power over the Commonwealth, and because the Vice-Governor shall succeed as Governor in the event of a vacancy in that office during the term of the incumbent, both the Governor and the Vice-Governor should be elected from the qualified voters of the entire Commonwealth. Accordingly, since the Lieutenant-Governor shall represent the interests of Rota and Tinian municipalities within the Commonwealth Government, they should be elected from the qualified electors of their respective municipalities.

Our Delegation desires that, in order to ensure that the interests of Rota and Tinian municipalities are fully represented in the executive decision making process, the Lieutenant-Governor be accorded a position in the Governor's council or cabinet. The accessibility to the Governor will enable the views of the people of Rota and Tinian to be presented effectively within the Executive Branch of the Commonwealth.

B. Budget

Our Delegation, in furtherance of our desire to allow Rota and Tinian

municipalities a degree of local autonomy, proposes that the Lieutenant-Governor be allowed to participate actively in the preparation of the budget and its presentation to the legislature of the Commonwealth of the Northern Mariana Islands. It is the view of our Delegation that one method of achieving this objective would permit the Lieutenant-Governor to submit to the Governor's budgets for services to be delivered on Rota and Tinian for coordination with all other budgetary matters in one executive budget that will be submitted to the legislature. Upon legislative approval, the responsibility for supervising on implementation of the financial programs approved by the legislature for Rota and Tinian shall lie with the Lieutenant-Governor.

II. LEGISLATIVE BRANCH OF GOVERNMENT

Our Delegation proposes the following with respect to the legislative branch of government:

cut back
to 3-3-5

- a. 4-4-4 combination in the upper house;
- b. retain the same number of representation of the Northern Mariana Islands Legislature in the lower house
- c. appropriations originate in the lower house and are approved in the upper house
- d. governmental appointments with the advice and consent of the upper house
- e. any member of the upper house of the legislature may introduce a bill or resolution pertaining exclusively to the needs and interests of the island that he represents and which will have application only in such islands
- f. prior to acting on any bill submitted by a member of the upper house, the Governor shall consult with the Lieutenant-Governor of the island concerned.

Mr. President and Fellow Delegates, this concludes our justification in our proposal. In the next few days of this Convention, our Delegation is more than pleased to cooperate with individual delegates, committees and this Convention in considering our Delegation's proposal.

In closing, our Delegation wishes to seek your understanding and full endorsement of our proposal. Thank you.

President Guerrero: We will continue with Introduction of Proposals.

Delegate Oscar C. Rasa introduced and read Delegate Proposal No. 19, entitled "Proposal Regarding the Executive Branch of Government."

Delegates Gregorio Calvo, Benjamin Manglona, Prudencio Manglona and David Atalig introduced Delegate Proposal No. 20, entitled "Proposal Regarding Health Services and Social Welfare." The text was read by Delegate Calvo.

Delegates Jose R. Cruz, Hilario Diaz, Henry Hofschneider, Esteven King and Vicente Manglona introduced Delegate Proposal No. 21, entitled "Proposal Regarding Agiguan Island." The proposal was read by Delegate Henry Hofschneider.

Delegate Oscar C. Rasa introduced and read Delegate Proposal No. 22, entitled "Proposal Regarding the Legislative Branch of Government."

Delegates Leon Taisacan and Ramon Villagomez introduced Delegate Proposal No. 23, entitled "Proposal Regarding Disposition of Public Lands." The text was read by Delegate Villagomez.

Delegate Pedro Igitol introduced Delegate Proposal No. 24, entitled "Proposal Regarding Eminent Domain."

Delegate Olympio T. Borja introduced and read Delegate Proposal No. 25, entitled "Proposal Regarding Bill of Rights."

Delegate Olympio T. Borja introduced and read Delegate Proposal No. 26, entitled "Proposal Regarding Eminent Domain."

Delegate Olympio T. Borja introduced and read Delegate Proposal No. 27, entitled "Proposal Regarding Eminent Domain."

Delegate Olympio T. Borja introduced and read Delegate Proposal No. 28, entitled "Proposal Regarding the Status of the Constitution."

President Guerrero: Recognize Chairman Jose P. Mafnas.

Chairman Jose P. Mafnas: May we temporarily suspend the Order of Business and move back to item number 6, Committee Reports.

President Guerrero: So ordered.

Chairman Jose P. Mafnas: Mr. President. On behalf of the Committee on Governmental Institutions, I have the honor to offer the Committee's unanimous Recommendation No. 1. The Committee's submission includes proposed draft constitutional provisions and a report setting forth the Committee's reasons for recommending those provisions.

In brief, the Committee recommends that the Washington representative be popularly elected and, at least at the outset, serve a two-year term. Under the Committee's recommendation, the representative must be at least 30 years old, a qualified voter in the Northern Marianas, and have been domiciled and have resided in the Commonwealth for the ten-year period immediately preceding his election. Persons convicted of felonies in the Northern Marianas or in any area under the jurisdiction of the United States would be ineligible for election as representative.

The Committee's recommended provision would require the representative to report annually to the Governor and Legislature, to represent the Commonwealth in the United States, and to perform those related duties which are assigned to him by law. The representative would be entitled to adequate compensation.

Mr. President, the Committee on Governmental Institutions respectfully requests that the Convention do the following:

1. Adopt this Committee report and Committee Recommendation Number 1; and
2. Schedule the matter for discussion by the Convention at an early date.

Thank you, Mr. President.

President Guerrero: Recognize Chairman Benigno Fitial.

Chairman Fitial: Thank you, Mr. President. Regarding the report from your Committee on Finance, Local Government and Other Matters, I would like to insert a few remarks for the verbatim Journal. The remarks submitted are as follow:

Your Committee on Finance, Local Government and Other Matters happily presents its report on its recommendation for an article of the Constitution on Constitutional Amendment and the accompanying Committee Report for introduction and first reading.

The recommendation proposes that the Constitution of the Commonwealth of the Northern Mariana Islands can be amended in the future by Constitutional Convention, legislative initiative, or popular initiative with the ratification of the voters at a regular general election. In this way our historic Constitution can be reviewed in the future. And if additional changes are needed, they can be made or added through the Constitutional amendment process.

Your Committee's recommendation, if they are adopted and made a part of our Constitution, will assure that in the future there is a very careful consideration of any needed changes. Further, such changes would be adopted only with the approval of the people, i. e., by ratification by the voters, at a regular, general election.

(9) REFERRAL OF PROPOSALS

Delegate Proposal No. 02, entitled "Proposal Regarding Taxation and Finance," was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 03, entitled "Proposal Regarding the Judicial Branch of Government," was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 04, entitled "Proposal Regarding the Protection of the Culture of the Northern Mariana Islands," was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 05, entitled "Proposal Regarding the Practice of Traditional Medicine," was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 06, entitled "Proposal Regarding Executive Branch of Government," was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 07, entitled "Proposal Regarding the Executive Branch of Government," was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 08, entitled "Proposal Regarding Statutes of Limitations in Land Matters," was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 09, entitled "Proposal Regarding Special Court to Deal with Land Matter," was referred to the Committee on Governmental Institutions.

(10) SECOND AND FINAL READINGS OF PROPOSALS - None.

(11) MOTIONS AND RESOLUTIONS

President Guerrero: Recognize Delegation Benigno Fitial.

Delegate Benigno Fitial: Mr. President, I would like to offer the following resolution. That Rule 54 be amended by substituting the date of October 29, 1976, for the date of November 25, 1976, and that the contents of Rule 54 be amended to read: "No delegate proposal shall be introduced after October 29, 1976, except with the unanimous consent of the Convention."

Mr. President, adopting this would mean that all Delegate Proposals would have to be submitted by one week from today. Under the Provisions of Rule 68 this would required five (5) days notice before this Convention can take action. The purpose of this proposal is to encourage all the Delegates to offer their Proposals promptly. We all know this Convention has a very short time to finish its work. Only 45 days are left until December 6th. The work of the Convention is being done largely by the three Committees, Mr. President. Each of these Committees has adopted a tentative schedule for consideration of the matters assigned to it. The Delegates must recognize that Delegate Proposals must be considered promptly by the careful consideration of the Committee. It is not my purpose to prevent any Delegate from expressing his or her view on any subject relevant to our proposed Constitution. There are at least three ways in which this can be done. First, any Delegate can make a Proposal until October 29, 1976. Second, any Delegate at anytime can present his view to the responsible Committee regarding any matters and consideration. Third, any Delegate can offer an amendment on the floor to any Committee Recommendation with which he does not agree.

In view of these safeguards, Mr. President, I urge the Convention to adopt this proposed amendment to the Rules. Thank you.

Floor Leader Rasa: Just a point of information. Do I understand that Chairman Fitial wishes this resolution be treated as a motion?

Chairman Benigno Fitial: No, I was just presenting my views on the proposed Rule Amendment.

Floor Leader Rasa: I understand that, Mr. President. If that is the case then I wish to make the following motion: I move that Convention Rule 68(a) be suspended.

The motion was seconded and carried to suspend temporarily Rule 68(a).

Floor Leader Rasa: I move the Resolution introduced by Chairman Fitial be treated as a motion.

The motion was seconded and passed that Rule 54 be amended.

President Guerrero: Recognize Chairman Jose P. Mafnas.

Chairman Jose P. Mafnas: Mr. President. I move that Committee Report from the Committee on Governmental Institutions, No. 01, regarding "Washington Representation" be adopted.

The motion was seconded.

Chairman Benigno Fitial: Point of Information. The Chairman of a Committee cannot move to adopt his own Committee's Report.

President Guerrero: I believe with the concurrence of the Delegates we can recognize the Chairman's motion.

The motion was carried by voice vote to accept the Committee's Report.

Chairman Benigno Fitial: I would like to move for the acceptance of my Committee Report.

The motion was seconded.

President Guerrero: Recognize Floor Leader Raza:

Floor Leader Raza: May I request that the word "my" be deleted and the word "your" substituted.

President Guerrero: So ordered.

Delegate David Q. Maratita: Is the motion before the Convention to adopt, in its entirety, the recommendation of the Committee for inclusion by the Convention?

Delegate Felipe Atalig: I want to refer to the Chair that Chapter 3, Number 1, requires that the Delegate from Garapan is to rise before being recognized.

President Guerrero: Recognize Delegate Cruz from Tinian.

Delegate Jose R. Cruz: Mr. President, I do not have a copy of the Committee Report made by Chairman Fitial, which is under motion for acceptance.

Chairman Benigno Fitial: Your Committee Report is available for distribution. I do not see any reason why it has not yet been distributed.

President Guerrero: May I ask the Secretary to distribute that Report before we vote on the motion.

Secretary Atalig: Mr. President. May we have a 5 minute recess so the copies of the Committee Reports can be distributed to all Delegates.

The President ordered the recess.

The Convention recessed at 11:12 a.m.

RECESS

The Convention reconvened at 11:22 a.m.

President Guerrero: We still have a motion on the floor, which was made by Chairman Benigno Fitial for the Committee on Finance, Local Government & Other Matters.

Recognize Delegate Olympio T. Borja.

Delegate Olympio T. Borja: Mr. President. Point of information, please. I believe taking a motion on any Committee Report at this time is not only inconsistent with our Rules, but not to the advantage of the Delegates since we would have to adopt each one individually. I think we should accept the report and place it on the calendar under General Orders so that we can resolve to the Committee of the Whole and move for adoption instead of moving now for each adoption and then again, on the following day, taking up the same thing.

*Resolved
pending for
adoption*

I believe it would be better to accept this and place it on a calendar for deliberation and adoption by the Committee of the Whole. In the interest of expediency, I believe that we should change the motion to say "accept the Report and place it on the calendar" instead of "adoption" at this time. Thank you.

President Guerrero: I believe, Delegate Borja, that is the intention of the motion.

Would the Secretary please read the motion made by Chairman Fitial.

The motion was read and a voice vote was taken and carried to accept the Report from the Chairman of the Committee on Finance, Local Government & Other Matters.

(12) UNFINISHED BUSINESS - None.

(13) SPECIAL ORDERS OF THE DAY

President Guerrero: At this time I would like to announce that the two Committee Reports and Committee Recommendation presented earlier in the session will be placed on the calendar of business for tomorrow so that the Committee of the Whole can have discussion.

Recognize Delegate David Maratita.

Delegate David Maratita: Point of privilege, Mr. President. Regarding Introduction of Proposals and Recommendation of Committees, I wonder if the Committee submitting the Recommendation is in line with Rule 54 of our Procedures. In other words, the Committee is submitting its recommendations on a proposal. Will this be on the calendar under "General Orders?" On "Introduction of Proposals", will that be taken up by Delegates or Committees at that time?

Chairman Jose P. Mafnas: The purpose of adopting a Committee Report, Mr. President, is not passage of that report; it is merely to insert in the record that such report becomes property of the Convention.

Delegate David Maratita: Mr. President, I am not questioning whether or not the Committee Report should be adopted by the Convention. I am just concerned whether on the Order of the Day, "Introduction of Proposals", is that by Delegate or by Committee?

President Guerrero: According to Rule 54, "Introduction of Proposals", includes Delegate Proposals and Committee Recommendations.

Floor Leader Ranaa: There can be no report without having first some proposals, and a report is a justification of a proposal. So, a Report or a Recommendation by a Committee is a proposal in itself.

Delegate David Maratita: As we look at the various Committee Reports, they are making recommendations as to the provision in the Constitution. That is the point I am raising now, whether or not Introduction of Proposals by Committees should be done on the Order of the Day under "Introduction of Proposals" either by Delegate or by Committee.

The Committee Report that was just adopted was a proposal within itself, and was this introduced according to Rule 54? Mr. President, there is no "Committee Recommendation" on the Order of the Day. We have only "Introduction of Proposals by Delegates," but no "Introduction of Proposals by Committee."

Delegate Olympio T. Borja: I feel we are consistent with Rule 54 and that is, any Proposal submitted by a Delegate should be considered a Delegate Proposal and Recommendations submitted by the Committee should be considered Recommendations. We have adopted two Recommendations from Committees to be placed on tomorrow's calendar for Committee of the Whole deliberations. If you will note in Rule 55, this is the procedure to be followed. First accept the Committee's Recommendations and place this on the calendar for discussion under General Orders of the Day by the Committee of the Whole.

President Guerrero: That is correct, Delegate Borja. The two Committee Reports have been placed on the calendar under General Orders of the Day for deliberation by Committee of the Whole.

Delegate Jose R. Cruz: Rule number 54 simply allows for a Delegate or a Committee to submit its report, but it does not provide a provision for this body to adopt such proposal.

Delegate Olympio T. Borja: In line with the point raised by Delegate Cruz and Delegate Maratita, item 11, on the Order of Business. "Motions and Resolutions" is where we should accept the Report and place it for tomorrow.

(14) GENERAL ORDERS OF THE DAY

President Guerrero: Privilege of the Floor is given to Delegate Leon I. Taisacan from Rota.

Delegate Leon I. Taisacan: Mr. President and Fellow Delegates. My remarks are in support of the Proposal just introduced by Delegate Benjamin Manglona this morning.

I, like many people of the Northern Mariana Islands, both in this room and elsewhere, would like to add my approval to the ideas and goals espoused by Delegate Benjamin Manglona. The Delegates to the Constitutional Convention have undertaken a solemn duty to prepare the fundamental document for the people of all the Northern Mariana Islands. Although inequities have existed in the past and perhaps will continue to exist in the future, it should be our desire -- indeed, it is our duty -- to ensure that the voices of those who have suffered the past wrongs are not lost. These voices must and will be heard in our new government. It is of the utmost importance, Mr. President, that the goals envisioned by Delegate Manglona are given effect and that the proposals that he has offered to the Convention are given our approval. If the Delegates to this Convention do no more than assure the adequate representation of those who have not been heard in the past, then this effort will be one of the greatest triumphs in our island group's history. Thank you.

President Guerrero: Any more speeches to be given this morning?

Recognize Delegate Juan DLG. Demapan.

Delegate Juan DLG. Demapan: Mr. President and Fellow Delegates. It is with heavy heart and grave concern that I feel obligated to register my deep disappointment with the direction our Constitutional Convention seems to be taking.

On Monday, October 18, 1976, the opening day, most of the speakers emphasized the need for this Convention to approach the grave task ahead with open minds and dedication to the cause of our people to the end that the Constitution that it is our duty to draft and submit to the people is one designed to serve the best interests of all our people now and in the future.

The speakers stressed the need for good will, hard and thoughtful work, but above all, they recognized the absolute necessity to put aside all political partisanship during our deliberations. Were these only words? Unfortunately, I am led to believe so.

If the selection of committee leadership is any indication, then I am forced to the conclusion that political affiliation and considerations will play a large part in the days ahead. No one will convince me that it was not possible to find a single minority party member to chair one single committee. All committees, without exception are chaired by members of the majority party.

Please be assured that my disappointment does not lie in the fact that I was not selected to head-up a committee, far from it; but I do know and so does everyone here that there are several delegates from the minority party who are more than qualified. Why were they overlooked if it was not because of their party affiliations?

Where is the spirit, unity and nonpartisanship that was urged upon us in opening day speeches? Where is the good will and solidarity of effort we were advised to practice?

If our conduct of the past few days is indicative of the future then we will have betrayed the trust placed in us by the people.

Let us bear in mind that we are working, not only and primarily for ourselves but for our people, our children and for future generations. We dare not fail them.

Let our deliberations and decisions be based always on what is the greatest good for the greatest number.

I, for one pledge myself to put aside any and all political considerations in the pursuit of my sacred duties here.

I exhort you all to do likewise. Posterity will bless us or curse us according to the quality of the work we do here on their behalf. Thank you.

President Guerrero: Recognize Delegate Jose R. Cruz.

Delegate Jose R. Cruz: Mr. President and Fellow Delegates. I just want to endorse the remarks made to this Convention earlier by the Delegation from Rota. I am in support of their Proposal and I would also like to urge this Convention to take into serious consideration the remarks made by Delegate Demapan. Thank you.

President Guerrero: Recognize Chairman Felipe Atalig.

Chairman Felipe Atalig: Thank you, Mr. President. Just for the record I disagree with the statement made by Delegate Juan DLG. Demapan.

(15) ANNOUNCEMENTS

Chairman Benigno Fitial: The Committee on Finance, Local Government and Other Matters will be meeting immediately following this session in its usual meeting place in the area behind the Convention Hall.

Chairman Jose P. Mafnas: Mr. President, your Committee on Governmental Institutions will be meeting at 2:00 p.m. this afternoon in the Convention Chamber.

Chairman Felipe Atalig: My Committee is well-informed as to the time and place of their meeting.

Delegate Joaquin Torres: I move that this Convention recess until 2:00 p.m. tomorrow, October 23, 1976.

President Guerrero: Recognize Delegate Jose R. Cruz.

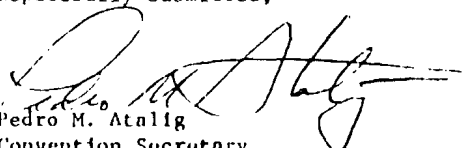
Delegate Jose R. Cruz: I would like to ask a question for planning purposes. Is this weekend and Monday a holiday?

President Guerrero: According to the law which created the Convention, Section 9, this Convention will meet for 50 consecutive days and it will meet for 50 consecutive days.

The motion to recess was seconded and carried.

The Convention recessed at 11:45 a.m.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

SIXTH DAY
Saturday October 23, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 2:05 p.m.

The Honorable Lorenzo I. Guerrero, President, presided.

(2) A moment of silent prayer was observed.

(3) The Convention Secretary called the roll. There were 33 Delegates present. Delegates Felipe Q. Atalig, Olympio T. Borja, Carlos S. Camacho, Daniel P. Castro, Juan DLG. Demapan and Herman Q. Guerrero were excused. A quorum was present.

(4) ADOPTION OF THE JOURNAL

Floor Leader Rasa: Mr. President, I move for the adoption of the Summary Journal of the 5th Day.

The motion was seconded.

The Convention Secretary reported that there was a correction to be made on the second page, whereby Delegate Proposal No. 21 was read by Delegate Hofschneider.

The motion carried and the Summary Journal of the 5th Day was adopted.

(5) COMMUNICATIONS - None.

(6) COMMITTEE REPORTS

Chairman Benigno Fitial: Mr. President, your Committee on Finance, Local Government and Other Matters happily presents to the Convention its recommendations on the subject of Education, and its accompanying report on this subject.

This Committee has reviewed extensively the briefing papers and other documents pertaining to education, including provisions for our people of the Northern Mariana Islands. Quality education for our people is vital and should be encouraged at all levels, including elementary and secondary, higher education, as well as adult, vocational, and special educational programs.

The Committee recommends, Mr. President, that the Constitution state clearly that there shall be free, public and compulsory education in the Northern Mariana Islands. Further, that there shall be higher education within the needs and resources of our people.

Mr. President, we recognize that there are many matters pertaining to the provision and financing of education which will command the attention of the legislature, education authorities and officials of the Commonwealth Government. The proposed constitutional provisions set forth the high goals and aspirations for our people. We strongly recommend that the Convention and its Committee of the Whole consider and approve in principle the recommended constitutional provisions we hereby submit.

Thank you very much, Mr. President.

Chairman Mafnas: Your Committee on Governmental Institutions has no significant report to make at this time except that your Committee has met and tentatively come up with constitutional language on "Judicial" and "Legislative."

Vice Chairman Palacios: Mr. President, your Committee on Personal Rights & Natural Resources has three separate recommended Constitutional provisions for submission to the Committee of the Whole at this time. The first recommendation deals with eligibility to vote, the second with election procedures, and the third with initiative, referendum and recall. We have prepared reports

to the Committee of the Whole stating our Committee's reasons for proposing this Constitutional language. At this time I offer the Committee's three reports and ask that these reports be received by the Convention and that the Committee's proposed Constitutional provisions be placed on the calendar for discussion by the Committee of the Whole at the earliest possible date.

I would now move that the Convention acknowledge receipt of this report.

The motion was seconded.

President Guerrero: If there is no objection from the floor, it is so ordered.

(7) INTRODUCTION AND FIRST READING OF PROPOSALS

Delegates Pedro Q. Dela Cruz, Leon I. Taisacan, Pedro M. Ogo, David M. Atalig, Benjamin T. Manglona, Pedro M. Atalig, Gregorio S. Calvo, Benigno Fitial and Pedro Igitol introduced Delegate Proposal No. 29, entitled "Proposal Regarding Election Procedures." The Proposal was read by the Secretary.

Delegate Jose R. Cruz introduced and read Committee Proposal No. 30, entitled "Proposal Regarding the Official Language of the Commonwealth."

Delegate Jose R. Cruz introduced and read Committee Proposal No. 31, entitled "Proposal Regarding Trial by Jury."

Delegate David Q. Maratita introduced and read Committee Proposal No. 32, entitled "Proposal Regarding Local Government."

Delegates Pedro Q. Dela Cruz, Benjamin T. Manglona, Gregorio S. Calvo, Leon I. Taisacan, Prudencio T. Manglona, Pedro M. Atalig, Pedro M. Ogo and David M. Atalig introduced Delegate Proposal No. 33, entitled "Proposal Regarding the Executive Branch of Government." The Proposal was read by the Secretary.

Delegates Esteven M. King, Vicente M. Manglona, Henry U. Hofschneider and Hilario Diaz introduced Delegate Proposal No. 34, entitled "Proposal Regarding Governmental Institutions." The Proposal was read by Delegate King.

Delegates Esteven M. King, Vicente M. Manglona, Henry U. Hofschneider, Hilario F. Diaz and Benjamin Manglona introduced Delegate Proposal No. 35, entitled "Proposal Regarding Capital Improvement Funds." The Proposal was read by Delegate King.

Delegate Pedro Igitol introduced and read Delegate Proposal No. 36, entitled "Proposal Regarding the Office of Public Auditor."

Delegates Pedro Dela Cruz, Prudencio Manglona, Benjamin Manglona, Gregorio Calvo, Pedro Ogo, David Atalig, Leon Taisacan, Pedro Atalig, Benigno Fitial and Pedro Igitol introduced Delegate Proposal No. 37, entitled "Proposal Regarding Land Alienation." The Proposal was read by the Secretary.

Delegates Pedro Ogo, Prudencio Manglona, Jose Cruz, David Atalig, Pedro Dela Cruz, Pedro Atalig, Leon Taisacan and Benjamin Manglona introduced Delegate Proposal No. 38, entitled "Proposal Regarding Education." The Proposal was read by Delegate Ogo.

Delegate Francisco T. Palacios introduced and read Delegate Proposal No. 39, entitled "Proposal Regarding Members of the Medical and Dental Professions."

Delegate Francisco T. Palacios introduced and read Delegate Proposal No. 40, entitled "Proposal Regarding Taxation and Finance."

Delegates Manuel A. Tenorio, Vicente M. Manglona and Leon I. Taisacan introduced Delegate Proposal No. 41, entitled "Proposal Regarding Governmental Institutions." The Proposal was read by Delegate Tenorio.

Delegate Ramon G. Villagomez introduced Delegate Proposal No. 42, entitled "Proposal Regarding the Office of Comptroller." The Proposal was read by the Convention Secretary.

Delegates Pedro M. Atalig, Jose R. Cruz, Felix A. Ayuyu, Benjamin T.

Manglona, Prudencio T. Manglona, Pedro Q. Dela Cruz, David M. Atalig, Leon I. Taisacan and Gregorio S. Galvo introduced Delegate Proposal No. 43, entitled "Proposal Regarding Consumer Protection." The Proposal was read by the Convention Secretary.

Delegate Manuel A. Tenorio introduced and read Delegate Proposal No. 44, entitled "Proposal Regarding Education."

Delegate Manuel A. Tenorio introduced and read Delegate Proposal No. 45, entitled "Proposal Regarding Nomenclature for Government Offices."

REFERRAL OF PROPOSALS

Delegate Proposal No. 10, entitled "Proposal Regarding Land.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 11, entitled "Proposal Regarding Nurses and Teachers.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 12, entitled "Proposal Regarding Traditional Custom.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 13, entitled "Proposal Regarding Official Holidays.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 14, entitled "Proposal Regarding Conflicts of Interest.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 15, entitled "Proposal Regarding the Legislative Branch of Government.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 16, entitled "Proposal Regarding the Executive Branch of Government.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 17, entitled "Proposal Regarding the Legislative Branch of Government.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 18, entitled "Proposal Regarding Conflicts of Employment by Public Officials.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 19, entitled "Proposal Regarding the Executive Branch of Government.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 20, entitled "Proposal Regarding Health Services and Social Welfare.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 21, entitled "Proposal Regarding Agiguan Island.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 22, entitled "Proposal Regarding the Legislative Branch of Government.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 23, entitled "Proposal Regarding Disposition of Public Lands.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 24, entitled "Proposal Regarding Eminent Domain.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 25, entitled "Proposal Regarding Bill of Rights.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 26, entitled "Proposal Regarding Eminent Domain.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 27, entitled "Proposal Regarding Eminent Domain.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 28, entitled "Proposal Regarding the Status of the

Constitution.", was referred to the Committee on Finance, Local Government and Other Matters.

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

(9) MOTIONS AND RESOLUTIONS

Chairman Fitial: Mr. President, I move that the Convention adopt, or receive, the Committee Report and Recommendation No. 2 as reported by the Committee on Finance, Local Government and Other Matters, regarding "Education."

The motion was seconded and carried.

President Guerrero: Chairman Fitial, just for the record, is that supposed to be considered for First Reading today?

Chairman Fitial: To be placed on the calendar for tomorrow, or whenever you feel, Mr. President.

President Guerrero: You are requesting the Chair to calendar the Committee's Report?

Chairman Fitial: Yes, and at the same time for the Convention to accept the Report.

Vice-Chairman Palacios: Mr. President, what happened to my motion? I moved that your Committee's Proposal be received by the Convention.

President Guerrero: May I call on the Floor Leader.

Floor Leader Rasa: Mr. President, if I may. I think it would be most appropriate if we adopt a Committee's Report under "General Orders of the Day." Before adopting it we should go into Committee of the Whole. After Committee of the Whole we rise, and the Committee of the Whole will make a recommendation to the Convention. After that we go back to motions and we move that all those motions, all those Reports be adopted.

President Guerrero: Is that clear, Delegate Palacios?

Vice-Chairman Palacios: Yes.

(10) UNFINISHED BUSINESS - None.

(11) SPECIAL ORDERS OF THE DAY - None.

(12) GENERAL ORDERS OF THE DAY

Floor Leader Rasa: Mr. President, I move that the Convention now resolve itself into the Committee of the Whole in order to consider Committee Recommendation No. 1 from the Committee on Finance, Local Government and Other Matters, regarding "Constitutional Amendment," and to consider Recommendation No. 1 from the Committee on Governmental Institutions, regarding "Washington Representative."

The motion was seconded and carried. The Chair requested that Delegate David Maratita preside.

The Convention resolved into the Committee of the Whole at 2:30 p.m.

The Convention reconvened in Plenary Session at 3:56 p.m.

President Guerrero: The meeting is now called to order again. I will receive the report of the Committee of the Whole.

Chairman Maratita: Mr. President, your Committee of the Whole is pleased to report back to the Convention that it has acted on the two proposals as presented to it, one from the Committee on Governmental Institutions and the other from the Committee on Finance, Local Government and Other Matters. Your Committee has debated on two particular Recommendations. One was the Constitutional Amendment and your Committee is pleased to report that the Committee has adopted the Committee's recommendation with an amendment to the Report on the draft Article. Your Committee has also adopted the Recommendation from the Governmental Institutions Committee on Washington Representative.

Chairman Fitial: Mr. President, I move that we place these two Committee Reports along with the Recommendations for Second and Final Reading.

The motion was seconded.

President Guerrero: Any specific date?

Chairman Fitial: At your discretion, Mr. President.

Delegate Jose R. Cruz: Point of information, Mr. President. Could I ask the Floor Leader for some directions on this, as to whether or not we could dispose of this on Final Reading today. If we can do it, and there is no objection, why not do it today?

Floor Leader Rasa: Mr. President, as I understand it, there is nothing in the Rules which would prohibit this Convention from adopting or placing the Committee Reports from Committee of the Whole for Final Reading or adoption of the Report. We can place it for Second and Final Reading, at the same time we can dispose of it anytime we wish to.

President Guerrero: That is the reason why the Chair pointed out to the Delegates that, if there is no objection, I have to hear from the Delegates of this Convention.

Delegate Jose R. Cruz: Mr. President, if I am in order, I would like to move that Committee Recommendation No. 1 on the subject "Washington Representative" be adopted by this Convention on Final Reading.

The motion was seconded.

Floor Leader Rasa: Mr. President, these are issues that might have some connection with other Constitutional provisions which we have not seen. Second and Final Reading demands the final phrasing of the Constitutional language. So, the only reason why I would like to request for the Convention to at least try to get in touch with other members in other that we try to see the relationship between this provision and other related provisions. I understand that in the final analysis there will be a review of the complete draft which must be considered by the Convention. That will call for a Third Reading, in essence. But I would still like to see that the Convention does not act on it immediately, so that a complete revised amendment be given to each member and that Final Action should be determined at the discretion of the President.

President Guerrero: It is so ordered, Floor Leader. The Chair will recognize that and I will try to calendar further discussion and for Final Reading sometime next week.

Delegate Jose R. Cruz: Point of order, Mr. President. There is a complete motion on the floor. I am not in the same position with the Floor Leader's suggestion. I am in favor of completing the remaining process of the motion and then we can go into the next business.

President Guerrero: Delegate Cruz, for your information, I consulted with our legal counsel in that respect and if the Convention would like to dispose of the motion made by Delegate Cruz, we can vote on it without any objection from the Chair.

Delegate Jose R. Cruz: I am simply saying, Mr. President, that there is a complete motion that should be acted upon by this Convention. The Chair cannot deprive this Convention of a complete motion action.

President Guerrero: The Chair recognizes your motion, Delegate Cruz.

The motion unanimously failed.

Delegate Jose R. Cruz: I voted against it, Mr. President, based on the explanation.

Chairman Fitial: Mr. President, I move that these two Committee Reports, along with their Recommendations, be placed on the calendar for Second and Final Reading at your discretion.

The motion was seconded and carried.

*Decision not
to do final
reading until
after the
public hearing*

Ramon Villagomez: Since it appears that we have covered most of the things that were set for today, I move that we recess until Monday morning at ten o'clock.

Chairman Mafnas: Point of order, Mr. President, we still have one item on our calendar.

President Guerrero: Our next item of business is Announcements, but before we go into that, does anyone have a speech to be given today?

Floor Leader Rasa: Mr. President, I understand that everybody is tired in here but I wish to say a few remarks with regard to the works of this Convention. I would like to address these remarks to all the Delegates, but particularly to those from the outer municipalities. I don't suppose that we can form a Commonwealth if the intent of separatism, of regionalism, continues to haunt this Hall. Mr. President, I am disgusted by the distrust in which most of the members from the outer municipalities have placed upon the Delegates from the municipality of Saipan. I, for one, will never support a Proposal just because it has been introduced...or is a Proposal introduced by the Saipan Delegation. I think a Propoposal had to be judged on its merits and demerits and not essentially from its originators. We'll be confronting a lot of complex issues which would demand give and take, and we cannot continue to have equal distribution on this basis. We have to accept the fact, Mr. President, that even here in the Marianas alone-- here in the municipality of Saipan--we don't get to support each other's view all of the time. So, with the kind of attitude which is evidence of the negative attitude towards our Delegation, I wish to inform Delegates from the other municipalities that we are here with open minds and we are not here to support what we think is good for Saipan and not for Rota or Tinian. I hope that we can come to a compromise because not all the issues can be distributed equally. If we have only Three Dollars and we continue to put out One Dollar for each municipality, and such municipality doesn't need the One Dollar, then we're going to end up with three separate, independent Commonwealths. I don't think that's the course of this Convention. All the lip-service of "unity" has lost its definition just a few minutes ago. I thank you.

Delegate Benjamin Manglona: Mr. President, thank you. The remarks made by our Floor Leader have prompted me, also, to make a few remarks. Mr. President and fellow Delegates, I don't think it is right to accuse the Rota Delegation, nor the Tinian Delegation, for the action we have done in this Convention. I think, all along, we have cooperated in deliberating our work here and I don't think we have come to the point where we use this Convention to disrupt the activities of this honorable body. I think the action which we have just approved is a good action and I think it is a good compromise. I don't think it's right that Delegate Rasa should

Floor Leader Rasa: Point of order, Mr. President. May I ask the speaker to confine himself to the issue and not to mention particular members in his speech.

President Guerrero: I ask the patience of the Delegate from Rota to confine himself and not mention the name of a person.

Delegate Benjamin Manglona: Mr. President, I don't want any member or Delegate from this Convention to try to accuse a Delegate from my municipality. I think we have to have mutual expressions and grievances of our people and that is why we are presenting this problem here in this Convention. While we are in the process of framing our Constitution we have to make this a workable Constitution for all of us. I cannot find other words to express it other than to say, "we're dissatisfied," so that I can convince the Delegates in this Convention. The reason why I came here is to present our problem and that is all that I have to say. I cannot hide it. Experience has taught us to do this. I regret, if in a way, I hurt some of the Delegates, but I can assure you that my Delegation is willing to work along harmoniously with each and everyone of you.

Delegate Leon Taisacan: Mr. President and fellow Delegates, I do not know the real definition behind these unfavorable remarks from one of the Delegates, but if it is to better facilitate better communication among the Delegates, then let it be so. However, if it is for any other reason, then I pray that such arrangement will not affect our unity in this Convention. With these Committee Reports we have heated expression on some issues, but let us not forget that we are here to represent our people's view. That view, Mr. President, is the drafting of a sound and effective Constitution for the Commonwealth of the Northern Marianas.

Delegate Francisco T. Palacios: Mr. President, the concern of the smaller municipalities in many instances is justified, based on their previous experience

with the administration. But bear in mind that the administration is not us, administered by someone else. Because of that experience they generate fear that a similar experience may occur under the Commonwealth. They're looking for justice and justice borne out of equality. In the name of equality, we, the bigger municipality, should not try to take advantage of the smaller municipality. At the same time I have mixed feeling whether the smaller municipalities....it is injustice for the smaller municipalities to take advantage, in the name of justice, that 2/3 of each municipality should be able to block the wishes of the majority of the people. If, indeed, one-man/one-vote concept is the democratic concept, I feel that in the name of unity and justice, it is not good for the bigger municipality or bigger population to dominate the smaller municipality and smaller population. At the same time we should be careful that the smaller municipality does not dominate the bigger municipality because, by the same token, the bigger population should not dominate the smaller population. If the smaller population dominates through the name of equality, then it becomes inequitable and we will have a Rhodesia. In Rhodesia the minority dominates the majority. So let us discuss this thing and talk about it in the next couple of days and let us look at it, issue by issue, and see how we can resolve this.

Delegata Jose R. Cruz: Mr. President, I just want to thank the first speaker for his eloquent and straightforward frankness on the very important issue that all of us should remember during the remaining balance of this Convention. I want to assure the original speaker and the rest of the Delegates that the Tinian Delegation is here to frame a workable Constitution for the people of the Northern Mariana Islands. As evidence of our faithfulness and our pledge to this principal, I wish to remind everyone here that the people of Tinian, with its very limited land, has committed more than 2/3 of its land to our future national defense and for the future of the Commonwealth Government of the Northern Mariana Islands. Thank you.

Delegate Hilario Diaz: Thank you, Mr. President. I just want to add something to what my fellow Delegate from Tinian just said. I'll make it very short. We respect the views of every Delegate in this Convention and I believe we all have a concern to see that we have equal representation, equal protection and equal opportunity in our new government which will be the Commonwealth Government. That is all I have to say, Mr. President. Thank you.

Delegate Juan P. Tenorio: Mr. President, if there are no further announcements, I would like to move that the Convention recess until Monday morning at 9:00.

President Guerrero: Before I entertain that motion there should be announcements.

(13) ANNOUNCEMENTS

Chairman Mafnas: Your Committee on Governmental Institutions, Mr. President, will be meeting tomorrow at 10:00 in the Convention Hall. I urge that every member be present. If a member cannot be present tomorrow, Mr. President, I urge that he makes a proxy so his vote can be counted. Thank you.

Chairman Fital: Your Committee on Finance, Local Government and Other Matters will be meeting tomorrow at the same place at three o'clock in the afternoon.

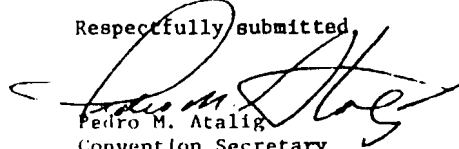
Acting Chairman Palacios: Your Committee on Personal Rights & Natural Resources will meet Monday right after the Plenary Session.

Floor Leader Rana: Mr. President, there being no further business, I move that the Convention recess until two o'clock tomorrow.

Convention Secretary: Mr. President, one more announcement first, please. I would like to remind the Delegates that we need the originals on all Delegate Proposals. I would like them to be given to me for filing purposes and for duplication.

The motion to recess was seconded and carried. The Convention recessed at 4:20 p.m.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

SEVENTH DAY
Sunday, October 24, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 2:10 p.m.

The Honorable Lorenzo I. Guerrero, President, presided.

(2) A moment of silent prayer was observed.

(3) The Convention Secretary called the roll. There were 30 Delegates present. Delegates Olympio T. Borja, Antonio M. Camacho, Magdalena C. Camacho, Jose R. Cruz, Jose P. Mafnas and Ramon G. Villagomez were excused. Delegates Carlos S. Camacho, Juan DLG. Demapan and Herman Q. Guerrero were absent. A quorum was present.

Floor Leader Rasa: I move that those Delegates not in attendance who had offered prior notification of their absence be excused by the Convention.

The motion was seconded and carried.

(4) ADOPTION OF THE JOURNAL

Floor Leader Rasa: I move for the adoption of yesterday's Summary Journal.

The motion was seconded and carried to adopt the Sixth Day Summary Journal.

(5) COMMUNICATIONS - None

(6) COMMITTEE REPORTS - None

(7) INTRODUCTION AND FIRST READING OF PROPOSALS

Vice Chairman Francisco Palacios: I move for the adoption on First Reading of Committee Recommendation No. 1: Eligibility to Vote; Committee Recommendation No. 2: Elections and Election Procedures; and Committee Recommendation No. 3: Initiative, Referendum and Recall, from the Committee on Personal Rights and Natural Resources.

The motion was seconded.

Chairman Benigno Fitial: I move for the adoption on First Reading of Committee Recommendation No. 2: Education, from the Committee on Finance, Local Government and Other Matters.

The motion was seconded.

Delegates David Q. Maratita introduced and read Delegate Proposal No. 47, entitled "Proposal Regarding Executive Branch of Government."

Delegates Luis Limes, Lorenzo I. Guerrero, Pedro M. Atalig, Benigno Fitial and Pedro Igitol introduced Delegate Proposal No. 46, entitled "Proposal Regarding Natural Resources." The Secretary read the Proposal.

Delegate Esteven M. King introduced and read Delegate Proposal No. 48, entitled "Proposal Regarding Employees' Rights."

REFERRAL OF PROPOSALS

Delegate Proposal No. 29, entitled "Proposal Regarding Election Procedures.", was referred to the Committee on Personal Rights and Natural Resources.

Delegate Proposal No. 30, entitled "Proposal Regarding the Official Language of the Commonwealth.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 31, entitled "Proposal Regarding Trial by Jury.", was referred to the Committee on Personal Rights & Natural Resources.

(Delegate Ramon G. Villagomez entered the Convention Floor.)

Delegate Proposal No. 32, entitled "Proposal Regarding Local Government.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 33, entitled "Proposal Regarding the Executive Branch of Government.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 34, entitled "Proposal Regarding Governmental Institutions.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 35, entitled "Proposal Regarding Capital Improvement Funds.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 36, entitled "Proposal Regarding the Office of Public Auditor.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 37, entitled "Proposal Regarding Land Alienation.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 38, entitled "Proposal Regarding Education.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 39, entitled "Proposal Regarding Members of the Medical and Dental Professions.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 40, entitled "Proposal Regarding Taxation and Finance.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 41, entitled "Proposal Regarding Governmental Institutions.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 42, entitled "Proposal Regarding the Office of Comptroller.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 43, entitled "Proposal Regarding Consumer Protection.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 44, entitled "Proposal Regarding Education.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 45, entitled "Proposal Regarding Nomenclature of Government Offices.", was referred to the Committee on Governmental Institutions.

(8) SECOND AND FINAL READING OF PROPOSALS - None

(9) MOTIONS AND RESOLUTIONS - None

Vice-Chairman Palacios: I move for the adoption on First Reading of Committee Recommendation No. 1: Eligibility to Vote from the Committee on Personal Rights and Natural Resources.

Floor Leader Raza: Mr. President, if I am not mistaken, I think under item 12, General Orders of the Day, we have Committee Recommendation No. 1: Eligibility to Vote. It is necessary that the House resolve itself into Committee of the Whole so that we can debate the issues involved and then go back and adopt it by the Convention. I suggest, if there is no objection by Vice Chairman Palacios, that we wait until after debate of the issues.

President Guerrero: Vice Chairman, can you withdraw your motion please.

Vice Chairman Palacios: I can, Mr. President, but the reasons I made this motion was that we still have Second Reading and on Proposals like Eligibility to Vote and Elections which are non-controversial I thought we would not need debate. I will yield to the Floor Leader's wishes and withdraw my motion.

President Guerrero: For clarification and information to the Delegates, introduction of the Committee's Recommendation under Item 7, Introduction and First Reading of Proposals, is the most appropriate time for introduction. We will then discuss these Recommendations under General Orders of the Day while in Committee of the Whole.

Delegate Pedro Dela Cruz: I nominate Delegate David Q. Maratita to be the permanent Chairman of the Committee of the Whole.

President Guerrero: Point of order. The Chair has the prerogative to appoint any member of this Delegation to be Chairman of Committee of the Whole. The point of order has been stated by the Chair and this is taken care of.

- (10) UNFINISHED BUSINESS - None
- (11) SPECIAL ORDERS OF THE DAY - None
- (12) GENERAL ORDERS OF THE DAY

Floor Leader Rasa: I move that the Plenary Session resolve into the Committee of the Whole in order to discuss the four stipulated items under General Orders of the Day.

The motion was seconded and carried to resolve into Committee of the Whole to consider Committee Recommendations No. 1, No. 2 and No. 3 from the Committee on Personal Rights and Natural Resources and Committee Recommendation No. 2 from the Committee on Finance, Local Government and Other Matters.

President Guerrero: I appoint Delegate Benjamin Manglona to act as Chairman of this Committee of the Whole.

The Convention resolved into the Committee of the Whole at 2:25 p.m.

The Convention reconvened in Plenary Session at 4:24 p.m.

Delegate Benjamin Manglona: Mr. President, I am very happy to report that your Committee of the Whole deliberated and has adopted, in principle, Committee Recommendation No. 1: Eligibility to Vote, and Committee Recommendation No. 2: Election and Election Procedures, from the Committee on Personal Rights and Natural Resources. It also adopted Committee Recommendation No. 2: Education, from the Committee on Finance, Local Government and Other Matters.

I would like to inform the Chair that after considerable discussion on Committee Recommendation No. 3: Initiative, Referendum and Recall, from the Committee on Personal Rights and Natural Resources, it was decided by your Committee of the Whole to defer action on this matter and this is referred back to the Committee on Personal Rights and Natural Resources.

Floor Leader Rasa: I move that the Convention adopt Recommendation No. 1: Eligibility to Vote, from the Committee on Personal Rights and Natural Resources.

The motion was seconded and carried.

Floor Leader Rasa: I move that the Convention adopt Recommendation No. 2: Elections and Election Procedures, from the Committee on Personal Rights and Natural Resources.

The motion was seconded and carried.

Floor Leader Rasa: I move that the Convention adopt Recommendation No. 2: Education, from the Committee on Finance, Local Government and Other Matters.

The motion was seconded and carried.

Floor Leader Rasa: I ask for unanimous consent that we recess until tomorrow.

President Guerrero: We will have announcements first.

- (13) ANNOUNCEMENTS

Chairman Fitial: The Committee on Finance, Local Government and Other Matters will be meeting tomorrow morning at 9:00 a.m. at its usual meeting place.

Chairman Felipe Atalig: I would like to make a short statement and announcement, please.

President Guerrero: First, let me recognize Vice-Chairman Prudencio Manglona.

Vice-Chairman Prudencio Manglona: The Committee on Governmental Institutions will be meeting at 10:00 a.m. tomorrow morning.

Chairman Felipe Atalig: I think it is abominable for any Delegate to express his discontentment on any Committee Recommendation when his participation has been practically nothing. Therefore, this particular person should come to the meeting tomorrow. And I will express again, that regardless of another duty, he should attend this meeting.

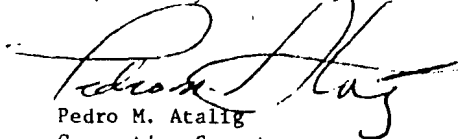
The Committee on Personal Rights and Natural Resources will meet tomorrow morning at 9:00 a.m. in the same room.

Floor Leader Ranaa: I move that we recess until 2:00 p.m. tomorrow.

The motion was seconded and carried.

The Convention recessed at 4:30 p.m.

Respectfully submitted,



Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

EIGHTH DAY
Monday, October 25, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 2:10 p.m.

The Honorable Lorenzo I. Guerrero, President, presided.

(2) A moment of silent prayer was observed.

(3) The Convention Secretary called the roll. There were 34 Delegates present. Delegates Olympio T. Borja, Magdalena C. Camacho, Juan D.L.G. Demapan, Herman Q. Guerrero and Pedro M. Ogo were excused. No Delegates were absent. A quorum was present.

Floor Leader Rasa: I move that absent members be excused.

The motion was seconded and carried.

(4) ADOPTION OF THE JOURNAL

Floor Leader Rasa: I move that yesterday's Journal be adopted.

The motion was seconded and carried to adopt the Summary Journal for the Seventh Day, October 24, 1976.

Delegate Felipe Atalg: I believe prior to adoption of the Journal, we should have open discussion in case there is any error in the Journal. That is the reason I asked the Chair to be recognized because I have found a typographical error. It is on the first page under item (7), paragraph 4, whereby it should be corrected to Delegate David Q. Maratita.

President Guerrero: Let the record show this is to be corrected.

(5) COMMUNICATIONS - None.

(6) COMMITTEE REPORTS

Chairman Fitial: I have a report from the Committee on Finance, Local Government and Other Matters. I would, at this time, like to make a motion that this report No. 3, regarding "Corporations" be accepted by the Convention.

The motion was seconded and carried to accept the Committee's Report.

(6) INTRODUCTION AND FIRST READING OF PROPOSALS

Chairman Fitial: At this time I would like to introduce for First Reading Committee Recommendation No. 3 from the Committee on Finance, Local Government and Other Matters, regarding "Corporations." At this time I would like to tell the Convention that this is a very important subject and considerable attention was required by the members of this Committee during its deliberations. We examined many issues including the status of pre-existing corporations, registration of foreign corporations, possible misuse of corporate privileges and franchises and official requirements of non-profit, educational and public corporations. We have reviewed very quickly the consultant's briefing papers on corporations and its extensive consideration of constitutional restrictions and statutory practices in the Northern Mariana Islands jurisdictions. The Constitution should contain a clear and unambiguous statement regarding incorporation of private business. Special acts of incorporation which are subject to abuse would be prohibited. This is essential to the protection of our Commonwealth and we recommend that detailed matters on corporate definition also various acts and organization of non-business corporation should be left to Legislative decision. Further we request the Committee on Personal Rights and Natural Resources look at the important matters pertaining to restrictions

on land alienation insofar as they involve corporations. Mr. President, I submit this Recommendation and Report of the Committee on Finance, Local Government and Other Matters and urge that our proposed provisions on private business corporations be considered in the Committee of the Whole in principal. I thank you.

Delegate Gregorio S. Calvo introduced Delegate Proposal No. 49, entitled "Proposal Regarding Board of Education." The Convention Secretary read the Proposal.

Delegate Juan S. Demapan introduced and read Delegate Proposal No. 50, entitled "Proposal Regarding Inter-Island Sports Competition."

Delegate Juan S. Demapan introduced and read Delegate Proposal No. 51, entitled "Proposal Regarding Bill of Rights."

Delegate Juan S. Demapan introduced and read Delegate Proposal No. 52, entitled "Proposal Regarding Natural Resources."

Delegate Juan S. Demapan introduced and read Delegate Proposal No. 53, entitled "Proposal Regarding Natural Resources."

Delegate Juan S. Demapan introduced and read Delegate Proposal No. 54, entitled "Proposal Regarding Narcotics and Other Dangerous Drugs."

Delegates Jose R. Cruz, Esteven King, Hilario Diaz, Vicente Manglona and Henry Hofschneider introduced Delegate Proposal No. 55, entitled "Proposal Regarding Local Government." The Proposal was read by Jose R. Cruz.

Delegate Oscar C. Rasa introduced Delegate Proposal No. 56, entitled "Proposal Regarding Transaction of Business."

Delegate Oscar C. Rasa introduced Delegate Proposal No. 57, entitled "Proposal Regarding the Passage of Bills."

Delegate Oscar C. Rasa introduced Delegate Proposal No. 58, entitled "Budget Submission."

Delegate Oscar C. Rasa introduced Delegate Proposal No. 59, entitled "Emergency Power."

Delegate Oscar C. Rasa introduced Delegate Proposal No. 60, entitled "Proposal Regarding the Restrictions of Office."

Delegate Oscar C. Rasa introduced Delegate Proposal No. 61, entitled "Proposal Regarding the Legislature."

Delegate Oscar C. Rasa introduced Delegate Proposal No. 62, entitled "Proposal Regarding Immunity."

Delegate Felipe Q. Atalig introduced and read Delegate Proposal No. 63, entitled "Proposal Regarding Bill of Rights."

Delegate Felipe Q. Atalig introduced and read Delegate Proposal No. 64, entitled "Proposal Regarding Bill of Rights."

Delegate David Q. Maratita introduced and read Delegate Proposal No. 65, entitled "Proposal Regarding the Executive Branch of Government."

Delegate Daniel P. Castro introduced Delegate Proposal No. 66, entitled "Proposal Regarding Land Alienation." The Proposal was read by the Convention Secretary.

Delegates Esteven M. King, Vicente M. Manglona, Henry U. Hofschneider, Hilario F. Diaz and Jose R. Cruz introduced Delegate Proposal No. 67, entitled "Proposal Regarding Bill of Rights." The Proposal was read by the Convention Secretary.

Delegate Jose P. Mafnas introduced and read Delegate Proposal No. 68, entitled "Proposal Regarding Removal of Executive Appointee from Office."

Delegate Jose P. Mafnas introduced and read Delegate Proposal No. 69, entitled "Proposal Regarding Pardon and Clemency."

Delegate Jose P. Mafnas introduced and read Delegate Proposal No. 70, entitled "Proposal Regarding Restoration of Civil Rights and Liberties."

Delegate Ramon G. Villagomez introduced Delegate Proposal No. 71, entitled "Proposal Regarding Land Ownership." The Secretary read the Proposal.

Delegate Ramon G. Villagomez introduced Delegate Proposal No. 72, entitled "Proposal Regarding Government Institutions." The Convention Secretary read the Proposal.

Delegatos Lorenzo I. Guerrero and Luis M. Limes introduced Delegate Proposal No. 73, entitled "Proposal Regarding Natural Resources." The Proposal was read by the Secretary.

Delegates Lorenzo I. Guerrero and Luis M. Limes introduced Delegate Proposal No. 74, entitled "Proposal Regarding Land." The Proposal was read by the Convention Secretary.

REFERRAL OF PROPOSALS

Delegate Proposal No. 46, entitled "Proposal Regarding Natural Resources.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 47, entitled "Proposal Regarding Executive Branch of Government.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 48, entitled "Proposal Regarding Employees' Rights.", was referred to the Committee on Finance, Local Government and Other Matters.

- (8) SECOND AND FINAL READING OF PROPOSALS - None.
- (9) INTRODUCTION OF RESOLUTIONS - None.
- (10) UNFINISHED BUSINESS - None.
- (11) SPECIAL ORDERS OF THE DAY - None.
- (12) GENERAL ORDERS OF THE DAY

Delegate Felipe Atalig: At the permission of the House, I would like the House to recognize the presence of my sister, Mrs. Pedro Olopai, and my friend, Mr. Ignacio Villanueva, from San Antonio. I would also like the House to recognize the presence of everyone in the gallery.

President Guerrero: At this time, the Chair would like to take the privilege to deliver a short remark.

Monday, October 25, 1976, marks the eighth day of progress in this Constitutional Convention. Your unselfish and unremitting efforts, as well as your dedicated attendance, has resulted in excellent progress thusfar. However, fellow Delegates, we cannot ignore the fact that the more we progress, the more crucial our task becomes. I, as Convention President, and you, as Delegates, share the responsibility and accountability for fulfilling the monumental assignment we have been given. We, together, are one and all in this process.

Let us put aside individual differences, political disagreements, the pursuit of individual glory, and any other activity detrimental to the success of our crucial mission. I urge each of you, fellow Delegates, to be altruistic -- to practice the sacrifice of self in the interest of society -- in every endeavor of this Convention. Partisanship by Delegates is a luxury our constituents can ill-afford. If I may repeat myself, our task is most crucial and demanding.

Not only present issues, but matters of future concern, could possibly affect what we are doing these days. Because of that, I am happy to say that our three substantive committees are being very ambitious, active and progressive in their specific assignments. Remember that committees are designed to permit each Delegate to serve effectively. Most proposals introduced by the committees in the past 7 days have had tremendous impact among the Delegates themselves and the public at large.

The Committee on Governmental Institutions is apparently the most sensitive committee in that it is responsible for the construction of the most workable and functional governmental structure of our new Commonwealth.

The Committee on Personal Rights and Natural Resources is another group whose particular and unique role in the formation of our future Constitution we should recognize. The challenging issue of personal rights and the protection of our natural resources are demanding and require extreme care. We are caught in a time where people of distinct classes and different walks of life are beginning to emerge and seek their inalienable rights.

The Committee on Finance, Local Government and Other Matters is responsible for recommending appropriate local governmental institutions, should our Constitution authorize their creation. No republican form of government can ever achieve its ends without providing the means to pursue its ultimate goals. We cannot create more than what is needed. We cannot ask for more than what we have to give. Anything beyond our present capacity, and anything above what we can offer to our constituents, could possibly lead us to governmental chaos. Let us cooperate with these committees 100%.

The various proposals introduced are specifically intended to be incorporated in our constitutional provisions. Unfortunately some of those proposals may not reach maturity, while some do. Indeed, we are all here to try to do the best we can to protect the interest of our people in their respective localities. Some of us may be preparing to pursue extreme demands to further special interests. However, let us keep in mind that we need to compromise. Nothing could be accomplished while we are here, fellow Delegates, without consent of 3/4 of the vote.

I am confident that with your full cooperation and altruism we will accomplish our crucial task with understanding and harmony. May the blessings of the Almighty come to us and give us guidance now and forever.

I thank you.

(13) ANNOUNCEMENTS

Chairman Jose P. Mafnas: Your Committee on Governmental Institutions will meet immediately after this session in the Convention Hall.

Chairman Felipe Atalig: The Committee on Personal Rights & Natural Resources will meet immediately after this session in their usual meeting place.

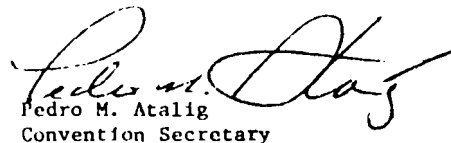
Chairman Benigno Fitial: The Committee on Finance, Local Government and Other Matters will meet tomorrow morning for the entire day and again the following morning.

Floor Leader Rasa: There being no further business, I move that the Convention recess until Wednesday, October 27, 1976, at 2:00 p.m.

The motion was seconded and carried.

The Convention recessed at 2:40 p.m.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary


CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

CONVENTION JOURNAL

NINTH DAY
October 26, 1976

There was no session this date.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS
VERBATIM JOURNAL (TRANSCRIPT)

TENTH DAY
Wednesday, October 27, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 2:05 p.m.

The Honorable Lorenzo J. Guerrero, President, presided.

(2) A moment of silent prayer was observed.

(3) The Convention Secretary called the roll. There were 37 Delegates present. Delegates Juan DLG. Demapan and Oscar C. Rasa were excused. No Delegates were absent. (Delegate Juan DLG. Demapan arrived on the Convention Floor just after roll call.)

Delegate Felipe Atalig: I move that those Delegates not present be granted leave of absence.

The motion was seconded and carried.

(4) ADOPTION OF THE JOURNAL.

Delegate Jose R. Cruz: I move we adopt the Journal for the 10th Day.

Delegate Olympio T. Borja: I would like to amend the motion to state "8th and 9th Days."

The motion was seconded and carried to adopt the Summary Journals for the 8th and 9th Days.

(5) COMMUNICATIONS - None.

(6) COMMITTEE REPORTS

Chairman Jose P. Mafnas: On behalf of the Committee on Governmental Institutions, I am pleased to submit Committee Recommendation No. 2. This Recommendation concerns the "Judicial Branch of Government" and consists of a proposed constitutional article on the judicial branch and an accompanying explanatory report.

The Committee recommends the creation of a Commonwealth court system. The Committee recognizes, however, that the Northern Marianas has few lawyers and little experience with administering a judicial branch. Accordingly, we suggest that at the beginning only a Commonwealth trial court of defined jurisdiction be formed. The court would consider all land matters, all other civil matters not involving more than \$5,000, and criminal cases involving fines of not more than \$5,000 or imprisonment for not more than five years. Other civil and criminal cases and all appeals would be heard by the United States District Court for the Northern Marianas.

Five years after the Constitution becomes effective, the Committee's recommended language would permit the legislature to expand the jurisdiction of the Commonwealth trial court and to establish appellate courts.

The Committee's proposed article would empower the governor to appoint Commonwealth judges, subject to the advice and consent of the upper house of the legislature. Judges would serve for an initial term of six years. They would be eligible for reappointment to one or more terms. The Committee's proposed language would authorize the legislature to increase the terms of judges who are reappointed to a period not to exceed 12 years. Judges would be subject to impeachment and to removal by the governor following the recommendation of an Advisory Commission composed of lawyers and representatives of the public.

The judiciary would have the power to issue rules governing criminal and civil procedures, admission to the bar, the affairs of the bar, judicial ethics, and other matters of judicial administration. These rules would be submitted to the legislature and would take effect 60 days after submission unless disapproved by either house of the legislature.

Mr. President, the Committee on Governmental Institutions believes the judicial system that I have outlined would serve the Northern Marianas people efficiently, fairly and economically. The Committee urges the Convention to accept this Recommendation and to calendar it for early consideration by the Committee of the Whole.

Thank you, Mr. President.

Chairman Felipe Atalig: The Committee on Personal Rights and Natural Resources completed its reconsideration regarding Committee Recommendation No. 3: Initiative, Referendum and Recall, as requested by the Committee of the Whole. The Committee has three reports to submit. First, a Committee report on referendum and recall; second, a majority report on initiative; and third, a minority report on initiative.

Each of these reports has attached to it proposed constitutional language that the Committee will ask the Committee of the Whole to consider. Thank you.

Chairman Benigno Fitial: On behalf of your Committee on Finance, Local Government and Other Matters, I am happy to submit Committee Recommendation No. 4, regarding "Constitutional Amendments."

Mr. President, I wish to address a most important issue which has already received the attention of this Convention in its Committee of the Whole.

I refer to the subject of constitutional amendments and more specifically to ratification methods. The Committee of the Whole had amended the original recommendation of the Committee on Finance, Local Government and Other Matters to require approval by 2/3 of the votes cast in each of the three municipalities.

Your Committee has reconsidered this amendment and its implications. We are concerned because under it any one municipality could prevent ratification although the voters of that municipality constituted a small percentage of the total votes cast by the Commonwealth as a whole.

Denial, Mr. President, of the basic principle of majority rule might pose constitutional problems under the Federal Constitution Equal Protection Provision. This is true in light of the important decision of the United States Supreme Court in *Reynolds v. Sims*, the "one man-one vote" decision.

For constitutional reasons, as well as governmental and political ones, we favor the principle of majority rule. At the same time, Mr. President, we should not ignore the separate and special needs of the individual municipalities.

How then, Mr. President, can we blend both sets of interests -- those of the majority of the population and the interests of the individual islands? The Covenant provision on legislative representation suggests an approach.

We propose a further amendment to the ratification provision. In the case of constitutional amendment proposed by legislative initiative, in which the individual municipalities are equally represented in the upper house, a majority of the votes cast would be required. In the case of amendments proposed by constitutional convention or popular initiative an affirmative vote of a majority of the votes cast -- Commonwealth wide -- would be required and a two-thirds vote of each of two of the three municipalities. Thus, you have blended two interests: majority rule and special needs of the islands.

Delegate Olympio T. Borja: I would like to move for acceptance of the report made by the Chairman of the Committee on Governmental Institutions.

The motion was seconded and carried.

Delegate Olympio T. Borja: I move we accept the reports made by the Chairman of the Committee on Personal Rights and Natural Resources and the Chairman of the Committee on Finance, Local Government and Other Matters.

The motion was seconded and carried.

(7) INTRODUCTION AND FIRST READING OF PROPOSALS

Delegates Ramon G. Villagomez, Jose S. Borja, Juan S. Demapan and Henry U. Hofschneider introduced Delegate Proposal No. 75, entitled "Proposal Regarding Public Officials." The Proposal was read by Delegate Borja.

Delegates Pedro M. Atalig, Benjamin T. Manglona, Leon I. Taisacan, Prudencio T. Manglona, David M. Atalig, Gregorio S. Calvo, Henry U. Hofschneider, Vicente M. Manglona, Esteven M. King, Pedro M. Ogo, Pedro Q. Dela Cruz, and Jose R. Cruz introduced Delegate Proposal No. 76, entitled "Proposal Regarding Governmental Institutions." The Proposal was read by Delegate Dela Cruz.

Delegates David M. Atalig, Prudencio T. Manglona, Benjamin T. Manglona, Pedro M. Ogo, Leon I. Taisacan, Pedro Q. Dela Cruz, Gregorio S. Calvo, Pedro M. Atalig, Vicente M. Manglona, Henry U. Hofschneider, Esteven M. King, Hilario F. Diaz and Jose R. Cruz introduced Delegate Proposal No. 77, entitled "Proposal Regarding Code of Ethics." The Proposal was read by Delegate Dela Cruz.

Delegates Pedro Q. Dela Cruz, Leon I. Taisacan, Benjamin T. Manglona, David M. Atalig, Pedro M. Atalig, Prudencio T. Manglona, Gregorio S. Calvo, Pedro M. Ogo, Vicente M. Manglona, Esteven M. King, Jose R. Cruz and Hilario F. Diaz introduced Delegate Proposal No. 78, entitled "Proposal Regarding Capital Punishment." The Proposal was read by Delegate Dela Cruz.

Delegates David M. Atalig, Prudencio T. Manglona, Benjamin T. Manglona, Pedro M. Ogo, Leon I. Taisacan, Pedro Q. Dela Cruz, Gregorio S. Calvo, Pedro M. Atalig, Vicente M. Manglona, Henry U. Hofschneider, Esteven M. King, Hilario F. Diaz and Jose R. Cruz introduced Delegate Proposal No. 79, entitled "Proposal Regarding Private Employer." The Proposal was read by Delegate Dela Cruz.

Delegates Pedro M. Atalig, Benjamin T. Manglona, Leon I. Taisacan, Prudencio T. Manglona, David M. Atalig, Pedro Q. Dela Cruz, Esteven M. King, Jose R. Cruz, Hilario F. Diaz, Pedro M. Ogo, Gregorio S. Calvo and Vicente M. Manglona introduced Delegate Proposal No. 80, entitled "Proposal Regarding the Bill of Rights." The Proposal was read by Delegate Dela Cruz.

Delegate Vicente T. Attao introduced Delegate Proposal No. 81, entitled "Proposal Regarding Land."

Delegate Vicente T. Attao introduced Delegate Proposal No. 82, entitled "Proposal Regarding Extradition."

Delegate Vicente T. Attao introduced Delegate Proposal No. 83, entitled "Proposal Regarding Apportionment in the House of Representatives."

Delegate Vicente T. Attao introduced Delegate Proposal No. 84, entitled "Proposal Regarding Public Land."

Delegates David M. Atalig, Prudencio T. Manglona, Benjamin T. Manglona, Pedro M. Ogo, Leon I. Taisacan, Pedro Q. Dela Cruz, Gregorio S. Calvo, Pedro M. Atalig, Vicente M. Manglona, Henry U. Hofschneider, Esteven M. King, Hilario F. Diaz and Jose R. Cruz introduced Delegate Proposal No. 85, entitled "Failure to Make Appropriations."

Delegates David M. Atalig, Prudencio T. Manglona, Benjamin T. Manglona, Pedro M. Ogo, Leon I. Taisacan, Jose R. Cruz, Vicente M. Manglona, Henry U. Hofschneider, Pedro Q. Dela Cruz, Gregorio S. Calvo, Pedro M. Atalig, Esteven M. King and Hilario F. Diaz introduced Delegate Proposal No. 86, entitled "Proposal Regarding Oath of Office."

Delegates David M. Atalig, Prudencio T. Manglona, Benjamin T. Manglona, Pedro M. Ogo, Leon I. Taisacan, Pedro Q. Dela Cruz, Gregorio S. Calvo, Pedro M. Atalig, Vicente M. Manglona, Henry U. Hofschneider, Esteven M. King, Hilario F. Diaz and Jose R. Cruz introduced Delegate Proposal No. 87, entitled "Proposal Regarding Existing Officers Continued in Office."

Delegates David M. Atalig, Prudencio T. Manglona, Pedro M. Ogo, Benjamin T. Manglona, Pedro Q. Dela Cruz, Gregorio S. Calvo, Pedro M. Atalig and Jose R. Cruz introduced Delegate Proposal No. 88, entitled "Proposal Regarding Public Employees."

Delegates David M. Atalig, Prudencio T. Manglona, Benjamin T. Manglona, Pedro M. Ogo, Leon I. Taisacan, Pedro Q. Dela Cruz, Gregorio S. Calvo, Pedro M. Atalig, Vicente M. Manglona, Jose R. Cruz, Hilario F. Diaz, Henry U. Hofschneider and Esteven M. King introduced Delegate Proposal No. 89, entitled "Proposal Regarding Sea Fisheries."

Delegates Benigno R. Fitial, Pedro Igitol and Luis M. Limes introduced Delegate Proposal No. 90, entitled "Proposal Regarding the Legislative Branch of Government." The Proposal was read by Delegate Fitial.

Delegates Hilario F. Diaz, Vicente M. Manglona, Henry U. Hofschneider and Jose R. Cruz introduced Delegate Proposal No. 91, entitled "Proposal Regarding the Office of Ombudsman." The Proposal was read by Delegate Diaz.

Delegates Hilario F. Diaz, Vicente M. Manglona, Henry U. Hofschneider, Esteven M. King and Jose R. Cruz introduced Delegate Proposal No. 92, entitled "Proposal Regarding Revenue From Natural Resources." The Proposal was read by Delegate Diaz.

Delegates Jose R. Cruz, Hilario F. Diaz, Vicente M. Manglona, Henry U. Hofschneider and Esteven M. King introduced Delegate Proposal No. 93, entitled "Proposal Regarding Justification of Governmental Programs." The Proposal was read by Delegate Cruz.

Delegates Esteven M. King, Henry U. Hofschneider and Hilario F. Diaz introduced Delegate Proposal No. 94, entitled "Proposal Regarding Personal Rights." The Proposal was read by the Convention Secretary.

Delegates Esteven M. King, Vicente M. Manglona, Henry U. Hofschneider and Hilario F. Diaz introduced Delegate Proposal No. 95, entitled "Proposal Regarding Finance." the Proposal was read by the Secretary.

Delegates Pedro M. Ogo, Pedro Q. Dela Cruz, Leon I. Taisacan, Henry U. Hofschneider, Esteven M. King, Francisco T. Palacton, David M. Atalig, Gregorio S. Calvo, Benjamin T. Manglona, Prudencio T. Manglona, Vicente M. Manglona, Hilario F. Diaz and Jose R. Cruz introduced Delegate Proposal No. 96, entitled "Proposal Regarding Official Flag." The Proposal was read by Delegate Taisacan.

Delegate Daniel P. Castro introduced and read Delegate Proposal No. 97, entitled "Proposal Regarding Governmental Institutions."

Delegates Luis M. Limes and Lorenzo I. Guerrero introduced Delegate Proposal No. 98, entitled "Proposal Regarding Ombudsmen."

Delegates Luis M. Limes and Lorenzo I. Guerrero introduced Delegate Proposal No. 99, entitled "Proposal Regarding Micronesian Claims Act."

Delegates Lorenzo I. Guerrero and Luis M. Limes introduced Delegate Proposal No. 100, entitled "Proposal Regarding the Different Orders of Court."

Delegates Lorenzo I. Guerrero and Luis M. Limes introduced Delegate Proposal No. 101, entitled "Proposal Regarding the Jurisdiction of the 'Supreme Court' of the Commonwealth."

Delegates Lorenzo I. Guerrero and Luis M. Limes introduced Delegate Proposal No. 102, entitled "Proposal Regarding the Native Language of the Commonwealth of the Northern Mariana Islands."

Delegates Luis M. Limes, Lorenzo I. Guerrero, Leon I. Taisacan, Pedro M. Atalig, Felix A. Ayuyu, Hilario F. Diaz and Henry U. Hofschneider introduced Delegate Proposal No. 103, entitled "Proposal Regarding Conflicts of Interest."

Delegates Luis M. Limes and Lorenzo I. Guerrero introduced Delegate Proposal No. 104, entitled "Proposal Regarding Bill of Rights."

Delegates Luis M. Limes and Lorenzo I. Guerrero introduced Delegate Proposal No. 105, entitled "Proposal Regarding the Constitution."

Delegates Luis M. Limes and Lorenzo I. Guerrero introduced Delegate Proposal No. 106, entitled "Proposal Regarding Employment of Minorities in the Labor Force."

Delegates Luis M. Limes and Lorenzo I. Guerrero introduced Delegate Proposal No. 107, entitled "Proposal Regarding Natural Resources."

Delegates Luis M. Limes and Lorenzo I. Guerrero introduced Delegate Proposal No. 108, entitled "Proposal Regarding Oath of Office."

Delegates Juan P. Tenorio, Esteven M. King and Pedro Ogo introduced Delegate Proposal No. 109, entitled "Proposes a Provision in the Commonwealth Constitution that the Following be Included in the Local Government." The Proposal was read by the Convention Secretary.

Delegates Juan P. Tenorio, Esteven M. King and Pedro Ogo introduced Delegate Proposal No. 110, entitled "Proposal a Provision in the Commonwealth Executive Branch." The Proposal was read by the Secretary.

Delegate Ramon G. Villagomez introduced and read Delegate Proposal No. 111, entitled "Proposal Regarding Chamorro Language Requirement for Government Jobs."

REFERRAL OF PROPOSALS

Delegate Proposal No. 49, entitled "Proposal Regarding Board of Education.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 50, entitled "Proposal Regarding Inter-Island Sports Competition.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 51, entitled "Proposal Regarding Bill of Rights.", was referred to the Committee on Personal Rights and Natural Resources.

Delegate Proposal No. 52, entitled "Proposal Regarding Natural Resources.", was referred to the Committee on Personal Rights and Natural Resources.

Delegate Proposal No. 53, entitled "Proposal Regarding Natural Resources.", was referred to the Committee on Personal Rights and Natural Resources.

Delegate Proposal No. 54, entitled "Proposal Regarding Narcotics and Other Dangerous Drugs.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 55, entitled "Proposal Regarding Local Government.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 56, entitled "Proposal Regarding Transaction of Business.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 57, entitled "Proposal Regarding the Passage of Bills.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 58, entitled "Budget Submission.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 59, entitled "Emergency Power.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 60, entitled "Proposal Regarding the Restrictions of Office.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 61, entitled "Proposal Regarding the Legislature.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 62, entitled "Proposal Regarding Immunity.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 63, entitled "Proposal Regarding Bill of Rights.", was referred to the Committee on Personal Rights and Natural Resources.

Delegate Proposal No. 64, entitled "Proposal Regarding Bill of Rights.", was referred to the Committee on Personal Rights and Natural Resources.

Delegate Proposal No. 65, entitled "Proposal Regarding the Executive Branch of Government.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 66, entitled "Proposal Regarding Land Alienation.", was referred to the Committee on Personal Rights and Natural Resources.

Delegate Proposal No. 67, entitled "Proposal Regarding Bill of Rights.", was referred to the Committee on Personal Rights and Natural Resources.

Delegate Proposal No. 68, entitled "Proposal Regarding Removal of Executive Appointee from Office.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 69, entitled "Proposal Regarding Pardon and Clemency.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 70, entitled "Proposal Regarding Restoration of Civil Rights and Liberties.", was referred to the Committee on Personal Rights and Natural Resources.

Delegate Proposal No. 71, entitled "Proposal Regarding Land Ownership.", was referred to the Committee on Personal Rights and Natural Resources.

Delegate Proposal No. 72, entitled "Proposal Regarding Governmental Institutions.", was referred to the Committee on Personal Rights and Natural Resources.

Delegate Proposal No. 73, entitled "Proposal Regarding Natural Resources.", was referred to the Committee on Personal Rights and Natural Resources.

Delegate Proposal No. 74, entitled "Proposal Regarding Land.", was referred to the Committee on Personal Rights and Natural Resources.

President Guerrero: I would like to remind the Delegates that according to Rule 54, as amended, no Delegate Proposal can be presented after October 29, 1976.

(8) SECOND AND FINAL READING OF PROPOSALS - None

(9) INTRODUCTION OF RESOLUTIONS - None

(10) UNFINISHED BUSINESS - None

(11) SPECIAL ORDERS OF THE DAY

Delegate Olympio T. Borja: I would like to move that Committee Recommendation No. 2 from the Committee on Governmental Institutions, regarding "The Judicial Branch of Government.", be placed on the calendar under General Orders of the Day for tomorrow for consideration by the Committee of the Whole.

The motion was seconded and carried.

(12) GENERAL ORDERS OF THE DAY

Chairman Benigno Fitral: I would like to move that the Plenary Session resolve into the Committee of the Whole in order to consider Committee Recommendation No. 3 from the Committee on Personal Rights & Natural Resources, regarding "Initiative, Referendum and Recall.", and, also, Committee Recommendation No. 3 from the Committee on Finance, Local Government and Other Matters, regarding "Corporations."

The motion was seconded and carried.

President Guerrero: At this time, I would like to call on Vice President Francisco Palacios, to preside over the Committee of the Whole.

The Convention resolved into the Committee of the Whole at 2:38 p.m.

The Convention reconvened in Plenary Session at 4:07 p.m.

Chairman Palacios: I would like to report that the Committee of the Whole adopted the sections in the Reconsideration of Committee Recommendation No. 3 regarding, "Referendum and Recall," but they recommended re-referral of the section regarding "Initiative" to the Committee on Personal Rights and Natural Resources.

The Committee of the Whole also adopted Committee Recommendation No. 3 from the Committee on Finance, Local Government and Other Matters, regarding "Corporations."

Delegate Pedro Dela Cruz: Point of order, Mr. President. I think we need to adopt the report from the Committee of the Whole. I feel we need to do this.

Chairman Benigno Fitial: I move that the Committee Recommendations, as adopted by the Committee of the Whole, be adopted by this Convention.

The motion was seconded and carried.

(13) MISCELLANEOUS

Delegate David Q. Maratita: Mr. fellow Delegates, I wish to take a moment of your time to express my views about the proposal I introduced to provide for a draft Constitutional article prohibiting the creation of units of local government in the new Commonwealth.

As we all know, the government that we shall be forming under the new constitution should be a functional government taking all things under this system as totally devoid of the inconsistencies of the past experiences under the Trust Territory Government Administration.

The Municipal Governments that we now have are more than what I can normally call a "parasite" which eat of a sizeable amount of the capital resources that would have more appropriately been under a centralized agency.

Allow me to qualify my observation on why I feel that we, in this Convention, should provide an article in the constitution prohibiting the creation of local governments.

First, if we are to continue the present system, that is, the existence of municipal governments in the new Commonwealth, we will be sacrificing an essential part of the capital resources made available to fund for the operations of municipalities. As an example, the Saipan Municipal Government for its fiscal year budget for 1977, that is July 1, 1976 to June 30, 1977, a total of about \$451,883.00 will be needed to operate the municipality against an estimated revenue of \$453,392.00.

In a locality such as Saipan where the central government has activity such as Public Works, the services performed by the Municipal Government in public works become inter-phased in area of similar responsibilities. While Saipan is more evident of the duplication of public service efforts, Rota and Tinian to a certain degree, equally share the problem of duplicating some of the efforts that are provided by the central government. This appears unnecessary and unwarranted in the new Commonwealth Government for economic reasons.

Second, the absence of local government would make the delivery of services to the people more efficient. Legislative programs can be handled more effectively by limiting the process to one level of government, the central government. In other words, the legislature and the governor can program for the people under the concept of a central government with decentralized functions operating for the entire Commonwealth. Since the Commonwealth Legislature will be composed of representatives elected from the islands of Rota, Tinian and Saipan and the governor elected on a commonwealth-wide basis, there should be a reappraisal of our mental attitude to refer to our government as one central government and not persist on separate political sub-divisions.

Since the Covenant under Section 203(c) gives the people of Rota and Tinian protection that their particular interests be recognized and accommodated in the new Commonwealth, it would to a large degree be more advantageous to include a constitutional provision that would prohibit the creation of separate political sub-divisions on the islands of Rota, Tinian and Saipan. To insure, however, that the people living on these three main islands are represented in the executive branch of government, we should consider providing a constitutional language that would require the governor to establish within his immediate staff, a person to be responsible for the affairs of the islands, a position that would require the advice and consent of the legislature. At the same time, a provision could be

provided that the legislature be required to establish by a commissionership system or whatever allowing for the election of one person from each island who will be the chief representative of the governor on matters pertaining to their particular island. Compensation of these commissioners will be as provided by law and to be included in the commonwealth-wide budget for the operation of the executive branch. The Commissioner for Rota and Tinian under this system could be authorized by statute to be in direct charge of the administration in the delivery of services under a decentralized budget developed by the respective commissioner and approved in the governor's budget.

By doing away with a local government, the degree of delineation of authority as to what the local government can and cannot do will be less confusing to our people. In other words, the sad experiences that have been had prior to the new Commonwealth Government should not be repeated. I feel that a government functioning as one unit, that is the central government, will do more for the people on a commonwealth-wide basis rather than permitting a local government to perform only certain things for a given locality. The less local government we have the more efficient services can be delivered by the central government in that there will only be one level of government to work with. By decentralizing the function of this central government to Rota and Tinian allocating the authority that can be locally handled in matters pertaining to the administration of the government, we will not have to worry about maintaining another level of government operating under its separate identity such as we used to experience.

My fellow Delegates, perhaps what I have expressed may be facetious, but I feel that we are here in this Convention drafting our charter for a new government. I will urge a close review of our present political experience and ensure ourselves that what we will be providing for our future government will be a workable and acceptable approach to our new Commonwealth.

In conclusion, I am for a central Commonwealth Government under the concept of decentralized functions with respect to the administration of such a government.

Delegate Hilario F. Diaz: Mr. President and fellow Delegates. The Convention has now used over nine of its allotted 50 days. We have made substantial progress in some areas. Nevertheless, I think that it is important to pause to assess what we have done and what we must accomplish in the next 40 days in order to accomplish our mission.

Our Mission is straightforward; we must write a Constitution that not only creates a workable structure of government but also is sturdy and flexible enough to withstand the test of time. We must devote all of our efforts to achieving this objective. We must not permit geographic differences to interfere with our crucial task. The minority must never take advantage of the majority. The majority must never dominate the minority. Let us always remember that the United States Government would probably veto any Constitution that unfairly discriminates against any group, majority or minority, of our people. Rejection of our Constitution by the federal government would be a tragedy whose dimensions would be beyond our capacity to measure.

Mr. President and fellow Delegates, we must all remember that the Constitution will serve as the foundation of our new Commonwealth. But what is a commonwealth? It is a government founded on law and united by the people's compact with themselves to act for the common good. To speed the creation of our Commonwealth, we of the Tinian Delegation are willing to consider the completed Constitution as an entity. Even though we may disagree with specific provisions adopted in principle by the Committee of the Whole, we will not obstruct the work of the Convention. After the drafting of the Constitution is concluded, we will examine the entire document to determine if the interests of our constituents are adequately protected.

Mr. President, the Convention has heard many words urging Delegates to cooperate with each other. Over the next 40 days, we must give meaning to those words. We must act in the interests of all of our people on all of our islands. Let us create a Commonwealth that will serve us and our children well. Thank you.

Delegate Henry U. Hofschneider: Mr. President and Honorable Delegates of this historic Convention. This day marks our 10th day of our Convention and I would

like to take this opportunity on behalf of my fellow Delegates from Tinian to congratulate all of our hard working Delegates in this Convention.

First of all, Mr. President, I would like to go on record that disunity among us, in each perspective municipality in the Government of the Northern Marianas, has become idealistic since the beginning of this Convention. Let me further state that speeches and comments have been well established in this Convention against the wishes of both Rota and Tinian Municipality desires and presumably the Northern Islands. We all wish to frame a Constitution which would not duplicate our experience of frustration in our government system but to formulate a supreme government system in which that as citizens of the Northern Mariana Islands should ratify without the sense of future confrontation between ourselves. The delegates from Tinian, wish to express and assure all Delegates, and you, Mr. President, that we will cooperate in order to form a workable Constitution that will be accepted by all our people. We are divided by a body of ocean, however, this should not be an obstacle, we will not let it be an obstacle. It pains me to think that at one time our ancestors were one people and then were colonialistically divided by foreign power; we have been see-sawing from one power to the other.

Mr. President and fellow Delegates, let us not lose this opportunity to break forever from the Trust Territory Government. In conclusion, my fellow Delegates and Mr. President, Tinian is ready and open its hands to its brothers. Thank you.

Delegate Leon Taisacan: Mr. President and fellow Delegates. We assemble here in this Convention for the purpose of creating a workable Constitution for the Northern Marianas Government. During our assemblage in this Convention Hall, I have heard some encouraging speeches on unity in this Convention. I sincerely hope that each of us is honest about unity. I do not believe it would be worth anybody's while to note that if we want unity in this Convention and then attempt to break-up the spirit of unity and cooperation through actions. I hope that what we have said here about unity can be put into meaningful actions.

Mr. President, I just want to inform the Delegates that our proposal of 20% participation in the initiative process did not come out from our briefcase. It came out over a long period of time. It came out especially from the experience Rota and Tinian have had in the District Legislature in a manner in which we have treated each other. It came out from a long history and background of our relationship with the two Municipalities. Thank you.

Delegate Gregorio Calvo: I noticed on the Convention Journal for the 9th Day that there was no session. I believe the fact that we had committee meetings that day, even though there was no Plenary Session, should be in the Journal.

President Guerrero: Yes, the Convention Journal will be corrected to show that committee meetings were held on the 9th Day, even though there was no Plenary Session.

Delegate Jose R. Cruz: I just want to state an observation concerning a remark made earlier by one of the Delegates. While I am very much concerned about governmental levels, expenditures, funding and so forth, I wish to point out to this Convention that we should not close the door in drafting the Constitution for the possible future creating of a local government. I wish to remind this Convention, for example, the State of Hawaii, has county and city governments similar to the structure the Marianas presently has. Perhaps only the names are different. The reason why local government has not been very successful in the Northern Marianas is simply because there was no decentralization of responsibility according to the various municipalities. I want this to be a reminder to all the Delegates, in drafting our Constitution, it is very important that we include the provision that if we want to have local government in the future, we have the avenue to do so.

Delegate Benigno Fitial: I just want to cheer-up my fellow Delegate from Tinian. In regard to his remarks, that particular Delegate Proposal has been tabled.

(14) ANNOUNCEMENTS

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

Chairman Jose P. Mafias: Your Committee on Governmental Institutions will meet tomorrow morning at 9:00 a.m. in the Convention Hall.

Chairman Benigno Fitial: Your Committee on Finance, Local Government and Other Matters will meet tomorrow morning at 9:00 a.m. in their regular meeting place.


President Guerrero: I would like to announce that the Committee on Procedures and Organization will be meeting immediately following this session.

Delegate Pedro Dela Cruz: I move that we recess until tomorrow at 2:00 p.m.

The motion was seconded and carried.

The Convention recessed at 4:27 p.m.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS
VERBATIM JOURNAL (TRANSCRIPT)

ELEVENTH DAY
Thursday, October 28, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 2:05 p.m.

The Honorable Lorenzo I. Guerrero, President, presided.

(2) A moment of silent prayer was observed.

(3) The Convention Secretary called the roll. There were 37 Delegates present. Delegates Daniel P. Castro and Joaquin S. Torres were excused. No Delegates were absent.

Floor Leader Rasa: I move that those Delegates not in attendance be granted leave of absence.

The motion was seconded and carried.

(4) ADOPTION OF THE JOURNAL

Floor Leader Rasa: I move that we adopt the Summary Journal for the 10th Day.

The motion was seconded and carried to adopt the Summary Journal for the 10th Day.

(Delegate Joaquin S. Torres entered the Convention Hall.)

(5) COMMUNICATIONS - None.

(6) COMMITTEE REPORTS

Chairman Jose P. Mafnas: I would like to report that your Committee on Governmental Institutions is now discussing the executive branch of the government. I also have several Delegate Proposals which have been disposed of by your Committee. Regarding Delegate Proposal No. 75, entitled "Proposal Regarding Public Officials.", the Committee has set the age for Senator at 30 years minimum and the age for Representatives at 25 years minimum age.

Delegate Proposal No. 76, entitled "Proposal Regarding Governmental Institutions.", it was agreed that all sessions of the Legislature will be open to the public except on highly sensitive issues.

On Delegate Proposal No. 62, entitled "Proposal Regarding Immunity.", the Committee has decided to accept this.

Delegate Proposal No. 61, entitled "Proposal Regarding the Legislature.", requests that the Senate and House of Representatives shall be called "The Marianas Congress." Your Committee on Governmental Institutions has tentatively decided to call this body "The Northern Marianas Commonwealth Legislature." I have reservations on that particular conclusion.

On Delegate Proposal No. 17, entitled "Proposal Regarding the Legislative Branch of Government.", your Committee has agreed tentatively that the upper house will be called "The House of Senate" and will be composed of three Senators from Tinian, three Senators from Saipan and three Senators from Rota. The lower house, "The House of Representatives," will be composed of 30 members; 25 from Saipan, 3 from Rota and 2 from Tinian. Also regarding this Proposal, your Committee has tentatively agreed that appropriation bills should originate in the lower house and will be subject to approval by the upper house.

Chairman Felipe Atalig: I would like to yield the floor to Delegate Manuel Tenorio for presentation of the report from the Committee on Personal Rights and Natural Resources.

Delegate Manuel Tenorio: The Committee on Personal Rights and Natural Resources has deliberated on the provision on Initiative that had been re-referred to the Committee by Committee of the Whole yesterday. The Committee has agreed to recommend the first Proposal that was offered to the Convention requiring twenty percent (20%) of the total number of qualified voters within the Commonwealth.

Chairman Benigno Fitial: Your Committee on Finance, Local Government and Other Matters will make no report at this time.

(7) INTRODUCTION AND FIRST READING OF PROPOSALS

Delegate Juan S. Demapan introduced Delegate Proposal No. 112, entitled "Proposal Regarding Land." The Proposal was read by the Secretary.

Delegates Olympio T. Borja and Jose S. Borja introduced Delegate Proposal No. 113, entitled "Proposal Regarding Sovereign Immunity." The Proposal was read by Delegate Olympio T. Borja.

Delegates Manuel A. Tenorio, Luis M. Limes, Jose S. Borja, Francisco T. Palacios, Juan S. Demapan, Felix A. Ayuyu, Henry U. Hofschneider and Juan P. Tenorio introduced Delegate Proposal No. 114, entitled "Proposal Regarding Legislative Matters." The Proposal was read by the Convention Secretary.

Delegates Manuel A. Tenorio, Luis M. Limes, Francisco T. Palacios, Jose S. Borja, Juan S. Demapan, Henry U. Hofschneider, Hilarjo J. Diaz and Juan P. Tenorio introduced Delegate Proposal No. 115, entitled "Proposal Regarding Land Use." The Proposal was read by the Convention Secretary.

Delegates Manuel A. Tenorio, Luis M. Limes, Henry U. Hofschneider, Leon Taisacan, Daniel Castro, Lorenzo I. Guerrero and Juan P. Tenorio introduced Delegate Proposal No. 116, entitled "Proposal Regarding Natural Resources." The Proposal was read by the Convention Secretary.

Delegates Manuel A. Tenorio, Luis M. Limes, Leon I. Taisacan, Lorenzo I. Guerrero and Juan P. Tenorio introduced Delegate Proposal No. 117, entitled "Proposal Regarding Natural Resources." The Proposal was read by the Secretary.

Delegates Benigno R. Fitial and Pedro Igitol introduced Delegate Proposal No. 118, entitled "Proposal Regarding the Northern Marianas Youth Congress." The Proposal was read by Delegate Fitial.

Delegates Benigno R. Fitial and Pedro Igitol introduced Delegate Proposal No. 119, entitled "Proposal Regarding Public Disclosures by Elected Officials." The Proposal was read by Delegate Fitial.

Delegates Benigno R. Fitial and Pedro Igitol introduced Delegate Proposal No. 120, entitled "Proposal Regarding Public Disclosure of the Budget." The Proposal was read by Delegate Fitial.

Delegate Benigno R. Fitial and Pedro Igitol introduced Delegate Proposal No. 121, entitled "Proposal Regarding Governmental Institutions." The Proposal was read by Delegate Fitial.

Delegate Francisco T. Palacios introduced Delegate Proposal No. 122, entitled "Proposal Regarding Public Land."

Delegates Herman Q. Guerrero and Magdalena Camacho introduced Delegate Proposal No. 123, entitled "Proposal Regarding Employment and Conditions of Labor."

Delegates Herman Q. Guerrero and Magdalena Camacho introduced Delegate Proposal No. 124, entitled "Proposal Regarding the Imprisonment of Children."

Delegates Herman Q. Guerrero and Magdalena Camacho introduced Delegate Proposal No. 125, entitled "Proposal Regarding Child Labor."

Delegates Herman Q. Guerrero and Magdalena Camacho introduced Delegate Proposal No. 126, entitled "Proposal Regarding the Structure of Government."

REFERRAL OF PROPOSALS

Delegate Proposal No. 75, entitled "Proposal Regarding Public Officials.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 76, entitled "Proposal Regarding Governmental Institutions.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 77, entitled "Proposal Regarding Code of Ethics.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 78, entitled "Proposal Regarding Capital Punishment.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 79, entitled "Proposal Regarding Private Employer.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 80, entitled "Proposal Regarding the Bill of Rights.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 81, entitled "Proposal Regarding Land.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 82, entitled "Proposal Regarding Extradition.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 83, entitled "Proposal Regarding Apportionment in the House of Representatives.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 84, entitled "Proposal Regarding Public Land.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 85, entitled "Failure to Make Appropriations.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 86, entitled "Proposal Regarding Oath of Office.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 87, entitled "Proposal Regarding Existing Officers Continued in Office.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 88, entitled "Proposal Regarding Public Employees.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 89, entitled "Proposal Regarding Sea Fisheries.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 90, entitled "Proposal Regarding the Legislative Branch of Government." was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 91, entitled "Proposal Regarding the Office of Ombudsman.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 92, entitled "Proposal Regarding Revenue from Natural Resources.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 93, entitled "Proposal Regarding Justification of Governmental Programs.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 94, entitled "Proposal Regarding Personal Rights.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 95, entitled "Proposal Regarding Finance, Local Government and Other Matters.

Delegate Proposal No. 96, entitled "Proposal Regarding Official Flag.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 97, entitled "Proposal Regarding Governmental Institutions.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 98, entitled "Proposal Regarding Ombudsmen.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 99, entitled "Proposal Regarding Micronesian Claims Act.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 100, entitled "Proposal Regarding the Different Orders of Court.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 101, entitled "Proposal Regarding the Jurisdiction of the 'Supreme Court' of the Commonwealth.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 102, entitled "Proposal Regarding the Native Language of the Commonwealth of the Northern Mariana Islands.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 103, entitled "Proposal Regarding Conflicts of Interest.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 104, entitled "Proposal Regarding Bill of Rights.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 105, entitled "Proposal Regarding the Constitutions.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 106, entitled "Proposal Regarding Employment of Minorities in the Labor Force.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 107, entitled "Proposal Regarding Natural Resources.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 108, entitled "Proposal Regarding Oath of Office.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 109, entitled "Proposes a Provision in the Commonwealth Constitution That the Following be Included in the Local Government.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 110, entitled "Proposal A Provision in the Commonwealth Executive Branch.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 111, entitled "Proposal Regarding Chamorro Language Requirement for Government Jobs.", was referred to the Committee on Governmental Institutions.

(8) SECOND AND FINAL READING OF PROPOSALS - None

(9) INTRODUCTION OF RESOLUTIONS

Delegate Felipe Atalig: I would like to introduce the following resolutions:

"Resolution No. 2:

"Resolved, that the Northern Marianas Constitutional Convention is aware of the fact that any land on Tinian which has been leased to the United States is publicly owned land, not land taken from private parties, and resolved further, that the Convention will take note of this fact in considering any proposal relating to privately owned land on Tinian."

"Resolution No. 3:

"Resolved, that the Northern Marianas Constitutional Convention, offers its best wishes to the most widely known citizen of Plains, Georgia, Jimmy Carter."

(10) UNFINISHED BUSINESS - None

(11) SPECIAL ORDER OF THE DAY

Chairman Benigno Fitial: I would like to move that Committee Recommendation No.1

from the Committee on Finance, Local Government and Other Matters, regarding "Constitutional Amendment," be placed on the calendar for Second and Final Reading tomorrow, October 29, 1976.

The motion was seconded and defeated.

(12) GENERAL ORDERS OF THE DAY

Floor Leader Rasa: I move that the Convention resolve into the Committee of the Whole in order to consider Committee Recommendation No. 2 from the Committee on Governmental Institutions, regarding "The Judicial Branch of Government."

The motion was seconded and carried.

President Guerrero: I would like to call on the Delegate from Saipan, Delegate Olympio T. Borja to Chair the Committee of the Whole for today.

The Convention resolved into the Committee of the Whole at 2:26 p.m.

The Convention reconvened in Plenary Session at 3:11 p.m.

Chairman Olympio T. Borja: I would like to report that the Committee of the Whole, after thorough deliberation, has unanimously adopted Committee Recommendation No. 2 from the Committee on Governmental Institutions, regarding "The Judicial Branch of Government."

Chairman Olympio T. Borja: I now would like to move that the Convention accept my oral report on Committee of the Whole and that Committee Recommendation No. 2 from the Committee on Governmental Institutions be placed on the calendar for Second and Final Reading.

The motion was seconded and carried.

President Guerrero: I would like to call to the attention of the Delegates, that according to Rule 47, if there are any amendments, these should be in writing and distributed prior to such consideration.

Chairman Benigno Fitial: What is the decision of the Chair regarding Committee Recommendation No. 4: Constitutional Amendments, from the Committee on Finance, Local Government and Other Matters.

President Guerrero: Committee Recommendation No. 4: Constitutional Amendments, from the Committee on Finance, Local Government and Other Matters, is recognized as an amendment to Committee Recommendation No. 1: Constitutional Amendments, previously submitted by your Committee. This amendment will have to be offered during the Second Reading since Committee Recommendation No. 1 was already adopted, unamended, during its First Reading.

Chairman Benigno Fitial: I don't think it was understood in my previous motion that I was not asking for adoption of Committee Recommendation No. 4, I was asking that it be placed on the calendar for discussion.

President Guerrero: Any amendment to a Committee Recommendation that has already been adopted during its First Reading has to be made at the Second Reading.

(13) MISCELLANEOUS

Delegate Juan S. Demapan: I would like to make a few remarks.

Mr. President and fellow Delegates. The recent decisions to refer Committee Recommendation No. 3: Initiative, Referendum and Recall, indicate that there is misunderstanding and division of the House on a matter that may seemingly affect the Commonwealth at a point in time in the future.

Mr. President and fellow Delegates, the major problem we now face is that we are not thinking about Commonwealth as a whole but rather divisions of people. If this chamber continues to believe in the latter, I am sorry to say that this supposedly one Commonwealth, one people, is going to hell. What is past is past -- it's the future we look into. I, for one, strongly believe in a Commonwealth.

For only when there are differing types of governments and nations can there be a compromise. The Northern Marianas is one Commonwealth and nothing else. We shall all look ultimately for one direction. For if I were in a foreign country at one future date and someone asked me where I from, for sure I won't say I'm from Rota, but from the Commonwealth of the Northern Marianas. Therefore, I only urge each one of you to think Commonwealth.

Thank you.

Delegate Jose R. Cruz: If someone asked me where I am from, I am going to certainly answer, from the Marianas. But then I might say that I represent the individual people of Tinian.

(14) ANNOUNCEMENTS

Chairman Benigno Fitial: The Committee on Finance, Local Government and Other Matters will meet at 9:00 a.m. tomorrow morning.

Chairman Jose P. Mafnas: The Committee on Governmental Institutions will meet tomorrow morning at 9:00 a.m. in the Convention Hall.

Chairman Felipe Atalig: The Committee on Personal Rights & Natural Resources will also meet tomorrow morning at 9:00 a.m.

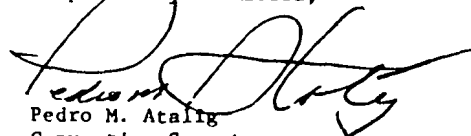
Convention Secretary: Mr. Rudy Sablan, Public Information Officer, is in the process of making biographical sketches of all the Delegates and also a pictorial record of the proceedings. He would like the Delegates to prepare their own biographical sketches and give them to him.

Delegate Juan DLG. Demapan: I move that the Convention recess until 2:00 p.m. tomorrow afternoon.

The motion was seconded and carried.

The Convention recessed at 3:20 p.m.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

TWELFTH DAY
Friday, October 29, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 2:40 p.m.

The Honorable Lorenzo I. Guerrero, President, presided.

(2) A moment of silent prayer was observed.

(3) The Convention Secretary called the roll. There were 39 Delegates present. No Delegates were excused or absent.

(4) ADOPTION OF THE JOURNAL

Floor Leader Raza: Mr. President, I move for the adoption of the Summary Journal of the 11th Day.

The motion was seconded.

Chairman Benigno Fitial: Mr. President, there is an error on page 4, under Special Orders of the Day. It should reflect that Committee Recommendation No. 1 was from the Committee on Finance, Local Government and Other Matters.

President Guerrero: The Chair will order that such correction be made.

Motion to adopt the Summary Journal of the 11th Day carried.

(5) COMMUNICATIONS - None.

(6) COMMITTEE REPORTS

Chairman Mafnas: Mr. President, your Committee on Governmental Institutions met this morning and they are discussing the Executive Branch of Government. If I may continue, Mr. President, I will give the disposal of Delegate Proposals assigned to your Committee.

President Guerrero: Please continue.

Chairman Mafnas: Delegate Proposal No. 03, "Judicial Branch of Government.", was discussed by your Committee on the portion that discusses a court with jurisdiction over disputes involving land. Your Committee reported out on that in a Committee Recommendation made yesterday, Committee Recommendation No. 2. On the portion that proposed to create at least one judgeship to staff the court, that was also reported out in Recommendation No. 2 yesterday. On the portion proposing appointment of an attorney who is not a resident of the Northern Marianas to serve as a judge of the court, your Committee decided on Recommendation No. 2 to be silent on that in the Constitution. Also from the same Delegate Proposal, Mr. President, the request that a judge be authorized to sit temporarily on courts which decide cases not involving land, was reported out favorably by your Committee yesterday.

On Delegate Proposal No. 09, "A Proposal Regarding Special Court to Deal with Land Matters.", your Committee Recommendation No. 2 made yesterday reflects favorably on the Proposal in its entirety.

On Delegate Proposal No. 15, "Proposal Regarding the Legislative Branch of Government.", your Committee recommended (in a Recommendation to be submitted at a later date) that the bi-cameral legislature be called Northern Marianas Commonwealth Legislature and not Northern Mariana Islands Legislature. That the upper house, to be addressed as Senate, with three members from each chartered municipalities--that was tentatively agreed upon by your Committee.

That the lower house be addressed as House of Representatives and membership configuration be based on population--in a report to be submitted at a later date your Committee recommended a membership of 30 in the House of Representatives (25 from Saipan, 3 from Rota and 2 from Tinian). We have not acted on length of term for members of either house, but provide for a minimum age of 30 years in the upper house and 25 years in the lower house. These are subject to changes in the Convention Hall, Mr. President.

On Delegate Proposal No. 82, Mr. President, regarding "Extradition," your Committee has yet to reach a position on this matter. We have, in fact, discussed this Proposal this morning.

Delegate Proposal No. 85, regarding "Failure to Make Appropriations."-- your Committee has reached a favorable decision on it in its entirety.

Delegate Proposal No. 100, regarding "The Different Orders of Court."-- your Committee Recommendation No. 2 has reported that Proposal favorably.

Delegate Proposal No. 101, regarding "The Jurisdiction of the 'Supreme Court' of the Commonwealth."--that position, Mr. President, is reflected in your Committee's Recommendation No. 2.

Delegate Proposal No. 69, regarding "Pardon and Clemency.", this is a provision granting the power to the governor--your Committee reported out favorably and provided a Board of Pardon and Parole who recommends approval of any pardon or clemency.

Chairman Atalig: Mr. President, your Committee on Personal Rights & Natural Resources has considered the Recommendation No. 3, regarding "Initiative," and I believe Minority has also made a report in this regard. At this time I would like to ask the Convention Secretary, since he's one of the signatories of the minority report, to report this to the house.

Convention Secretary Atalig: There is a report to the Committee of the Whole and the Convention as a whole that the Minority feels that the required number of votes required for "Initiative" should be three-fourths of the votes cast. We submit our Minority Report in this matter.

Chairman Fitial: Your Committee on Finance, Local Government and Other Matters is still deliberating on "Local Government." At its next meeting, Mr. President, your Committee will have its final deliberation on "Revenue and Taxation Finance" and, hopefully, by Tuesday we will have a complete and final Committee Recommendation for the review and consideration of the Committee of the Whole. Thank you, Mr. President.

(7) INTRODUCTION AND FIRST READING OF PROPOSALS

Delegate Jose S. Borja introduced and read Delegate Proposal No. 127, entitled "Proposal Regarding Preamble."

Delegates Pedro Dela Cruz and Benigno Fitial introduced Delegate Proposal No. 128, entitled "Proposal Regarding Regulation of Business." The Proposal was read by Delegate Dela Cruz.

Delegates Henry U. Hofschneider, Jose R. Cruz, Pedro M. Atalig, David M. Atalig, Leon I. Taisacan, Pedro Dela Cruz, Prudencio Manglona, Jose Borja, Esteven King, Felix Ayuyu, Benjamin Manglona, Manuel Tenorio, Vicente Manglona, Hilario F. Diaz, Gregorio Calvo and Pedro Ogo introduced Delegate Proposal No. 129, entitled "Proposal Regarding a Land Corporation." The Proposal was read by Delegate Hofschneider.

Delegates Esteven M. King, Benigno Fitial, Henry Hofschneider, Pedro Dela Cruz and Luis M. Limes introduced Delegate Proposal No. 130, entitled "Proposal Regarding Official Languages of the Commonwealth." The Proposal was read by Delegate King.

Delegates Carlos S. Camacho, Antonio M. Camacho, Felix Ayuyu and Juan DLG. Demapan introduced Delegate Proposal No. 131, entitled "Proposal Regarding Alien Immigration Quota into the Northern Marianas." The Proposal was read by Delegate Demapan.

Delegates Francisco T. Palacios, Daniel P. Castro, Benigno R. Fitial, Manuel A. Tenorio and Luis M. Limes introduced Delegate Proposal No. 132, entitled "Proposal Regarding Executive Branch Offices." The Proposal was read by Delegate Palacios.

Delegate Magdalena Camacho introduced and read Delegate Proposal No. 133, entitled "Proposal Regarding Personal Rights."

Delegate Magdalena Camacho introduced and read Delegate Proposal No. 134, entitled "Proposal Regarding Legislative Branch."

Delegates Francisco T. Palacios, Daniel P. Castro, Juan S. Demapan, Benigno Fitial and Manuel A. Tenorio introduced Delegate Proposal No. 135, entitled "Proposal Regarding Bill of Rights." The Proposal was read by Delegate Palacios.

Delegates Francisco T. Palacios, Luis M. Limes, Manuel A. Tenorio, Juan S. Demapan and Jose S. Borja introduced Delegate Proposal No. 136, entitled "Proposal Regarding Economic Development." The Proposal was read by Delegate Palacios.

Delegates Francisco T. Palacios, Juan S. Demapan, Benigno Fitial and Manuel A. Tenorio introduced Delegate Proposal No. 137, entitled "Proposal Regarding Natural Resources." The Proposal was read by Delegate Palacios.

Delegates Francisco T. Palacios, Daniel P. Castro, Benigno R. Fitial, Manuel A. Tenorio and Luis M. Limes introduced Delegate Proposal No. 138, entitled "Proposal Regarding Education."

Delegates Juan P. Tenorio, Oscar C. Rasa, Henry U. Hofschneider and Manuel A. Tenorio introduced Delegate Proposal No. 139, entitled "Proposal Regarding Commonwealth Legislature." The Proposal was read by Delegate Juan P. Tenorio.

Delegates Manuel A. Tenorio, Magdalena S. Camacho, Ramon G. Villagomez, Jesus G. Villagomez, Juan P. Tenorio and Carlos S. Camacho introduced Delegate Proposal No. 140, entitled "Proposal Regarding Public Land Matters." The Proposal was read by the Secretary.

Delegates Larry I. Guerrero, Benigno R. Fitial and Felipe Atalig introduced Delegate Proposal No. 141, entitled "Proposal Regarding Refusal." The Proposal was read by Delegate Atalig.

Delegate Olympio T. Borja introduced and read Delegate Proposal No. 142, entitled "Proposal Regarding Preamble."

Delegates Lorenzo I. Guerrero and Benigno R. Fitial introduced Delegate Proposal No. 143, entitled "Proposal Regarding Consultation on Matters Involving the Commonwealth of the Northern Mariana Islands." The Proposal was read by Delegate Fitial.

Delegates Pedro Ogo and Carlos S. Camacho introduced Delegate Proposal No. 144, entitled "Proposal Regarding Members of the Medical, Dental, Nursing and Education Professions."

Delegates Carlos S. Camacho, Antonio M. Camacho and Felix Ayuyu introduced Delegate Proposal No. 145, entitled "Proposal Regarding Executive Branch of Government." The Proposal was read by the Convention Secretary.

Delegates Juan S. Demapan, Jose S. Borja and Pedro M. Atalig introduced Delegate Proposal No. 146, entitled "Proposal Creating Environmental Protection Board."

Delegates Juan S. Demapan, Jose S. Borja and Pedro M. Atalig introduced Delegate Proposal No. 147, entitled "Proposal Regarding Mass Transit."

Delegates Herman Q. Guerrero and Carlos S. Camacho introduced Delegate Proposal No. 148, entitled "Proposal Regarding the Taking of Census."

Delegate Jose R. Cruz offered a Proposal orally, regarding the Commonwealth Legislature, and then immediately ruled himself out of order because it was not offered in writing.

REFERRAL OF PROPOSALS

Delegate Proposal No. 112, entitled "Proposal Regarding Land.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 113, entitled "Proposal Regarding Sovereign Immunity.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 114, entitled "Proposal Regarding Legislature Matters.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 115, entitled "Proposal Regarding Land Use.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 116, entitled "Proposal Regarding Natural Resources.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 117, entitled "Proposal Regarding Natural Resources.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 118, entitled "Proposal Regarding the Northern Marianas Youth Congress.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 119, entitled "Proposal Regarding Public Disclosures by Elected Officials.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 120, entitled "Proposal Regarding Public Disclosure of the Budget.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 121, entitled "Proposal Regarding Governmental Institutions.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 122, entitled "Proposal Regarding Public Land.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 123, entitled "Proposal Regarding Employment and Conditions of Labor.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 124, entitled "Proposal Regarding the Imprisonment of Children.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 125, entitled "Proposal Regarding Child Labor.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 126, entitled "Proposal Regarding the Structure of Government.", was referred to the Committee on Governmental Institutions.

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

(9) INTRODUCTION OF RESOLUTIONS - None.

(10) UNFINISHED BUSINESS - None.

(11) SPECIAL ORDERS OF THE DAY

Chairman Fitial: Mr. President, I move that the Convention reconsider your Committee's Recommendation No. 1, regarding "Constitutional Amendment." And I also move that it be placed under General Orders of the Day on Tuesday for consideration.

The motion was seconded and carried.

(12) GENERAL ORDERS OF THE DAY

Floor Leader Rasa: Mr. President, I move that the Convention resolve into the Committee of the Whole in order to Consider Committee Recommendation No. 3, regarding "Initiative," and to consider Committee Recommendation No. 4, regarding "Bill of Rights."

The motion was seconded and carried. President Guerrero appointed Vice-President Vicente Manglona to preside over the Committee of the Whole.

The Convention resolved into the Committee of the Whole at 3:10 p.m.

The Convention reconvened in Plenary Session at 4:31 p.m.

Chairman Manglona: Mr. President, I would like to yield the floor to the Chairman of the Committee on Personal Rights to give the report.

Chairman Atalig: Thank you, Mr. President. The Committee of the Whole recommended again that Committee Recommendation No. 3 on "Initiative" is to be deferred until the next meeting, which will be on Tuesday. I would also like to report to you, Mr. President, that on the same matter the Committee's Recommendation No. 4 has been adopted by the Committee of the Whole. At this time I move that the Committee's Recommendation No. 4 on "Personal Rights" be adopted.

The motion was seconded and carried.

Floor Leader Rasa: Mr. President, Section 10 on "Free Public Education," according to the Committee's Report, provides that each person shall have the right to a free public education. If we go back and review the Recommendation which was passed by the Committee of the Whole and the Convention regarding Section 1 on "Education," which states that there shall be free, compulsory and public elementary and secondary education.....I think there is a substantial difference between the two. Public education could be considered to be institutions which are run and subsidized by the government. Compulsory public elementary and secondary education stipulates that there must be primary and secondary levels. I have to oppose the counsel's decision that we should incorporate the Article on Education as submitted by the Committee on Finance and Taxation under the Committee's Recommendation on "Free Public Education" because I think there is a substantial difference. And I do intend to come in with an amendment on the Second Reading. Thank you.

President Guerrero: I ask that any amendment be made before taking our Second and Final Reading, please. Have it in advance, written and ready to distribute among all the Delegates. That will give them a chance to read it and make the final decision in their voting.

(13) MISCELLANEOUS

Delegate Benjamin Manglona: Mr. President, I would like to make a few remarks.

Mr. President and fellow Delegates:

Today marks the 12th day of our Convention. When our Delegation entered this sacred hall of justice for the first time, we pledged ourselves to devote our full energy to the challenging task ahead of this Convention. We are here to frame a workable constitution that will guarantee the pursuit of happiness, protection and prosperity to all our people. A workable Constitution that will be equally enjoyed by the people of Saipan, Rota and Tinian. During the last 11 days, we have sat in this Convention and heard many eloquent speeches. We have heard speeches on unity. We have heard speeches on mutual trust and cooperation. We have heard speeches condemning the delegation from one or more of the municipalities. The free expression of the Delegates in this Convention is a model to all of us of the American democracy in action. We can proudly say that we are glad that we are part of America, a great nation.

We came to this Convention with some reservations. We know we are the minority. We know we will have many differences. We know that at times we may even quarrel on issues. We anticipated heated debates. But despite all these reservations, you should be grateful that we are here. We are here as your good friends and good neighbors. Let us reason together to achieve a good compromise.

Our delegation does not regret that we are sharing together in this Convention. We are getting to know and understand each other's position, day by day. We are learning to be a Saipanese while you are learning to be a Rotanese. And at the same time we are all learning to be a Tinianese. Altogether we are one people. But our ocean has divided us and our past experience has disunited us.

Today, as we frame our Constitution we seek unity, we seek friendship, and let us all hope that the products of our hard work will produce a workable Constitution that will make one island out of many islands and one people out of many people so that all generations to come can proudly say that I am glad that Saipan is my home, Rota is my home and Tinian is my home. I thank you, Mr. President.

Delegate Esteven King: Mr. President, I have a speech today, please.

Mr. President and fellow Delegates of the Northern Marianas:

With respect and honor, let's have the type of Constitution in the new Government of the Northern Marianas that we can ever hope to achieve the kind of life we desire by protection of law. The Constitution, the supreme power that there will be many changes to expect in life in the Marianas. The citizens of the Marianas will ratify the new Constitution for our country and its people for the protection of unity. The people of the Marianas will be the ones to hold the power of the Government, compromising with the personal guarantee without any foreign interference. But, let us have the type of Constitution that will give the people of the Marianas the strength of authority and responsibility that they will no longer be dependent upon outside powers to handle internal and external affairs. Let's have the type of Constitution to defend us from all advantages and disadvantages of foreigners. The Constitution will be a great guide in solving the problems that we will face in our metamorphosis to a free and strong paradise country. Mr. President, we shall preserve the heritage of the past and protect the promise of the future. Without justice under law for all and equal protection--that means the Marianas Government would not be strong without a Constitution. Mr. President and fellow Delegates, let's not make it a simple Constitution because of 'minority and majority.' Let's make it strong so that the people of the whole world will respect us and we will become the proud guardians of our islands and our people, now and forever. Thank you.

(The Plenary Session was conducted in the Chamorro language from 4:37 p.m. until 4:46 p.m.)

(14) ANNOUNCEMENTS

Chairman Fitial: Mr. President, your Committee on Finance, Local Government and Other Matters will be meeting Saturday at ten o'clock, Sunday at ten o'clock and Monday at two o'clock in their usual, regular meeting place.

Chairman Atalig: Your Committee on Personal Rights & Natural Resources will meet at 1:30 p.m. on Saturday. Their meeting times for Sunday and Monday will be announced later.

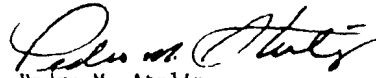
Delegate Benjamin Manglona: Mr. President, Chairman Matuan asked me to announce that your Committee on Governmental Institutions will be meeting at ten o'clock Sunday morning.

Delegate Jose R. Cruz: Mr. President, I move that the Convention recess until nine o'clock, Tuesday morning.

The motion to recess was seconded and carried.

The Convention recessed at 4:55 p.m.

Respectfully submitted,



Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS
VERBATIM JOURNAL (TRANSCRIPT)

FOURTEENTH DAY
Sunday, October 31, 1976

There was no Plenary Session this date, however, there were committee meetings.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary

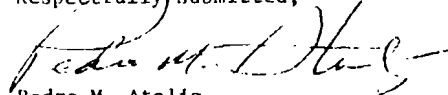
CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

FIFTEENTH DAY
Monday, November 1, 1976

There was no Plenary Session this date, however, there were committee meetings.

Respectfully submitted,



Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

SIXTEENTH DAY
Tuesday, November 2, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 9:18 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 38 Delegates present. Delegate Felipe Atalig was excused. No Delegates were absent.

Floor Leader Rasa: I move that the Delegate not in attendance be granted leave of absence.

The motion was seconded and carried.

(4) ADOPTION OF THE JOURNAL

Floor Leader Rasa: I move we adopt the Summary Journals for the 12th, 13th, 14th and 15th Days.

The motion was seconded and carried.

(5) COMMUNICATIONS - None

(6) COMMITTEE REPORTS

Chairman Benigno Fitial: Your Committee on Finance, Local Government and Other Matters has completed its analysis of two important subjects: taxation and debt, and we have the honor of presenting this Convention this morning two sets of Recommendations and accompanying Reports for consideration of the Committee of the Whole. Copies of these documents have already been distributed to each Delegate this morning.

Committee Recommendation No. 5 deals with taxation. Two critical matters are respectfully proposed for consideration. First, your Committee strongly recommends that the Constitution prohibit levying of taxes or appropriation of funds except for a public purpose. Public funds could not be used for private purposes. This restriction, Mr. President, would not apply to appropriations for assistance to industrial development projects in which private investors also participate when the undertaking serves a public purpose for the benefit of the Commonwealth.

Second, your Committee has a recommendation on the subject of tax exemption. We concluded, after careful analysis, that flat prohibitions and specific exemptions should not be in the Constitution. But we recommend and commend to the consideration of the Delegates a constitutional requirement that the Governor prepare and submit to the Legislature, every five years, a report on the use of statutory tax exemptions that may be granted. This report would analyze the use, social, and economic impact of the exemption, as well as its consequences with respect to achieving a balanced budget.

Mr. President, the Committee on Finance, Local Government and Other Matters also submits Recommendation No. 6 dealing with Commonwealth debt. In the judgment of your Committee, it is imperative that borrowing for public improvements be done with caution, and pursuant to well-ordered physical improvement plans. Moreover, it is imperative that limitations be placed on the amount of debt that can be incurred by the Commonwealth Government and its political subdivisions.

Therefore, we propose that the debt limitation contained in the Covenant be made a part of the Constitution. That will assure that borrowing by way of general obligation bonds be limited at any one time to not more than ten percent (10%) of the assessed value of property in the Commonwealth.

We, also, have a second recommendation to control debt. This applies both to general obligation and revenue bonds. Under the Committee's proposal, no public debt shall be authorized or incurred unless approved by a two-thirds vote of the members in each house of the Legislature.

The capacity of our people to achieve their dreams cannot be done without cost. We must plan carefully, consider wisely, and spend cautiously. This is the essence of the two sets of recommendations that we submit this morning.

I thank you.

Chairman Jose P. Mafnas: Your Committee on Governmental Institutions is still considering the "Executive Branch of Government."

(7) INTRODUCTION AND FIRST READING OF PROPOSALS

Chairman Benigno Fitial: At this time I would like to introduce Committee Recommendations No. 5 and 6 from the Committee on Finance, Local Government and Other Matters, concerning Commonwealth Taxation and Commonwealth Debt, for First Reading.

Referral of Proposal

Delegate Proposal No. 127, entitled "Proposal Regarding Preamble.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 128, entitled "Proposal Regarding Regulation of Business.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 129, entitled "Proposal Regarding a Land Corporation.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 130, entitled "Proposal Regarding the Official Languages of the Commonwealth.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 131, entitled "Proposal Regarding Alien Immigration Quota into the Northern Marianas.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 132, entitled "Proposal Regarding Executive Branch Offices.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 133, entitled, "Proposal Regarding Personal Rights.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 134, entitled "Proposal Regarding Legislative Branch.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 135, entitled "Proposal Regarding Bill of Rights.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 136, entitled "Proposal Regarding Economic Development.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 137, entitled "Proposal Regarding Natural Resources.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 138, entitled "Proposal Regarding Education.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 139, entitled "Proposal Regarding the Commonwealth Legislature.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 140, entitled "Proposal Regarding Public Land Matters.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 141, entitled "Proposal Regarding Refusal.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 142, entitled "Proposal Regarding Preamble.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 143, entitled "Proposal Regarding Consultation on Matters Involving the Commonwealth of the Northern Mariana Islands.", was referred to the Committee on Governmental Institutions and the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 144, entitled "Proposal Regarding Members of the Medical, Dental, Nursing and Education Professions.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 145, entitled "Proposal Regarding Executive Branch of Government.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 146, entitled "Proposal Creating Environmental Protection Board.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 147, entitled "Proposal Regarding Mass Transit.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 148, entitled "Proposal Regarding the Taking of Census.", was referred to the Committee on Finance, Local Government and Other Matters.

(8) SECOND AND FINAL READING OF PROPOSALS - None

(9) INTRODUCTION OF RESOLUTIONS - None

(10) UNFINISHED BUSINESS - None

(11) SPECIAL ORDERS OF THE DAY - None

(12) GENERAL ORDERS OF THE DAY

President Guerrero: We have three Committee Recommendations to be discussed today: Committee Recommendation No. 3 from the Committee on Personal Rights & Natural Resources, regarding "Initiative.", and reconsideration of Committee Recommendations No. 1 and 4 from the Committee on Finance, Local Government and Other Matters, regarding "Constitutional Amendment."

Floor Leader Rasa: I move that the Convention resolve itself into the Committee of the Whole.

The motion was seconded and carried.

President Guerrero: I would like to call on Delegate Jose R. Cruz, from Tinian, to Chair our Committee of the Whole this morning.

The Convention resolved into the Committee of the Whole at 9:30 a.m.

The Convention reconvened in the Plenary Session at 10:53 a.m.

Chairman Jose R. Cruz: Mr. President, your Committee of the Whole begs to report as follows: Proposal of Amendment No. 1 and Committee Recommendation No. 4 are approved by your Committee that it shall be incorporated in Section 5, stating: "An amendment proposed by Legislative Initiative shall be approved if it receives an affirmative vote of the majority of the votes cast. An amendment proposed by constitutional convention or by popular initiative shall become effective if approved by a majority of the votes cast and at least two-thirds (2/3) of the votes cast in two of the three municipalities."

The next report: Your Committee of the Whole begs to report as follows: that the matter brought before the Committee for further reconsideration on No. 3 "Initiative", and the Proposal by the Tinian and Rota Delegations be approved.

President Guerrero: That includes the amended version of the ...

Chairman Jose R. Cruz: That is correct, Mr. President. As I pointed out, the Proposal presented by the Delegations of Rota and Tinian.

President Guerrero: For the record, I want to call attention to the amendment. Can you also give that?

Chairman Cruz: Yes, Mr. President, your Committee approved as follows:

Section 1: Initiative. The people may enact laws by initiative.

a) An initiative petition shall contain the full text of the proposed law and shall be signed by at least twenty (20) percent of the total number of voters qualified to vote on the proposed law and if the petition proposes a general law that affects each chartered municipality the petition shall be signed by at least twenty (20) percent of the qualified voters in each of two of the chartered municipalities.

b) Initiative petitions shall be filed with the Attorney General for certification that the requirements of Section 1(a) have been met.

c) Initiative petitions certified by the Attorney General shall be submitted to the voters at the next regular general election, provided that such election is held at least 180 days from the date the initial petition is filed with the Attorney General.

d) An initiative petition submitted to the voters shall become law if approved by a two-thirds (2/3) majority of the registered voters, and shall take effect thirty (30) days after the date of the election unless the initiative petition itself otherwise provides.

Chairman Benigno Fitial: I move that the Convention adopt Committee Recommendation No. 4 as adopted by the Committee of the Whole on the amended constitutional provision regarding "Constitutional Amendments."

The motion was seconded.

Delegate Benjamin Manglona: I hate to disrupt the motion, but I need to be enlightened on a provision in our Rules of Procedure that all Constitutional provisions have to be approved by a three-fourths (3/4) vote. Is this the proper time to apply this provision in our Rules of Procedure?

President Guerrero: For your information, at this time we are only adopting the report from the Committee of the Whole. After that, if there is a motion for passage on First Reading in the Plenary Session, then would be the appropriate time for any debate. I would like to make the Delegates aware that any proposed amendments to be taken up on Second Reading should be prepared in writing, distributed and thoroughly discussed during the Committee of the Whole.

Floor Leader Rana: In that connection, also, we still have two readings coming up. One is the Second Reading, and we will resolve ourselves into Committee of the Whole and then go back into the Plenary Session. This will give those who want to propose amendments two chances. Plus, after the construction of the provisions, there will be a three-fourths (3/4) majority vote required. It is necessary to put all these pieces together so that we can see where we stand. If we continue to go on a piece-meal basis, we may delay the Constitution, and I suggest that all the people wishing to make amendments note that we distribute the Committee Reports before we place them on General Orders for the Day, so this should give them ample time to have their amendments in written form. This would also allow ample time for the Delegates to review amendments. So, we still have three chances to amend all these provisions.

Delegate Benjamin Manglona: I certainly appreciate the explanation made by our Floor Leader, but I am still troubled by the procedures that, after we get all the constitutional provisions formulated, the three-fourths (3/4) vote of the entire membership would be required. I feel that the Rota Delegation would do the Convention an injustice because if one or two of the provisions are not met to our satisfaction and we vote against the whole package. I would prefer that we would vote on the merit of each constitutional provision separately and then approve the entire package on the Second Reading.

Delegate Jose R. Cruz: Point of information. As I understand it, the motion is simply requesting that the Convention accept the Committee of the Whole's report. Is that true?

President Guerrero: That is correct. We will now vote on the motion made to accept Committee Recommendation No. 4 from the Committee of the Whole.

A voice vote was taken and the motion carried.

Delegate David Maratita: I would like to move that we adopt the report of the Committee of the Whole regarding "Initiative," as amended, in Committee Report No. 3 from the Committee on Personal Rights and Natural Resources.

The motion was seconded and carried.

Floor Leader Raso: I want it to be clear, that we adopt the Report as amended.

President Guerrero: Yes, adopted as amended. Now we should have a motion for the passage of the First Reading.

Floor Leader Raso: There is in the Rules of Procedure and Robert's Rules of Order, "equivalence of terms." Motion to adopt, motion to accept and motion to pass and the same. There is no difference.

President Guerrero: That is the reason a Delegate has to be aware of what we are adopting. That means that any passage of a Committee's Report in this session means that it has been passed on its First Reading.

Delegate Jose R. Cruz: I would please like to ask that the Delegates of this Convention refrain from parliamentary trickery. Just a remark.

Delegate Herman Guerrero: Could I be enlightened? What constitutes First Reading and Second Reading of an article. I think when we pass a Committee's Recommendation with an article attached, that should not be constituted as a First Reading of that article. Is that the case?

President Guerrero: When the Committee of the Whole reports to the Plenary Session, and it is in favor of a particular Committee Recommendation, then that is the passage on the First Reading. This also includes passage of the attached article.

Delegate Jose R. Cruz: I would like to ask for some direction for my own enlightenment from the consultants on the matter brought before this Convention by the Floor Leader. Could they explain the three aspects mentioned in regard to acceptance, adoption and passage.

Floor Leader Raso: I don't think there is any need. I quote from Robert's Rules of Order Newly Revised, page 422, fourth paragraph:

"EQUIVALENCE OF TERMS; INCORRECT MOTIONS. As applied to the assembly's action with respect to board or committee reports or any of their contents, the expressions adopt, accept, and agree to are all equivalent -- that is, the text adopted becomes in effect the act or statement of the assembly. It is usually best to use the word adopt, however, since it is the least likely to be misunderstood.

A common error is to move that a report "be received" after it has been read -- apparently on the supposition that such a motion is necessary in order for the report to be taken under consideration or to be recorded as having been made. In fact, this motion is meaningless, since the report has already been received. Even before a report has been read, a motion to receive it is unnecessary if the time for its reception is established by the order of business, or if no member objects."

Consultant Willens: I concur with the Robert's Rules of Order and the statement that was made by the Floor Leader. I think that the important point is that you are approving matters in principle by the Committee of the Whole and your reporting it to the full Convention and the procedures, as I understand the Chair and the Floor, are that receipt of that report amounts to approval, in principle, on First Reading. That is the way I understand the rulings of the Chair and the Floor Leader and I understand that is consistent with the Procedures that you have adopted and Robert's Rules of Order.

President Guerrero: Just as a reminder, we have that in item 35, of our Rules of Procedure. It states, "In cases concerning which the Rules contain no applicable provisions, the proceedings shall be controlled by Robert's Rules of Order."

Delegate Olympio T. Borja: There has been quite a bit of confusion, and I have shared in some of this confusion, especially as stated by Delegate Benjamin Mangiona.

When we accept the report from the Committee of the Whole we have also accepted the Committee Recommendation for the First Reading. This is, in essence, what all the discussion has been about. I hope this is clear to each Delegate.

Jose R. Cruz: While ignorance is not an excuse, I wish to appeal to the Chair, that the distinguished Delegate from Rota, Benjamin Manglona, emphatically expressed to this Convention, when you pose such a question, whether this Convention is merely accepting the Committee's Report, or is it accepting it on First Reading, Second Reading or Third Reading, for that matter.

Delegate David Maratita: I think that matters under General Orders of the Day which are recommended for acceptance by the Plenary Session by the Committee of the Whole, that would constitute First Reading.

President Guerrero: That is correct of any report adopted by the Committee of the Whole.

Delegate David Maratita: Now the Committee Recommendation will go to Second and Final reading on the Order of Business.

Floor Leader Rasa: I just want to point out that there is no need for us to follow Robert's Rules of Order since the adoption of Committee Recommendations is outlined in our Rules of Procedure. I don't think there is any procedural problem.

(13) MISCELLANEOUS

Delegate Benjamin Manglona: I am somewhat disappointed, because I understand that we have a procedural problem in this Convention. According to Public Law 4-45, and also stipulated in our Rules of Procedure, any provision for the Constitution must pass by a three-fourths (3/4) majority vote. I still don't understand at what point we are to apply that provision. I think the procedure must be stipulated if that is to apply to First Reading, Second Reading or whatever. We need to have assurance that no Constitutional Provision will be passed without following the provisions provided. Is it Third Reading that has to be roll call in order to see if three-fourth majority want acceptance of a provision? We are very much concerned as to this procedure.

President Guerrero: The most appropriate time to use the 3/4 majority vote is when a Recommendation is being considered for Second and Final Reading.

Delegate Olympio T. Borja: I want to supplement the ruling made by the President, in that, the Final Reading is the time for the Convention to pass a provision with three-fourths (3/4) majority. To give you one good example, the Secretarial Order for the new Legislature, required two readings. The First Reading was mostly discussion, but the Final Reading required a two-thirds (2/3) majority vote of the membership. The First Reading appears to be mostly discussion and the Second and Final Reading is where we vote in compliance with the Public Law.

Floor Leader Rasa: It is very possible for a three-fourths (3/4) majority on the First Reading and the Second Reading not to meet the three-fourths (3/4) majority. So that is why we have to have a 3/4 majority approval on the First Reading, not the Second Reading.

Delegate Jose R. Cruz: I just want the Chair to insure that a three-fourths (3/4) majority vote requirement will be administered on the Second Reading.

President Guerrero: You can be sure, this requirement will be made by the Chair.

(14) ANNOUNCEMENTS

Chairman Benigno Fitial: There will be a joint meeting of the Committees on Finance, Local Government and Other Matters and Governmental Institutions this afternoon at 2 o'clock.

Vice Chairman Palacios: The Committee on Personal Rights and Natural Resources will be at 1:30 p.m. this afternoon.

Delegate Pedro Dela Cruz: Point of privilege. Friday we had an Executive Session, yet Saturday morning, the newspaper covered the discussion regarding our Executive Session. What is the purpose of an Executive Session if the deliberations are going to be covered in the newspaper?

President Guerrero: I saw the newspaper, too, for your information, and I was a little disgusted because there were details of what we discussed.

Delegate Pedro Dela Cruz: Also, for the record, I would like to make it clear that the Rota and Tintan Delegations were not tight-lipped at that time. We justified our intentions, and that's to be clarified.

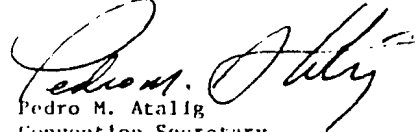
President Guerrero: I urge that if you meet with the Pacific Daily News representative again, make him correct it to show your position.

Floor Leader Rana: I move that the Convention recess until 2:00 p.m. tomorrow afternoon.

The motion was seconded and carried.

The Convention recessed at 11:20 a.m.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

SEVENTEENTH DAY
Wednesday, November 3, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 2:05 p.m.

The Honorable Lorenzo I. Guerrero, President, presided.

(2) A moment of silent prayer was observed.

(3) The Convention Secretary called the roll. There were 37 Delegates present. Delegates Carlos S. Camacho and Manuel A. Tenorio were excused. No Delegates were absent.

Floor Leader Rasa: I move that those Delegates not in attendance be granted leave of absence.

The motion was seconded and carried.

(4) ADOPTION OF THE JOURNAL

Floor Leader Rasa: I move we adopt the Summary Journal for the 16th Day.

The motion was seconded and carried to adopt the Summary Journal for the 16th Day.

(5) COMMUNICATIONS - None

(6) COMMITTEE REPORTS

Chairman Benigno Fitial: Your Committee on Finance, Local Government and Other Matters has made remarkable progress today in the matter regarding, "Local Government." Tomorrow we will have final determination on how the Local Government Provision will be designed in our Constitution.

Chairman Felipe Atalig: Your Committee on Personal Rights and Natural Resources has completed their work on "Public Lands" and it is expected that some time tomorrow this particular report will be given to the House. The Committee is now working on "Natural Resources", which is one of the very important issues to this Convention.

Chairman Jose P. Mafnas: Your Committee on Governmental Institutions will submit its report on "Legislative Branch" tomorrow at this time.

President Guerrero: I would like to ask all the Chairmen to please make a summary report of all the Delegate Proposals regarding the action that has been taken by your Committee for the convenience of all the Delegates. This will help us know what action has been taken on the Delegate Proposals.

(Delegate Manuel A. Tenorio entered the Convention Hall.)

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

(8) SECOND AND FINAL READING OF PROPOSAL - None

(9) INTRODUCTION OF RESOLUTIONS - None

(10) UNFINISHED BUSINESS - None

- (11) SPECIAL ORDERS OF THE DAY - None
(12) GENERAL ORDERS OF THE DAY

President Guerrero: We have two items on our agenda to be discussed today. These are Committee Recommendation No. 5 from the Committee on Finance, Local Government and Other Matters and Committee Recommendation No. 6 from the same Committee.

Floor Leader Rasa: I move that the Convention resolve into the Committee of the Whole.

The motion was seconded and carried.

President Guerrero: At this time, I would like to ask the First Vice from Rota, Benjamin Manglona, to Chair the Committee of the Whole

There is no

The Convention resolved into the Committee of the Whole at 2:

The Convention reconvened in Plenary Session at 2:30 p.m.

Chairman Benjamin Manglona: Your Committee of the Whole, to which I have two Recommendations, is pleased to report the following: Committee Recommendation No. 5, regarding "Commonwealth Taxation" and Committee Recommendation No. 6 regarding "Commonwealth Debt," have been unanimously adopted by the Committee of the Whole.

Chairman Benigno Fitial: I move that the Convention adopt Committee Recommendation No. 5, regarding "Commonwealth Taxation" and Committee Recommendation No. 6 regarding "Commonwealth Debt" from the Committee on Finance, Local Government and Other Matters.

The motion was seconded and carried.

The adopted Articles are as follow:

ARTICLE _____
TAXATION AND FINANCE

Section 1: Public Purpose. No tax shall be levied or appropriation of money made, directly or indirectly, except for a public purpose.

Section 2: Report on Tax Exemptions. Every five years the governor shall prepare a report to the legislature that assesses the use and the social, fiscal and economic impact of any tax exemptions established by law. The report shall include any recommendations by the governor on exemption policy or laws.

ARTICLE _____
COMMONWEALTH DEBT

Section 1: Public Debt Limitation. No public indebtedness other than bonds or other obligations of the government payable solely from the revenues derived from any public improvement or undertaking shall be authorized in excess of ten percentum of the aggregate assessed valuation of the property within the Northern Mariana Islands or for any operating expenses of the Commonwealth government or its political subdivisions.

Section 2: Public Debt Authorization. No public debt shall be authorized or incurred unless approved by two-thirds (2/3) of the members in each house of the legislature.

- (13) MISCELLANEOUS

Delegate Olympio T. Borja: Mr. President, distinguished Delegates, ladies and Gentlemen:

As we enter into the third week of our work here, I have some observations which I believe may be useful and helpful to us all.

Like all of us, I want to see the rest of the 50 days remaining to be utilized in the best possible fashion in order to formulate the best Constitution for all the people of the Northern Mariana Islands.

In this connection, Mr. President, while we have yet to hold public hearings on some of our proposals, committee work has progressed well, and we have molded some of the basic concepts for our Government.

In terms of the judicial system, there is general basic agreement, but we still find problems with the executive, especially on the degree of autonomy for local government.

Mr. President, I strongly believe that if we trust each other here in this meeting, then it will be both easy and possible to create a government structure which will protect the interests of everyone.

Unfortunately, recent debate on certain issues has thus far left me impressed with the progress so far, but distressed at the certain issues -- which should not be major issues -- appear to be major obstacles blocking our path to a smooth and rapid end to our proceedings.

I have seen a lot of references in the news media about so-called "geographical differences" at this Convention. For myself, however, I wonder just what geographic differences are being referred to?

I had always thought when we negotiated the Covenant, we were talking about the Northern Mariana Islands -- not the Commonwealth of Rota, the Commonwealth of Tinian and the Commonwealth of Saipan. Mr. President, let us recall that we are drafting neither a Declaration of Independence, nor the Constitution of an emerging nation. What we are drafting in point of fact is very similar to that of a State Constitution, with the Covenant and the U. S. Federal Constitution as compelling and practical examples.

Certainly, the point our colleagues from Tinian and Rota emphasized is not lost on us; we know that they have been neglected in the past under a Trust Territory Administration. This was not our fault. What happened in the past should not be repeated, and that, of course, is the very point the distinguished Delegates from Tinian and Rota are making.

I, for one, certainly believe and support the concept and the practice of giving more autonomy to local areas, to all chartered municipalities with the further thought that it will be the Commonwealth Legislature which will provide the necessary funds to implement priority programs and projects to the municipalities according to their requirements and demands -- and which funds will be managed and controlled by them in a decentralized fashion. But, at the same time, we should not, and we cannot afford to let some of our differences in the manner of representation paralyze this Convention, and inhibit it from carrying out its task.

Related to this, Mr. President, I recall a statement I prepared for the Covenant, signed by President Ford in Washington, D. C. What I concluded in that statement was that we are proud of becoming a part of the United States and that we pledge that America will be proud of us.

Mr. President, not only are the eyes of our representatives, the people of the Northern Mariana Islands upon us, but also the attention of our friends in the Territory of Guam, the Trust Territory, and the Executive Branch and Congress of the United States, as well as our future fellow Americans. What are they to think of our deliberations? Are we truly equal to the task at hand?

Surely, Mr. President, the result of this Convention, and the way in which we go about drafting our Constitution, will rightfully raise or lower our stature in the eyes of those who are watching us. Therefore, I for one, ask us all to set aside our differences, and to concentrate on providing basic protections and legal rights, equity and fairness for all the people of the Northern Mariana Islands.

The structure of the executive and legislative branches, as it has been provided in both State and Federal Constitutions, has proved workable despite the vast and real geographic and demographic differences in the United States of America. I see no reason why such a basic approach cannot work here in the Northern Marianas.

Some voices have been raised over the issue of representation in a bicameral legislature: some Delegates claim they are concerned over the respective powers of representatives based on region versus population. But, Mr. President, it

would appear to me that our job here consists of setting the general guidelines; we are not here to do the legislature's battle; we are here to create a structure containing checks and balances; we are not here to constrain or otherwise limit the option and undermine the prerogatives of the future legislative branch.

For these reasons, Mr. President, I sincerely ask us all to concentrate on the main objective and that is a workable Constitution, consistent and in conformance with the Covenant and with the Constitution of the United States of America.

Of course, we realize that no product of human endeavor is perfect, the Constitution and the Covenant included, and that is the reason why provisions are made for amendment of those documents.

Therefore, let us at this point in history, try to forge together the most reasonable, equitable and effective Constitution for the Northern Mariana Islands. Let us not contemplate extension, for extension of our legal life of 50 days would only prolong debate over some issues which are perhaps more properly within the realm of our future government. Additionally, we must not let our differences create the potential for disapproval of this historic document. Instead, let us work together so that when we come to the final product, we will be able to take pride in having discharged our duties and responsibilities in a commendable manner on behalf of our constituents.

We have the opportunity, at this time, to set a shining example for other Island areas under U. S. jurisdiction, and to prove that we are worthy of the trust placed in us by the United States, and to truly make the people of America proud to have us as members of their political family.

The choice is up to us. Thank you, Mr. President.

Chairman Benigno Fitial: Mr. President and fellow Delegates. I speak today concerning a matter which, I fear, threatens the success of our Convention. I refer to the spirit of narrow localism with which some Delegates are so pronoucnely concerned.

Some of our colleagues tell us, "we are a minority, therefore, we must have protection; for we cannot trust the new government." Mr. President, if any group is a minority in these Islands, it is the Gupalao. If discrimination is to be feared, surely we must fear it more than anyone else. The late President Roosevelt once said, "There is nothing to fear, but fear itself." The Gupalao do not demand special arrangements; we do not assume that the new government will treat us badly. Mr. President, the Gupalao in the Northern Marianas number 4,000 people. If we wished, we too could demand special arrangements under the name of "protection." But we do not. We realize that our Commonwealth can succeed only through mutual trust and cooperation. We understand that insistence on special arrangements can destroy that spirit of trust, thereby destroying the Commonwealth before it is even underway.

We, the Gupalao from Saipan, even without a single Representative in the Northern Marianas Legislature, are now ready to place our faith in the honesty, integrity, and good sense of the majority. All I ask from the Delegates from Rota and Tinian is that they do no less. Thank you, Mr. President.

Chairman Felipe Atalig: I am deeply touched by the remarks made by Delegate Fitial and I am in support of the speech that he made.

Delegate Benjamin Manglona: I am somewhat disturbed by the continuous accusation of some Delegates that we are delaying the work of this Convention. We are working together with you. I am sorry, if a times, we are raising issues. I think, in order to understand each other better, we have to raise issues. I think it would not be nice for any of us to condemn a municipality Delegation. I appreciate the concern raised by the speaker. Also, in regard to the minority on Saipan, I certainly respect the speaker's views, but one thing we have to remember is that the minority here on Saipan is more fortunate than the minority in Rota and Tinian. The minority on Saipan are the most fortunate minority, because they have access to good public health care; they have access to good schools; they have access to good roads; they have access to good utilities; they have access to good government service. Saipan's minority is the most fortunate minority.

I am sorry to make this remark and I wish the record to show my concern.

Delegate Pedro Dela Cruz: I would be very satisfied if someone could clarify for me, how are we delaying the work of the Convention?

President Guerrero: The Chair does not feel that this is the right time for debate on this particular issue. I believe that all the Delegates in this Convention are working in a most cooperative manner and the Chair recognizes that this should be the case during this Convention. I will not recognize anymore speakers in this regard.

Chairman Benigno Fitial: I just want to cheer-up the Convention. I want to propose that we, the Convention, send a congratulatory message to the new President of the United States, whoever it may be.

Delegate Felipe Atalig: A few days ago, I introduced a Resolution regarding Jimmy Carter and I think it is proper at this time to consider such a Resolution.

President Guerrero: For your information, Chairman Atalig, the Chair recognizes the urgency of that Resolution. As you were notified earlier today, action will be taken later on in the session.

Delegate David Maratita: I want to remind Delegate Atalig, that I think we should defer the Resolution regarding, Jimmy Carter, until we know for sure he is the new President.

(14) ANNOUNCEMENTS

Chairman Benigno Fitial: Your Committee on Finance, Local Government and Other Matters will be meeting tomorrow at 9:00 a.m.

Chairman Jose P. Mafnas: Your Committee on Governmental Institutions will be meeting immediately after this session.

Chairman Felipe Atalig: Your Committee on Personal Rights and Natural Resources will be meeting immediately after this session.

President Guerrero: The Committee on Organization and Procedures will meet immediately after this session in the President's Office.

Delegate Juan DLG. Demapan: I move that the Convention recess for today until 2:00 p.m. tomorrow.

The motion was seconded and carried.

The Convention recessed at 2:50 p.m.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

EIGHTEENTH DAY
Thursday, November 4, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 2:05 p.m.

The Honorable Lorenzo I. Guerrero, President, presided.

(2) A moment of silent prayer was observed.

(3) The Convention Secretary called the roll. There were 39 Delegates present. No Delegates were absent or excused.

(4) ADOPTION OF THE JOURNAL

Floor Leader Rasa: I move we adopt the Summary Journal for the 17th Day.

The motion was seconded and carried.

(5) COMMUNICATIONS - None

(6) COMMITTEE REPORTS

Chairman Jose P. Mafnas: I would like to report on the disposal of Delegate Proposals by the Committee on Governmental Institutions.

Delegate Proposal No. 139, entitled "Proposal Regarding the Commonwealth Legislature," states:

1. The new Commonwealth Legislature shall be on a part time basis for the first seven years of its existence.
2. The salary of the Upper House of the Commonwealth Legislature shall be set at \$1,200.00 per annum the first seven years of the Legislature's existence.
3. The salary of the Lower House of the Commonwealth Legislature shall be set at \$1,000.00 per annum the first seven years of its existence.

Your Committee feels that this Proposal would be most economical and acceptable in principle, however, it is the feeling of the Committee to reject the Proposal in its entirety. We want our Legislature to be on a full time basis and to be compensated accordingly, in order to obtain qualified people.

Delegate Proposal No. 134, entitled "Proposal Regarding Legislative Branch," states:

1. Provides reapportionment at least every 15 years;
2. Provides a special election to fill vacancy for unexpired term of more than one year; appointment by Governor, less than one year.
3. Any member of Congress, i. e., Senator or House, may not hold any other public office or employment.
4. Any legislation of appropriation should be passed by 3/4 votes of each of the two houses.

Your Committee feels reapportionment should take place at least every 10 years. Special election should be conducted to fill vacancy for unexpired term of more than one year. The Governor should appoint those candidates who received the next highest vote if the vacancy is for unexpired term of less than one year, provided the appointee is from the municipality in which the vacancy exists. The Committee also feels that no member of the Legislature shall be permitted to hold any office in the Judiciary and Executive Branches a member of the Legislature shall not be permitted to serve on any board or regulatory agency, whether a voting member or non-voting.

Delegate Proposal No. 90, entitled "A Proposal Regarding the Legislative Branch of Government," states:

1. Requires that members of the Legislature be elected by the cumulative voting system.

I regret to report that this Proposal is not acceptable at this time. The one man - one vote principle is in the best interest of our future Commonwealth Government.

Delegate Proposal No. 75, entitled "Proposal Regarding Public Officials," states:

1. Provides that the minimum age for Senator be 25 years;
2. Provides that minimum age for Representative be 21 years;
3. Provides that minimum age for Governor be 30 years;
4. Provides that minimum age for Mayors be 25 years; and
5. Provides that minimum age for Attorney General be 25 years.

Your Committee, upon reconsideration, has accepted this proposal in principle.

Delegate Proposal No. 62, entitled "Proposal Regarding Immunity," has been accepted by your Committee in principle.

Delegate Proposal No. 114, entitled "Proposal Regarding Legislative Matters," states:

1. Provides that no member of the Northern Marianas Legislature be a voting member of any board, group or body established by that Legislature;
2. Provides further that no legislation be enacted contradictory to the purpose provided above;
3. Provides further that no appointments which may be provided by law be made contradictory to this provision.

Your Committee recommends acceptance of this restriction whether a voting member or non-voting member. This Proposal is along the same line as Delegate Proposal No. 134, which I have already reported on.

Mr. President, your Committee on Governmental Institutions is now ready to present to the Convention its Recommendation No. 3 on the "Legislative Branch." Your Committee recommends that the Convention adopt, in principle, the Constitutional provisions with respect to the Legislative Branch of government which we will now submit.

Chairman Felipe Atalig: Your Committee on Personal Rights and Natural Resources has submitted their Committee Recommendation No. 5, regarding "Public Lands." We would like to request that the Delegates take time in going over the report and we also request that Committee Recommendation No. 5 be placed on tomorrow's calendar. Furthermore, in compliance with the Chair's request yesterday, regarding the status of Delegate Proposals, I wish to report that attached to Committee Recommendation No. 5 is a status report on Delegate Proposals beginning on Page 21.

Chairman Benigno Fitial: Your Committee on Finance, Local Government and Other Matters is still deliberating on the subject of "Local Government." In regard to your request for a report on Delegate Proposals, your Committee will submit a written status report.

(7) INTRODUCTION AND FIRST READING OF COMMITTEE RECOMMENDATIONS

Chairman Felipe Atalig: I wish to introduce Committee Recommendation No. 5, regarding "Public Lands," to be adopted on the First Reading.

Chairman Jose P. Mafnas: Committee Recommendation No. 3, regarding "Legislative Branch of Government," from the Committee on Governmental Institutions is ready to be placed on tomorrow's calendar.

President Guerrero: We will place both Committee Recommendation No. 5 from the Committee on Personal Rights and Natural Resources and Committee Recommendation No. 3 from the Committee on Governmental Institutions on the calendar tomorrow under General Orders of the Day.

(8) SECOND AND FINAL READING OF PROPOSALS - None

(10) UNFINISHED BUSINESS - None

(11) SPECIAL ORDERS OF THE DAY - None

Delegate Hilario Diaz: Point of order. I believe we passed one item on our agenda and that is "Introduction of Resolutions."

(9) INTRODUCTION OF RESOLUTIONS

Delegate Hilario Diaz: Actually, I do not have any resolution to introduce at this time, however, I would like to re-introduce the resolution submitted by Chairman Atalig the other day. Since we all know now that Jimmy Carter is the President-Elect of the United States, I would certainly like to see the resolution become a reality by this Convention.

Chairman Benigno Fitial: I do have a resolution to introduce regarding this, in order to extend our congratulations and greetings to the newly elected President of the United States, and I would like the Secretary to read the resolution.

Convention Secretary: Resolution No. 4:

"A Resolution

The Constitutional Convention of the Northern Mariana Islands meeting in Plenary Session on the 4th Day of November, 1976.

WHEREAS, the people of the Northern Mariana Islands pursuant to the Covenant with the United States of America are engaged in the historic task of drafting a constitution for the Government of the Commonwealth of the Northern Mariana Islands in political union with the United States of America; and

WHEREAS, the Constitutional Convention has heard the results of the national election for President of the United States; whose term of office will take place when the Constitution now being drafted comes into being; and

WHEREAS, the people of the Northern Mariana Islands desire to secure wholesome, effective and cooperative relations with the Government of the United States of America, now and in the future; and

WHEREAS, such good relations involve close ties between our people and the Government of the United States in Washington and the elected officers of the United States;

NOW, THEREFORE, MEETING IN CONSTITUTIONAL CONVENTION,

RESOLVED, that the Greetings and Best Wishes of the Delegates of the Constitutional Convention of the Northern Mariana Islands are expressed to The Honorable James Earl Carter on the occasion of his stunning victory as President of the United States; and

RESOLVED FURTHER, that the Secretary of the Constitutional Convention is directed to send a copy of the text of this Resolution to The Honorable James Earl Carter."

President Guerrero: I believe the legal consultants should review this Resolution before it's sent.

Chairman Felipe Atalig: I think it is also proper that this Convention recognize the work of the outgoing President of the United States.

(12) GENERAL ORDERS OF THE DAY - None

(13) MISCELLANEOUS

Chairman Felipe Atalig: Mr. President and fellow Delegates to this Convention. This afternoon I want to take this opportunity to address a few remarks to my colleagues concerning our work here.

At the outset, Mr. President, I want to associate myself with remarks made earlier by some Delegates, concerning the need for harmony, cooperation, and just plain hard work needed to make this Convention a successful one.

As we all know, the events leading to and including this very Convention epitomize what is evasively termed as the "democratic process"; a phrase which is not without some substantial meaning as evidenced by the American Resolution Bicentennial celebrated in the United States this year.

This Convention was conceived in freedom and democracy and is dedicated to foster that concept and practice.

The framing of Constitutions is not an easy task, whether it be a State or National, whether the goal be separate or political entity from one polity or merge it with another.

One might look back to the drafting of the U. S. Constitution which replaced the unworkable Articles of Confederation; the stage setting for that meeting in Philadelphia took place in the wake of a national depression and a rebellion. During it, there was considerable disagreement, protest, and dissension -- yet ultimately to their credit, one of the most workable, flexible, and durable Constitutions in the world was formulated and later approved. In fact, Mr. President, if memory serves correctly, many of the same issues addressed at that Convention in 1787 are being here today in the Northern Marianas in 1976.

For this reason it is understandable -- to me at least -- some of the confusion and complaints we have heard here in our meeting place. It is understandable that this is the first time some Delegates have had contact with such a sophisticated and complex matter.

Related to this, I want to assure the Convention that the work of the Committee on Personal Rights and Natural Resources has exemplified a non-partisan, democratic approach, in confronting and seeking solutions.

Delegate David Maratita: November 2, 1976, is my birthday as well as an historic day for the U. S., in that a Democratic candidate has been elected to the U. S. Presidency in eight years. The election of Jimmy Carter and a new administration would be important to us in this Convention because the commitment of the U. S. Government has agreed upon in the Covenant to establish a Commonwealth of the Northern Mariana Islands could have a serious complication as to the outcome of the kind of Constitution we have out of the Convention. We must bear in mind the fact that the Republican administration has given its full support to our desire to become a permanent member of the American political family and that it was President Ford, himself, who gave us that assurance by approving the Covenant on March 24th of this year.

It would appear proper then for us in this Convention to express our appreciation by adopting a resolution addressed to President Ford and his Republican administration, for the support given to the Mariana Islands in its quest for a close and permanent relationship with the United States and to President-Elect Jimmy Carter, and his new Democratic administration, urging him to continue the spirit that the U. S. has initiated by acting favorably on our Constitution when presented to the U. S. Government for consideration. I hope that our product from this Convention will receive the same degree of enthusiasm and approval by the new U. S. President as that of his predecessor. We have yet to see the new leadership in Washington with respect to our future relationship with the United States.

Chairman Felipe Atalig: I guess the previous speaker forgot that it was a Democratic Congress that actually passed the Covenant for the approval of the President of the United States, so I hope he will take that into consideration.

Delegate David Maratita: I just want to remind my colleague from Susupe that the Democratic Congress is still retaining control of the U. S. Congress, so they're still in order.

Delegate Juan P. Tenorio: It is my understanding that most of the remarks and speeches are usually submitted in writing. I respectfully request the Chair to spare me the agony of listening to those speeches and have them passed out to the Delegates.

President Guerrero: Fellow Delegates. As you know, incumbent President Gerald Ford has lost the U. S. Presidential elections to Mr. Jimmy Carter. The election results would have been just an ordinary and insignificant event to us in the Northern Marianas if it were not for the overwhelming support we received from President Ford and his administration in our quest for Commonwealth status. As a final proof of that support, President Ford signed the Covenant on March 24, 1976.

While we certainly regret President Ford's loss, because of its possible effect on the U. S. ratification of the Constitution we are now drafting, we should in all candor also send our message of congratulations to the President-Elect, Mr. Jimmy Carter, with the sincerest hopes that our Government will still continue to receive the support previously extended by the Ford Administration. I feel that a resolution to this effect will be very timely and in order. Thank you.

(14) ANNOUNCEMENTS

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

Convention Secretary: I would like to remind the Delegates that the four day period has lapsed for review of the Verbatim Transcript Journals for the 1st through the 5th Days and adoption of these journals will appear on tomorrow's calendar.

Floor Leader Rana: I move that the Convention recess until 2:00 p.m. tomorrow.

The motion was seconded and carried.

The Convention recessed at 2:42 p.m.

Respectfully submitted,


Pedro M. Atallig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

NINETEENTH DAY
Friday, November 5, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 2:07 p.m.

The Honorable Lorenzo I Guerrero, President, presided.

(2) A moment of silent prayer was observed.

(3) The Convention Secretary called the roll. There were 33 Delegates present. Delegates Carlos S. Camacho, Jose R. Cruz, Herman Q. Guerrero, Francisco T. Palacios, Oscar C. Rasa and Joaquin S. Torres were excused. No Delegates were absent. A quorum was present.

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

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

(4) ADOPTION OF THE JOURNAL

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

The motion was seconded and carried.

(5) COMMUNICATIONS

The Convention Secretary read the following communication:

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

Dear President Guerrero and Honorable Delegates:

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

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

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

Sincerely yours,

/s/Ed

Edward DLG. Pangelinan
Marianas Washington Liaison Officer

(6) COMMITTEE REPORTS

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

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

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

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

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

(9) INTRODUCTION AND ADOPTION OF RESOLUTIONS

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

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

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

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

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

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

Delegate Felipe Atalig offered an oral amendment that was defeated.

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

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

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

"Resolution No. 4.

A RESOLUTION

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

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

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

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

WHEREAS, the people of the Northern Mariana Islands desire to secure effective and cooperative relations with the Government of the United States of America, now and in the future; and

WHEREAS, such good relations involve close ties between our people and the elected officers and other officials of the United States; and

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

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

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

Adopted: November 5, 1976"

(10) UNFINISHED BUSINESS - None.

(11) SPECIAL ORDERS OF THE DAY - None.

(12) GENERAL ORDERS OF THE DAY

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

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

The motion was seconded and carried.

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

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

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

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

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

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

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

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

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

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

The motion was seconded and carried.

(13) MISCELLANEOUS - None.

(14) ANNOUNCEMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Delegate Hilario Diaz: I withdraw my motion.

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

The motion was seconded and defeated.

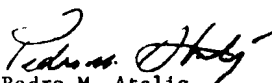
Delegate Pete Ogo: Clarification should be made on record that the motion was defeated because it stated that on Sunday the Delegates should report back to their respective precincts, not just for outer islands.

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

The motion was seconded and carried.

The Convention recessed at 5:15 p.m.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary

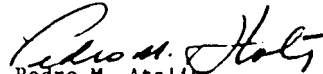
CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

TWENTIETH DAY
Saturday, November 6, 1976

There was no Plenary Session this date, however, there were committee meetings.

Respectfully submitted,


Pedro M. Atallá
Convention Secretary

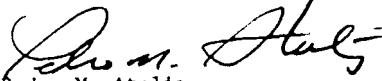
CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

TWENTY-FIRST DAY
Sunday, November 7, 1976

There was no Plenary Session this date, nor were there any committee meetings.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS
VERBATIM JOURNAL (TRANSCRIPT)

TWENTY-SECOND DAY
Monday, November 8, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 2:15 p.m.

The Honorable Lorenzo I. Guerrero, President, presided.

(2) A moment of silent prayer was observed.

(3) The Convention Secretary called the roll. There were 37 Delegates present. Delegates Daniel Castro and Jose Mafnas were absent. No Delegates were excused. A quorum was present.

(4) ADOPTION OF THE JOURNAL

Floor Leader Rasa: Mr. President, I move for the adoption of the Summary Journal of the 19th Day.

The motion was seconded.

Convention Secretary: Mr. President, there are two corrections that should be made. On the second page, sixth paragraph, it should show that Delegate Borja's motion to amend the main motion carried. On the third page at the top, before Delegate Diaz withdrew his motion, it should reflect that Delegate Gregorio Calvo made the following statement: "The Rota Delegation is willing to stay and work over the weekend, so they should not again be accused of delaying the work of the Convention. I would like this to be reflected on the record."

Motion to adopt the Summary Journal of the 19th Day carried.

(5) COMMUNICATIONS - None.

(6) COMMITTEE REPORTS

Acting Chairman Palacios: Mr. President, your Committee on Personal Rights & Natural Resources has completed its work on eminent domain and on behalf of the Committee I submit the Committee's Report and recommended constitutional provisions on eminent domain and ask that it be calendared for consideration by the Committee of the Whole at the earliest possible time.

Acting Chairman Prudencio Manglona: Your Committee on Governmental Institutions is still working on the matter of the "Executive Branch."

Chairman Fitial: Mr. President, on behalf of the Committee on Finance, Local Government and Other Matters, I have the honor to present to the Convention, for consideration in Committee of the Whole, Committee Recommendation No. 7 on "Oath of Office." We have examined assiduously constitutions of other states on the requirements for and wording of a constitutional oath of office. We have also reviewed Section 204 of the Covenant which requires that all members of the legislature and all officers and employees of the government take an oath of affirmation to support the Covenant, Commonwealth Constitution and applicable provisions of the Federal Constitution, treaties, and laws. Mr. President, based on the Covenant provision, we have proposed a constitutional oath that would be required of all legislators and officers and employees of the Commonwealth and political subdivisions thereof. I recommend, on behalf of my colleagues on your Committee on Finance, Local Government and Other Matters that the Convention, meeting in Committee of the Whole, adopt the proposed constitutional language on an oath of office and the Committee Recommendation No. 7 and Report.

(7) INTRODUCTION AND FIRST READING OF PROPOSALS

Chairman Fitial: At this time I would like to introduce Recommendation No. 7

from the Committee on Finance, Local Government and Other Matters, regarding "Oath of Office.", and I ask that it be placed on the calendar under General Orders of the Day for consideration by the Committee of the Whole for First Reading.

Acting Chairman Palacios: At this time I ask that Committee Recommendation No. 6, regarding "Eminent Domain.", from the Committee on Personal Rights & Natural Resources be calendared for First Reading.

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

(9) INTRODUCTION OF RESOLUTIONS

Delegate Ramon Villagomez: Mr. President, I would like to introduce a Resolution which I will read:

"A RESOLUTION

WHEREAS, the people of the Northern Mariana Islands have elected a new group of legislators, including delegates to the Constitutional Convention, as members of the new legislature; and

WHEREAS, the delegates and the other new legislators will ensure that preparation for the Commonwealth government is efficient and thorough; and

WHEREAS, the spirit of unity, effectiveness and fairness necessary to the above endeavors is being promoted by the delegates and the other legislators;

NOW, THEREFORE, BE IT RESOLVED, That the Northern Marianas Constitutional Convention offers its sincere congratulations to the delegates and the other members of the new legislature.

Offered by: Ramon G. Villagomez.

Convention Secretary: Delegate Villagomez, there is an error in the Resolution. I'm sure it's a typographical error, but "effectiveness" is misspelled.

("Effectiveness was originally spelled "effectitiveness.")

President Guerrero: I would suggest that the Secretary and introducer of the Resolution get together and correct that typographical error.

(10) UNFINISHED BUSINESS - None.

(11) SPECIAL ORDERS OF THE DAY - None.

(12) GENERAL ORDERS OF THE DAY - None.

(13) MISCELLANEOUS

Delegate Ramon Villagomez: Mr. President, I would like to ask the Convention to recognize the presence of Senator Manuel Muna from Saipan, Senator-Elect Pedro Guerrero from Saipan, and all other visitors present in the Convention Hall.

President Guerrero: The Chair also recognizes the presence of the Vice-Speaker of the Municipal Council, Mr. Plasio Tagabuel.

(14) ANNOUNCEMENTS

Chairman Fitial: Mr. President, your Committee on Finance, Local Government and Other Matters will meet immediately following the Plenary Session, in their usual meeting place.

Acting Chairman Palacios: Mr. President, the Committee on Personal Rights & Natural Resources will meet right after the session at the Committee's office.

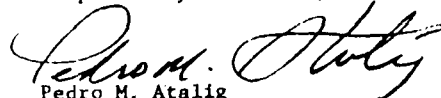
Acting Chairman Manglona: Mr. President, your Committee on Governmental Institutions will meet right after this session, in this Convention Hall.

Floor Leader Rana: I move that the Convention recess until two o'clock tomorrow.

The motion was seconded and carried.

The Convention recessed at 2:30 p.m.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

Twenty-Third Day
Tuesday, November 9, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 2:10 p.m.

The Honorable Lorenzo I. Guerrero, President, presided.

(2) A moment of silent prayer was observed.

(3) The Convention Secretary called the roll. There were 35 Delegates present. Delegates Jose R. Cruz, Daniel P. Castro, Olympio T. Borja, and Luis Limes were excused. No Delegates were absent.

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

The motion was seconded and carried.

(4) ADOPTION OF THE JOURNAL

Floor Leader Rasa: I move that the Summary Journal of the 22nd Day be adopted.

The motion was seconded and carried.

(5) COMMUNICATIONS - None

(6) COMMITTEE REPORTS

Chairman Felipe Atalig: The Committee on Personal Rights and Natural Resources has completed Committee Report No. 7, regarding "Natural Resources," and this will be introduced for the First Reading on today's agenda.

Chairman Jose P. Mafnas: The Committee on Governmental Institutions is still deliberating on the "Executive Branch."

Chairman Benigno Fitial: Your Committee on Finance, Local Government and Other Matters has completed deliberation and has adopted the constitutional language for the provision on "Local Government." This will be finalized and presented tomorrow to the Convention.

President Guerrero: At this time, the Organization and Procedures Committee would like to report that the Order of Business for today does not show the scheduling of Committee Report and Recommendation No. 5, regarding "Public Lands," for consideration of the Committee of the Whole for First Reading today. This should be inserted in your Order of Business under item 12, "General Orders of the Day."

(7) INTRODUCTION AND FIRST READING OF COMMITTEE RECOMMENDATIONS

Chairman Felipe Atalig: I would like to introduce Committee Recommendation No. 7, regarding "Natural Resources," from the Committee on Personal Rights and Natural Resources. I would like this to be placed on the calendar for First Reading.

(8) SECOND AND FINAL READING OF PROPOSALS - None

(9) INTRODUCTION OF RESOLUTIONS - None

(10) UNFINISHED BUSINESS

Convention Secretary: The Committee on Personal Rights and Natural Resources has recommended re-referral of Delegate Proposal No. 26 to the Committee on Finance, Local Government and Other Matters and Delegate Proposal No. 21 was re-referred to the Committee on Governmental Institutions.

President Guerrero: The Committee on Organization and Procedures will reassign those Delegate Proposals to the appropriate standing committee sometime this afternoon.

(11) SPECIAL ORDERS OF THE DAY - None

(12) GENERAL ORDERS OF THE DAY

Floor Leader Rasa: I move that the Convention resolve itself into the Committee of the Whole in order to consider Committee Recommendation No. 5, "Public Lands," Committee Recommendation No. 6, "Eminent Domain," and Committee Recommendation No. 7, "Oath of Office."

The motion was seconded and carried.

President Guerrero: I would like to call Delegate Pedro Dela Cruz from Rota to Chair the Committee of the Whole for today.

The Convention resolved into the Committee of the Whole at 2:18 p.m.

The Convention reconvened in Plenary Session at 4:45 p.m.

Chairman Dela Cruz: Your Committee of the Whole has adopted all three recommendations. Regarding Committee Recommendation No. 5, it was adopted as amended.

President Guerrero: As stated in our Rules, all amendments have to be submitted in writing, so I suggest that the Committee Chairman get that amendment in writing and submit it to the Convention Secretary.

Chairman Dela Cruz: I move that the Convention adopt the Recommendations, as adopted by the Committee of the Whole. These are Committee Recommendation No. 6, "Eminent Domain," from the Committee on Personal Rights and Natural Resources, Committee Recommendation No. 7, "Oath of Office," from the Committee on Finance, Local Government and Other Matters, and Committee Recommendation No. 5, as amended, on "Public Lands" from the Committee on Personal Rights & Natural Resources. The amendment to Committee Recommendation No. 5 is as follows:

Committee Recommendation No. 5: Public Lands

Section 5(a). The Corporation shall make available some portion of the public lands for a homestead program. No person shall be eligible for more than one agricultural and village homestead. No person shall receive title to a homestead for five years after the grant of a homestead or shall be able to transfer title to a homestead within ten years of receipt thereof provided, however, that these requirements shall be waived for persons who have established a continuous residence on public lands for at least 20 years as of the effective date of this Constitution. Other requirements for eligibility for the homestead program and the nature of the interest in land to be transferred by the Corporation shall be as provided by law.

The motion was seconded and carried.

(13) MISCELLANEOUS

President Guerrero: There is a resolution being passed around for signature that will be sent to President-Elect Jimmy Carter. I suggest that all the Delegates sign where required and return this to the Convention Secretary.

(14) ANNOUNCEMENTS

Chairman Benigno Fitial: Your Committee on Finance, Local Government and Other Matters will meet tomorrow at 9:00 a.m.

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

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

President Guerrero: There will be a meeting of all Convention officers, including the three Vice Presidents and the Chairman of the three substantive committees immediately following this session.

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

The motion was seconded and carried.

The Convention recessed at 4:50 p.m.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

Twenty-Fourth Day
Wednesday, November 10, 1976

*JP Tenorio
was acting
Floor leader
this day*

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 2:03 p.m.

The Honorable Lorenzo I. Guerrero, President, presided.

(2) A moment of silent prayer was observed.

(3) The Convention Secretary called the roll. There were 33 Delegates present. Delegates Olympio T. Borja, Daniel P. Castro, Francisco T. Palacios, Oscar C. Rasa, Manuel A. Tenorio and Joaquin S. Torres were excused. No Delegates were absent. A quorum was present.

Delegate Juan Tenorio: I move that those Delegates not in attendance be excused.

The motion was seconded and carried.

(4) ADOPTION OF THE JOURNAL

Delegate Juan Tenorio: I move that the Summary Journal of the 23rd Day and the Verbatim Journal Transcripts for the 6, 7, 8, 10 and 11 Days be adopted by the Convention.

The motion was seconded and carried.

(5) COMMUNICATIONS

President Guerrero: I would like to announce that since Floor Leader Rasa is unavailable for today, I have appointed Delegate Juan Tenorio as Acting Floor Leader.

(6) COMMITTEE REPORTS

Chairman Benigno Fitial: Your Committee on Finance, Local Government and Other Matters is submitting Committee Recommendation No. 8, regarding "Local Government," to the Convention.

Chairman Felipe Atalig: Your Committee on Personal Rights and Natural Resources has completed their assignment and all Committee Reports will be submitted sometime this week. May I also add, that the participation of your Committee Members is highly recognized and the output of all the Committee Members is highly appreciated by the Chairman. Thank you very much.

Chairman Jose P. Mafnas: Your Committee on Governmental Institutions hopefully will submit their Report and Recommendation on the "Executive Branch" by tomorrow or Friday.

Chairman Benigno Fitial: I want to report to the Convention that with the submission of Committee Recommendation No. 8 on "Local Government," this Committee has completed its essential task and we would like to offer our assistance to the other two Committees if deemed appropriate.

Chairman Felipe Atalig: On November 13 and 14, 1976, some members of your Committee are going to Tinian and Rota for the purpose of planning public hearings. At this time, the Chairman would like to recognize that Ramon Villagomez has been appointed to go to Tinian and Jose Borja and Manuel Tenorio will go to Rota. The appointment of Ramon Villagomez is subject to his acceptance.

(7) INTRODUCTION AND FIRST READING OF COMMITTEE RECOMMENDATIONS

Chairman Benigno Fitial: At this time I would like to introduce Committee Recommendation No. 8, regarding "Local Government," from the Committee on Finance, Local Government and Other Matters to be placed on the calendar for First Reading.

(8) SECOND AND FINAL READING OF PROPOSALS - None

(9) INTRODUCTION OF RESOLUTIONS - None

(Delegate Manuel Tenorio entered the Convention Hall.)

(10) UNFINISHED BUSINESS - None

(11) SPECIAL ORDERS OF THE DAY - None

(12) GENERAL ORDERS OF THE DAY

President Guerrero: As shown on the Order of Business, we have one item to be discussed today by the Committee of the Whole. It is Committee Recommendation No. 7, regarding "Natural Resources," from the Committee on Personal Rights and Natural Resources.

Acting Floor Leader Tenorio: I move that the Convention resolve itself into the Committee of the Whole.

The motion was seconded and carried.

President Guerrero: I would like to call Delegate Gregorio Calvo from Rota to act as Chairman for today's Committee of the Whole.

The Convention resolved into the Committee of the Whole at 2:12 p.m.

The Convention reconvened in Plenary Session at 2:52 p.m.

Chairman Gregorio Calvo: Your Committee of the Whole has unanimously adopted Recommendation No. 7 from the Committee on Personal Rights and Natural Resources, regarding "Natural Resources."

Delegate Ramon Villagomez: I move that the Convention adopt Committee Recommendation No. 7, regarding "Natural Resources," from the Committee on Personal Rights and Natural Resources.

The motion was seconded and carried.

(12) MISCELLANEOUS

Delegate Jose R. Cruz: A while ago, this Convention resolved itself into the Committee of the Whole and I was recognized by the Chair to speak. Before I started speaking, someone raised the point of "Rules." I did not have a chance to speak. I urge this Convention that when a newspaperman is here at the session, not to stir up a show to show that he is better than another Delegate, so that his name will be in the headlines of tomorrow's paper, especially when it comes from the Chairman of a substantive committee who doesn't seem to know the answer to a question, but can't stand to have another member answer the question.

I think this Convention should have respect and cooperation among all the Delegates. Everyone should have a chance to speak. I know that when the newspaperman comes here someone wants to show-off. We're here to frame the Constitution of the Northern Marianas, not at a beauty contest.

Chairman Felipe Atalig: The statement made by the Delegate from Tinian, is referring to the Chairman of the Personal Rights and Natural Resources Committee. I wish to register my concern at this moving statement and hope the Delegate from Tinian can see that there is no place for this kind of childish discussion in this Convention. For fourteen years he has been in a legislative body, therefore, he should be used to complying with the Rules and Regulations. Let the record show, Mr. President, that

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

Twenty-Fifth Day
Thursday, November 11, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 1:05 p.m.

The Honorable Lorenzo I. Guerrero, President, presided.

(2) A moment of silent prayer was observed.

(3) The Convention Secretary called the roll. There were 34 Delegates present. Delegates Olympio T. Borja, Daniel P. Castro, Herman Q. Guerrero, David Maratita and Francisco T. Palacios were excused. No Delegates were absent. A quorum was present.

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

The motion was seconded and carried.

(Delegates Herman Q. Guerrero, David Maratita, and Francisco T. Palacios entered the Convention Hall during Committee of the Whole.)

(4) ADOPTION OF THE JOURNAL

Floor Leader Rasa: I move that the Convention adopt the Summary Journal of the 24th Day.

The motion was seconded.

Chairman Felipe Atalig: There is a correction that should be made on the first page under item 6, the second paragraph. The word "that" should be changed to "this."

The motion to adopt the Summary Journal of the 24th Day carried.

(5) COMMUNICATIONS - None

(6) COMMITTEE REPORTS

Chairman Jose P. Mafnas: I am sorry to report that the Committee on Governmental Institutions is unable to submit the Committee Report and Recommendation on the "Executive Branch" this morning.

Chairman Benigno Fitial: The Committee on Finance, Local Government and Other Matters was hoping to present the Committee Report and Recommendation, regarding "The Preamble," but the duplicating machine was not functioning properly. The Recommendation will definitely be introduced tomorrow.

Chairman Felipe Atalig: Your Committee on Personal Rights and Natural Resources has completed their work on Committee Recommendation No. 8, regarding "Land Alienation." However, as stated previously by Chairman Fitial, due to problems with the duplication machine, your Chairman is not able to submit that report. We expect to submit it to the Convention tomorrow.

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

(8) SECOND AND FINAL READING OF PROPOSALS - None

(9) INTRODUCTION OF RESOLUTIONS - None

- (10) UNFINISHED BUSINESS - None
(11) SPECIAL ORDERS OF THE DAY - None
(12) GENERAL ORDERS OF THE DAY

President Guerrero: Today we have Committee Recommendation No. 8 from the Committee on Finance, Local Government and Other Matters, regarding "Local Government," for discussion during the Committee of the Whole.

Floor Leader Rasa: I move that the Convention resolve itself into the Committee of the Whole.

The motion was seconded and carried.

President Guerrero: May I call on Delegate Ramon Villagomez to Chair the Committee of the Whole for today.

The Convention resolved into the Committee of the Whole at 1:15 p.m.

The Convention reconvened in Plenary Session at 5:00 p.m.

Chairman Ramon Villagomez: I am happy to report to you that Committee Recommendation No. 8 from the Committee on Finance, Local Government and Other Matters, regarding "Local Government," has been adopted with certain amendments.

I move that the Convention adopt the recommendation of the Committee of the Whole.

The motion was seconded and carried.

The amendment to Committee Recommendation No. 8, regarding "Local Government," from the Committee on Finance, Local Government and Other Matters is as follows:

Section 3: Responsibilities of Mayor.

- (1) The word "shall" is substituted for the word "may" in the first line of subsection 3(d); and
- (2) The following sentence is added to subsection 3(d): "Any proposal relating to the budget made by the mayor shall be considered by the responsible Commonwealth official and rejected only for good cause."

- (13) MISCELLANEOUS - None
(14) ANNOUNCEMENTS

Chairman Felipe Atalig: I wish to announce that this evening at 7:00 p.m., your Committee on Personal Rights and Natural Resources will be meeting to review the last Committee's Recommendation, No. 8. I would also like to ask the Committee members to pick up copies of Recommendation No. 8 so they will have ample time to read it before the meeting tonight.

Chairman Benigno Fitial: Your Committee on Finance, Local Government and Other Matters will meet tonight at 7:00 p.m. I would like to invite interested Delegates from Rota and Tinian to attend for the purpose of discussing further the provision on "Local Government," which was just adopted by the Convention on First Reading.

Chairman Jose P. Mafnas: For reasons that I cannot reveal, which I will advise you on at a later time, your Committee on Governmental Institutions cannot meet tonight. We will meet tomorrow morning at 8:00 a.m.

Delegate Henry Hofschneider: I would like to attend the meeting of the Committee on Finance, Local Government and Other Matters, and I am asking if I can be excused by the Chairman of the Committee on Personal Rights and Natural Resources.

Chairman Felipe Atalig: Yes, provided there is one Delegate from Tinian in attendance, so I urge Delegate Diaz to come and attend the meeting.

President Guerrero: There will be a meeting of the three Vice Presidents, three Committee Chairman, the Floor Leader, and Convention Secretary immediately following this session.

Delegate Juan DLG. Demapan: I move that the Convention recess until 2:00 p.m. tomorrow.

The motion was seconded and carried.

The Convention recessed at 5:05 p.m.

Respectfully submitted,



Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS
VERBATIM JOURNAL (TRANSCRIPT)

Twenty-Sixth Day
Friday, November 12, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 2:10 p.m.

The Honorable Lorenzo I. Guerrero, President, presided.

(2) A moment of silent prayer was observed.

(3) The Convention Secretary called the roll. There were 35 Delegates present. Delegates Olympio T. Borja, Daniel P. Castro, Pedro Q. Dela Cruz and Francisco T. Palacios were excused. No Delegates were absent.

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

The motion was seconded and carried.

(4) ADOPTION OF THE JOURNAL

Floor Leader Rana: I move that the Summary Journal of the 25th Day be adopted by the Convention.

The motion was seconded and carried.

(5) COMMUNICATIONS - None

(6) COMMITTEE REPORTS

Chairman Benigno Fitial: I am happy to report that your Committee on Finance, Local Government and Other Matters is submitting Committee Recommendation No. 9, regarding "Preamble."

Chairman Felipe Atalig: At this time, your Committee on Personal Rights and Natural Resources is submitting a written report on the disposition of Delegate Proposals by our Committee. I am also happy to submit to the Convention Committee Recommendation No. 9, regarding "Miscellaneous Provisions." This Report deals with Statute of Limitations, Treatment of Children in Criminal Proceedings, and Search and Seizure.

Chairman Jose P. Mafnas: The basic formation and requirements, regarding the "Executive Branch," have been reached by your Committee on Governmental Institutions. However, there is one obstacle that did not permit your Committee to submit this report this afternoon. That is the composition regarding the so-called mayor/lieutenant governor portion of the Recommendation. The proponents of the amendment introduced yesterday by Delegate Jose R. Cruz and our Committee are deadlocked on that issue. For the Convention's information, the President had formed a Special Committee to iron out the problems that we are facing on the question of local government and the lieutenant governor's authority and responsibilities. I have yet to hear from the Chairman of that Special Committee. I understand that they met this afternoon and I hope that resolution was reached so that we can proceed with our business.

Delegate Joaquin Torres: Mr. President, could you tell us who the Delegates were that comprised that Special Committee?

President Guerrero: For your information, the Convention Officers met about 5:30 p.m. yesterday evening and we made the selection and appointed the following Delegates:

Delegates Benjamin Manglona, Jose R. Cruz, Pedro Atalig, Juan P. Tenorio, Jesus Villagomez and Francisco T. Palacios. Unfortunately Delegate Palacios was unable to attend and Delegate Ramon Villagomez was appointed to attend in his place.

Delegate Jose R. Cruz: The Special Committee met and vigorously attempted to tackle the problem and it seems to me that a solution has been tentatively reached, although this must be reduced into constitutional language so that everyone can ascertain the gist of the concern. We think with more time this afternoon, or sometime tomorrow, we should be able to come up with some kind of solution.

President Guerrero: I hope that the Special Committee can come up with an alternative that will solve these problems so that we can discuss and complete the Committee's Recommendation.

(7) INTRODUCTION AND FIRST READING OF COMMITTEE RECOMMENDATIONS

Chairman Benigno Fitial: At this time, I would like to introduce Committee Recommendation No. 9, regarding "Preamble," from the Committee on Finance, Local Government and Other Matters for First Reading.

Chairman Felipe Atalig: At this time, I would like to introduce Committee Recommendation No. 9, regarding "Miscellaneous Provisions," from the Committee on Personal Rights and Natural Resources for the consideration of the Convention.

(8) SECOND AND FINAL READING OF PROPOSALS - None

(9) INTRODUCTION OF RESOLUTIONS

Chairman Felipe Atalig: I have a resolution to read into the record.

A RESOLUTION THANKING AND COMMENDING THE CONSULTANTS
FOR THE COMMITTEE ON PERSONAL RIGHTS AND NATURAL RESOURCES.

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

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

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

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

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

NOW THEREFORE, BE IT RESOLVED, by the Northern Marianas Constitutional Convention that its Delegates express and extend their appreciation and congratulate them for their successful assistance, and

BE IT FURTHER RESOLVED, that the Secretary of the Convention be requested to send a copy of the text of this Resolution to the two consultants mentioned above and to the law firm of:

WILMER, CUTLER AND PICKERING
1666 K Street, N. W.
Washington, D. C. 20006

(10) UNFINISHED BUSINESS - None

(11) SPECIAL ORDERS OF THE DAY - None

(12) GENERAL ORDERS OF THE DAY

President Guerrero: For today's discussion is Committee Recommendation No. 8, regarding "Restrictions of Land Alienation," from the Committee on Personal Rights and Natural Resources.

Floor Leader Rasa: I move that the Convention resolve itself in the Committee of the Whole.

The motion was seconded and carried.

President Guerrero: At this time, the Chair would like to call on Delegate Luis Limes from Saipan to preside over the Committee of the Whole for today.

The Convention resolved into the Committee of the Whole at 2:27 p.m.

The Convention reconvened in Plenary Session at 3:35 p.m.

(During Committee of the Whole, Delegate Felipe Atalig asked the House to recognize the presence of Senator-Elect Jesus Mafnas.)

Chairman Luis Limes: Your Committee of the Whole adopted Committee Recommendation No. 8 from the Committee on Personal Rights and Natural Resources, regarding "Restrictions On Land Alienations."

Floor Leader Rasa: I move that the Convention adopt Committee Recommendation No. 8 from the Committee on Personal Rights and Natural Resources for First Reading.

The motion was seconded and carried.

President Guerrero: The Chair would like to recognize the presence of all the interested citizens of the Northern Marianas who are in the gallery.

(13) MISCELLANEOUS

Delegate Juan S. Demapan: Good afternoon, Mr. President and fellow Delegates:

Today, we begin the last half of our Convention days, and our tasks still remain abundant. With so little time remaining and much to do, it seems that we won't ever accomplish the task of formulating a Constitution that is representative of our people's needs and wants. Such a task is not easy, but in God we ask a miracle to show us the way to understand that only through a unity of purpose can we accomplish such a task that, at present, is seemingly impossible.

As a member of this honorable body, I have a moral and public responsibility to promote understanding and trust -- unity of purpose -- amongst ourselves. In fact, this is the best place to start it.

The major obstacle facing this body is that some of us are fearful of abandonment and inattention of the basic material needs and wants of our people in our other municipalities. That fear, unquestionably, stems from past repetitive experiences. But if we are really going to think about it, the fear is basically rooted in inadequate monetary support to these islands in order to establish adequate basic facilities such as hospitals, schools, airports, docks, roads, etc., necessary for the well-being and convenience of our people in these outer islands. This, in short, is fundamentally the injustices of the past.

But let's be practical and realistic. On its own, Saipan may never be able to support our neighboring islands for material conveniences. In fact, it has never been. The Trust Territory Administration, the administering authority, if anything, is the direct source for such injustices of the past.

To be sure, our problems here are no different from the other districts in the Trust Territory. My experience in the other districts has been one of great sorrow. For it seems that only the major island centers are where everything seems to be. The outer islands of Truk, Marshalls, Ponape, Yap, and Palau are probably more mistreated and forgotten than us here in the Marianas.

I have seen islands out there without running water, electricity, roads, airports, hospitals, and ports. In medicare, these islands sometimes get it once in every forty-five days. So if injustices we want to say, that is where injustices exist. We are much luckier and fortunate, in fact, by far. But with \$8.5 million for governmental operations, and some \$4 million for capital improvements, as provided by the Covenant, we can safely say that our often shouted "injustices" are more than eliminated.

Thus, my fellow Delegates, I wish to close with a warning: continuance of concentrating our efforts and time on material injustices of the past, could very well lead us to forget the heart of our task, namely, protecting the interests, rights and desires of our people, and protecting ourselves from the expected and unexpected evils of government and amongst ourselves. Only history will tell what we do in this Convention to protect our cherished people and lands and heritages on a planet filled with customs, cultures and beliefs of peoples and nations far different and outnumbering our kind. In final, I wish to ask that we all join hands and work for the good of all our people and islands and the generations to come, which is the task we here face.

Delegate David Maratita: I would like the Convention to recognize in the gallery, the presence of Francisco Ulodong, the new descent of the Marianas, and two members of the Pacific Daily News staff who are 100% American citizens.

Chairman Felipe Atalig: I have a letter that has been prepared to our pageboy for his outstanding work for our Committee on Personal Rights and Natural Resources. This is a very special occasion and I would like to present this letter to the Sergeant-at-Arms to be presented to the President so that it can be inserted in the record. I would like the Convention Secretary to read the letter to the Convention.

November 12, 1976

Mr. Ramon R. Seman
Northern Marianas Constitutional Convention
Saipan, Mariana Islands 96950

Dear Mr. Seman:

On behalf of the Committee on Personal Rights and Natural Resources, I wish to express our sincere appreciation and commendation for your sincere and most generous services provided the Committee during the past 26 days of our deliberation in our Committee's work.

We are pleased to present to you a small gift as a token of our appreciation for your kind services provided which we all cherished.

The Committee recognizes the importance of your work with respect to providing a comfortable atmosphere in our daily work and we hope you continue to extend your excellent spirit for the remaining 24 days of the Committee's work.

Thank you yan si Yuss maasi. Ha dahi na unmalefa nai chairman yan i mangachong na gi sakan 1977.

Sincerely,

Felipe Q. Atalig
Chairman, Personal Rights and
Natural Resources

President Guerrero: Today marks the 26th day of session of our Constitutional Convention. The progress achieved by the backbone of this august body is par-excellent, and, therefore, worth honoring every effort contributed to this effect. As President of this Constitutional Convention, it is my pleasure, and I am proud to mention, that the Committee on Governmental Institutions has made it possible to undo complexities and difficulties relative to governmental structure which were undoubtedly necessary to accommodate demands and to relieve grievances of the past.

Third, even if a governor should be so unwise as to reject all or most of the reasonable recommendations of a mayor, the legislature could reject the budget. Remember that Rota and Tinian will control the senate. If the senators from those islands believe that the governor's budget is unfair to their constituents, they will have the power to disapprove the entire budget. Will a governor attempt to deny adequate services to the outer islands if the cost is the rejection of his entire program? I think not. Remember, also, that the senate will exercise the power to confirm or reject the governor's principal appointees.

Despite the ample protections of this Committee Recommendation, some Delegates continue to demand complete autonomy for the outer islands. The words of these Delegates are disturbing for two reasons. First, a governmental system, and we are addressing only one system, that serves only 15,000 -- or even 150,000 people -- is not workable if it is splintered into three autonomous parts, each duplicating the functions of the others. The governor would be little more than a figurehead if three so-called "lieutenant governors" are given responsibility for administering the government and hiring and firing its employees on their islands. We are told that the governor and his department heads will "set policy." But what does that mean if the people who will implement the policy are not selected and cannot be supervised or removed by the policy-makers? Policy will soon degenerate. If the governor and a lieutenant governor are of different political parties, conflict between the two is inevitable. Soon the lieutenant governor will seek out ways to repudiate the policies of the chief executive.

Furthermore, Mr. President, the experience of the United States suggests that the needs of Rota and Tinian can be met without this lieutenant governor proposal. The state of Hawaii is also a community of islands -- separated by many more miles of ocean that is true in the Northern Marianas. The individual islands of Hawaii do not begin to have the kind of powers and local autonomy that our colleagues want for Rota and Tinian, even though the islands in Hawaii are much richer in terms of people and money. In fact, the State of Hawaii provides most of the significant public services -- education and welfare, for example.

Mr. President, what some of my colleagues are demanding is a system in which the lieutenant governors will be more powerful than the governor. This is a system appropriate for a federation of loosely joined sovereign states, not for a Commonwealth where the interests of all of the people are paramount. If the governor has the authority to supervise governmental services, the Commonwealth will receive the benefits of a comprehensive civil service system. Employees will be hired and promoted according to objective standards based upon merit. It is clear that qualified public servants will be more effective than the political cronies of a lieutenant governor.

The proposal for local autonomy would be more than inefficient. It would be costly. A different set of supervisors would be required for each island. These administrators will strain the limited resources of the Commonwealth. This can only result in the reduction of the services actually available to the people of the Northern Marianas. Mr. President, is our concern elaborate organizational charts whose only beneficiaries are those who fill positions listed on those charts? Or is our goal to ensure services sufficient to their needs?

The words of Delegates supporting local autonomy are disturbing for a second reason. Some of my colleagues have suggested that if their views do not prevail they will block ratification of any Constitution. Some even threaten to walk away from our responsibilities before our fifty days have ended. Mr. President, now is not the time for threats. My fellow Delegates, let us try to reach consensus. Let us not be alarmed or dismayed if we cannot agree today or tomorrow or even two weeks from now. Let us use all of the time remaining to us to resolve this troubling issue if that is necessary. But let us also not lose sight of why we were sent here by our people -- to draft a Constitution for them. So while we continue to discuss the issue of local government, let us continue also to reach agreement on other questions. In twenty-four days, let us have a Constitution. I thank you.

Delegate Juan DLG. Demapan: Mr. President and fellow Delegates. We are all

aware that this Constitution that we are in the process of drafting is a matter of utmost seriousness. Not only will our own people be passing judgment on our work, but it must also stand up under the scrutiny of the United States Congress and the President of the United States. Unless we relish the idea of being branded as incompetents, it is important that we apply ourselves to doing thoughtful first-class work.

We have been provided with excellent briefing papers, which if read and studied, should make our work relatively easy.

It is true that there are unique local problems that have not been anticipated in the briefing papers, but as to them, the question is: Are they really matters that can only be resolved by Constitutional provisions? It seems to me that many of the proposals submitted reflect local concerns based upon past experience.

It may well be true that under a series of incompetent Trust Territory Administrations, the municipalities of Rota and Tinian were treated as step-children, but does not the fault lie partly with our equally incompetent District Administrators who were more concerned with pleasing Headquarters than tending to the needs of our friends in the municipalities. Now that we look forward to a District Administrator (governor) who will answer rather than to a High Commissioner, is it not reasonable to expect more responsive consideration? Surely the allegiance of a governor who need not look to a High Commissioner for job security will lie with the people; all of the people. Therefore, should not the Delegates from Tinian and Rota make an effort to forget past injustices and refrain from trying to guard against past neglects that will not be repeated by introducing proposals which do not belong in a constitution. These disputes only consume precious time and lead to nothing constructive.

With the advent of a new form of government, in which the three branches draw their respective authority from a written law, and which at the same time, places clear cut limitations on the exercise of that authority; it is my firm belief that no one need fear a repetition of the excesses or neglects of the past. We should look to our Constitution as a unifying force rather than a divisive one.

Should we persist in the attempt to guard against past wrongs -- real or imagined -- by inserting all sorts of ill-advised and distorting provisions in our Constitution, it is clear that we will wind up with a document, yes, but will it be a Constitution? I think not. It will be a joke, the laughing stock of all thinking men everywhere; and what is of prime importance, it will not pass muster neither with our people nor the U. S. Congress.

Let us have faith that all assembled here are men of good will, that we all seek the common good. Let sectionalism be set aside and let us get on with the work appointed in a spirit of unity.

For myself, I pledge that my concern embodies the welfare of the people of Rota and Tinian, to as great a degree as those of Saipan. We are a unit, let us behave as one. Thank you.

Delegate Jose R. Cruz: Mr. President, I don't have a prepared speech, but I would like to make a comment. I would like to assure this Convention that the Delegation from Tinian, and perhaps I can speak for the Delegation from Rota, has no intention of trying to bring what took place in the past. We are willing to forget what happened in the past, but certainly we refuse to continue the practices of the past. So as I stated, we the minority from Tinian joined in forces with the other minority from Rota, came up with a proposal because we firmly believe that that's the only way we can have a workable government. We are not being selfish. We are only bringing to the attention of this Convention that we want to be treated equal. We believe in the American proverb, "What is good for the goose is good for gander." We are minorities, and unfortunately as a result of this minority, we have had problems in the past, but we don't intend to keep dragging that up in this Convention. But in order for the Delegation from Tinian to be assured that it is understood fully by the Convention, the injustices and the inequity we have suffered in the past, we have to explain this to the Convention so that the members will understand our problems.

We are not asking anything impossible. We want some more voice in our future government. The only reason the people from Tinian supported the Covenant and the new political status is because we want to change the suffering we have had in the past 25 years. If we knew that such safeguard would be turned down by this Convention to protect the interest of the minority, we would have voted down the passage of the Covenant. We would have refused sacrificing the very small island of Tinian to be turned over for future national defense. I would respectfully like to remind this Convention that the people of Tinian sacrificed more than two-thirds of its very small island for the future of the Marianas. We are only asking that we have more voice, more authority, in this new government. If we don't get this, then we refuse to have a new constitution. What is the use for us to join this new political entity if the arrangement will be just like the old days? I have heard so many speeches accusing the outer islands of being selfish. What is the danger, Mr. President, if giving Tinian and Rota a man who is elected locally to administer their local affairs? Why do we have to resort to people from Saipan, like the old days? The governor will sit here all the time, he doesn't spend 24 hours on Rota and Tinian. We want a workable government. We want to be a part of that government. Thank you.

Delegate Benjamin Manglona: I certainly appreciate the remarks made by several of the Delegates and certainly share some of their consensus. However, Mr. President and fellow Delegates, the Rota and Tinian Delegations have been continuously blamed for the action and the work of this Convention. One thing I want to make very clear, we have been making ourselves available in all the Committee work and we have been at this Convention. I assure the Convention that we have no intention of trying to walk out unless we come to the point where we think that there is no where to go to protect the interest of the people of Rota and Tinian. I still think there is hope and room for understanding. We will continue to be in this Convention until that time. I want to assure you that it is the feeling of our Delegation that we still have plenty of room to resolve our differences.

One thing I want to ask you, is to give us the protection that we are asking. It is not the protection for the people of that island. It is the protection for all of the people. We have some people from Saipan who have come to Rota and decided to live there. It is protection for these people, too.

One thing I want to make clear; we are doing our work and hope we can reach an agreement on the proposal we have submitted. Thank you.

Delegate Ramon Villagomez: I think we have reached the point where we cannot come to a further compromise, a further understanding, a further giving away of power. This is it. This is the time to walk out. Let me explain why. There are three municipalities in the Northern Marianas; 12,000 of the people on the island of Saipan, 1,200 or so on Rota and about 750 in Tinian. We found out we couldn't have a Covenant if we didn't have a compromise, so we thought we were giving compromises. But instead of compromise, the people of Saipan have given to these minorities more than they are entitled to. Think about this carefully. What we have given up to this point to the minorities, is more than they are entitled to. There is nothing that the people of Saipan can enact in the way of legislation without the permission of the people of Rota and Tinian. Nothing. Nothing can go through that legislature without the people of Rota and Tinian saying "yes." There is nothing that the people of Rota can ask Saipan, that the people of Saipan can refuse. Because if Saipan says we refuse to cut down your trees, the people of Rota and Tinian in the senate will say, we refuse to cut down your trees and nothing happens. Therefore, to ask for more when we have already given more than they are entitled to, the power is not here in Saipan now. The power is in the minority. The minority is asking for more. What more power can we give? We cannot negotiate anymore and we cannot compromise anymore, because we have given more than we can give. We have given more than we can afford. If you are looking for the time in which we cannot go any further, that time has come. We cannot any longer negotiate or compromise.

If you think the only way you can solve this problem is to walk away from it, let me warn you that Saipan will not suffer. If you are not going to have a Commonwealth as we have been seeking to have, all the dreams that we have been dreaming, all the goals we have been expecting, are never going to come. We are not going to give anymore, we have given more than enough. Thank you.

Delegate Esteven King: This is not a speech, just a very short comment I would like to make to the Delegates. Let's look back on the Constitution of the United States and what happened when they gave very strong power to the government. They ended up with a civil war. Bloody. We do not want this same thing to happen here in the Marianas Commonwealth. Even though we are a minority, we are asking for equal treatment. The islands of Tinian and Rota are not separated from Saipan by barbed wire, we are separated by ocean. We are not asking for decentralization of power, we are asking that there is some power in Tinian and Rota. I would like to ask the cooperation of this Convention in listening to the issues we have presented. We are trying to be treated equally with all people of the Commonwealth. So I ask for the cooperation of the Delegates; notice that on certain issues, not only are Rota and Tinian Delegates voting against it, some Saipanese are also voting against it. I'll bet that the Delegates that stand up and say I'll fight for you; why, because they are feeling the pains. I want this Convention to recognize that it is just not the Tinian and Rota Delegates voting against the issue, but some Saipanese, too. Let's be realistic in this Convention on each issue. Certain Delegates from Saipan would like to vote with Rota and Tinian, but they cannot speak because they are residing on this island. Thank you.

Chairman Jose P. Mafnas: Upon completion of the session, I would like to report back to our constituents that we have formulated a Constitution. When you appointed a special committee to iron out these problems; I wish to advise every Delegate in this Convention to please refrain from jeopardizing the negotiations that are going on in this special committee. As the Chairman of the Committee on Governmental Institutions, who has yet to report to this Convention its report on the "Executive Branch," I find that it will be very difficult, at this time, to reach a consensus because of the speeches that have been made directed against the wishes of the people of Rota and Tinian. I feel that there is still time to reach a consensus and I strongly advise every Delegate to please refrain from making any remarks that might jeopardize the negotiations. Thank you.

Delegate Juan DLG. Demapan: I am full admiration of love and destiny and I do sympathize with the feeling, sentiments and concerns of the people of Tinian and Rota. But, Mr. President, I think they are wrong, as Delegate Ramon Villagomez said. I think there is enough protection for the municipalities of Rota and Tinian. Since the senate is three/ three/ three, let me assure you that no legislation will be approved without the consent of the two municipalities. Thank you.

Delegate Henry Hofschneider: Let's assume, Mr. President, that the Constitution has been ratified. I would be very pleased, as for my fellow Delegates, if we follow what formula is being recommended now. I would like to extend invitations to residents from Saipan to stay on Tinian and share with us our experience.

(14) ANNOUNCEMENTS

Chairman Felipe Atalig: Your Committee on Personal Rights and Natural Resources will meet tonight at 7:00 p.m. in Room 225. I urge all members to be present.

Chairman Jose P. Mafnas: There will be a meeting of your Committee on Governmental Institutions immediately after this session. I would like the President to advise the members of the Special Committee to please be present in this meeting so we can hear what transpired in their meeting this afternoon.

President Guerrero: May I respectfully request that members of that Special Committee attend the meeting of the Committee on Governmental Institutions, as Chairman Mafnas has requested, which will be held immediately following this session.

Chairman Benigno Ftial: I would like to announce that the Committee on Finance, Local Government and Other Matters will meet jointly with the Committee on Governmental Institutions so we can hear what transpired in the Special Committee's meeting.

Delegate Jose R. Cruz: I do not oppose the joint meeting of the two Committees,

however, we still need to draft the constitutional language and we haven't done that yet. Before the Tinian Delegation accepts the solution we have to have draft language. We want to make sure our concerns are protected. I don't know if we will accomplish that this afternoon.

President Guerrero: I suggest that the Committee on Governmental Institutions should proceed with its meeting, and I also urge the Special Committee to come up with the committee's recommendation and draft concerning the "Executive Branch." If you still have areas in which no solution has been formulated, I suggest that the Chairman please try to expedite that problem within your committee and come up with a committee report. Whether you have a minority or majority report, please expedite.

Chairman Jose P. Mafnas: Mr. President, am I to understand that you are withdrawing your directive to the Special Committee to attend the meeting this afternoon?

President Guerrero: As suggested by Delegate Cruz, it may not be wise to meet at this time since they have not reached the drafted language of their proposed amendment.

Chairman Jose P. Mafnas: After hearing the explanation of Delegate Cruz, I was under the impression that the Special Committee had reached a tentative agreement on the problem, but if this is not the case, I withdraw my invitation.

Chairman Benigno Fitial: If that is the case, the Committee on Finance, Local Government and Other Matters will meet alone immediately after this session.

Floor Leader Rasa: I move that the Convention recess until 10:00 a.m. tomorrow.

The motion was seconded and carried.

The Convention recessed at 4:30 p.m.

Respectfully submitted,



Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

Twenty-Seventh Day
Saturday, November 13, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 10:19 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 29 Delegates present. Delegates David Atalig, Gregorio Calvo, Jose Cruz, Pedro Dela Cruz, Hilario Diaz, Benjamin Manglona, Prudencio Manglona, Vicente Manglona, Pedro Ogo and Francisco T. Palacios were excused. No Delegates were absent. A quorum was present.

President Guerrero: Mr. Secretary, for your information, the Delegates from Rota and Tinian who are not present are excused as they are attending a meeting in the Rota Delegation room.

Convention Secretary: Also, Delegate Francisco T. Palacios and Delegate Pedro Dela Cruz asked to be excused for very urgent business.

Floor Leader Rasa: I move that those members not present be granted leave of absence.

The motion was seconded and carried.

(4) ADOPTION OF THE JOURNAL

Floor Leader Rasa: I move that the Summary Journal of the 26th Day and the Verbatim Journal Transcripts of the 12, 16, 17 and 18 Days be adopted by the Convention.

The motion was seconded and carried.

(5) COMMUNICATIONS

Convention Secretary: A communication from the Chairman of the Committee on Finance, Local Government and Other Matters states:

Subject: Appointment of Delegates from Delegations to Conduct Public Hearings

In compliance with your verbal instructions for public hearings, the following Delegates from the Committee on Finance, Local Government and Other Matters have been appointed from their respective Delegations to conduct public hearings on Saipan, Tinian and Rota.

Saipan: Delegate Jesus Villagomez and Delegate Oscar Rasa

Tinian: Delegate Juan Tenorio and Delegate Benigno Fitial

Rota: Delegate Luis Benavente and Delegate Esteven King

President Guerrero: Have the Chairman of the other two Committees submitted the names of the Delegates who will attend the public hearings on Saipan, Tinian and Rota?

Chairman Jose P. Mafnas: I have the names, Mr. President, and I will submit these names to you right after this session.

(6) COMMITTEE REPORTS

Chairman Jose P. Mafnas: On behalf of the Committee on Governmental Institutions, I have the honor to introduce Committee Recommendation No. 4. The Committee's Recommendation concerns the "Executive Branch of Government."

In brief, the Committee recommends that the executive branch be headed by a governor and a vice governor. These officials would serve four-year terms and would run on the same ticket. The article offered by the Committee also provides for a board of education, an attorney general, a public auditor, and a civil service commission. The legislature would have the power to establish additional departments and agencies. The governor would have the authority to reorganize the executive branch subject to a legislative veto if the reorganization would depart from existing law.

Among the governor's prescribed duties are the responsibilities to address the legislature at least once a year and to see that the laws are faithfully executed. The Committee's recommended article would also require the governor to consult with the chief executive officers of Saipan and the islands north of it, Rota, and Tinian, in preparing his proposed annual budget. The governor would also be required to detail to the legislature his response to the budgetary requests made by the chief executive officers of the islands.

The Committee has decided not to submit any proposal with respect to the issues of local government and the powers and title of the chief executive officers of the islands. The Committee believes that further discussion of these issues by the Convention or the Committee of the Whole should be deferred until the President's Special Committee advances its recommended compromise. Accordingly, Mr. President, the Committee respectfully requests that the Convention and the Committee of the Whole neither debate nor vote on these issues during the discussion of Committee Recommendation No. 4. The Committee's reasons for deciding not to propose constitutional language dealing with the lieutenant governor/mayor issue are fully discussed in an attachment to the Report that we submit today.

Mr. President, I ask that the Convention accept Committee Recommendation No. 4 and that it be calendared for early consideration by the Committee of the Whole. Thank you.

President Guerrero: The officers of the Convention, composed of the three Vice Presidents, the three substantive Chairmen, the Floor Leader, and the Convention Secretary, will meet right after this session to decide if this matter will be calendared for tomorrow's meeting.

(7) INTRODUCTION AND FIRST READING OF COMMITTEE RECOMMENDATIONS

Chairman Jose P. Mafnas: At this time, I would like to introduce Committee Recommendation No. 4, regarding "The Executive Branch of Government," from the Committee on Governmental Institutions, to the Convention.

(8) SECOND AND FINAL READING OF PROPOSALS - None

(9) INTRODUCTION OF RESOLUTIONS - None

(10) UNFINISHED BUSINESS - None

(11) SPECIAL ORDERS OF THE DAY - None

(12) GENERAL ORDERS OF THE DAY

President Guerrero: As shown on the Order of Business for today, we have Committee Recommendation No. 9 from the Committee on Finance, Local Government and Other Matters, regarding "Preamble," and Committee Recommendation No. 9 from the Committee on Personal Rights and Natural Resources, regarding "Miscellaneous Provisions," to discuss during the Committee of the Whole.

Floor Leader Raza: I move that the Convention resolve itself into the Committee of the Whole.

The motion was seconded and carried.

President Guerrero: May I call on Chairman Felipe Atalig to Chair today's Committee of the Whole discussion.

The Convention resolved into the Committee of the Whole at 10:30 a.m.

The Convention recessed while in the Committee of the Whole. Recess was called at 11:23 a.m., to last until 9:00 a.m. the following morning.

Respectfully submitted,



Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

Twenty-Eighth Day
Sunday, November 14, 1976

The Constitutional Convention of the Northern Mariana Islands reconvened in Committee of the Whole at 9:14 a.m.

The Honorable Felipe Q. Atalig, Delegate, presided.

The Convention reconvened in Plenary Session at 10:22 a.m.

The Honorable Lorenzo I. Guerrero, President, presided over the Convention.

Chairman Felipe Atalig: The Committee of the Whole deliberated and adopted the following Committee Recommendations: Committee Recommendation No. 9 from the Committee on Finance, Local Government and Other Matters, regarding "Preamble," and Committee Recommendation No. 9 from the Committee on Personal Rights and Natural Resources, regarding "Miscellaneous Provisions." Each of these Recommendations were adopted unanimously.

The Committee of the Whole also adopted, as amended, Committee Recommendation No. 4 from the Committee on Governmental Institutions, regarding "The executive Branch of Government."

The amendments are as follows:

Wherever the words "vice governor" now appear in the text, will be changed to read "lieutenant governor," and wherever the words "lieutenant governor" now appear in the text, will be changed to read "mayor."

Committee Recommendation No. 4: The Executive Branch of Government

Section 18: Public Services.

a) The governor may delegate to the mayor responsibility for the execution of Commonwealth laws and the administration of public services in the island or islands in which the mayor has been elected.

b) Public services on Rota and Tinian shall be supervised by a resident assistant director in the departments providing such services appointed by the head of the department with the advice and consent of the representatives and senators in the legislature from the island where the assistant director shall perform his duties.

c) Public services authorized by law shall be provided on a fair and equitable basis to all the citizens of the Commonwealth. The legislature may require that such services be provided through decentralized administrative arrangements. The governor shall make any necessary recommendations to the legislature in order to accomplish these objectives.

Chairman Felipe Atalig: I move that the Convention accept the report of the Committee of the Whole and adopt Committee Recommendation No. 9 from the Committee on Personal Rights and Natural Resources, Committee Recommendation No. 9 from the Committee on Finance, Local Government and Other Matters, and Committee Recommendation No. 4, as amended, from the Committee on Governmental Institutions.

The motion was seconded and carried.

(13) MISCELLANEOUS

*Executive Branch
whole passed
Governor - may
delegate to mayors*

Delegate Jose R. Cruz: Mr. President, I want to express my sentiment on behalf of my Delegation. During the past several weeks, there were times when we were highly emotional and times when statements were made that were uncalled for. But I want to assure this Convention that we all did this in good faith. We don't want to drag into today, yesterday's injustices. But in order for us to justify our position, so that this Convention can understand how much my people have suffered, we have no other alternative but to go on record, Mr. President.

Today I want to thank the members of this Convention, in particular the Chairmen, for their unselfishness and thoughtfulness for making the people of Rota and Tinian their concern. On behalf of my people I want to thank this Convention. Now the Commonwealth is only the next day ahead of us. Thank you.

Delegate Hilario Diaz: On behalf of the Delegation from Tinian I want to assure this Convention that we will cooperate to the maximum extent to assure the conclusion of this Convention, and we will work with full cooperation toward a workable Constitution. Thank you.

Delegate Joaquin Torres: I would like the record to show that Chairman Felipe Q. Atalig chaired the Committee of the Whole during its most turbulent and critical period, and he led discussion with distinction. He should be highly commended.

Delegate Benjamin Manglona: On behalf of my Delegation, I wish to convey our whole-hearted thanks to each Delegate for reaching a workable compromise. I certainly appreciate this opportunity to express this thanks to you.

Delegate Vicente Manglona: On behalf of my Tinian Delegation I would like to thank each and every Delegate for their thoughtfulness and understanding concerning our compromise. Thank you.

Delegate Esteven King: I would like to express my gratitude to all the Delegates who voted for our compromise, but there is still Second and Final Reading. We are happy that we were able to come up with a compromise. We are glad to have cooperation among the Delegates. Thank you.

Delegate David Maratita: I just want to assure the members of the Delegations from Rota and Tinian that, as a Rotanese by birth and as a Delegate by election from Saipan, there was no way in my heart that I could resign myself from the fact that I was a Rotanese. We are discussing issues of concern that will affect the Commonwealth of the Northern Marianas. Regardless of the fact, Mr. President, that I am now living in Saipan, I still want to call myself a citizen of the Northern Marianas first, and a Rotanese, second. The fact is, we are all here working for the good of the Commonwealth. Thank you.

Delegate Pedro Ogo: On behalf of the people of Rota, we are now feeling the sense of unity in this Convention with the adoption of this proposal on the "Executive Branch of Government," No. 4, as amended. Thank you.

Delegate Pedro Igitol: Let me borrow a quotation from Davy Jones, "Damn the torpedoes and full speed ahead." Let's get this thing over with.

Delegate Benigno Fitial: Since we have reached a compromise, I would like to ask that all the Delegates join hands and sing our National Anthem of the Northern Marianas.

President Guerrero: Before we sing, there are still some Delegates who wish to make statements. We will sing our National Anthem before we recess.

Chairman Jose P. Mafnas: I would like the Convention to recognize the presence of the Honorable Minor Pounds, District Attorney from Ponape.

Floor Leader Rasan: This is not the first time that I have tangled with this problem. I am very much impressed by the persistence of the Delegations from Rota and Tinian. I think we all still remember the time I opposed, and I still oppose, in negotiations that they managed to see that there is a bi-cameral congress, which I fought, and still think is not economical. Now they manage, once again, to get what they want on the executive level.

I am not saying that it is wrong, I am only saying that what I did should not be construed as what I think is right. I should be construed it is done because the desire of the people is paramount. Thank you.

Delegate Manuel Tenorio: I just want the Convention to recognize the outstanding work of the Committee on Governmental Institutions who provided the constitutional language and the Special Committee for providing the compromise. Thank you.

Delegate Pedro Dela Cruz: One way to resolve an issue is to argue intensively. This is one way that we can let things out. Because we should not leave here saying, this is what we should have done and should have argued in there. I would like the Delegates to recognize and respect the opinions of others, because we all have different thoughts and feelings. Thank you.

President Guerrero: The Chair would also like to commend the good work of the Special Committee in providing this Convention with a good compromise. I am sure that with all the good words from the Delegates, we will achieve the goal of this Convention.

Delegate Juan DLG. Demapan: It is not only the Delegates from Rota and Tinian who have suffered; the people of Saipan have also suffered. There are a lot of people in Saipan who still don't have running water. We also have suffered regarding hospital services. You sometimes have to spend all day at the hospital for treatment. We are not totally accommodated with such services. I would like to apologize to the Delegates of Tinian and Rota for being controversial. Thank you.

Delegate Maratita: In regards to singing, I move that we go to Committee of the Whole.

President Guerrero: The Chair will recognize the request made earlier by Chairman Fitial that we sing the National Anthem of the Northern Marianas.

Chairman Benigno Fitial: I would like to ask all the Delegates to please join me in singing the National Anthem. (The words are as follow:)

GI TALO GI HALUM TASI

Gi talo gi halum tasi
'Nai gaigi i tano hu
Malagoho
Mil beses yan mas
Hu saluda hao
Gatbo na Islas Marianas
Hu tuna hao

Ya un dia bai hu hanao
Bai hu fattu ha talo
Tisina hao hu dingngo
O tano ho
Mil beses yan mas
Hu saluda hao
Gatbo na Islas Marianas
Hu tano hao

Delegate Jose R. Cruz: We have just sung our National Anthem of the great Northern Marianas. At this time, I would like to dedicate a song to our future nation, the United States of America. I will sing "God Bless America." If anybody wants to join me, please do so. (The song was sung in unison.)

President Guerrero: This is a very special day and this shows the spirit and harmony present. I hope this will continue and the Convention will proceed with its tasks and that we will finish by our 50th Day.

(14) ANNOUNCEMENTS

Chairman Benigno Fitial: The Committee on Finance, Local Government and Other Matters will meet immediately following this session right here.

Chairman Jose P. Malinas: Since we have solved our most troublesome problem, the Committee on Governmental Institutions will take a vacation today.

President Guerrero: I would like to announce, the officers of the Convention would like to schedule the public hearings in Rota and Tinian on Wednesday, and if possible we would like to conduct the public hearings in Saipan on Wednesday and Thursday. I urge the Committee Chairmen and each Committee Member to be prepared for these important public hearings.

The Committee on Organization and Procedures will meet immediately following this session in the office of the President. This meeting includes the officers of the Convention.

Delegate Jose R. Cruz: Could the Committee Chairmen please announce which members of their respective Committees will be going to Rota and Tinian and attending the public hearings in Saipan?

Committee on Personal Rights and Natural Resources

Rota: Delegates Manuel Tenorio and Felipe Atalig
Tinian: Delegates Jose Borja and Juan S. Demapan
(Legal Consultant to Rota: Deanne Seimer)

Committee on Governmental Institutions:

Rota: Delegates Joaquin Torres and Herman Guerrero
Tinian: Delegates Olympio T. Borja and Jose R. Cruz
(Other Committee Members will attend Saipan hearings)

Committee on Finance, Local Government and Other Matters

Rota: Delegates Esteven King and Luis Benavente
Tinian: Delegates Juan Tenorio and Benigno Fitial
Saipan: Delegates Oscar Rasa and Jesus Villagomez
(Other Committee Members will attend Saipan hearings)

Chairman Felipe Atalig: I announced earlier that Delegate Ramon Villagomez would be going to Tinian, but at his request to remain in Saipan. Delegate Jose Borja will be going to Tinian in his place.

Delegate Pedro Dela Cruz: Is it alright if a Delegate from Rota or Tinian wishes to follow the team? Can we go along if we pay our own way?


President Guerrero: Yes, any Delegates who wishes to go along, may. But I do suggest that at least one Delegate from Rota and Tinian be present at the Saipan hearings.

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

The motion was seconded and carried.

The Convention recessed at 10:52 a.m.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

Twenty-Ninth Day
Monday, November 15, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 2:06 p.m.

The Honorable Lorenzo I. Guerrero, President, presided.

(2) A moment of silent prayer was observed.

(3) The Convention Secretary called the roll. There were 37 Delegates present. Delegate Manuel P. Tenorio and Juan DLG. Demapan were excused. No Delegates were absent. A quorum was present.

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

The motion was seconded and carried.

(4) ADOPTION OF THE JOURNAL

Floor Leader Rasa: I move for adoption of the Summary Journals of the 27th and 28th Days.

The motion was seconded and carried.

(5) COMMUNICATIONS - None

(6) COMMITTEE REPORTS - None

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

(8) SECOND AND FINAL READING OF PROPOSALS - None

(9) INTRODUCTION OF RESOLUTIONS - None

(10) UNFINISHED BUSINESS - None

(11) SPECIAL ORDERS OF THE DAY

President Guerrero: I would like to ask the Convention Secretary to place all pending Resolutions under Special Orders of the Day for the next day's session.

(12) GENERAL ORDERS OF THE DAY - None

(13) MISCELLANEOUS

Delegate Benigno R. Fitral: Mr. President, all of the Delegates to this Convention can take pride in our decisions of the last few days. I would like to point out a major concern that I have. The geographical minority of our people, through their Delegates, has expressed their concerns thoughtfully and persuasively. The Convention responded by approving the Recommendation of the President's Special Committee. Saipan joined with the outer islands in guaranteeing Rota and Tinian, and hopefully, the Northern Islands, substantial protections under the new Commonwealth government. To make that guarantee, the Saipan Delegation made significant concessions to our colleagues from other islands. I was pleased to support the Special Committee's compromise, because as a member of a minority myself, I understand the concerns of those who fear the excesses of a majority.

It is for my minority -- the 4,000 Carolinians in the Northern Mariana Islands -- that I speak today. For too long, we have been victimized by discrimination -- in jobs, and especially in education, and in access to positions of governmental power. Just as there can be no place for regional prejudices in the new Commonwealth, the brutality of ethnic discrimination must cease. By degrading our Carolinian community, the majority has also deprived the Northern Marianas of the talents of 4,000 of its most productive and creative people. The new Commonwealth will be unable to afford this unthinking waste.

I, therefore, call upon my fellow Delegates to extend the protection of the Constitution to their Carolinian brothers and sisters. In the near future, I will offer several amendments to the constitutional provisions that we have tentatively adopted in principle. These amendments will be designed to assure Carolinians of dignity, equal opportunity, and cultural integrity as we take our place in the new Commonwealth of the Northern Mariana Islands. I urge today, as I shall urge in the remaining days of the Convention, we purge ourselves of the ethnic discrimination that has tainted our political, social, and economic affairs. Thank you.

(Delegate Juan DLG. Demapan entered the Convention Hall.)

Delegate Pedro Ogo: I would like to comment on the Sections on Personal Rights in the preliminary draft of the Constitution. It seems to be worded in a rather negative manner. Could we change this so that the wording would be more positive? There seems to be a lot of "nos" in the Bill of Rights.

Consultant Deanne Seimer: I understand that concern, Delegate Ogo. The reason most of those are phrased as "no," is because there are limitations as to what the government can do with respect to individual personal liberties. So, they are saying "no" to the government; the government cannot do that. Other than what is provided in the Bill of Rights, the government can do anything. That is why it does not have to be phrased positively. There may be some room in the drafting when we go back over and make changes simply for style without changing the meaning. We may be able to accommodate that.

President Guerrero: I have some miscellaneous business to announce and I will read as follows:

The consultants have prepared a preliminary draft of the Schedule on Transitional Matters, which is needed to ensure the orderly transition from the Trust Territory Government to that of the new Commonwealth of the Northern Mariana Islands. The Schedule will be attached to our Constitution and will be approved by the voters at the time the Constitution is ratified. It has the same force as a statute passed by the legislature.

The draft schedule has nine sections. Sections one through seven, which I assign now to the Committee on Finance, Local Government and Other Matters, pertain to the continuity of our current laws, government employment and operations, and judicial and legislative matters; citizenship; and elections. Sections eight and nine, which I assign now to the Committee on Governmental Institutions, deal with election districts and commencement of terms of office of Commonwealth officials.

I urge the Committees to meet and consider these transitional matters as promptly as possible and to report back to the Convention.

Delegate Jose R. Cruz: Mr. President, I just want to ask, now that we have a draft constitution, can we give copies to our constituents to be used during the public hearings? Do we have a sufficient number of copies?

President Guerrero: As discussed yesterday, copies will be available for Tinian and Rota. There will be 100 copies available for Tinian and 100 copies available for Rota. The remaining 300 to 400 copies will be for Saipan. However, copies will be monitored through my office to help eliminate unnecessary cost.

Delegate Jose R. Cruz: Who has the responsibility of bringing these 100 copies to Tinian?

President Guerrero: I have delegated that responsibility to the Secretary of the Convention to make those available as soon as they are ready

Delegate Jose R. Cruz: Mr. President, if there is no substantive committee chairman assigned to attend the Tinian public hearing, can Delegate Olympio T. Borja be designated to chair the hearing?

President Guerrero: We have delegated all the responsibilities to the Vice Presidents for each municipality. I have delegated that responsibility to the Second Vice President from Tinian, Delegate Vicente Manglona.

Chairman Felipe Atalig: I question the necessity of passing out copies of the draft constitution. The reason I state this is I am sure there will be some changes made, therefore, to eliminate this expense, it would be wiser not to pass all those copies out.

President Guerrero: The consensus of the Convention is that the copies are necessary for the public to review in order to take part in the public hearings. I think the purpose of the public hearings, is not only to disseminate what we have accomplished in this Convention and to present a product of our accomplishment but, also, to entertain the views of the people.

Floor Leader Rasa: I received several requests from students at the University of Guam, Guam high school students and other citizens of the Northern Mariana Islands who will be eligible to vote in Commonwealth elections, but who reside in Guam, for a public hearing on Guam. I think there is a need to send some Delegates to Guam for a public hearing. Those who are interested should get together after this session to discuss how this trip will be financed. These people in Guam are very interested and financial problems of the Convention should not be a deterrent.

President Guerrero: We will take note of the possibility of public hearings on Guam and possibly we can send six people to accommodate this request of the concerned people in Guam. It is very important for them to know what is going on. We will check into the financial arrangements.

Delegate Jose R. Cruz: I want to register some concern that the Office of Transitional Studies is being so stingy about the cost of the Constitutional Convention. We are talking about \$1.5 million for the Constitutional Government, and I strongly resent this kind of attitude. All the hopes of the Office of Transition are worthless without this Constitution.

President Guerrero: Point of order. I want to remind the members of the Convention that they formed a Pre-Convention Committee, and the Pre-Convention Committee should look at all these problems that we have today.

Delegate Jose R. Cruz: Many recommendations made by the Pre-Convention Committee were not carried out by the Office of Transition Studies and Planning. That is why I am saying this.

(14) ANNOUNCEMENTS

Chairman Jose P. Mafnas: The Committee on Governmental Institutions will have a brief meeting immediately following this session.

Chairman Felipe Atalig: At this time, I would like the house to recognize the presence of the newly elected Senator from the Territorial Party, the Honorable Norman Tenorio.

Chairman Benigno Fitial: I would like to ask all the members of the Committee on Finance, Local Government and Other Matters to meet with Consultant Howard Mantel immediately following this session to discuss very briefly what we are going to do on the transitional matters.

Delegate Hilario Diaz: Since our Committee on Personal Rights and Natural Resources is not having a meeting today, may we attend the meetings of the other two Committees?

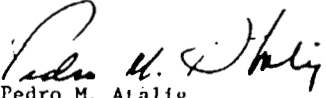
President Guerrero: All Delegates have the privilege of attending any substantive committee meeting.

Floor Leader Rana: I move for the Convention to recess until 9:00 a.m. tomorrow.

The motion was seconded and carried.

The Convention recessed at 2:32 p.m.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary

NOTE importance of
Resolution #2 -
CNMI was public
land in Tinian in
paper of Tinian summit

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS
VERBATIM JOURNAL (TRANSCRIPT)

Thirtieth Day
Tuesday, November 16, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 9:13 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 35 Delegates present. Delegates Jose R. Cruz, Pedro Q. Dela Cruz, Manuel A. Tenorio and Ramon G. Villagomez were excused. No Delegates were absent. A quorum was present.

Floor Leader Rasa: Mr. President, I move that those Delegates not present be excused.

The motion was seconded and carried.

(4) ADOPTION OF THE JOURNAL

Floor Leader Rasa: Mr. President, I move that the Summary Journal of the 29th Day be adopted by the Convention.

The motion was seconded and carried. The Summary Journal of the 29th Day was adopted.

Delegate Juan DLG. Demapan: I move that the Verbatim Transcripts of Days 19, 22, 23 and 24 be adopted by the Convention.

The motion was seconded and carried. The Verbatim Transcripts of Days 19, 22, 23 and 24 were adopted.

(5) COMMUNICATIONS - None.

(6) COMMITTEE REPORTS

Chairman Mafnas: Mr. President, your Committee on Governmental Institutions met yesterday and discussed Resolution No. 5, as introduced by the Honorable Delegate Ramon G. Villagomez. It passed unanimously.

President Guerrero: A sheet should have been distributed giving the schedules for public hearings. For that purpose we'll have a five-minute recess.

The Convention recessed at 9:18 a.m.

RECESS

(Delegates Manuel Tenorio and Ramon Villagomez entered the Convention Hall during the recess.)

The Convention reconvened at 9:25 a.m.

President Guerrero: The Chairmen should now have all necessary papers pertaining to the public hearings and we can proceed with our order of business.

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

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

(9) INTRODUCTION OF RESOLUTIONS - None.

(10) UNFINISHED BUSINESS - None.

(11) SPECIAL ORDERS OF THE DAY

Floor Leader Rasa: I move for the adoption of Resolution No. 2, as introduced by Delegate Felipe Atalig.

The motion was seconded.

Delegate David Maratita: Mr. President, I move that we resolve into the Committee of the Whole in order to discuss these Resolutions.

Floor Leader Rasa: Mr. President, I don't think it is necessary that we resolve ourselves into the Committee of the Whole. These are very short Resolutions and the arguments for and against them could be easily perceived. It would be a waste of time to resolve into the Committee of the Whole.

President Guerrero: The Chair will recognize the fact that we can discuss this in Plenary Session rather than resolving into the Committee of the Whole, if there is no objection from the floor. If there is no objection, we will proceed with the discussion on Resolution No. 2.

Delegate Maratita: Mr. President, the Resolution before us for discussion, I feel is not necessary due to the fact that the substance of the Resolution is noting that the Convention is aware that any land on Tinian which has been leased to the United States is publicly owned land. If we were to read the Covenant, Mr. President, it is a well-established fact that these publicly owned lands on Tinian are publicly owned lands. I don't think we should dwell on the necessity of taking a stand on this Resolution. It would be a waste of our time and I hope the Convention will see no need to pass this Resolution.

Delegate Hilario Diaz: Since the Covenant has explicitly stated reasons for leasing the land on Tinian and that is public land, I do not see a reason for the Resolution. However, Mr. President, I would like the introducer to give us some enlightenment as to what prompted him to introduce this Resolution and what was his intention.

Delegate Felipe Atalig: First of all, I share the views of the Delegate from Garapan, Maratita. But it appears to me, Mr. President, that the Delegate from Garapan still has a misconception as to the content of the Resolution itself. The purpose of the Resolution is to reconfirm and reaffirm the position as stated in the Covenant. I feel that this Convention should adopt a position whereby to reinforce the Covenant. I think the Delegate from Garapan should be aware of and remember different deliberations by different representatives which have been stated and claim that the two-thirds land of Tinian belongs to the people of Tinian. This is the idea, Mr. President. I want to convey the message and remind them that the two-thirds land of Tinian is not the land of the people of Tinian, but is the land of the Northern Marianas Commonwealth Government. Therefore, Mr. President, I see no harm in passing this Resolution to reconfirm our position.

Delegate Benigno Ftial: Although I don't see any harm, I still don't see any need. Mr. President, we are aware that the land leased to the military on Tinian is public land and there is no need to reaffirm that awareness. Therefore, Mr. President, I move that this Resolution be tabled.

The motion was seconded.

Delegate Jose Mafnas: Privilege, Mr. President. May I ask the mover of the motion to please withdraw his motion to table. There are Delegates who have questions on this particular Resolution.

Delegate Ftial: Do we continue to question our awareness?

Delegate Mafnas: It goes further than that, Mr. President. May I ask the mover of the motion to please withdraw his motion.

Delegate Ftial: No.

Motion to table Resolution No. 2 carried by roll call. The votes were as follow:

Yes: Delegates David Atalig, Pedro Atalig, Felix Ayuyu, Jose

Borja, Carlos Camacho, Daniel Castro, Juan DLG. Demapan, Hilario Diaz, Benigno Fitial, Herman Guerrero, Henry Hofschneider, Esteven King, Benjamin Manglona, David Maratilla, Pedro Ogo, Jesus Villagomez and Ramon Villagomez.

No: Delegates Felipe Atalig, Gregorio Calvo, Jose Mafnas, Vicente Manglona, Francisco Palacios, Oscar Rassa, Leon Taisacan, Juan Tenorio, Manuel Tenorio and Joaquin Torres.

Abstain: Delegates Vicente Attao, Luis Benavente, Olympio T. Borja, Antonio Camacho, Magdalena Camacho, Juan S. Demapan, Lorenzo I. Guerrero, Pedro Igitol, Luis Limes, and Prudencio Manglona.

Floor Leader Rassa: I move that Resolution No. 3 be filed by the Convention.

The motion was seconded and carried by voice vote.

Delegate Jose Mafnas: I move that Resolution No. 5 be adopted unanimously.

The motion was seconded.

Delegate Joaquin Torres: Mr. President, I ask that Delegates who are affected by this Resolution not vote, based on conflict of interest.

Delegate Gregorio Calvo: Mr. President, yesterday the Committee on Governmental Institutions met and agreed to include the name of the author of this Resolution. Am I in order to make an amendment from the floor at this time?

President Guerrero: You are in order to make an amendment if there's no objection.

Delegate Calvo: I would like to make an amendment to include the words "Introduced by Ramon G. Villagomez" following the title sentence of the Resolution. It would then read, "A Resolution offering sincere congratulations to the delegates and other members of the new legislature, as offered by Delegate Ramon G. Villagomez."

The motion was seconded.

Delegate Felipe Atalig: Mr. President, with all due respect to my fellow delegate from Rota, I really don't see a need for inserting the words after "legislature" of "introduced by Delegate Villagomez." I think introducing that would have some significant change on the title itself. And, besides, Mr. President, the original appeared with the introducer's name on the Resolution. It is for that very reason that I am against the proposed amendment.

Delegate Calvo: Mr. President, I just feel that the person introducing this should be given due recognition.

Delegate Olympio T. Borja: Mr. President, I believe it is just a matter of style. If we put the name of the introducer following the title sentence it could affect the title, but I go along with the mover that the name of the introducer should be inserted. I would like to ask the mover if he would have any objection to putting that "introduced by" following "Resolution No. 5" and just above "A Resolution offering...." If he will go along with that, I will support it. I think that would be the most appropriate spot.

Delegate Benigno Fitial: I don't see any need, Mr. President, to insert the name of the introducer. I have never seen a resolution that was passed by a legislative body or any constituted body that included the name of the introducer. I think that if we all agree to endorse this Resolution, it should bear the name of the body, rather than the name of an individual.

Floor Leader Rassa: Mr. President, there is no rule which restricts specification regarding the author, but it is a normal procedure that anything introduced on an individual basis and adopted by the house, should be the property of the house. I have no objection to putting somebody's name as the introducer but, then, there might be some future question as to what will happen to individual proposals which have been taken into consideration by the committees--whether our names would be reflected on the documents--or whatever it is. My point in question is that it is not the normal legislative procedure to have the name of the introducer included in the Resolution which is supposed to be

attested by the officers of the Convention. I think it is necessary that we realize the fact that although we have various ideas coming into the Convention, the action of the Convention should be considered as a unitary action in that only the officials of the Convention should have their names specified in the documents. I would have to oppose such a move simply because it would technically provide precedence for future disputes over ideas as introduced by individual delegates.

Delegate Joaquin Torres: Mr. President, since the issue under debate relates to giving due recognition to individual delegate's effort in this Convention, I move that a verbatim transcript of all those speaking in favor of the Resolution be attached to this Resolution.

President Guerrero: Delegate Torres, we are discussing the motion offered by Delegate Calvo from Rota.

Delegate Torres: I am amending the motion, Mr. President.

Delegate Torres' motion to amend was seconded.

President Guerrero: May I ask the mover of the motion to amend to restate his motion.

Delegate Torres: The motion is to incorporate Delegate Calvo's suggestion of inserting Delegate Villagomez' name in the title of this Resolution. And, then, my motion was to also include a verbatim transcript of all those speaking in favor of this Resolution to be attached to the Resolution before it is submitted to those individuals covered by the Resolution.

On voice vote, Delegate Torres' motion to amend was defeated.

Floor Leader Rasa: Mr. President, I forgot to include that should a person desire to know the name of an introducer, the record will reflect all names of introducers of all measures. To have somebody's name on the Resolution would only duplicate what we already have in the record of the Convention.

Delegate Olympio T. Borja: Mr. President, I am still in support of inserting the name of the introducer. I am, mainly, because yesterday when your Committee deliberated they agreed that we should recognize the author. As pointed out by Floor Leader Rasa, if we don't have a rule specifically providing for this, either we put it or we don't. Our legislature in the Northern Mariana Islands, on bills or resolutions, puts "introduced by." That is provided for in the rules there and although our rules don't so provide, I don't think it would hurt since the Committee recommended doing so. I, therefore, still support the motion to insert the name of the introducer by putting the words "Introduced by Delegate Ramon G. Villagomez" on top of the words "A Resolution."

Delegate David Maratita: I wonder if the Committee Chairman, to which this Resolution was referred, has made a report as to the action taken. That would constitute a record to the Convention, and I believe the action taken yesterday in the Committee would reflect that the person who introduced the Resolution was the Honorable Ramon G. Villagomez and if the action taken by the Committee was favorable. I am neither recommending nor not recommending the approval of inserting the name of the introducer in the Resolution, but I think, as a matter of practice, normally the name of the introducer is not on the final product of a Resolution, or Bill, for that matter. It does not make much difference to me, Mr. President, and I urge that we take a vote.

Delegate Jesus Villagomez: I believe we have had enough discussion on this matter and I, therefore, move we end debate.

The motion was seconded and carried.

Chairman Jose P. Mafnas: Point of privilege. We cannot vote on the amended motion because we have not temporarily suspended Rule 47, according to our Rules of Procedure.

Delegate Olympio T. Borja: I believe with unanimous consent we can entertain any amendment or we can move for the suspension of Rule 47.

Chairman Jose P. Mafnas: Yes, Delegate Borja is correct. That was on Resolution No. 2 and No. 3. We are now discussing Resolution No. 5.

Floor Leader Rana: I move that we suspend House Rule 47.

The motion was seconded and carried.

Delegate Jesus Villagomez: Point of order. I thought the suspension had to be unanimously approved. I raised up my full opposition to the suspension, therefore, it could not possibly be approved.

President Guerrero: If I am not mistaken, Rule 47 suspension, does not require unanimous consent, but a majority consent.

Delegate Jesus Villagomez: Do you mean that unanimous consent means a simple majority? That is not unanimous consent.

Chairman Felipe Atalig: I don't think the speaker in the back is fully aware of what is specified in Rule 47. Rule 47 does not specify that it has to unanimous consent, therefore, I believe we are in order.

President Guerrero: We will now vote on Delegate Calvo's amendment to the motion. Would the Secretary please read the amendment to the motion?

The proposed amendment was as follows:

I move that the words "Introduced by Delegate Ramon G. Villagomez," appear on the resolution above the words "A RESOLUTION."

Delegate Olympio T. Borja: As I stated earlier, possibly we could put the words "Introduced by," following the "Resolution No. 5", and then the words "A Resolution." If this is acceptable to Delegate Calvo, then this is the amendment to the motion.

President Guerrero: The Chair believes the normal procedure, if you want to include the name of the introducer, is to place it on the top right-hand side of the page: "Introduced by."

Delegate Francisco T. Palacios: We are spending too much time on this kind of monkey-business.

Delegate Gregorio Calvo: I am in agreement with the amendment as stated by Delegate Borja.

The motion to amend the Resolution carried.

Chairman Jose P. Mafnas: I move that the remarks made by Delegate Palacios be stricken from the record. This is not monkey-business.

Delegate Francisco T. Palacios: I am privileged to say whatever I want on the floor.

President Guerrero: The Chair will recognize that that is the privilege of the individual Delegate. But I hope that after this session, Delegate Palacios will request that the Secretary strike that word from the record.

Delegate Francisco T. Palacios: No, Mr. President.

President Guerrero: We will not vote on the adoption of Resolution No. 5, as amended.

The motion was carried.

The Resolution is as follows:

Introduced by Delegate Ramon G. Villagomez

A RESOLUTION

Offering sincere congratulations to the delegates and other members of the new legislature.

WHEREAS, the people of the Northern Mariana Islands have elected a new group of legislators, including delegates to the Constitutional Convention, as members of the new legislature; and

WHEREAS, the delegates and the other new legislators will ensure that preparation for the Commonwealth Government is efficient and thorough; and

WHEREAS, the spirit of unity, effectiveness and fairness necessary to the above endeavors is being promoted by the delegates and the other legislators;

NOW, THEREFORE, BE IT RESOLVED, That the Northern Marianas Constitutional Convention offers its sincere congratulations to the delegates and the other new members of the new legislature, and that a copy of this Resolution be sent to each member of the new legislature.

ADOPTED: November 16, 1976

/s/Lorenzo I. Guerrero
President, Constitutional Convention

/s/Pedro M. Atalig
Convention Secretary

(12) GENERAL ORDERS OF THE DAY - None

(13) MISCELLANEOUS

Chairman Benigno Fitial: Several days ago, this Convention adopted a Resolution, which I introduced, which congratulated the newly elected President of the United States. I want to register my concern that that Resolution was unanimously adopted by the Convention and the introducer was not recognized. It was considered as offered by the Committee of the Whole. Mr. President, there is some inconsistency. I want to point this out for the Convention.

President Guerrero: For your information, there was a motion at that time, if there was no objection, that the Committee of the Whole appear as the introducer of that Resolution.

Chairman Benigno Fitial: I was hoping that the Convention would have more sense of respect for the introducer, the author of the Resolution. I agree with Delegate Palacios, so let us not monkey around.

President Guerrero: I would like the Convention to recognize the presence in the gallery of the students from Marianas High School, as well as their teacher. They are here to study the Convention, as well as being interested citizens of the Northern Marianas.

Delegate Juan DLG. Demapan: I want to advise the Convention Delegates to please be careful of the language they use. In the gallery there are several students, and it is very improper for any Delegate in this Convention to use improper or unfair language. Thank you.

Delegate Joaquin Torres: Several people have indicated to me that they are having problems obtaining copies of the proceedings of this Convention. I understand, from these people, that they are not being provided copies because there is no money to duplicate more documents. Perhaps, Mr. President, you can direct the Secretary to make these documents available to anyone upon request. Also, the press has complained to me that they are not receiving copies. The reason given is that there is no money to duplicate copies. I would hope that a box would be provided for the press to obtain copies of the proceedings of this Convention. Not only the Pacific Daily News, but our local paper.

I would also like to find out the status of Delegate Rasa's request for public hearings in Guam.

President Guerrero: There will be a delegation of not more than six members, at least one from each municipality, sent to Guam over the weekend.

Convention Secretary: I would like to make a remark in regard to Delegate Torres' statement. First of all, the press has never approached me in asking that copies be provided for them. We have, in the xerox room, set aside special boxes for them. I have directed my xerox people to provide all reports to the press and to put it in their respective boxes; which they have. I am kind of dissapointed that the press is going to you and not to me. I wonder if they think you are the Convention Secretary. I have informed my public information officers and administrative assistants to provide information to the public and I have not heard complaints coming to me.

Delegate Benjamin Manglona: Since you have appointed me to head the Delegation for the Rota public hearings, I am proud to announce that the following people were appointed by their respective substantive committees to go to Rota. They are: Delegates Felipe Atalig, Manuel Tenorio, Herman Q. Guerrero, Joaquin Torres, Luis Benavente, Esteven King, David Atalig, and Greg Calvo. I am proud to say that the people of Rota are looking forward to receiving them with honor. The check-in time will be tomorrow, Wednesday, at 3:30 p.m. at the Continental ticket counter.

Delegate Vicente Manglona: The Delegates going to Tinian are: Benigno Fitial, Juan Tenorio, Jose Cruz, Antonio Camacho, Olympio T. Borja, Juan S. Demapan, Jose Borja, and Pedro Ogo. Also, legal consultant, Mark Weisburd, will accompany our delegation. There are two flights scheduled to Tinian and I would like to see everyone be on schedule.

Delegate Benjamin Manglona: Also accompanying the delegation to Rota are two consultants, and it is a pleasure to have them accompany the delegation to Rota. This delegation will be returning to Saipan, Thursday, at 2:30 p.m. We are scheduling public hearings on Rota on Wednesday at 7:30 p.m. and on Thursday from 8:00 a.m. to 12:00 noon.

Delegate Francisco T. Palacios: I would like to announce the names of the members on the committee for the Saipan public hearings. They are: Delegates Ramon Villagomez, Oscar Rasa, Jesus Villagomez, and all members of the Committee on Governmental Institutions who are not going to Rota and Tinian. Other Delegates not going to Rota and Tinian are welcome to come in and participate in the Saipan public hearings.

I want to meet with the members of the Saipan public hearings immediately following this session to discuss our program.

Delegate Vicente Manglona: I will give the members of the Tinian Public Hearing Delegation copies of the schedule.

President Guerrero: The Chair would like to urge the Delegates who are not going to Tinian and Rota public hearings to participate in the public hearings in Saipan. We will conduct the hearings here starting at 9:00 a.m. tomorrow and the following day. Please check with Delegate Palacios on the schedule to see if there are any changes.

Also, the Chair would like to announce that the group going to Guam sometime this weekend to meet with the University students, will be Chaired by Floor Leader Rasa. Delegate Benigno Fitial will also accompany the group. I would like to check with Delegate Olympio T. Borja to see if he will be able to attend this hearing. The other member will be delegated by the President of the Convention.

Delegate Joaquin Torres: I just came back from the Xerox room as a follow-up on the Convention Secretary's statement, and the Xerox man told me there was no box for the Marianas Variety. So I would hope that you will take care of this.

President Guerrero: We will communicate with our Secretary. For your information, a week ago, the Secretary of the Convention advised me that the Marianas Variety had been neglecting to pick-up their copies.

(14) ANNOUNCEMENTS

Chairman Benigno Fitial: Your Committee on Finance, Local Government and Other Matters will meet immediately following this session to discuss transitional matters. Copies will be distributed at that meeting.

Chairman Jose P. Mafnas: Your Committee on Governmental Institutions will meet immediately following this session to discuss transitional provisions. I urge every member to be present.

President Guerrero: I would like to request that the Delegation from Rota and the Delegation from Tinian should try to select at least one Delegate to accompany the group to Guam for public hearings. Report who you have selected to me please.

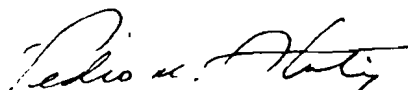
Also, there will be a meeting at 1:00 p.m. today of the three Committee Chairmen, the Floor Leader, Convention Secretary and the three Vice Presidents.

Floor Leader Rasa: Since we will be having public hearings tomorrow and Thursday, I would like to move that the Convention recess until Friday at 2:00 p.m.

The motion was seconded and carried.

The Convention recess at 10:15 a.m.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary

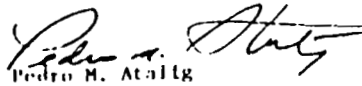
CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

Thirty-First Day
Wednesday, November 17, 1976

There was no Plenary Session this date, however, there were public hearings.

Respectfully submitted,



Pedro M. Atallg
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS
VERBATIM JOURNAL (TRANSCRIPT)

Thirty-Second Day
Thursday, November 18, 1976

There was no Plenary Session this date, however, there were public hearings.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

Thirty-Third Day
Friday, November 19, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 2:10 p.m.

The Honorable Lorenzo I. Guerrero, President, presided.

(2) A moment of silent prayer was observed.

(3) The Convention Secretary called the roll. There were 37 Delegates present. Delegates Jose R. Cruz and Ramon G. Villagomez were excused. No Delegates were absent. A quorum was present.

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

The motion was seconded and carried.

(4) ADOPTION OF THE JOURNAL

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

The motion was seconded and carried.

(5) COMMUNICATIONS

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

November 17, 1976

Dear Mr. President:

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

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

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

Godspeed in the weeks and months ahead.

Sincerely,

/s/Howard N. Mantel

November 16, 1976

Dear Mr. President:

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

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

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

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

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

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

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

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

Sincerely,

/s/Felicidad T. Ogumoro

cc: United Carolinian Association,
Saipan

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

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

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

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

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

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

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

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

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

President Guerrero: Will you submit a written report later?

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

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

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

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

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

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

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

Chairman Francisco T. Palacios: It will be available.

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

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

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

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

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

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

(7) INTRODUCTION AND FIRST READING OF COMMITTEE RECOMMENDATIONS

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

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

(8) SECOND AND FINAL READING OF PROPOSALS - None

(9) INTRODUCTION OF RESOLUTIONS - None

(10) UNFINISHED BUSINESS - None

(11) SPECIAL ORDERS OF THE DAY

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

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

The motion was seconded.

Convention Secretary: The Resolution reads as follows:

A RESOLUTION

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

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

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

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

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

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

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

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

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

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

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

The motion was seconded.

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

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

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

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

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

The motion was carried to defer action.

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

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

(12) GENERAL ORDERS OF THE DAY - None

(13) MISCELLANEOUS

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

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

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

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

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

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

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

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

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

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

President Guerrero: Is that clear with you Chairman Fitial?

Chairman Benigno Fitial: Clear as mud.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(14) ANNOUNCEMENTS

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

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

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

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

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

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

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

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

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

Delegate Ramon Villagomez: Will there be housing furnished.

Convention Secretary: Yes, there will be housing furnished.

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

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

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

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

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

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

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

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

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

The motion was seconded and carried.
The Convention recessed at 3:12 p.m.

Respectfully submitted,



Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS
VERBATIM JOURNAL (TRANSCRIPT)

Thirty-Fourth Day
Saturday, November 20, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 9:25 a.m.

The Honorable Lorenzo I. Guerrero, President, presided.

(2) A moment of silent prayer was observed.

(3) The Acting Convention Secretary called the roll. There were 29 Delegates present. Delegates David Atalig, Felipe Atalig, Pedro Atalig, Luis Benavente, Olympio T. Borja, Benigno Fitial, Henry Hofschneider, Oscar C. Rasa, Manuel A. Tenorio and Ramon G. Villagomez were excused. No Delegates were absent. A quorum was present.

(4) ADOPTION OF THE JOURNAL

Acting Floor Leader Joaquin Torres: I move that the Summary Journal of the 33rd Day be adopted by the Convention.

The motion was seconded and carried.

(5) COMMUNICATIONS

President Guerrero: As requested yesterday, every Delegate has been given a copy of the letter to Ms. Deanne C. Seimer from Judge Robert A. Hefner, dated November 9, 1976. I do not see any need to read this letter into the record as you all have a copy.

(6) COMMITTEE REPORTS

Acting Chairman Pedro Dela Cruz: The Committee on Finance, Local Government and Other Matters is happy to submit our report regarding, "Schedule: Transitional Matters," Sections 1 through 8. I would like to point out that there are two changes. On Section 6, "Continuity of Corporations and Licenses," we added that professional licenses, such as the doctors and nurses, in the Northern Mariana Islands on the effective date of the Constitution shall continue in effect until otherwise provided by law provided, however, that a professional license may not be limited, amended or revoked except for cause. Your Committee on Finance, Local Government and Other Matters will be discussing this further after this session, so that we can come up with the specific language on how we can protect the doctors and the nurses.

Also, we have one other change regarding "Election Procedures." According to the original "Schedule," the Resident Commissioner shall have the power to set the election date and establish registration and election procedures. We are changing this to give the power to the Northern Mariana Islands Legislature, to create an Election Commission to monitor and prescribe elections and registration, etc. We will submit this in writing later to be discussed on First Reading.

Chairman Jose P. Mafnas: Your Committee on Governmental Institutions is still considering Section 9 of the "Schedule: Transitional Matters," however, we have adopted Section 10 in principal.

We have virtually completed our task of preparing several amendments to the Legislative article of the draft Constitution.

Vice Chairman Francisco Palacios: The Committee on Personal Rights and Natural Resources will be meeting today to consider the constitutional amendments related to our Committee.

- (7) INTRODUCTION AND FIRST READING OF COMMITTEE RECOMMENDATIONS - None
- (8) SECOND AND FINAL READING OF PROPOSALS - None
- (9) INTRODUCTION OF RESOLUTIONS - None
- (10) UNFINISHED BUSINESS - None
- (11) SPECIAL ORDERS OF THE DAY

President Guerrero: As shown on our Order of Business, we have consideration of the draft, "Schedule: Transitional Matters," for First Reading.

Delegate Pedro Dela Cruz: I move that the Convention adopt the "Schedule: Transitional Matters," on First Reading.

Delegate David Maratita: Would it be in order for the Convention to resolve itself into the Committee of the Whole for discussion of the "Schedule."

Chairman Juan DLG. Demapan: I move that the Convention resolve itself into the Committee of the Whole to consider "Schedule: Transitional Matters," excluding Section 6, 9 and 10, which have not been reported out by the substantive Committees.

The motion was seconded and carried.

President Guerrero: To Chair the Committee of the Whole for today, I would like to call on Delegate Juan DLG. Demapan.

The Convention resolved into the Committee of the Whole at 9:37 a.m.

The Convention reconvened in Plenary Session at 11:04 a.m.

Chairman Juan DLG. Demapan: The Committee of the Whole is happy to report that the "Schedule: Transitional Matters," was adopted, excluding Sections 6, 9 and 10, on First Reading unanimously.

Delegate Vicente Attao: I would like the record to show that the adoption was not unanimous.

President Guerrero: The record will show that it was a roll call vote.

Delegate Hilario Diaz: I move that the "Schedule: Transitional Matters," be adopted by the Convention as adopted by the Committee of the Whole on First Reading.

The motion was seconded.

(On voice vote division of the house was called. A roll call vote was taken.)

YES: Delegates Vicente Attao, Felix Ayuyu, Jose Borja, Carlos Camacho, Magdalena Camacho, Jose Cruz, Pedro Dela Cruz, Juan DLG. Demapan, Hilario Diaz, Herman Guerrero, Lorenzo Guerrero, Pedro Igitol, Esteven King, Jose Mafnas, Benjamin Manglona, Prudencio Manglona, Vicente Manglona, Pedro Ogo, Leon Taisacan, Juan Tenorio, Joaquin Torres and Jesus Villagomez. (22 votes)

NO: Delegates Gregorio Calvo, Antonio Camacho, Daniel Castro, Juan S. Demapan, Luis Limes, David Maratita and Francisco Palacios. (7 votes)

The motion was carried.

- (12) GENERAL ORDERS OF THE DAY - None
- (13) MISCELLANEOUS

Delegate Esteven King: I would like to make some remarks to all the Delegates especially my colleagues from Tinian.

Mr. President and fellow Delegates. It is my privilege and prerogative to express my opinions to this Convention. We are looking at our draft Constitution issue by issue and we need to cover the Constitution with respect to all points of view. We must protect the interests of our people by looking at every issue from all points of view. It is my prerogative and privilege to have a view of all the issues. I want the people here to understand that.

Delegate Jose R. Cruz: I want the record to show that I am not here to have my views represented personally or give my own personal opinion. I am here because I represent the people of Tinian. I represent each and every family of Tinian.

President Guerrero: I urge the Delegates to have patience and cooperation here in this Convention.

(14) ANNOUNCEMENTS

Acting Chairman Pedro Dela Cruz: Your Committee on Finance, Local Government and Other Matters will be meeting immediately after this session.

Acting Chairman Francisco Palacios: Your Committee on Personal Rights and Natural Resources will be meeting at 4:00 p.m. this afternoon. I have copies of proposed amendments offered by different people during the public hearings, and I urge you to pick up these copies immediately following this session.

Chairman Jose P. Mafnaa: Your Committee on Governmental Institutions will be meeting at 2:00 p.m. this afternoon.

President Guerrero: I would like to meet with the following Delegates immediately following this session: Jesus Villagomez, Joaquin Torres and Luis Limes.

Acting Floor Leader Joaquin Torres: I move that the Convention recess until 9:00 a.m., Monday, November 22nd.

The motion was seconded.

President Guerrero: Before we vote on the motion to recess, I would like to know if the substantive Committees will be meeting tomorrow?

Delegate Pedro Dela Cruz: Privilege. My question is regarding compensation on holidays, since some of us are employees of the Trust Territory Government. The Trust Territory Government is only paying straight time salary. Will the Convention pay us for the holidays we have worked?

President Guerrero: We have discussed that with the Administrative Officer here at the Convention and we will have to determine whether the holiday is on a regular work day or on the weekend.

Delegate Pedro Dela Cruz: I am talking about October 25th which was Veterans' Day and an official holiday. I checked with T. T. personnel and they will only pay us straight time and the Convention must come up with the difference. Also, Thanksgiving is coming.

President Guerrero: I will take this problem under advisement.

Acting Chairman Francisco Palacios: I announced earlier that the Committee on Personal Rights and Natural Resources would be meeting this afternoon at 4:00 p.m. Because of the Garapan Fiesta this afternoon, I would like to meet with the members of the Committee immediately after this session in order to make a decision on when our next meeting time will be.

Delegate Gregorio Calvo: Since we have to submit our amendments 48 hours in advance of when it will be discussed on the Floor, will there be a secretary or clerk available on Sunday so I can submit some amendments?

President Guerrero: There will be a secretary available tomorrow and any Delegate can submit their amendments. I would also like to urge you to read carefully the memorandum regarding our schedule for amendments in order to be aware of the deadlines for submission.

Delegate Jose Borja: Point of clarification. According to your memorandum, an amendment must be submitted in writing 48 hours before the time it is scheduled for consideration by the Convention. Am I to assume that schedule supersedes the Convention's Rules of Procedure, which states you can submit an amendment at the time of debate?


President Guerrero: The memorandum supersedes what we have in our Rules in order to expedite the business of the Convention. Any amendment has to be submitted in writing to the Secretary so that it can be duplicated and distributed on the Floor. You introduce your amendment when it is scheduled for discussion by the Convention. As discussed by the Committee on Organization and Procedures yesterday, in order for the proposed amendments to be considered, preferably by the substantive Committee, we have to assign these proposed amendments to them to see if they are or are not in support.

We will now vote on the motion to recess.

The motion to recess until 9:00 a.m. Monday, November 22nd, carried.

The Convention recessed at 11:20 a.m.

Respectfully submitted,



Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

Thirty-Fifth Day
Sunday, November 21, 1976

There was no Plenary Session this date, however, there were Committee meetings.

Respectfully submitted, .

for *Pedro M. Atalig* *sp*
Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

Thirty-Sixth Day
Monday, November 22, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 9:25 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 38 Delegates present. Delegate Juan DLG. Demapan was excused. No Delegates were absent. A quorum was present.

Floor Leader Rasa: I move that the Delegate not in attendance be excused.

The motion was seconded and carried.

(4) ADOPTION OF THE JOURNAL

Floor Leader Rasa: I move that the Summary Journals of the 34th and 35th Days be adopted by the Convention.

The motion was seconded and carried.

Delegate Pedro Dela Cruz: I would like to ask that the Summary Journal of the 34th Day be changed on page 3, second paragraph, to reflect that I am the Acting Chairman of the Committee on Finance, Local Government and Other Matters, not the Committee on Personal Rights and Natural Resources.

President Guerrero: If there is no objection from the Floor, the Journal stands corrected.

(5) COMMUNICATIONS

Convention Secretary: We have three Communications. They are as follow:

Communication No. 8: Letter from Juan A. Sablan

Communication No. 9: Letter from A. C. Tenorio

Communication No. 10: Letter from Roger N. Ludwick

These Communications have been distributed to all the Delegates and will be placed in the record.

President Guerrero: I suggest that each Delegate should read these Communications, and if there are any comments you can contact the Chair or the Convention Secretary.

(6) COMMITTEE REPORTS

Vice-Chairman Francisco Palacios: The Committee on Personal Rights and Natural Resources has met and deliberated on all the proposed amendments to Article I of the draft Constitution. The Committee also reviewed all the suggestions made by government officials and other persons. The Committee recommends that Article I on "Personal Rights," as amended, be approved as presented by this Committee on Second and Final Reading by the Convention. The amended article includes several changes on the draft Constitution. Section 1: A clause has been added to this section prohibiting any law from prohibiting the "Traditional Art of Healing." The Committee believes that "Traditional Art Medicine," is an important art in the Northern Marianas' culture. Scientists have shown that traditional medicine has actual curative value, therefore, the "Traditional Art of Healing," deserves Constitutional protection.

Section 2: The minor changes in this section are style changes recommended by the legal consultants and do not change the meaning of the provision.

Section 3, subsection (b): The words "electronic eavesdropping" have been added to clarify the intent of the subsection.

Section 4: The changes in this section are style changes only that do not change the meaning of the provision.

Section 7: The Committee recommends that this section be deleted and the words be replaced by adding the following words to the end of Article III, Section 10, including "a militia." The Committee on Governmental Institutions has submitted proposed amendments to that Article that does this. The Committee recommends this because they deleted Section 7 and want a guarantee of a militia in case of a typhoon or internal disorder. The Committee believes that all provisions dealing with emergencies should be compiled in one place and that place is Article III, Section 10.

New Sections 7, 8 and 9: The changes in these sections are style changes recommended by the legal consultants and do not change the meaning of the provisions.

New Section 10: The changes in this section are style changes only. The word "public" is added to clarify that this does not apply to people in their own home.

The Committee makes specific recommendations with respect to proposed amendments assigned to it:

<u>Amendment No.</u>	<u>Introduced By:</u>	<u>Action Taken By Committee</u>
2	F. Palacios	Withdrawn by introducer
3	F. Palacios	Included in revised Article I
4	F. Palacios	Withdrawn by introducer
5	J. Torres	Legislative matter. Committee recommends that Delegate withdraw amendment.
37	J. Torres	Legislative matter. Committee recommends that Delegate withdraw amendment.....

President Guerrero: May I interrupt at this point, Vice-Chairman Palacios. I think the most appropriate time to give your report on the amendments which your Committee supports would be under item 8 of our agenda.

Vice-Chairman Palacios: Thank you, Mr. President. I will submit a written report regarding action taken by our Committee on each amendment. I thank you for the privilege of the Floor.

Vice-Chairman Pedro Dela Cruz: Since the Chairman of your Committee on Finance, Local Government and Other Matters was with the group that went to Guam, I sat in for him. Your Committee on Finance, Local Government and Other Matters has discussed Section 6 of the "Schedule: Transitional Matters." This was done on Saturday and Sunday. We discussed the specific problem regarding profession licenses. Yesterday was honored with the presence of three doctors and we discussed in depth the necessity of having doctors protected in that Section. The consultant and I will be drafting the transitional language so that we will be able to discuss this in Committee of the Whole.

Floor Leader Rasa: Your Committee which was assigned to conduct a public hearing in Guam met with many people and discussed the draft Constitution. Your Committee will be submitting a written detailed analysis of the hearing later on this afternoon. The discussion centered on the issue of "Land Alienation," and we have some related clippings to insert in the Journal. Your Committee felt that there was insufficient time provided for the students, which should not be construed as the fault of the Convention. At the same time, other American citizens residing in Guam felt that the "Land Alienation" provision is unconstitutional and we regret to inform the Convention that the day following the hearing, the Pacific Daily News came out with a position with evidently is not in conformity with the position of the Convention. We do have some written statements which will be submitted and accompany the written report of the Committee.

President Guerrero: At this time I would like to ask the Chairmen of the Public Hearings Committees to please complete their reports and make copies available to each Delegate so they will have an idea of how the public feels.

- (7) INTRODUCTION AND FIRST READING OF COMMITTEE RECOMMENDATIONS - None
(8) SECOND AND FINAL READING OF RECOMMENDATIONS

President Guerrero: As listed on the Order of Business for today's discussion in the Committee of the Whole is:

Article I, regarding "Personal Rights"
Article VI, regarding "Education"
Article XVI, regarding "Corporations"
Article II, regarding "Legislative Branch"

Floor Leader Rasa: I move that the Convention resolve itself into the Committee of the Whole.

The motion was seconded and carried.

President Guerrero: May I call on the First-Vice President, Benjamin Manglona, to Chair the Committee of the Whole discussion for this morning.

The Convention resolved into the Committee of the Whole at 9:40 a.m.

The Convention recessed while in Committee of the Whole. Recess was called at 10:55 p.m., to last until 9:00 a.m. the following day.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

Thirty-Seventh Day
Tuesday, November 23, 1976

The Constitutional Convention of the Northern Mariana Islands reconvened while in the Committee of the Whole. It was reconvened at 9:30 a.m.

The Honorable Olympio T. Borja, Delegate, presided.

Delegate Jose P. Mafnas requested that the following speech made during the Committee of the Whole be placed in the record. The speech is as follows:

Delegate Jose P. Mafnas: Mr. Chairman.

The general attitude that a salary of \$12,000 per annum for our legislators is much much too big. We have heard complaints from the public hearings that we must reduce it. We have heard from our constituents and the general public that our generosity by recommending the annual compensation of \$12,000 for our legislators -- this generosity might prevent ratification of the Constitution by our people. We have heard complaints that the consumers will ultimately suffer. We have heard complaints after seven years when the U. S. Government's subsidy stops, by draining this much money to our legislators, our Commonwealth Government will be broke, and that we have no other source of income to pay the legislators.

Yes, Mr. Chairman, I agree with those grievances. I agree with the general public that our legislature should not be an employment institution. I agree, Mr. Public, that our legislators are only thinking of themselves, that you, Mr. Public, had never taken advantage of your congressmen, that you have never knocked at Senator Borja's door at 3:00 in the morning asking for money. I agree that you, Mr. Public had never reminded Senator Herman Q. Guerrero of the coming election when you were asking Senator Guerrero to co-sign for you when applying for a loan at the bank. I agree, Mr. Public, that you always returned the \$500.00 that you borrowed from Senator Manglona. I agree with you, Mr. Public, that when Senator Rasa left for Guam to beg the Guam Legislature for free tuitions for your children who are attending school in Guam, that when Senator Rasa left for this purpose paid out of his pocket, Senator Rasa was only thinking of himself. I agree with you, Mr. Public, that you never credited goods and commodities from Senator Cruz's store and even if you did, Senator Cruz had never come after you for the payments, and if Senator Cruz went after you for the payment Senator Cruz is a bad man. Yes, Senator Cruz, you are only thinking of yourself, that's why your profits kept on going down.

I agree with you, Mr. Public, that after spending lots of money, even to the extreme of selling your properties, for the education of your children, your son who wants to be a congressman should be paid a low salary. I agree that your congressmen should not provide your family a good home, that your wife is crazy for asking for an electrical stove, that you should complain at all if the bank repossess your car, that your children should not complain for their school supplies, that you should not save money for their education in the future, that you, Mr. Congressmen, should not have more than one child because you cannot afford more than one child, because remember that Mr. Public will be knocking at your door for "give me money, give me money."

Yes, Mr. Chairman, a congressman does not have to campaign nowadays. A congressman who is up for re-election does not have to spend money for his campaign. He does not have to entertain his constituents. A congressman should not be paid equitably to meet his social obligation.

Mr. Chairman, I object to paying our congressmen \$12,000 per annum. Let's give them nominal wages, since only the low calibre people will be in these. Let these low calibre people work out a plan for our new government, let them come up with a wage formula to carry us over and our future generations after the U. S. Government says, we promised to help you for seven years, now you are on your own. Let these second class quality congressmen face the U. S. Congress to bail us out. Let them justify why we did not have a self-sustaining economy. Let them be rubber-stamps to the Governor because they don't know better. Let them legislate our laws, the kind of laws that will guarantee the bankruptcy of our Commonwealth Government.

Nominal salary will tend to invite average capacity people. Average capacity people will produce an average work. Average work will be disastrous to our Commonwealth Government and Commonwealth welfare.

The Plenary Session of the Convention was called to order at 8:10 p.m.

The Honorable Lorenzo I. Guerrero, President, presided.

Chairman Benjamin Manglona: Yesterday, your Committee of the Whole adopted unanimously Article I of the Draft Constitution, as amended, regarding "Personal Rights;" Article XV, as amended, regarding "Education;" and Article XVI, regarding "Corporations."

Floor Leader Rasa: I move that Article I, regarding "Personal Rights," be adopted by the Convention, as amended by the Committee of the Whole.

The motion was seconded.

Delegate Juan P. Tenorio: Point of Information. Since this Article is being considered on Second and Final Reading, could this Article be recalled later under Convention Rule 51?

President Guerrero: Yes, provided you make your request at least one day in advance.

Delegate David Maratita: Is this also the time when a 3/4 vote is required for passage?

President Guerrero: Yes, that is correct.

Floor Leader Rasa: I move for the previous question.

The motion was seconded and carried.

The motion to adopt Article I, as amended, regarding "Personal Rights," on Second and Final Reading, was carried by roll call vote. The votes are as follow:

YES: Delegates David Atalig, Felipe Atalig, Pedro Atalig, Vicente Attao, Felix Ayuyu, Luis Benavente, Jose Berja, Olympio Borja, Antonio Camacho, Carlos Camacho, Magdalena Camacho, Daniel Castro, Jose Cruz, Pedro Dela Cruz, Juan S. Demapan, Hilario Diaz, Benigno Fitial, Herman Guerrero, Lorenzo Guerrero, Henry Hofschneider, Esteven King, Luis Limes, Jose Mafnas, Benjamin Manglona, Prudencio Manglona, Vicente Manglona, David Maratita, Pedro Ogo, Francisco Palacios, Oscar Rasa, Leon Talsacan, Juan Tenorio, Manuel Tenorio, Jesus Villagomez and Ramon Villagomez. (35 votes)

NO: Delegate Gregorio Calvo. (1 vote)

Article I, regarding "Personal Rights," as adopted by the Convention on Second and Final Reading is as follows:

ARTICLE I: PERSONAL RIGHTS

Section 1: Laws Prohibited. No law shall be made that is a bill of attainder, an ex post facto law, a law impairing the obligation of contracts, or a law prohibiting the traditional art of healing.

Section 2: Freedom of Religion, Speech, Press and Assembly. No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

Section 3: Search and Seizure. The right of the people to be secure in their persons, houses, papers and belongings against unreasonable searches and seizures shall not be violated.

a) No warrants shall issue except upon probable cause supported by oath or affirmation and particularly describing the place to be searched and the persons or things to be seized.

b) No wiretapping, electronic eavesdropping or other comparable means of surveillance shall be used except pursuant to a warrant.

c) Any person adversely affected by an illegal search or seizure has a cause of action against the government within limits provided by law.

Section 4: Criminal Prosecutions. In all criminal prosecutions certain fundamental rights shall obtain.

a) The accused has the right to assistance of counsel and, if convicted, has the right to counsel in all appeals.

b) The accused has the right to be confronted with adverse witnesses and to have compulsory process for obtaining favorable witnesses.

c) No person shall be compelled to give self-incriminating testimony.

d) There shall be a speedy and public trial.

e) No person shall be put twice in jeopardy for the same offense regardless of the governmental entity that first institutes prosecution.

f) Excessive bail shall not be required.

g) Excessive fines shall not be imposed.

h) Cruel and unusual punishment shall not be inflicted.

i) Capital punishment is prohibited.

j) Persons who are under eighteen years of age shall be protected in criminal judicial proceedings and in conditions of imprisonment.

Section 5: Due Process. No person shall be deprived of life, liberty or property without due process of law.

Section 6: Equal Protection. No person shall be denied the equal protection of the laws. No person shall be denied the enjoyment of civil rights or be discriminated against in the exercise thereof on account of race, color, religion, ancestry or sex.

Section 7: Quartering Soldiers. No soldier in time of peace may be quartered in any house without the consent of the owner, nor in time of war except as provided by law.

Section 8: Trial by Jury. The legislature may provide for trial by jury in criminal or civil cases.

Section 9: Clean and Healthful Environment. Each person has the right to a clean and healthful public environment.

Section 10: Privacy. The right of individual privacy shall not be infringed except upon a showing of compelling interest.

Chairman Felipe Atalig: On behalf of the Committee on Personal Rights and Natural Resources and the people of the Northern Marianas I am proud to announce the by-product of the work of the Committee. Let history show that for the first time the Convention approved an Article with the 3/4 vote. Let me congratulate the members of the Committee and Delegates of this Convention, and particularly the Chairman of the Committee.

Delegate Pedro Dela Cruz: Point of privilege. May we ask the distinguished Chairman to please get up and bow.

Chairman Felipe Atalig: I will do so and I would also like to recognize the legal consultants of this particular Committee, which the Delegates failed to approve a Resolution commending them for their excellent job. Let the record show that it was through their work that the Convention approved the first Article. Thank you.

Floor Leader Rasa: I move that the Convention adopt Article XV, regarding "Education," as amended by the Committee of the Whole, on Second and Final Reading.

The motion was seconded.

Roll call vote to adopt Article XV, as amended, was carried unanimously.

Article XV, regarding "Education," as adopted by the Convention on Second and Final Reading is as follows:

ARTICLE XV: EDUCATION

Section 1: Education: a) Every person in the Northern Mariana Islands shall have the right to free, compulsory and public elementary and secondary education within age and educational levels as provided by law.

b) There shall be higher education and adult education within the Northern Mariana Islands, consistent with the needs and resources of the people, as provided by law.

Chairman Benigno Fitial: On behalf of the people of the Northern Marianas and the future generations of the Northern Marianas, I wish to thank all the Delegates for voting unanimously for approval of this Article on "Education." It is a very important Article and I wish to thank all of you for your deep concern.

Floor Leader Rasa: I move that Article XVI, regarding "Corporations," be adopted by the Convention.

The motion was seconded.

Delegate Olympio T. Borja: I move for the previous question.

The motion was seconded and carried.

Roll call vote to adopt Article XVI, regarding "Corporations," was carried unanimously.

Article XVI, regarding "Corporations," as adopted by the Convention on Second and Final Reading is as follows:

ARTICLE XVI: CORPORATIONS

Section 1: Corporations. No private business corporation shall be organized and no existing corporate charter shall be extended or amended except by general laws.

Delegate Pedro Dela Cruz: Mr. President and fellow Delegates. On behalf of our Committee I would like to extend our appreciation for your voting unanimously.

Delegate Olympio T. Borja: Your Committee of the Whole, under my Chairmanship, discussed Article II, regarding the "Legislative Branch." Extensive deliberation and debate has taken place and as a result of that debate considerable changes have been made. I am pleased to report that the Committee of the Whole has adopted Article II, regarding the "Legislative Branch," as amended. At this time, Mr. President, I would like to move that the Convention adopt Article II, regarding the "Legislative Branch," as amended for the Second and Final Reading.

The motion was seconded.

Delegate Ramon Villagomez: I move for the previous question.

The motion was seconded.

Chairman Jose Mafnas: Point of privilege. May we have a short recess please.

President Guerrero: We will have a short recess subject to the call of the Chair.

The Convention recessed at 9:31 p.m.

RECESS

The Convention reconvened at 9:39 p.m.

Delegate Ramon Villagomez: I would like to withdraw my motion for previous question. I now move to suspend Rule 47 of our Rules of Procedure.

The motion was seconded and carried.

Delegate Ramon Villagomez: I move to amend Article II, Section 3, so that the composition of the lower house of the legislature would be 14 members--12 from Saipan and the Northern Islands, 1 from Rota and 1 from Tinian. I would like to add, for the benefit of the Northern Islands, that language be added to give them entitlement to 1 Representative as soon as their population reaches 800 to 900 people, or whatever Tinian has now. Also, I move that that the maximum number of legislators will be twenty.

The motion was seconded.

Delegate Benjamin Manglona: I wish to speak in opposition of the proposed amendment. I feel that one Representative from Rota would not be capable of coping with the activity of the legislature in order to well represent his constituents. Of course, we are interested in savings, but we can make savings in other areas of expenditure of the legislature. This afternoon I voted on the reduction of the legislator's salary from \$12,000 to \$8,000 per annum, merely to show the Convention that I am also in support of reducing the cost of the new Commonwealth Legislature. I feel it is useless to debate further on this matter. Many people have expressed their feelings one way or the other. At this time, I wish to ask the Delegates to keep in mind my justification for opposing this particular amendment.

Delegate Joaquin Torres: Could I be enlightened as to the reason for setting the maximum number of legislators at 20?

Delegate Ramon Villagomez: My answer to that question is that we are making a Constitution for a very long period of time and there will be an increase in population in the future and there will be a need to increase the number of legislators in the lower house in the future. At the same time, we have to allow for increases in the number of legislators, but we have to set a limit. In my own personal opinion, I feel that 20 members will be sufficient to account for the future increase in population.

Delegate Joaquin Torres: Are we to understand that 20 is an arbitrary number?

Delegate Ramon Villagomez: Yes, it is, because we have no way of knowing how many people will be here in 50 years. It has to be arbitrary to a certain extent.

Delegate Pedro Dela Cruz: I have a question to ask.

Delegate Villagomez is in favor of 12-1-1 composition of the lower house, and he mentioned that if his proposal is turned down by the Convention then Article II will not pass. I would like to ask Mr. Villagomez if he is threatening the Convention.

Delegate Ramon Villagomez: No, I am not threatening the Convention. I am warning the Convention of what I expect will happen.

Delegate Pedro Dela Cruz: I would like to ask the mover what is his objection to granting two Representatives to Rota?

Delegate Ramon Villagomez: The major objection is that it will create a great deal of imbalance. This would raise the maximum deviation to approximately 53 to 54 percent. The 12-1-1 composition will have a deviation of approximately 36 percent.

Delegate Pedro Dela Cruz: Our consultant, Mr. Willens, mentioned this morning that maximum deviation is not a legal matter. If I am wrong, please correct me.

Consultant Willens: Certainly the deviation figures are a matter of legal concern.

Delegate Pedro Dela Cruz: I drop my question and stand corrected.

Delegate Pedro Atalig: I would like to further amend Article II, Section 10, by changing the salary of the legislators from \$8,000 to 11,000 per annum.

Floor Leader Rasa: The motion is out of order since we are now discussing Article II, Section 3.

Delegate Pedro Atalig: I withdraw my motion.

Delegate Jose Cruz: The Convention is considering striking down the number of legislators from Tinian to one. I rise to oppose this proposed amendment, simply because it would not be to the advantage of the best interests of the people of Tinian. Rota and Tinian have joined hands to try and help each other because we have had limited resources and least number of representatives in any delegation. I urge my colleagues from Tinian to vote against this proposed amendment.

Delegate Francisco Palacios: I recognize the concern of the Delegates regarding the changes in the number of legislators. Rota from 3 to 1; Tinian from 2 to 1; and Saipan from 25 to 12. Saipan lost 13, Rota lost 2 and Tinian lost 1. I think later on we can increase the numbers of legislators.

Delegate Juan P. Tenorio: I move for the previous question.

The motion was seconded and defeated.

Floor Leader Rasa: I have accessed the marriage of the proposed amendment and I share the concern of our Delegates from the other municipalities. However, when I look at the composition of the senate I am convinced the proposed amendment is appropriate since I consider myself to be a representative of the people of the Northern Marianas.

Delegate Ramon Villagomez: I move for the previous question.

The motion was seconded and carried.

The motion to adopt the proposed amendment on Article II, Section 3, that the composition of the lower house of the legislature will be 12 for Saipan, 1 for Rota, and 1 for Tinian with a maximum of 20 legislators, was voted on by a roll call. The vote was as follows:

YES: Pedro Atalig, Felix Ayuyu, Jose Borja, Antonio Camacho, Carlos S. Camacho, Magdalena Camacho, Daniel Castro, Juan S. Demapan, Benigno Fitial, Herman Guerrero, David Maratita, Francisco Palacios, Oscar Rasa, Juan P. Tenorio, Joaquin Torres, Jesus Villagomez, and Ramon Villagomez.

NO: Felipe Atalig, Vicente Attao, Gregorio Calvo, Jose Cruz, Pedro Dela Cruz, Hilario Diaz, Henry Hofschneider, Esteven King, Luis Limes, Benjamin Manglona, Prudencio Manglona, Pedro Ogo, Jose Mafnas, Vicente Manglona, and Leon Taisacan.

ABSTAIN: David Atalig, Luis Benavente, Olympio Borja and Lorenzo Guerrero.

The motion was carried.

Floor Leader Raza: I move for a five-minute recess.

President Guerrero: We will have a short recess, subject to the call of the Chair.

The Convention recessed at 9:05 p.m.

RECESS

The Convention reconvened at 9:23 p.m.

Delegate Pedro Atalig: Since we have already suspended Rule 47, I would like to move the the Convention amend Article 11, Section 10, by changing the legislators compensation from \$8,000 to \$12,000 per annum.

The motion was seconded.

Chairman Felipe Atalig: I believe, originally, the Delegate making the motion was in favor of the lower salary in order to reduce cost of the legislature.

Delegate Pedro Atalig: When I made my remarks this morning, I was concerned with the size of the legislature, not the salary. I think that \$12,000 is a reasonable salary for a legislator and commensurate with his position in life. I do not want a legislator living in a shack. I do not want a legislator's children not to be able to enjoy the comforts of life. I want quality. You cannot attract a qualified person for \$8,000. You cannot attract an attorney to be a legislator for \$8,000. When an attorney gets out of law school, his beginning salary is usually from \$11,000 to \$15,000 a year. You might attract an attorney who has already retired and just wants the status itself. A lot of young professional people want to help our community, but the salary will not attract them. I think Chairman Mafnas has stated this before in a Committee report. I hope you understand this.

Delegate David Marañón: I am in support of the amendment for the sole reason that we have reduced the size of the legislature. Now that we have reduced the size, I would like the members to reconsider this amendment to raise the salaries from \$8,000 to \$12,000.

Delegate Pedro Dela Cruz: This afternoon we discussed this at length. We even discussed the type of people we would be getting in the legislature. Some of the Delegates stated that the main concern of their constituents is salary. Are we going back again to the same subject and the same discussion? I move we end debate.

The motion was seconded.

President Guerrero: Before we end debate there are several other Delegates who wish to speak.

Delegate Manuel Tenorio: I don't know if \$12,000 is proper or \$8,000, for that matter. If you compute the cost of salaries per year for the 14 Representatives and 9 Senators you will get \$276,000 for salaries alone at \$12,000 per year for each legislator. At \$8,000 per year, the cost of salaries is \$224,000 per year, which is a difference of \$52,000. I am very much concerned with the public opinion regarding the salary of \$12,000. As stated in the public hearings held last week, the public is not in favor of \$12,000. I believe you have seen sufficient evidence that if this salary of \$12,000 is adopted, we might not get this Constitution ratified by the people. Mr. President, if I am in order I would like to amend the motion to read \$10,000.

President Guerrero: Because of extensive debate, we will proceed with the original motion and not accept your motion at this time.

Delegate Esteven King: I strongly oppose the amendment to Section 10. Even though you may travel around the world and you have 10,000 certificates or diplomas, you don't necessarily have quality. In this Convention, for example, some of the other candidates who wished to be Delegates may have been more qualified. People of

quality are sometimes crooks. This is not to limit the salary but to give an appropriate and accurate start. We are trying to start a beginning -- the beginning of the Commonwealth -- the beginning of our legislature. We had public hearings and the people gave their opinions. We need to take these opinions into consideration. Let's be more realistic. We don't want to cripple the people of our new Commonwealth. To good can be the bad and the bad can be the good. We are doing jumping-jack debate in this Convention. We need to work seriously because our people deserve a workable Constitution. This is a beginning and not a limitation.

Delegate Benjamin Manglona: I wish to speak in opposition of the motion to increase the compensation of the legislator's from \$8,000 to \$12,000. I am beginning to question the integrity of this Convention. This afternoon we were very much concerned with the cost of the salaries of our legislature. With 23 members in the legislature each earning \$12,000, that will mean a total salary of \$276,000. This formula with fewer legislators is more expensive than the original plan of more legislators, but with less salary. The original plan would save us \$52,000. Although we had more membership in the original proposal we could have saved \$52,000 with the \$8,000 salary. Saving is the prime factor in our decision. Therefore, Mr. President, I want to be consistent in my position this afternoon and I want to retain the \$8,000 as originally proposed.

Delegate Henry Hofschneider: We are having serious discussion and I wish all the Delegates would pay attention and stop playing around back here.

Floor Leader Rana: I would like to speak on my position to the proposed amendment. Arguments have been posed as to the necessity of attracting quality people. If money is used as a motivational factor for one to produce quality work, I don't think it would be produced as intended or anticipated. We have seen quality people forced to resign from public offices for activities which never contributed to the development of the people -- activities which were illegal in nature. These people were put in these offices because it was thought they were quality people. So the argument that money will attract quality people is a relative argument and cannot be used in its absolute sense. Furthermore, I would like to entertain this Convention by being a victim of circumstances due to public opinion. On many occasions I have risen to defend people as I saw fit. On occasions the majority has voted against the dictates of my own reasoning. Now public opinion has spoken once again and we are back once again to say that the public opinion is not that accurate and appropriate. All over the Marianas the people are tired of the work of the legislator's. I regret that this had to happen because I think the legislature has done many services for the people. But this is the case and I am answerable to no court of behavior except the dictates of my own reasoning. I will not place again myself to be a victim of circumstances. Let us place our decision on what the public desires. The people have spoken and they want a salary which is low, a salary which is commensurate to what they feel is appropriate -- \$8,000 is appropriate.

Delegate Vicente Manglona: I move to end debate.

The motion was seconded.

President Guerrero: There are still three other people who wish to speak. Would you withdraw your motion?

Delegate Vicente Manglona: I withdraw my motion.

Delegate Luis Limes: I have come to the conclusion that we are so concerned about ourselves that we have, more or less, forgotten why we are here. In regard to compensation, I think all of us have sacrificed something. We had to come here to form something that was already dreamed of, yet it is sad that a few of us are still dreaming of charisma. Mr. President, I think the majority has spoken. We will be forming an internal government that will enable us to govern ourselves, and this is the moment that we should make a sacrifice, because what the United States has given us is seven short years. We have made promises to our constituents that we will do what is necessary for the betterment of the future. Yet I feel sad, because we all know as working people that we need to make a sacrifice. Let us start from the bottom and work up. We don't start from the top and fall down to the bottom. I fear if we start from the middle, which is \$12,000, we couldn't explain to our people that \$12,000 is good. I think the false lies, and I am sorry to say this, but we are the ones who are going out and giving them money. "But if you believe in me, I will do this for you." There are times when what we are doing is not proper.

I feel, in reference to Section 10, \$8,000 is the proper salary for the members of the legislature.

Delegate Magdalena Camacho: At this time I would like to endorse the amendment since the number of members in the House has been reduced to 14. The reason I endorsed \$8,000 in the beginning is because we had passed the proposal for the number of members of the House to be 19. We have to consider that our standards of living will be going up. If we are going to give the legislators \$8,000 and then some of the clerks \$8,000, I don't know how you will distinguish the two. I, therefore, move for previous question.

President Guerrero: I still have speakers who wish to speak.

Delegate Magdalena Camacho: I understand that, but we have been deliberating this since Committee of the Whole.

President Guerrero: This is a very important stage of this Convention and we need to deliberate this issue as much as we can.

Delegate Francisco Palacios: This morning I asked the Committee of the Whole to reduce the salary because the proposed number of members for the House and the Senate was 28 and it would cost our people \$336,000. This evening we reduced the number to 21 and proposed to give each legislator \$12,000. That would be \$252,000. If we keep the composition at 28 and give each member \$8,000, that would be a difference of \$26,000. Now, the number was reduced tonight by 25 percent. Other than salary, there will be more expenses with a high number of legislators -- staff, materials, office expenses and other fringe benefits. Therefore, if we keep the compensation at \$12,000 and reduce the number of members we are reducing the actual cost. We need to look at our economy and labor market. As soon as the Marianas become a constitutional government our people will be able to move to the mainland. Unless we compensate our people better, we will not be able to attract good people. I am looking at all areas to assess and analyze the cost. I feel that if we reduce the number of legislators in the lower house to 14, we need to get good qualified people.

Delegate Jose Borja: I wish to speak in support of the amendment. A lot of speakers have said the people are in objection of the higher salary, but I think the composition was actually the main concern. After reviewing the public hearing reports, I think that composition was the people's concern and not salary. I am in agreement with Delegate Palacios' statement. A person will seek a better opportunity as far as salary. By offering a high salary for the job of legislator you will create competition and get better qualified people. I am in support of this amendment.

Delegate Vicente Manglona: Point of information. I believe Delegate Palacios made a mistake in his speech. It should be 23 members and not 21.

Chairman Benigno Fitial: I rise in opposition of the proposed amendment, which will increase the annual salary of the legislator's from \$8,000 to \$12,000. I want to be consistent. We need to base the salary, first on the need, and then on the available resources. I understand that compensation compliments the composition of the legislature. At the present time the Northern Marianas are capable of generating only slightly over one million dollars per annum. If the composition of 12-1-1 for the lower house and 3-3-3 for the upper house is approved, that will be \$276,000 in salary alone per annum for just the legislature. That represents 17 percent of the total collected per annum for the Northern Marianas, 17 percent would go to 23 legislators which is only a fraction of the total population of 15,000 people. In the interest of our meager economy, \$8,000 for the annual salary of our legislator's is still high compared to the average wage earner, who earns \$3,000 per annum. This can be remedied in the future and we have provided a remedy in the Constitution for an adjustment to be made if it is warranted. Therefore, Mr. President, I move to end debate.

The motion was seconded.

President Guerrero: The Chair still has people who wish to speak on this issue.

Delegate Olympio Borja: I rise in support of an increase in salary, but not necessarily to \$12,000. Mr. President, if we approve the \$8,000 it will be for at least four years as provided in the Constitution, from the date the Constitution takes effect. That means we will be setting the legislator's salaries for at least five years, not just for one or two. Remember when the legislature fixed the salary for the Constitutional Convention Delegates, they went ahead with the \$30 per day. That would give you close to \$11,000 per year at the \$30 per day rate. The legislature set that salary to attract competent people, and I am pleased to see the quality here. I would like to call the attention of the Delegates to the Consumer Price Index in the Pacific Daily News on November 23rd. On page 6 A, it shows that the cost of living has gone up 31 percent within four years. Since 1972, the Congress of Micronesia has been receiving \$12,000 per annum for each Congressman. Should we trap the new legislators at the \$8,000 per year salary with the cost of living rising as fast as it is? We need to look at other salaries besides those of the legislator's. There will be changes in the future. We need to frame a Constitution that will provide some lee-way, at least to \$11,000, so we will be fair to our legislators. Therefore, I would like to ask my fellow Delegates to at least consider \$11,000. If we have 23 legislators at \$11,000 per annum, that would be \$253,000 per annum, a savings of \$23,000. I would like to ask that the Delegates at least consider \$11,000, even though I don't feel \$12,000 is too high. This is for the sake of a good legislature in the future. Thank you.

Delegate Juan P. Tenorio: When I voted on the compensation this afternoon, I was not getting that figure from the air, I arrived at it after some study. The revenue to be collected in 1978 is only 1.6 million. The potential cost of the new legislature is a million plus. What will the the people of the Commonwealth do? Will they benefit that much? As Delegate Fitial says, \$8,000 is too much. Let's be realistic.

Delegate Jose Cruz: I have heard some Delegates speak against the \$12,000 per annum, who now favor it. On the other hand, those who favored it are now speaking against it. I still say that you can attract quality people with a good salary, but if this Convention seriously wants to save some money, why not lower the salary. I, therefore, move to amend the amendment to \$6,000 per annum salary for each legislator.

The motion was seconded.

President Guerrero: I will not entertain your motion at this time.

Delegate Pedro Atalig: I withdraw my motion, Mr. President.

Delegate Jose Cruz: I move that the salary for the legislator's be set at \$6,000 per annum.

The motion was seconded.

President Guerrero: Do I understand, Delegate Atalig, that you are withdrawing your motion after very extensive deliberation?

Delegate Pedro Atalig: Yes, Mr. President.

Delegate Ramon Villagomez: I am in full support of the \$8,000 and I don't think we should debate the subject any longer. I, therefore, move that we end debate.

The motion was seconded and carried.

Delegate Jose Cruz: If this Convention seriously wishes to save public money, we should lower the salaries to \$6,000. I, therefore, moved that the salary of the legislator's be \$6,000 per annum, which is an amendment to Article II, Section 10 of our draft Constitution.

The motion to amend Article II, Section 10 of the draft constitution, that the salary of the legislator's be \$6,000 instead of \$8,000 per annum was voted on by roll call. The vote was as follows:

YES: Delegates Felipe Atalig, Felix Ayuyu, Olympio Borja, Gregorio Calvo, Antonio Camacho, Magdalena Camacho, Jose Cruz, Pedro Dela Cruz, Hilario Diaz, Henry Hofschneider, Pedro Igitol, Esteven King, Jose Mafnas, Benjamin Manglona, Prudencio Manglona, Vicente Manglona, Leon Taisacan, and Pedro Atalig.

No: Delegates David Atalig, Vicente Attao, Luis Benavente, Jose Borja, Carlos Camacho, Daniel Castro, Juan S. Demapan, Benigno Fitial, Herman Guerrero, Larry Guerrero, Luis Limes, David Maratita, Pedro Ogo, Francisco Palacios, Oscar Rasa, Juan Tenorio, Manuel Tenorio, Joaquin Torres, Jesus Villagomez, and Ramon Villagomez.

The motion was defeated.

Delegate Juan S. Demapan: I think we have a problem in this Convention. I think the Convention has no sense of thought here. We are running back and forth. I want the adoption of the legislative branch. I think we should adopt the 12-2-1 composition instead of the 12-1-1 composition of the lower house. It is only an addition of one man. I think we have strong justification. I don't think we should argue all night long. Rota needs an additional man in Congress. Our problem is that Rota needs one additional representative in the lower house.

President Guerrero: There will be a short recess subject to the call of the Chair.

The Convention recessed at 10:28 p.m.

RECESS

The Convention reconvened at 10:40 p.m.

Floor Leader Rasa: I move for the previous question.

The motion was seconded and carried.

Motion to adopt Article II, regarding "Legislative Branch," as amended by the Committee of the Whole was voted on by roll call. The vote was as follows:

YES: Delegates Felix Ayuyu, Luis Benavente, Jose Borja, Olympio Borja, Antonio Camacho, Carlos Camacho, Magdalena Camacho, Daniel Castro, Juan S. Demapan, Benigno Fitial, Herman Guerrero, Lorenzo Guerrero, Pedro Igitol, Francisco Palacios, Oscar Rasa, Juan Tenorio, Manuel Tenorio, Joaquin Torres, Jesus Villagomez and Ramon Villagomez. (20 votes plus 2 abstain votes)

NO: Delegates Felipe Atalig, Pedro Atalig, Vicente Attao, Gregorio Calvo, Jose Cruz, Pedro Dela Cruz, Hilario Diaz, Henry Hofschneider, Esteven King, Luis Limes, Jose Mafnas, Benjamin Manglona, Prudencio Manglona, Vicente Manglona, Pedro Ogo and Leon Taiscan. (16 votes)

ABSTAIN: Delegates David Atalig and David Maratita. (2 votes which were counted as a "yea" vote, as per President Guerrero's prior order.)

The motion was defeated.

Floor Leader Rasa: I move that Section 1 of Article II, regarding "Legislative Branch," be adopted.

The motion was seconded.

Delegate Jose Cruz: I see a possible parliamentary maneuver here. By having this Convention passing Article II by sections, it might endanger the best interests of the people of the minority municipality.

Floor Leader Rasa: We all agree with all the Sections of Article II, except the composition of the House. In order to make this brief, I would like to amend my motion that we approve all Sections of Article II, except Section 3.

The motion was seconded.

Delegate Benigno Fitial: I move for the previous question.

The motion was seconded and carried.

Floor Leader Rasa: For clarification, it is my intention that after the passage of all Sections of Article II, except Section 3, I will make another motion that Section 3 be placed on tomorrow's calendar.

Motion to adopt all Sections of Article II, regarding "Legislative Branch," except Section 3, was voted on by roll call. The vote was as follows:

YES: Delegates David Atalig, Felipe Atalig, Vicente Attao, Felix Ayuyu, Luis Benavente, Jose Borja, Olympio Borja, Gregorio Calvo, Antonio Camacho, Magdalena Camacho, Pedro Dala Cruz, Juan S. Demapan, Hilario Diaz, Benigno Fitial, Herman Guerrero, Lorenzo Guerrero, Pedro Igtol, Luis Limen, Vicente Manglona, David Maralita, Pedro Ogo, Francisco Palacios, Oscar Rana, Juan Tenorio, Manuel Tenorio, Jesus Villagomez and Ramon Villagomez. (28 votes, plus, 2 abstention).

NO: Delegates Carlos Camacho, Daniel Castro, Jose Cruz, Henry Hofschneider, Esteven King, Jose Mafnas, Prudencio Manglona and Leon Taisacan. (8 votes)

ABSTAIN: Delegates Pedro Atalig and Benjamin Manglona. (2 votes which were counted as "yes" votes, as per President Guerrero's prior order.)

The motion carried.

Article II, regarding "Legislative Branch," as adopted by the Convention on Second and Final Reading, except for Section 3, is as follows:

ARTICLE II: LEGISLATIVE BRANCH

Section 1: Legislative Power. The legislative power of the Commonwealth shall extend to all rightful subjects of legislation and shall be vested in a Northern Marianas Commonwealth legislature composed of a senate and a house of representatives.

Section 2: Composition of the Senate.

a) The senate shall consist of nine members with three members elected at large from each of the three senatorial districts. The first senatorial district shall consist of Rota, the second senatorial district shall consist of Tinian and Aguiguan, and the third senatorial district shall consist of Saipan and the islands north of it. The senate shall be increased to twelve members and three members shall be elected at large from a fourth senatorial district consisting of the islands north of Saipan at the first regular general election after the population of these islands exceeds one thousand persons.

b) The term of office for senator shall be four years except that the candidate receiving the third highest number of votes in the first election in each senatorial district shall serve a term of two years.

c) A senator shall be qualified to vote in the Commonwealth, at least twenty-five years of age, and a resident and domiciliary of the Commonwealth for at least five years immediately preceding the date on which the senator takes office. A longer residency and domicile requirement may be provided by law.

Section 4: Reapportionment and Redistricting.

a) At least every ten years and within one hundred twenty days following publication of the results of a decennial census, the legislature shall reapportion the seats in the house of representatives or revise the districts for electing representatives. A reapportionment or redistricting plan shall provide for contiguous and compact districts and for representation by each member of the house of representatives of approximately the same number of residents to the extent permitted by the separate islands and the distribution of population in the Commonwealth.

b) If the legislature fails to act pursuant to subsection (a), the governor shall promulgate a reapportionment or redistricting plan within one hundred twenty days after the expiration of the time for the legislature to act. The governor's plan shall be published in the same manner as an act of the legislature and upon publication shall have the force of law. Upon the petition of any person qualified to vote, the Commonwealth appeals court or the United States District Court if no Commonwealth appeals court has been created under section 3 or article IV has original and exclusive jurisdiction to review and plan and to amend it to comply with the requirements of this Constitution or to establish a plan if the governor has failed to act within the time provided.

Section 5: Enactment of Legislation.

a) Appropriation and revenue bills may be introduced only in the house of representatives. Other bills may be introduced in either house of the legislature.

b) A bill shall be confined to one subject except bills for appropriations or bills for the codification, revision or rearrangement of existing laws. Appropriation bills shall be limited to the subject of appropriations. Legislative compliance with the requirements of this subsection is a constitutional responsibility not subject to judicial review.

c) The legislature may not enact a law except by bill and no bill may be enacted without the approval of at least a majority of the votes cast in each house of the legislature.

Section 6. Local Laws. Laws that relate exclusively to local matters within one senatorial district may be enacted by the legislature or by the affirmative vote of a majority of the members representing that district. The legislature shall define the local matters that may be subject of laws enacted by the members from the respective senatorial districts, laws enacted through initiative by the voters of a senatorial district under article IX, section 1, regulations promulgated by a mayor pursuant to article VI, section 3(e), or local ordinances adopted by agencies of local government established under article VI, section 6(b).

Section 7: Action on Legislation by the Governor.

a) Every bill enacted shall be signed by the presiding officer of the house in which the bill originated and transmitted to the governor. If the governor signs the bill, it shall become law. If the governor vetoes the bill, it shall be returned to the presiding officer of each house of the legislature with a statement of the reasons for the veto. The governor may veto an item or section in an appropriation bill and sign the remainder of the bill.

b) The governor shall have twenty days in which to consider appropriation bills and forty days in which to consider other bills. If the governor fails either to sign or veto a bill within the applicable period, it shall become law.

c) A bill or item of a bill vetoed by the governor may be reconsidered by the legislature. If two-thirds of the members in each house vote upon reconsideration to pass the bill or item, it shall become law.

Section 8: Impeachment. The legislature may impeach those executive and judicial officers of the Commonwealth subject to impeachment under this Constitution. The house of representatives may initiate impeachment proceedings by the affirmative vote of two-thirds of its members and the senate may convict after hearing by the affirmative vote of two-thirds of its members.

Section 9: Vacancy. A vacancy in the legislature shall be filled by special election if one-half or more of the term remains. If less than one-half of the term remains, the governor shall fill the vacancy by appointing the unsuccessful candidate for the office in the last election who received the largest number of votes and is willing to serve, or if no candidate is available, any person qualified for the office from the district represented.

Section 10: Compensation. The members of the legislature shall receive an annual salary of eight thousand dollars and reasonable allowances for expenses provided by law. The salary of members may be changed no more than once every four years and only upon the recommendation of an advisory commission established by law to make recommendations concerning the compensation of Commonwealth executive, legislative and judicial officers. No change in the salary may be made that exceeds the percentage change in an accepted composite price index for the period since the last change. An increase in salary may not apply to the legislature that enacted it.

Section 11: Other Government Employment. A member of the legislature may not serve in any other Commonwealth government position including an independent board, agency, authority or commission established by this Constitution or by Commonwealth law.

Section 12: Immunity. A member of the legislature may not be questioned in any other place for any written or oral statement in the legislature and a member of the legislature may not be subject to arrest while going to or coming from a meeting of the legislature except for treason, a felony or breach of the peace.

Section 13: Sessions. The legislature shall meet for organizational purposes on the second Monday of January in the year following the regular general election at which members of the legislature are elected and shall be a continuous body for the two years between these organizational meetings. Each house shall meet in regular sessions as provided by its rules of procedure and may be convened at other times by its presiding officer or by the governor. When meeting pursuant to a call by the governor, the legislature shall consider only those subjects described in the call.

Section 14: Organization and Procedures.

a) Each house of the legislature shall be the final judge of the election and qualifications of its members and the legislature may vest in the courts the jurisdiction to determine contested elections of members. Each house may compel the attendance of absent members, discipline its members and, by the affirmative vote of three-fourths of its members, expel a member for commission of treason, a felony, breach of the peace, or violation of the rules of that house.

b) Each house of the legislature shall choose its presiding officer from among its members, establish the committees necessary for the conduct of its business, and promulgate rules of procedure. Each house may compel the attendance and testimony of witnesses and the production of books and papers before the house or its committees. The legislature shall keep a journal of its proceedings that shall be published from day to day.

c) The meetings of the legislature and its committees shall be public provided, however, that each house of the legislature or a legislative committee may meet in executive session if authorized by the affirmative vote of two-thirds of the members of the house. No final action on any legislative matter may be taken in executive session.

Section 15: Conduct of Members. A member of the legislature who has a financial or personal interest in a bill before the legislature shall disclose that interest and may not vote on the bill. The legislature shall enact a comprehensive code of conduct for its members that includes a definition of proper conduct for members with conflicts of interest and a definition of the proper scope of debate in the legislature.

Floor Leader Rasa: I move that Section 3 of Article II, regarding "Composition of the House of Representatives," be placed on the calendar for discussion tomorrow under "Special Orders of the Day."

The motion was seconded and carried.

Floor Leader Rasa: I move that we recess until 9:00 a.m. tomorrow.

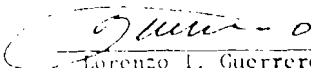
The motion was seconded.

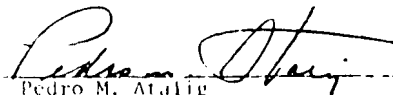
Delegate Felipe Atalig: Point of privilege. At this time it gives me an honor to ask the house to recognize the presence of Mayor Felipe Mendiola, Municipality of Tinian; Mayor Antonio Atalig, Municipality of Rota; the Honorable Alfonso Borja, Tinian Councilman; and Mr. Felix Rabaulman, President of the United Carolinian Association; and all present in the gallery this evening.

Motion to recess carried.

The Convention recessed at 10:55 p.m.

APPROVED:


Lorenzo I. Guerrero, President
Northern Marianas Constitutional
Convention


Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

Thirty-Eighth Day
Wednesday, November 24, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 10:15 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 38 Delegates present. Delegates Jose P. Mafnas was excused. No Delegates were absent.

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

The motion was seconded and carried.

(4) ADOPTION OF THE JOURNAL

Delegate Juan DLG. Demapan: Point of privilege. I would like to ask the Convention to recognize the presence in the gallery of Senator Herman R. Guerrero, Felix Rabauliman and all the other visitors.

Floor Leader Rasa: I move that the Summary Journals of the 36th and 37th Days be adopted by the Convention.

The motion was seconded and carried.

(5) COMMUNICATIONS

Convention Secretary: We have a letter dated November 23, 1976, from the United Carolinian Association to the President of the Convention. This letter has been distributed to all the Delegates.

(6) COMMITTEE REPORTS - None

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

(8) SECOND AND FINAL READING OF RECOMMENDATIONS

President Guerrero: Scheduled for today's discussion are:

Article XVII, regarding "Oath of Office"
Article XIII, regarding "Eminent Domain"
Article III, regarding "Executive Branch"

Floor Leader Rasa: I move that the Convention resolve itself into the Committee of the Whole to discuss the items on today's calendar.

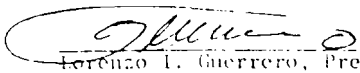
The motion was seconded and carried.


President Guerrero: I would like to call Delegate Olympio Borja to chair today's discussion in the Committee of the Whole.

The Convention resolved into the Committee of the Whole at 10:23 a.m.

The Convention recessed while in Committee of the Whole. Recess was called at 10:40 p.m., to continue until 2:00 p.m. the following day.

APPROVED:


Lorenzo I. Guerrero, President
Northern Marianas Constitutional
Convention


Pedro M. Atallig
Convention Secretary

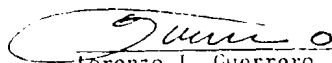
CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS


VERBATIM JOURNAL (TRANSCRIPT)

Thirty-Ninth Day
Thursday, November 25, 1976

There was no Plenary Session this date, however, the Convention was meeting as a Committee of the Whole.

APPROVED:


Lorenzo I. Guerrero, President
Northern Marianas Constitutional
Convention


Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

Fortieth Day
Friday, November 26, 1976

The Constitutional Convention of the Northern Mariana Islands reconvened while in Committee of the Whole. It was reconvened at 9:55 a.m.

The Honorable Olympio T. Borja, Delegate, presided.

The Plenary Session of the Convention was called to order at 9:58 a.m.

The Honorable Lorenzo I. Guerrero, President, presided over the Convention.

Chairman Olympio Borja: The Committee of the Whole has adopted Article XVII, regarding "Oath of Office," without amendment; Article III, regarding "Executive Branch of Government," with a substantial number of amendments; and Article XIII, regarding "Eminent Domain," with suggested changes for style.

I move that the Convention adopt Article XVII, regarding "Oath of Office," without amendment, on Second and Final Reading. The motion was seconded.

Motion to adopt Article XVII, regarding "Oath of Office," without amendment was voted on by roll call. The vote was 36 "Yes", a unanimous adoption.

Article XVII is as follows:

ARTICLE XVII: OATH OF OFFICE

Section 1: Oath of Office. All members of the legislature and officers and employees of the Commonwealth and its political subdivisions taking office shall take and subscribe to the following oath or affirmation:

I do solemnly affirm (or swear) that I will support and defend the Constitution and laws of the Commonwealth of the Northern Mariana Islands, the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, the applicable provisions of the Constitution, laws and treaties of the United States of America, and that I will faithfully discharge my duties to the best of my ability (so help me God).

Chairman Olympio Borja: I move that the Convention adopt Article XIII, regarding "Eminent Domain," as amended.

The motion was seconded.

Delegate Jose Cruz: In regard to a unique problem we might face in the future on the island of Tinian, I would like to direct a question to the consultant. Over two-thirds of the land on Tinian has been committed to our future national defense. This leaves only one-third for public use. In Section 2 of Article XIII it states that, in my understanding, the federal government could take more land for national defense. There is no constraining language to prevent further acquisition of private or public land on Tinian. Is this correct?

Consultant Willens: Article XIII, which is now before this Convention, is addressed to the eminent domain power of the Commonwealth, not the eminent power of the United States government. The United States can exercise the right of eminent domain under the terms of the Covenant, but restrictions are set forth in the Covenant.

It is true, as Delegate Cruz says, that additional land could be acquired if needed by the United States government for defense purposes or by the Commonwealth under Article XIII. Such land could be taken by the Commonwealth on Tinian under Section 2 only if no public land is available for the particular purpose -- the building of a school, the building of a road, or construction of a power plant. It is obvious to me that Tinian would be treated very carefully because there is such limited land available to the civilian community that I doubt the Commonwealth would take any land for public purposes on Tinian unless it was absolutely needed for the benefit of the people of Tinian.

Delegate Jose Cruz: Under this provision it can be taken if required?

Consultant Willens: That is correct, Delegate Cruz.

Delegate Ramon Villagomez: I would like to move that the word "that" be deleted from the last line of Article XIII, Section 3, so that it will read "... any right in property vested pursuant ..," as a style change.

The motion was seconded and carried.

Floor Leader Rana: I understand the intention of Section 3 or Article XIII, however, the phrase used kind of puts me in a bad situation. "Such Compensation to be provided by the Commonwealth may include monetary relief or priority with respect to the distribution of public lands but shall not affect any right in property that vested pursuant to the repealed statute of limitations." Now, I understand that the only way to compensate these people is for distribution of public lands. The wording in the draft Constitution seems to confuse me if this is the intent or whether this could be construed to mean other things.

Delegate Francisco Palacios: I think the purpose here is to accommodate the compensation of those who lost land and affected by a statute of limitations.

Delegate Pedro Atalig: I move that the Convention delete the entire Section 3 of Article XIII after, "The legislature shall study whether to repeal a statute of limitations currently in force in the Commonwealth with respect to land."

The motion was seconded.

Delegate Magdalena Camacho: I think that amendment was defeated during the Committee of the Whole.

Delegate Joaquin Torres: This is necessary for the legislature to know why they are making a study to repeal the statute of limitations.

Delegate Ramon Villagomez: In regard to Delegate Atalig's motion to delete the last part of Section 3, the word "the" is the modern legal style of writing and discourages the use of the word "such."

Delegate Pedro Atalig: Delegate Villagomez, the word "such" and "the" are the same to me. What I would like to see here is, "If such compensation is to be provided," is the word "if," so that it will be clear that compensation may not be required.

Delegate Francisco Palacios: I do not believe, "Such compensation to be provided," should be deleted. If you take this out, then there is no guarantee that there will be compensation for such land.

Delegate Pedro Atalig: I would like to direct my question to Dr. Palacios. Section 3 states, "priority with respect to the distribution of public lands." Are you limiting the distribution of land to only Saipan, or could you provide distribution of land in Rota, too? Suppose a bad land transaction occurred in Saipan and you want to make a distribution, could you go to Rota and use that property in exchange?

Delegate Francisco Palacios: It is not as simple as "yes and no." You have to be very careful with this kind of thing.

Delegate Felix Ayuyu: I have a question on Section 3. Does this provision cover transactions between two private individuals where the government was never involved?

Delegate Pedro Dela Cruz: The answer would probably be no because the government had no business in the transaction. This is a transaction between two individuals.

Delegate Joaquin Torres: If the government was not a party to any of these past transactions, then the government will not provide compensation.

Delegate Felix Ayuyu: I would like to direct this question to the consultant.

Consultant Willens: I think the language, as its written, covers private parties. This was made clear in the debate by the sponsor of the proposal. One case involved a land dispute between relatives in the same family. That was a transaction between private parties.

Delegate Jose Mafnas: If this provision includes a transaction between an individual and the government, and also between two individuals, why are we requiring the Commonwealth to provide compensation?

Delegate Ramon Villagomez: There might be one or two situations where the statute of limitations has caused a person to lose his property to another individual without the government being involved. 99.9 percent of the time, the reason a person loses his land is because the government takes it and makes it into a homestead program and gives it away to other individuals. Look at San Antonio for instance. The entire area of San Antonio was owned by two people and if those two want to go back and take San Antonio, they can't do that. What the government can do is compensate them by giving them priority on a homestead in another place. The conflict is rarely between private individuals, it is the government taking the land.

Delegate Francisco Palacios: In the interest of justice I think we owe those people who lost their land, not at their own fault. Most of the land was lost during the Second World War, and they were victims of circumstance.

Delegate Olympio Borja: This provision is provided to have the legislature study and repeal the statute of limitations. If the legislature does decide that compensation is needed then our Constitution provides this. I feel this part should not be deleted from Section 3.

Delegate Jose Cruz: I am in full support of Section 3 of Article XIII. After the end of World War II our people were confused and at that time we did not have the benefit of lawyers to assist our people on land matters. Now is the time for us to take corrective measures for the injustices imposed upon our people. We need to correct these land problems now. I urge everyone to support this Section. I don't care if the Commonwealth will be overburdened because of past errors. The people that we represent in this Convention are entitled to justice because of these inequities. We need to correct this now, not in the legislature. If we don't correct this now, the second coming of the Lord is very soon.

Floor Leader Rana: I am having some reservations in regard to Section 3. Constitutional provisions are made, not to rectify past injustices, they are made to protect present and future actions of the government and private individuals. If the legislature should decide to repeal the statute of limitations, what future service would this serve. I understand that it is necessary for this problem to be rectified, but I think this is not a Constitutional provision. Constitutional provisions are designed to see that continued services and rights are protected. What has happened in the past can be rectified by legislative action. I think it is nonsense for a Constitutional provision to request the legislature to make a study.

Delegate Hilario Diaz: We are becoming repetitious. I move to end debate.

The motion was seconded.

President Guerrero: Before I entertain that motion, there are still Delegates who wish to speak.

Delegate David Atalig: Does this provision include transactions before 1951?

Delegate Ramon Villagomez: The statute of limitations started in 1951. That means you had twenty years in which to make a claim on land. If you hadn't acted by 1971, you lost your right to go into court to ask for that land back. If you go into court now, you are barred by the statute of limitations.

Chairman Felipe Atalig: If I remember correctly, I think there was a motion made by Delegate Pedro Atalig to delete part of Section 3 of Article XIII. I think we should dispose of that motion.

Motion to delete part of Section 3 of Article XIII, so that it will read, "The legislature shall study whether to repeal any statute of limitations currently in force in the Commonwealth with respect to land," was voted on by roll call.

The motion was defeated.

Delegate Pedro Dela Cruz: I move that the Convention delete Section 3 of Article XIII in its entirety.

The motion was seconded.

By roll call vote, the motion was defeated.

President Guerrero: We will now vote on Delegate Borja's motion to adopt Article XIII, with style changes as adopted by the Committee of the Whole.

Roll call vote to adopt Article XIII in its entirety was called.

The motion was defeated.

Floor Leader Rasa: I move that the Convention adopted Section 1 and 2 of Article XIII, regarding "Eminent Domain," on Second and Final Reading.

The motion was seconded.

Motion to adopt Sections 1 and 2 of Article XIII was voted on by roll call. The vote is as follows:

YES: Delegates David Atalig, Felipe Atalig, Pedro Atalig, Vicente Attao, Felix Ayuyu, Luis Benavente, Jose Borja, Olympio Borja, Gregorio Calvo, Antonio Camacho, Magdalena Camacho, Daniel Castro, Jose Cruz, Pedro Dela Cruz, Juan DLG. Demapan, Juan S. Demapan, Hilario Diaz, Benigno Fitial, Herman Guerrero, Lorenzo Guerrero, Henry Hofschneider, Pedro Igitol, Luis Limes, Jose Mafnas, Benjamin Manglona, Prudencio Manglona, Vicente Manglona, David Maratita, Pedro Ogo, Francisco Palacion, Oscar Rasa, Leon Taisacan, Juan Tenorio, Manuel Tenorio, Joaquin Torres, Jesus Villagomez and Ramon Villagomez. (37 votes)

ABSTAIN: Delegates Carlos Camacho and Esteven King. (2 votes)

The motion carried.

Article XIII, Section 1 and 2 are as follow:

ARTICLE XIII: EMINENT DOMAIN

Section 1: Eminent Domain Power. The Commonwealth may exercise that power of eminent domain as provided by law to acquire private property necessary for the accomplishment of a public purpose.

Section 2: Limitations. Private property may not be taken without just compensation. Private land may be taken only if no suitable public land is available for the accomplishment of the public purpose.

Floor Leader Rasa: I move that the President appoint a conference committee to resolve the differences on Section 3 or Article XIII.

The motion was seconded.

President Guerrero: There being no objection from the floor, I will appoint such a committee.

Chairman Olympio Borja: I move that the Convention adopted on Second and Final Reading Article III, regarding "Executive Branch," with the exception of Sections 5, 14, 15, 16 and 17(b), since these Sections have proposed amendments.

The motion was seconded.

Delegate Vicente Manglona: Do all the Delegates have copies of these proposed amendments?

Delegate Benjamin Manglona: I am afraid if we adopt Article XIII in this manner, there is a chance some of the Sections may be omitted entirely.

Chairman Olympio Borja: If we can dispose of the part of Article XIII that was adopted by the Committee of the Whole showing the requested changes for style, together with the amendments made by the Committee of the Whole, then if there is need for more discussion on the other Sections, a committee could be appointed to present a proposal. That is the reasons I made my motion to adopted the Sections that will probably pass by a 3/4 majority.

Motion to adopt Article III, regarding "Executive Branch," with the exception of Sections 5, 14, 15, 16 and 17(b) was voted on by roll call.

The vote is as follows:

- YES: Delegates David Atalig, Felipe Atalig, Pedro Atalig, Vicente Attao, Olympio Borja, Gregorio Calvo, Magdalena Camacho, Jose Cruz, Pedro Dela Cruz, Juan S. Demapan, Hilario Diaz, Benigno Pital, Herman Guerrero, Lorenzo Guerrero, Henry Hofschneider, Pedro Igitol, Esteven King, Luis Limes, Jose Mafnas, Benjamin Manglona, Prudencio Manglona, Vicente Manglona, Pedro Ogo, Francisco Palacio, Oscar Raza, Leon Taisacan, Juan Tenorio, Manuel Tenorio, Joaquin Torres and Jesus Villagomez. (30 votes)
- NO: Delegates Jose Borja, Carlos Camacho, Daniel Castro, Juan DLG. Demapan and Ramon Villagomez. (5 votes)
- ABSTAIN: Delegates Vicente Ayuyu, Luis Benavente, Antonio Camacho and David Maratita.

The motion carried.

Delegate Ramon Villagomez: According to our Rules of Procedure, there must be a one day notice given in order to reconsider any Section or Article. I would like to make a motion to reconsider Section 11 or Article III. The reason I am doing this is because in Section 11 it requires the senate to give advice and consent on the appointment of the attorney general by the governor. I don't think the senate should be given this power in any Section or Article of this Constitution, because it ultimately gives them power to appoint. I oppose this idea. I think the upper house and the lower house should make advice and consent decisions as a whole. For these reasons I make a motion to recall Section 11 or Article III.

Floor Leader Raza: I believe we have disposed of that particular Section only as a Committee of the Whole.

President Guerrero: No, that Section has been adopted by the Convention.

Delegate Jose Cruz: I oppose the idea of the house of representatives being included in that advice and consent. I think it's time the small populated islands of Rota and Tinian have a say in what is done. It has been said "you have a safeguard in the senate." This is very important to us and its time we speak of our rights and protect our interests.

Delegate Olympio Borja: Delegate Villagomez is giving notice that he wishes Article III, Section 11, be placed on the calendar for reconsideration in accordance with Rule 51 of our Rules of Procedure. The motion is in order if we approve it by a majority vote.

Floor Leader Raza: Before us is amendment no. 77 which proposes that principle department heads be appointed with the advice and consent of the legislature. Would this accommodate Delegate Villagomez' concern?

Delegate Ramon Villagomez: There is obviously a conflict between that amendment and Section 11 or Article III. In my interpretation the language would still prevail in Section 11 and with respect to the judges.

Floor Leader Rasa: If my reasoning is correct, I construe this to mean that the attorney general is a department head and if this amendment is passed, his appointment must have the advice and consent of the legislature. Could we have some clarification from the legal consultant?

Consultant Willens: Mr. President, I think the amendment that the Floor Leader has pointed out raises the very same issue, but it would not control the specific constitutional provision related to the attorney general. Even if Section 14 were amended by proposed amendment no. 77, it would still be an amendment to Section 11 with respect to the attorney general to accomplish objective of Mr. Villagomez. I think it is a matter of reality, however. He probably recognizes that the issue is before the House in the context of an amendment to Section 14 and he might be guided in that with respect to Section 11 depending on the outcome. It would take a separate amendment to Section 11 in order to change the provision with respect to the attorney general.

Floor Leader Rasa: Although that is the opinion of the legal consultant, I consider the office of the attorney general to be a principle department of the executive branch, and according to this amendment it would need the advice and consent of the legislature. Am I correct in assuming, according to this proposed amendment, that all principle department heads would require the advice and consent of the legislature and not just the senate?

Delegate Ramon Villagomez: I would like to ask the consultant if amendment no. 77 includes the judges and attorney general as principle department heads? If so, then this amendment requires approval of their appointment by advice and consent of the legislature? If this amendment is passed and that is the case, then I will withdraw my motion, but not until I am assured that is the case.

Consultant Willens: If that is the direction of the body and if Delegate Guerrero makes clear that his amendment covers not only heads of departments but also the attorney general and judges, and if the Convention passes that amendment, then it will simplify my job and I will go back and do whatever you want.

Delegate Ramon Villagomez: I withdraw my motion, with the understanding that amendment no. 77 includes the attorney general and the judges as principle department heads.

Floor Leader Rasa: I move that Section 5 of Article III be adopted by the Convention on Second and Final Reading.

The motion was seconded.

Delegate Olympio Borja: I move that the Convention adopt proposed amendment no. 78, to Article III, Section 5, regarding "Compensation."

Delegate David Atalig: The Committee in support of this amendment to give the governor a salary of \$25,000 and the lieutenant governor a salary of \$22,000 for several reasons. Assuming that the salaries of the department heads would be lower than the governor and lieutenant governor, we would not be able to attract our bright young people if it is under \$18,000.

President Guerrero: The Chair would like to advise the Delegates that we have deliberated this issue during the Committee of the Whole so please try to confine this to a very limited debate at this time.

Delegate Juan S. Demapan: Would it be inconsistent to include the maximum salary in the Constitution rather than leaving it up to the legislature?

Floor Leader Rasa: Delegate Demapan there is a proposed amendment which stipulates a salary of \$25,000 for the governor and \$22,000 for the lieutenant governor.

Floor Leader Rasa: I move for the previous question.

Motion to adopt proposed amendment no. 78 on Article III, Section 5, regarding "Compensation," was voted on by roll call.

The motion carried.

Motion to adopt Section 5 of Article III, as amended by amendment no. 78, on Second and Final Reading was voted on by roll call. The vote is as follows:

YES: Delegates David Atalig, Felipe Atalig, Vicente Attao, Jose Borja, Antonio Camacho, Carlos Camacho, Magdalena Camacho, Daniel Castro, Jose Cruz, Pedro Dela Cruz, Juan S. Demapan, Herman Guerrero, Lorenzo Guerrero, Henry Hofschneider, Pedro Igitol, Luis Limes, Jose Mafnas, Benjamin Manglona, Prudencio Manglona, David Maratita, Francisco Palacios, Oscar Rasa, Leon Taisacan and Ramon Villagomez. (24 votes)

NO: Delegates Pedro Atalig, Felix Ayuyu, Luis Benavente, Olympio Borja, Gregoria Calvo, Juan DLG. Demapan, Hilario Diaz, Esteven King, Vicente Manglona, Pedro Ogo, Juan Tenorio, Manuel Tenorio, Joaquin Torres and Jesus Villagomez. (15 votes)

The motion was defeated.

Delegate Juan Tenorio: I move that the Convention adopt Section 5 or Article III, as adopted by the Committee of the Whole, stating that the salary of the governor and lieutenant governor shall be "as provided by law," on Second and Final Reading.

The motion was seconded.

Delegate Joaquin Torres: I move to amend proposed amendment no. 78 so that it will set the salary of the governor at \$20,000 per annum and \$18,000 per annum for the lieutenant governor. I move that the Convention adopt the amendment to the proposed amendment of Article III, Section 5.

The motion was seconded.

Delegate Carlos Camacho: I originally endorsed giving the legislature the power of setting the salaries of the governor and lieutenant governor, but I have changed my views. Since the legislators and the governor will be elected at the same time, if there is a difference in their political affiliations, it is possible that the governor could go as long as twelve months without pay. That is why we should set their salaries in the Constitution.

Delegate Ramon Villagomez: I move that we suspend Rule 47 in order to consider Delegates Torres' motion to amend amendment no. 78.

President Guerrero: Since there is no objection in the House, suspension of Rule 47 is ordered.

Floor Leader Rasa: We need to seriously consider this amendment as the only alternative is to allow the legislature to set the salaries. Knowing how partisanship permeates local politics I cannot in good conscience say that the law would be reasonable because it will be subject to mass politicking. I move for the previous question.

The motion was seconded and carried.

Motion to adopt Article III, Section 5, inclusive of the amendment to set the governor's salary at \$20,000 and the lieutenant governor's salary at \$18,000 was voted on by roll call vote. The vote was as follows:

YES: Delegates Felipe Atalig, Vicent Attao, Luis Benavente, Olympio Borja, Antonio Camacho, Carlos Camacho, Magdalena Camacho, Daniel Castro, Jose Cruz, Hilario Diaz, Benigno Fitial, Lorenzo Guerrero, Henry Hofschneider, Pedro Igitol, Esteven King, Luis Limes, Jose Mafnas, Benjamin Manglona, Prudencio Manglon, Vicente Manglona, David Maratita, Pedro Ogo, Joaquin Torres, Jesus Villagomez and Ramon Villagomez. (31 votes)

NO: Delegates David Atalig, Pedro Atalig, Felix Ayuyu, Jose Borja, Gregorio Calvo, Juan DLG. Demapan, Juan S. Demapan, and Herman Guerrero. (8 votes)

The motion carried.

Floor Leader Rasa: I move we recess until 1:30 p.m.

The motion was seconded and carried.

The Convention recessed at 12:42 p.m.

RECESS

The Convention reconvened at 1:53 p.m.

Floor Leader Rasa: I move that the Convention adopt Section 14 of Article III.

The motion was seconded.

Delegate Olympio Borja: I move to amend the motion by adopting proposed amendment no. 77.

The motion was seconded.

Delegate Pedro Dela Cruz: I am in opposition to this amendment.

Delegate Benjamin Mangiona: I have very strong reservations on the proposed amendment no. 77. I must bring to the attention of the Convention that several days ago this Convention made a decision in regard to Article II, Section 5(c) on enactment of legislation. Legislation can be adopted by each house with a majority of the votes cast. That was the original power taken away from the majority of the membership. Also, Article II, Section 8, "Confirmation of Appointment," was deleted in the Constitution. Today we are discussing another provision which originally gave the power to the senate on confirmation. Section 16 provides that a confirmation commission established which is composed of one member from each island from the senate and the house will have four from Saipan, one from Rota and one from Tinian. It states that the majority of the membership in the commission will make the confirmation. That means the representatives from Saipan could make confirmation even if there is no representative from the other two islands. What else do the Delegates from Rota and Tinian want. We have already given them confirmation power in the senate and that is where the confirmation balancing of power is suppose to be. Two islands should not be able to dominate the senate. We have to find a balance where two islands do not dominate confirmation. Proposed amendment no. 77 takes away the power of the senate. It is true that in the United States the senate is given this power. I think the original provision is the most practical and I urge the Delegates to disapprove this amendment.

Delegate Herman Guerrero: I realize the concern of our neighboring islands. As provided in Section 17(b), the department heads on Rota and Tinian will need confirmation of only the legislators from the respective islands. With respect to the main department heads on Saipan, my proposed amendment states confirmation would be required from the legislature, not just the members from Saipan. I think this is a very liberal and reasonable approach.

Delegate Hilario Diaz: Our identity is being taken away as teammates in the new Commonwealth government. I urge you to reconsider this amendment and if it is felt that the legislature should have the power of confirmation then we should require a 3/4 vote instead of a majority. I urge you to leave confirmation power with the senate.

Delegate Jose Cruz: I rise to speak in opposition of proposed amendment no. 77. Since the very first day of this Convention, the so called minorities from Rota and Tinian, have tried to bring to the attention of the Convention the very serious problems that these two islands have suffered in the past 27 years under the Trusteeship Administration. We have been reminded that the provision of the Covenant establishing a two house legislature is enough safeguard to correct all the deficiencies that have prevailed in the past. We have talked about this many times in the past, so why is this amendment being submitted now?

Delegate Felipe Atalig: I have to disagree. This amendment deals with only one Section and does not diminish the power of the senate. Just because the United States provides for confirmation in the senate does not mean we have to. In my

experience with the Congress of Micronesia we have seen problems arise by not having a joint house confirm positions that require the confirmation of the Congress. I don't think we should specify the word "senate."

Delegate David Maratita: Will advice and consent be acted upon by each house acting alone? If advice and consent is up to the legislature, then each house will provide its own rules as to how this will be handled. I move for the previous question.

Chairman Jose Mafnas: The way I read Section 14, it does not prevent the legislature from having a joint committee on confirmation power. It has been left up to the legislature as to whether or not they have a joint committee on confirmation except for the attorney general, land commission members, department heads, public auditor and the judges. Those positions must be confirmed the Senate. Other than those positions the legislature is left with great power to formulate its own rules and regulations as to whether or not to have a joint committee. Therefore, I urge the members of this Convention to defeat proposed amendment no. 77.

Delegate Jose Cruz: I am in favor of amendment no. 77. We cannot rely on mistrust because of the past. We must look into the future and correct this mistrust.

Delegate Juan S. Demapan: I am in opposition to the proposed amendment. Can we be assured that an appointment made by the governor will be considered by the majority of all the legislators?

Delegate Vicente Manglona: I think this very body is generating political cancer. I, therefore, move to end debate.

The motion was seconded and carried.

Motion to adopt proposed amendment no. 77 was defeated by roll call vote.

Motion to adopt Section 14 or Article III on Second and Final Reading was voted on by a roll call vote. The vote is as follows:

YES: Delegate David Atalig, Felipe Atalig, Pedro Atalig, Vicente Attao, Luis Benavente, Olympio Borja, Gregorio Calvo, Antonio Camacho, Jose Cruz, Pedro Dela Cruz, Juan S. Demapan, Hilario Diaz, Benigno Fitial, Lorenzo Guerrero, Henry Hofschneider, Pedro Igitol, Esteven King, Luis Limes, Benjamin Manglona, Prudencio Manglona, Vicente Manglona, David Maratita, Pedro Ogo, Francisco Palacios, Oscar Rasa, Leon Taiscan, Juan Tenorio, Manuel Tenorio, Joaquin Torres and Jesus Villagomez. (31 votes)

NO: Delegate Carlos Camacho, Magdalena Camacho, Daniel Castro, Juan D.G. Demapan, Herman Guerrero and Ramon Villagomez. (6 votes)

ABSTAIN: Delegates Felix Ayuyu and Jose Borja. (2 votes)

The motion was carried.

Floor Leader Rasa: I move that the Convention adopt Article II, Section 15 on Second and Final Reading.

The motion was seconded.

Chairman Benigno Fitial: The intent is very clear in proposed amendment no. 79. This would prevent the legislature from having the power to reorganize the executive branch and would give that responsibility to the governor. The legislature will approve or disapprove reorganization action taken by the governor.

Chairman Olympio Borja: I move that the Convention adopt proposed amendment no. 79 to Article II, Section 15.

The motion was seconded.

Consultant Willens: I do think there is some misunderstanding here. The legislature must have the legal authority to establish and change the executive departments.

Executive departments do not emerge out of thin air. They are created by law, they are given specific functions by law, monies are appropriated for them by law, and they must operate pursuant to law. Law comes from the legislature. I understand the interest behind the amendment, which is to make reorganization more readily available to the executive branch, but on the other hand, the executive branch does not have the authority to change the law. The governor and his staff cannot make changes in departments which are regulated by law. That is why the sentence was in here to make clear that the legislature could, itself from time to time, pass new laws creating new departments, taking functions away from old departments or do whatever is necessary to implement the statutes that are enacted by the legislature. The last part of Section 15 is designed to permit the governor to make such reorganization as he can without changing the law. If he wants to make a reorganization which changes the law he has to go to the legislature for its approval or disapproval. I really feel there is a legal issue here which we may not have been clear enough in explaining to the Convention.

Chairman Benigno Fitial: If that is the case, Mr. President, there is definitely a misunderstanding here. The intention that I expressed is for the reorganization to be made by the executive branch and approved by the legislature, meaning that the legislature has that authority to approve or disapprove such reorganization.

Delegate Ramon Villagomez: Anyone who understands how government works, would understand that this amendment violates the principles of government. You cannot form a government that takes away the power of the legislature for making laws. That's their job. I don't see that there is a substance to this amendment. I oppose it entirely.

Chairman Benigno Fitial: I must apologize since I offered this amendment, but my intentions are not clearly expressed in the proposed amendment. I thought I made it very clear to the legal consultants and I wanted the reorganization made by the executive branch and submitted to the legislature for its approval or disapproval. This does not accomplish my intentions so I intend to withdraw the motion.

Delegate Olympio Borja: I withdraw my motion to adopt amendment no. 79.

I wish to speak in support of Article III, Section 15. The legislature should create the necessary branches of our government. The style is good and the wording is good in Section 15 and I am in support of its adoption.

Delegate Pedro Dela Cruz: I move for the previous question.

The motion was seconded and carried.

Motion to adopt Section 15 of Article III on Second and Final Reading was voted on by roll call vote. The vote is as follows:

YES: Delegates David Atalig, Felipe Atalig, Pedro Atalig, Vicente Attao, Felix Ayuyu, Jose Borja, Olympio Borja, Gregorio Calvo, Antonio Camacho, Magdalenn Camacho, Daniel Castro, Jose Cruz, Pedro Dela Cruz, Juan S. Damapan, Hilario Diaz, Lorenzo Guerrero, Henry Hofschneider, Pedro Igitol, Esteven King, Luis Limes, Jose Mafnas, Benjamin Manglona, Prudencio Manglona, Vicente Manglona, David Maratita, Pedro Ogo, Francisco Palacios, Leon Taisacan and Jesus Villagomez. (29 votes)

NO: Delegates Joaquin Torres and Ramon Villagomez. (2 votes)

ABSTAIN: Delegates Luis Benavente, Oscar Rasa, Juan Tenorio and Manuel Tenorio. (4 votes)

(As per the earlier ruling of the President, the "abstain" votes were counted as "yes," making the vote 33 "yes" and 2 "no.")

The motion carried.

Chairman Benigno Fitial: I would like to apologize for the inconvenience I caused with respect to amendment I introduced which was withdrawn. I don't want to see the legislature tampering with the offices of the executive branch just to create jobs to accommodate friends.

Floor Leader Raza: I move that the Convention adopt Section 16 of Article III on Second and Final Reading.

The motion was seconded.

Delegate Olympio Borja: I move to amend that motion to include the adoption of amendment no. 80.

The motion was seconded.

Delegate Jesus Villagomez: Amendment no. 80 should be corrected to read, "The legislature shall provide for a non-partisan and independent civil service commission to establish and administer the personnel policies applicable to executive and administrative departments and agencies and to the administrative staff of the judicial and legislative branches of government." The reason this needs to be changed is to distinguish between the personal staff of the individual legislator's and the staff of the legislative branch itself.

Motion to adopt Section 16 of Article III inclusive of amendment no. 80 on Second and Final Reading was voted on by roll call vote. The vote is as follows:

YES: Delegates David Atalig, Felipe Atalig, Pedro Atalig, Vicente Attao, Felix Ayuyu, Luis Benavente, Jose Borja, Olympio Borja, Gregorio Calvo, Antonio Camacho, Magdalena Camacho, Daniel Castro, Pedro Dela Cruz, Juan S. Demapan, Hilario Diaz, Benigno Fitial, Lorenzo Guerrero, Henry Hofschneider, Pedro Igitol, Esteven King, Luis Limes, Jose Mafnas, Benjamin Manglona, Prudencio Manglona, Vicente Manglona, David Maratita, Pedro Ogo, Francisco Palacios, Oscar Raza, Leon Taisacan, Juan Tenorio, Manuel Tenorio, Joaquin Torres, Jesus Villagomez and Ramon Villagomez. (35 votes)

NO: Delegate Jose R. Cruz. (1 vote)

ABSTAIN: Delegate Herman Guerrero. (1 vote)

(As per the earlier ruling of the President, the one "abstain" vote was counted as a "yes" vote, making the vote 36 "yes" and 1 "no.")

President Guerrero: This will be a short recess subject to the call of the Chair.

The Convention recessed at 3:30 p.m.

RECESS

The Convention reconvened at 3:50 p.m.

Floor Leader Raza: I move that the Convention adopt Section 17(b) of Article III on Second and Final Reading.

The motion was seconded.

Delegate Olympio Borja: I move to amend the motion to include amendment no. 82.

The motion was seconded.

Delegate Juan S. Demapan: I have several questions in regard to amendment no. 82. First, is it safe to say the introducer intends to have the Northern Islands included in such public services? (Answer - yes). Second, is it safe that he would like to have the services as soon as possible? (Answer - yes) What is the present population of the Northern Islands? (Answer - approximately 100 persons) Is it safe to say, if projected, the growth of these islands would reach 1000 population in ten years?

Delegate Pedro Dela Cruz: There is a plan pending to open Pagan for tourist development and this would include an airport. That would encourage people to move there.

Delegate Jose Mafnas: The plan referred to by Delegate Dela Cruz is projected to happen 30 or 40 years from now.

Delegate Pedro Dela Cruz: No, that is not correct.

Delegate Antonio Camacho: Does this mean that the Northern Islands will not have public services?

Delegate Jesus Villagomez: Section 17(c) states that public services will be provided on an equitable basis to all citizens of the Commonwealth. This, of course, includes the Northern Islands.

Delegate Antonio Camacho: Who will supervise such services in the Northern Islands until the population reaches 1000 persons? The mayor?

Delegate Joaquín Torres: The mayor will supervise such services until the Northern Islands has 1000 people. The department heads on Saipan will also supervise.

Delegate Antonio Camacho: Tinian has less than 1000 people, but we are guaranteeing them resident department heads. Why?

Delegate Vicente Manglona: Tinian has many programs, mainly agriculture. They have a public works as big as Rota. We have a super dispensary staffed with doctors. That's the difference.

Delegate Antonio Camacho: Does that mean we don't go by population, we go by what is already there?

Delegate Daniel Castro: Do we still have to wait until the population is 1000 if Tinian should lose population, to say, 500? I think this is discriminatory. Why was 1000 arrived at in order for the Northern Islands to have a representative or anything?

Delegate Joaquín Torres: If we are using Tinian as an example, let's compare Tinian's public works to the Northern Islands. Why should we provide a resident department head when the Northern Islands only has two employees in public works. I am not trying to deprive the Northern Islands, but I am concerned about cost. Let's just not hire people for the sake of hiring them. We have a mayor established in this Constitution for the Northern Islands. I am sure the mayor can supervise these services, if and when they are provided. Let's be realistic.

Delegate Daniel Castro: I am looking more than ten years ahead when the Northern Islands are more mature. I am asking that provisions be placed in the Constitution for the future. The people of the Northern Islands deserve as much as the people of the other islands.

Delegate Olympio Borja: We are all in agreement that the Northern Islands deserve consideration either when the population exceeds 1000 or when the legislature feels department heads are necessary. I agree with Delegate Torres, that there is too little population now to provide these department heads. Do we really intend that the Northern Islands should have to wait until they have 1000 people if, let's say in ten years they have 800 and are in a position to warrant the department heads and a representative? In Article III, Section 17(c) it states, "Public services shall be provided to all citizens in the Commonwealth on an equitable basis. The legislature may require these services be provided through decentralized arrangement. The governor shall make any necessary recommendation to the legislature in order to accomplish this objective." This makes it possible to change the policy on department heads if the governor feels it is necessary.

Delegate Migdalen Camacho: Why is this based on 1000 population. I know the legislature used that figure in order to have representation in the senate, but why here. Tinian does not have 1000 people.

Delegate Luis Benavente: If we are concerned with cost, let the mayor supervise in the Northern Islands, Rota and Tinian.

Delegate Jesus Villagomez: The people of the Northern Islands can be assured that what public service which are need will be provided.

Delegate David Atalig: I move that the Convention delete from Section 17(b) the phrase "with the advice and consent of the majority of the representatives and senators in the legislature from the island where the resident department head shall perform his duties."

The motion was seconded and defeated.

Delegate Jose Cruz: I support amendment no. 82 as in and feel it reflects concern for the people of the Northern Islands.

Motion to adopt Article III, Section 17(b), inclusive of amendment no. 82 on Second and Final Reading was voted on by roll call vote. The vote is as follows:

YES: Delegates Felipe Atalig, Luis Benavente, Olympio Borja, Gregorio Calvo, Jose Cruz, Pedro Dela Cruz, Benigno Fitial, Herman Guerrero, Lorenzo Guerrero, Henry Hofschneider, Pedro Igitol, Esteven King, Luis Limes, Jose Mainas, Benjamin Manglona, Prudencio Manglona, Vicente Manglona, David Maratita, Pedro Ogo, Francisco Palacios, Oscar Rasa, Leon Taisacan, Juan Tenorio, Manuel Tenorio, Joaquin Torres and Jesus Villagomez. (27 votes)

NO: Delegates David Atalig, Felix Ayuyu, Jose Borja, Antonio Camacho, Magdalena Camacho, Daniel Castro and Ramon Villagomez. (7 votes)

ABTAIN: Delegates Pedro Atalig, Vicente Attao and Juan S. Demapan. (3 votes)

(As per the earlier ruling of the President, the 3 abstentions were counted as affirmative votes, making the vote 30 "yes" and 7 "no".)

The motion carried.

Delegate Pedro Dela Cruz: There is another amendment to Article III, which calls for the addition on another Section to this Article, Amendment no. 84.

Chairman Olympio Borja: My motion this morning did not include the adoption of a new Section to Article III. Article III is completed.

Convention Secretary: I seek direction from the Floor Leader as to whether this amendment is in order for discussion at this time.

Floor Leader Rasa: I believe we would be in order to entertain such amendment.

Delegate David Maratita: I move that the Convention adopt amendment no 84, which is an addition of one Section to Article III. The additional Section is entitled, "Executive Assistant for Chamorro Affairs."

The motion was seconded.

Delegate Pedro Dela Cruz: What is the basis for your amendment?

Delegate David Maratita: We have provided for a Special Assistant of Carolinian Affairs and I feel there should be an assistant of Chamorro descent. I never believed that one ethnic group should have been identified in the Constitution, but since this was done, we will have to identify each group.

Delegate Olympio Borja: I am not entirely opposed to Delegate Maratita's amendment. The reason I support the Assistant for Carolinian affairs is because we know the Carolinians are in the minority. There is a possibility that the Chamorros may be in the minority in the distant future if many people move into the Northern Marianas from the outside and this amendment may be timely but premature.

Delegate Jose Cruz: I think it is high time this Convention realize that with the termination of the United Nations Trusteeship Agreement and ratification of this Constitution we will all be American citizens. I resent this kind of proposed amendment. I am an American and I am proud to be an American. Next we will hear a proposal from the Philipino Americans that they want a traditional chief in the executive branch. The Korean Americans and Japanese Americans will ask for amendments to this Constitution. I say, we will all be Americans and I am opposed to this amendment, with all due respect to the introducer, because I know he is sincere.

Delegate Jesus Villagomez: Since we have already recognized the Carolinian minority in the Constitution, maybe we should have a provision, in the event that we, the Chamorros, become a minority with the influx of new people in the Northern Marianas. Possibly we could make a minor change in the amendment. We could state, " An executive assistant may be appointed by the governor with the advice and consent of the senate in the event that the Chamorro become a minority in the Northern Mariana Islands." I so move that this amendment be made to the amendment no. 84.

Delegate Olympio Borja: I would like to ask the consultant if the inclusion of this amendment would jeopardize the passage of this Constitution by the United States Government?

Consultant Williams: I would like to express some views on this which may be controversial to some of you. I am becoming increasingly concerned at some of the decisions being made by the Convention with respect to this Constitution. I am concerned because I think there will be people looking at this document back in the United States who will do so not in strict compliance with their obligation back in the United States. Their obligation is to approve this Constitution if it is consistent with the Covenant and with the United States Constitution. I and my colleagues have done our best to make certain that your Constitution is consistent with the Covenant and the United States Constitution. I am concerned because I think there will be people back in the United States looking for some reason to disapprove this Constitution. Disapprove it because it calls for an expensive government, because it reflects unAmerican concerns and practices, or they think it is not workable in some respect. I do not sympathize with those views and I and others will defend this Constitution. I believe that the particular provision for the Carolinians is one of the provisions that will raise questions back in the United States. I think it can be answered to the satisfaction of anyone back in the United States who thinks about the problems here in the Northern Mariana and the special history with respect to the Carolinians. I think, however, if you went further and provided for a possible Special Assistant for the Chamorros at some point in the future when the Chamorros are in the minority, that that would cross the border line. I think it would reflect, furthermore, a kind of fear here in the Northern Marianas which might raise second questions in the minds of people back in the United States whether you are, in fact, ready to become part of the United States and if you are, in fact, ready to take on the responsibilities and the risks of being part of the United States, as well as the benefits and the privileges. I am concerned at the impression this kind of provision might make. You do have the Constitutional authority to appoint a Special Assistant for any purpose whatsoever at any time you want to under this Constitution. The legislature is free to require to creation of such a post at any time it wants to. The governor can appoint among his personal staff someone to represent any minority that he or she wants to give special recognition to. You do not need a provision like this in the Constitution to protect your people and I am concerned about the impression that it might create back in the United States. On the whole, this is a matter of judgment not strict legal opinion, but I think that I am obligated to give you my best judgment on these matters.

Delegate Pedro Ogo: I don't think we should define ethnic groups in our Constitution.

Floor Leader Raza: I move that we end debate.

The motion was seconded and carried.

Motion to amend amendment no. 84 was seconded and defeated by roll call vote.

Motion to adopt amendment no. 84 to Article III was defeated by roll call vote.

Article III as adopted on Second and Final Reading is as follows:

ARTICLE III: EXECUTIVE BRANCH

Section 1: Executive Power. The executive power of the Commonwealth shall be vested in a governor who shall be responsible for the faithful execution of the laws.

Section 2: Qualifications of the Governor. The governor shall be qualified to vote in the Commonwealth, at least thirty years of age, and a resident and domiciliary of the Commonwealth for at least seven years immediately preceding the date on which the governor takes office. A different period of residence and domicile may be provided by law. No person convicted of a felony in the Commonwealth or in any area under the jurisdiction of the United States may be eligible for this office unless a full pardon has been granted.

Section 3: Lieutenant Governor. The lieutenant governor shall have the same qualifications as required for the office of governor and shall perform those duties specified in this article and those assigned by the governor or provided by law. Whenever the office of lieutenant governor is vacant, the governor shall appoint a successor with the advice and consent of the senate.

Section 4: Joint Election of the Governor and Lieutenant Governor. The governor and lieutenant governor shall be elected at large within the Commonwealth and for a term of office of four years. The governor and lieutenant governor shall be elected jointly with each voter casting a single vote applicable to both offices. No person may be elected governor more than three times.

Section 5: Compensation. The governor shall receive an annual salary of twenty thousand dollars and the lieutenant governor an annual salary of eighteen thousand dollars. Both shall receive reasonable allowances for expenses provided by law. Upon the recommendation of the advisory commission on compensation provided by Article II, section 10, the legislature may change the salary of the governor or lieutenant governor. Neither salary may be changed during a term of office.

Section 6: Other Government Employment. The governor or lieutenant governor may not serve in another Commonwealth position or receive compensation for performance of official duties or from any governmental body except as provided by section 5. The legislature shall enact a code of conduct for the governor, lieutenant governor and heads of executive departments that includes a requirement of disclosure of financial or personal interests sufficient to prevent conflicts of interest in the performance of official duties.

Section 7: Succession to the Governorship. In case of the removal, death or resignation of the governor, the lieutenant governor shall become governor. If the offices of governor and lieutenant governor are both vacant, the president of the senate shall become acting governor. An acting governor who assumes office when more than one year remains in the term may serve only until a governor is chosen in a special election provided by law.

Section 8: Absence or Disability of the Governor.

a) When the governor is physically absent from the Commonwealth, the lieutenant governor shall be acting governor. If the lieutenant governor is also absent or is otherwise unavailable, the presiding officer of the senate shall be acting governor.

b) When the governor is unable to discharge the duties of the office by reasons of physical or mental disability, the lieutenant governor shall be acting governor. If the lieutenant governor is unavailable, the presiding officer of the senate shall be acting governor. If the person next in succession to the governor has reason to believe that the governor is unable to discharge the duties of the office, that person shall file a petition to declare a vacancy with the Commonwealth appeals court or the United States District Court if no Commonwealth appeals court has been created under article IV, section 3. The court has original and exclusive jurisdiction to determine all questions regarding the disability of the governor and the existence of a vacancy in the office of governor.

Section 9: Executive Functions.

a) The governor shall submit to the legislature a proposed annual budget for the following fiscal year. The proposed budget shall describe anticipated revenues of the Commonwealth and recommend expenditures of Commonwealth funds. In preparing the proposed budget, the governor shall consider submission made by the mayors of Rota, Saipan, Tinian and Aguiguan, and the Islands north of Saipan as to the budgetary needs of this islands and by the executive assistant appointed under section 18 of this article. The governor's submission to the legislature with respect to the budget shall state the governor's disposition of the budgetary requests contained in these submissions and may include recommended legislation with respect to taxation. If a budget is approved by the legislature, the governor

may not reallocate appropriated funds except as provided by law. If a budget is not approved before the first day of the fiscal year, appropriations for government operations and obligations shall be at the level for the previous fiscal year.

b) The governor shall report at least annually to the legislature regarding the affairs of the Commonwealth and new measures that are necessary or desirable.

c) The governor shall have the power to grant reprieves, commutations and pardons after conviction for offenses after consultation with a board of parole to be established by law. This power shall not apply to impeachment.

Section 10: Emergency Powers. The governor may declare a state of emergency in the case of invasion, civil disturbance, natural disaster or other calamity and may mobilize available resources to respond to that emergency.

Section 11: Attorney General. The governor shall appoint an attorney general with the advice and consent of the senate. The attorney general shall be responsible for providing legal advice to the governor and executive departments, representing the Commonwealth in all legal matters, and prosecuting violations of Commonwealth law.

Section 12: Public Auditor. The governor shall appoint a public auditor with the advice and consent of each house of the legislature. The public auditor shall audit the receipt, possession and disbursement of public funds by the executive, legislative and judicial branches of the government, an instrumentality of the Commonwealth or an agency of local government and shall perform other duties provided by law. The public auditor shall report to the legislature and the governor at least once every year and this report shall be made public promptly. The public auditor may be removed only for cause and by the affirmative vote of two-thirds of the members of each house of the legislature. In the event that there is a vacancy in the office of public auditor, the presiding officer of the senate shall appoint a temporary public auditor to serve until the vacancy is filled.

Section 13: Department of Education. The legislature shall establish a department of education that shall be headed by a superintendent of education appointed by a representative board of education. The governor shall appoint the members of the board of education for a term of four years with the advice and consent of the senate. The board of education shall formulate policy and exercise control over the public school system through the superintendent. The composition of the board of education and other matters pertaining to its operations and duties shall be provided by law.

Section 14: Heads of Executive Departments. Each principal department shall be under the supervision of the governor and, unless otherwise provided by law, shall be headed by a single executive. The governor shall appoint the heads of executive departments with the advice and consent of the senate. The governor may remove the heads of executive departments. The governor may at any time require information in writing or otherwise from the head of any administrative department, office or agency of the Commonwealth.

Section 15: Executive Branch Departments. Executive branch offices, agencies and instrumentalities of the Commonwealth government and their respective functions and duties shall be allocated by law among and within not more than fifteen principal departments so as to group them so far as practicable according to major purposes. Regulatory, quasi-judicial and temporary agencies need not be a part of a principal department. The functions and duties of the principal department and other agencies of the Commonwealth shall be provided by law. The legislature may reallocate offices, agencies and instrumentalities among the principal departments and may change their functions and duties. The governor may make changes in the allocation of offices, agencies and instrumentalities and in their functions and duties that are necessary for efficient administration. If these changes affect existing law, they shall be set forth in executive orders which shall be submitted to the legislature and shall become effective sixty days after submission, unless specifically modified or disapproved by a majority of the members of each house of the legislature.

Section 16: Civil Service. The legislature shall provide for a non-partisan and independent civil service commission with the duty to establish and administer personnel policies for the Commonwealth government. The commission's authority shall extend to positions other than those filled by election or by appointment of the governor in the departments and agencies of the executive branch and in the administrative staffs of the legislative and judicial branches. Appointment and promotion within the civil service shall be based on merit and fitness demonstrated by examination or by other evidence of competence.

Section 17: Public Services.

a) The governor may delegate to a mayor elected under the provisions of Article VI, section 2, responsibility for the execution of Commonwealth laws and the administration of public services in the island or islands in which the mayor has been elected. Services being provided on a decentralized basis in Rota and Tinian on the effective date of this Constitution shall continue to be provided on this basis unless the governor personally certifies after public hearings on the island involved that such decentralization is inconsistent with the efficient and economical delivery of services.

b) Public services on Rota and Tinian shall be supervised by a resident department head in the the departments providing the services appointed by the head of the executive branch department with the advice and consent of the majority of the members of the legislature from the senatorial district in which the resident department head shall serve. These arrangements shall apply to the islands north of Saipan when the population of these islands exceeds one thousand persons.

c) Public services shall be provided on an equitable basis to the citizens of the Commonwealth. The legislature may require that these services be provided through decentralized administrative arrangements. The governor shall make any necessary recommendations to the legislature in order to accomplish this objective.

Section 18: Executive Assistant for Carolinian Affairs.

a) The governor shall appoint an executive assistant for Carolinian affairs who is acceptable to the Carolinian community within the Commonwealth.

b) The executive assistant shall be a member of the governor's council created under Article VI, section 5, and shall advise the governor on matters affecting persons of Carolinian descent within the Commonwealth.

c) The executive assistant shall review the application of government policies and the availability and quality of government services for persons of Carolinian descent and may report findings or recommendations on these matters to the governor.

d) The executive assistant may investigate complaints and conduct public hearings regarding matters affecting persons of Carolinian descent. The executive assistant may report findings or recommendations on these matters to the governor.

e) The executive assistant may recommend items for inclusion in the proposed annual budget, review the budget before its submission by the governor to the legislature, and recommend amendments to the budget relating to matters affecting persons of Carolinian descent.

f) The executive assistant may at any time require information in writing or otherwise with respect to matters affecting persons of Carolinian descent from the officers of any administrative department, office or agency of the Commonwealth.

Section 19: Impeachment. The governor and lieutenant governor are subject to impeachment as provided in Article II, section 8, or this Constitution for treason, commission of a felony, corruption or neglect of duty.

Delegate Ramon Villagomez: I would like to give notice to the House that I intend to make a motion to reconsider Article II for the purpose of submitting amendment no. 85.

President Guerrero: We are behind on our schedule and we will postpone discussion of that amendment until a later time.

Delegate Ramon Villagomez: I move that the Convention President formulate a new schedule for consideration of articles on Second and Final Reading, placing those issues that are not controversial first on the calendar.

The motion was seconded.

President Guerrero: There being no objection from the Floor, I will take care of that matter.

The Resident Commissioner will be here at 8:30 a.m. Monday to present to the Delegates their Certificates of Election to the Constitutional Convention.

Floor Leader Raza: I move that the Convention suspend items 1, 2 and 3 or the Order of Business for today.

The motion was seconded and carried.

(4) ADOPTION OF THE JOURNAL

Floor Leader Raza: I move that the Convention adopt the Summary Journals of the 38th and 39th Days.

The motion was seconded and carried.

Floor Leader Raza: I move that we suspend items 5, 6 and 7 of the Order of Business and move to item 8, "Second and Final Reading."

The motion was seconded and carried.

Chairman Jose Mafuas: I would like to submit a written report from the Committee on Governmental Institutions regarding the disposal of Delegate Proposals by your Committee.

President Guerrero: The Convention will receive your report.

(8) SECOND AND FINAL READING OF RECOMMENDATIONS

Floor Leader Raza: I move that the Convention resolve itself into the Committee of the Whole in order to discuss Article X, regarding "Taxation," and Article XIV, regarding "Natural Resources," as shown under item 8 on our Order of Business.

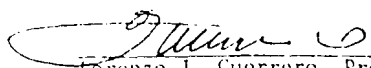
The motion was seconded and carried.

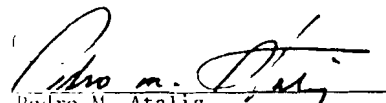
President Guerrero: I appoint Delegate Benjamin Manglona to preside over the Committee of the Whole.

The Convention resolved into the Committee of the Whole at 5:40 p.m.

The Convention recessed while in the Committee of the Whole, to reconvene in Plenary Session the following morning at 9:00 a.m. Recess was called at 9:00 p.m.

APPROVED:


Lorenzo I. Guerrero, President
Northern Marianas Constitutional
Convention


Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

Forty-First Day
Saturday, November 27, 1976

The Constitutional Convention of the Northern Mariana Islands reconvened in Plenary Session at 9:40 a.m.

The Honorable Lorenzo I. Guerrero, President, presided.

Chairman Benjamin Manglona: I am happy to report that the Committee of the Whole has adopted Article X, regarding "taxation and Finance," and Article XIV, regarding "Natural Resources," as amended, together with the style amendments as proposed by the legal consultants.

Acting Floor Leader Juan Tenorio: I move that the Convention adopt Article X, as amended, on Second and Final Reading.

The motion was seconded.

Motion to adopt Article X on Second and Final Reading was voted on by roll call vote. The vote is as follows:

YES: Delegates David Atalig, Felipe Atalig, Pedro Atalig, Vicente Attao, Luis Benavente, Jose Borja, Olympio Borja, Gregorio Calvo, Antonio Camacho, Magdalena Camacho, Jose Cruz, Pedro Dela Cruz, Juan S. Demapan, Hilario Diaz, Benigno Fitial, Lorenzo Guerrero, Henry Hofschneider, Prudencio Manglona, Vicente Manglona, Pedro Igitol, Esteven King, Luis Limes, Jose Mafnas, Vicente Manglona, David Maratita, Pedro Ogo, Francisco Palacios, Oscar Rasa, Leon Taisacan, Juan Tenorio, Manuel Tenorio, Jesus Villagomez and Ramon Villagomez.
(33 votes)

NO: Delegate Joaquin Torres. (1 vote)

The motion carried.

Article X, adopted by the Convention on Second and Final Reading, is as follows:

ARTICLE X: TAXATION AND PUBLIC FINANCE

Section 1: Public Purpose. A tax may not be levied and an appropriation of public money may not be made, directly or indirectly, except for a public purpose.

Section 2: Report on Tax Exemptions. Every five years the governor shall report to the legislature on the social, fiscal and economic impact of tax exemptions provided by law. The report may include recommendations by the governor on tax exemption policy of laws.

Section 3: Public Debt Authorization. Public debt may not be authorized or incurred without the affirmative vote of two-thirds of the members in each house of the legislature.

Section: Public Debt Limitation. Public indebtedness other than bonds or other obligations of the government payable solely from the revenues derived from a public improvement or undertaking may not be authorized in excess of ten percent of the aggregate assessed valuation of the real property within the Commonwealth. Public indebtedness may not be authorized for operating expenses of the Commonwealth government or its political subdivisions.

Floor Leader Rasa: I move that the Convention adopt Article XIV, regarding "Natural Resources," on Second and Final Reading, as amended.

Motion to adopt Article XIV on Second and Final Reading was voted on by roll call vote. The vote is as follows:

YES: Delegates David Atalig, Felipe Atalig, Pedro Atalig, Vicente Attao, Lala Benavente, Jose Borja, Olympio Borja, Gregorio Calvo, Antonio Camacho, Magdalena Camacho, Jose Cruz, Juan S. Demapan, Hilario Diaz, Benigno Fitial, Lorenzo Guerrero, Henry Hofschneider, Pedro Igitol, Luis Limes, Jose Mafnas, Benjamin Manglona, Prudencio Manglona, Vicente Manglona, Francisco Palacios, Oscar Rasa, Leon Taisacan, Juan Tenorio, Manuel Tenorio, Jesus Villagomez and Ramon Villagomez. (29 votes)

NO: Delegates Pedro Dela Cruz, Esteven King, David Maratitia and Joaquin Torres. (4 votes)

ABSTAIN: Delegate Pedro Ogo. (1 vote)

(As per earlier order of the President, the 1 abstention was counted as affirmative vote, making the vote 30 "yes" and 4 "no.")

The motion carried.

Article XIV, adopted by the Convention on Second and Final Reading, is as follows:

ARTICLE XIV: NATURAL RESOURCES

Section 1: Marine Resources. The marine resources in waters off the coast of the Commonwealth over which the Commonwealth now or hereafter may have any jurisdiction under United States law shall be managed, controlled, protected and preserved by the legislature for the benefit of the people.

Section 2: Uninhabited Islands. The island of Managaha shall be maintained as an uninhabited place and used only for cultural and recreational purposes. The islands of Sariguan and Maug and other islands specified by law shall be maintained as uninhabited places and used only for preservation of bird, fish, wildlife and plant species except that the legislature may substitute in place of Sariguan another island as well suited for that purpose.

Section 3: Places and Things of Cultural and Historical Significance. Places of importance to the culture, traditions and history of the people of the Northern Mariana Islands shall be protected and preserved and public access to these places shall be maintained as provided by law. Artifacts and other things of cultural or historical significance shall be protected, preserved and maintained in the Commonwealth as provided by law.

President Guerrero: We will now begin with our Order of Business for the 41st Day.

Floor Leader Rasa: I move we suspend items 1 and 2 on the Order of Business and go to item 3, "Roll Call." I further move that after roll call we suspend items 4, 5, 6 and 7 and go to item 8, "Second and Final Reading of Recommendations."

The motion was seconded and carried.

The Convention Secretary called the roll. There were 35 Delegates present. Delegates Feix Ayuyu, Carlos Camacho, Daniel Castro and Herman Guerrero were excused. No Delegates were absent.

(8) SECOND AND FINAL READING OF RECOMMENDATIONS

Floor Leader Rasa: I move the Convention resolve itself into the Committee of the Whole in order to discuss:

Article V, regarding "Washington Representative"
Article VII, regarding "Eligibility to Vote"
Article VIII, regarding "Election Procedures"
Article IV, regarding "Judicial Branch"

The motion was seconded and carried.

President Cuerrero: I would like to appoint Delegate Francisco T. Palacios to preside over the Committee of the Whole for today.

The Convention resolved into the Committee of the Whole at 9:55 a.m.

The Convention reconvened in Plenary Session at 4:31 p.m.

Chairman Francisco Palacios: The Committee of the Whole as adopted Articles VII, VIII and IV without amendment and Article V with amendment.

Acting Floor Leader Juan Tenorio: I move that the Convention adopt Article V, regarding "Washington Representative," as amended by the Committee of the Whole on Second and Final Reading.

Delegate Pedro Dela Cruz: Does this include the consultant's style changes for consistency and clarity?

President Cuerrero: Yes, the consensus of the Convention is to receive the report inclusive on all style changes.

Motion to adopt Article V on Second and Final Reading was seconded and carried unanimously by roll call vote. (32 affirmative votes)

Article V, adopted by the Convention on Second and Final Reading, is as follows:

ARTICLE V: REPRESENTATION IN THE UNITED STATES

Section 1: Representative to the United States. A representative to the United States shall be elected to represent the Commonwealth in the United States and to perform those related duties provided by law. The governor shall provide a certification of selection promptly to the United States Department of State and to the representative.

Section 2: Term of Office. The term office of the representative shall be two years unless it is increased to no more than four years by initiative under Article IX, section 1.

Section 3: Qualifications. The representative shall be qualified to vote in the Commonwealth, a citizen of the United States, at least twenty-five years of age, and a resident and domiciliary of the Commonwealth for at least seven years immediately preceding the date on which the representative takes office. A different period of residence and domicile may be provided by law. No person convicted of a felony in the Commonwealth or in any area under the jurisdiction of the United States may be eligible for this office unless a full pardon has been granted.

Section 4: Annual Report. The representative shall submit a written report by the second Monday of January of each year to the governor and legislature on the representative's official activities during the preceding year and matters requiring the attention of the government or people of the Commonwealth.

Section 5: Compensation. The representative shall receive an annual salary and reasonable allowances for expenses provided by law. The salary may not be changed during a term of office.

Section 6: Vacancy. In the event of a vacancy in the office of representative to the United States, the governor shall appoint a successor with the advice and consent of the legislature.

Section 7: Impeachment. The representative is subject to impeachment as provided in article II, section 8, of this Constitution for treason, commission of a felony, corruption or neglect of duty.

Acting Floor Leader Juan Tenorio: I move that the Convention adopt Article VII, regarding "Eligibility to Vote," as amended by the recommended style changes.

The motion was seconded.

Delegate Ramon Villagomez: I move that the Convention adopt proposed amendment no. 87 to Article VII.

The motion was seconded.

Delegate Pedro Atalig: If a person is serving a jail term for malicious mischief, assault and battery, petty theft, or simple misdemeanors, would the police be required to take that person to the polls to vote in an election?

Delegate Ramon Villagomez: As stated this morning, the language does not require that these persons be taken to the polls to vote.

Chairman Jose Mafnas: If it is stated in the Constitution that they can vote, I want the record to reflect that the Chief of Police will take them to the polls to vote.

Delegate Pedro Atalig: I cannot see the rationale for differentiating these jails terms. I still express my opposition.

Motion to adopt amendment no. 87 to Article VII was voted on by roll call vote.

Motion to adopt amendment no. 87 carried.

Motion to adopt Article VII, as amended by amendment no. 87, inclusive of the recommended style changes, on Second and Final Reading was voted on by roll call vote. The vote is as follows:

YES: Delegate Felipe Atalig, Vicente Attao, Luis Benavente, Pedro Dela Cruz, Hilaria Diaz, Benigno Fitial, Lorenzo Guerrero, Henry Hofschneider, Pedro Igitol, Esteven King, Luis Limes, Jose Mafnas, Benjamin Manglona, Prudencio Manglona, Vicente Manglona, David Maratita, Francisco Palacios, Oscar Rasa, Leon Taisacan, Juan Tenorio, Manuel Tenorio, Joaquin Torres, Jesus Villagomez and Ramon Villagomez. (24 votes)

NO: Delegates David Atalig, Pedro Atalig, Felix Ayuyu, Jose Borja, Gregorio Calvo, Antonio Camacho, Magdalena Camacho and Juan S. Demapan. (8 votes)

ABSTAIN: Delegate Pedro Ogo (1 vote)

(As per an earlier ruling of the President, the one abstention was counted as an affirmative vote. The final vote was 25 "yes" and 8 "nos.")

The motion carried.

Article VII, as adopted on Second and Final Reading, is as follows:

ARTICLE VII: ELIGIBILITY TO VOTE

Section 1: Qualifications of Voters. A person is eligible to vote who, on the date of the election, is eighteen years of age or older, is domiciled in the Commonwealth, is a resident of the Commonwealth, and has resided in the Commonwealth for a period of time provided by law, is not serving a sentence for a felony, has not been found by a court to be of unsound mind, and is either a citizen or national of the United States. The legislature may require that persons eligible to vote be citizens of the United States.

Section 2: Prohibition of Literacy Requirement. A person may not be denied the right to vote because that person is unable to read or write.

Section 3: Domicile and Residence. The legislature shall implement section 1 by providing the criteria by which domicile and residence shall be determined for voting purposes and specifying the length of residence within the Commonwealth that shall be required.

Chairman Francisco Palacios: I move that the Convention adopt Article VIII, regarding "Elections," as amended by the recommended style changes.

The motion was seconded.

Motion to adopt Article VIII on Second and Final Reading was voted on by roll call vote. The motion carried unanimously. (32 affirmative votes)

Article VIII, as adopted by the Convention on Second and Final Reading is as follows:

ARTICLE VIII: ELECTIONS

Section 1: Regular General Election. The regular general election of the Commonwealth shall be held on the first Sunday in November.

Section 2: Other Elections. Other elections may be held as provided by law.

Section 3: Election Procedures. The legislature may provide for the registration of voters, nomination of candidates, absentee voting, secrecy in voting, administration of elections, resolution of election contests, and other matters with respect to election procedures.

Section 4: Taking Office After Elections. Officers elected at the regular general election shall take office on the second Monday in January of the year following the year in which the election was held.

Chairman Francisco Palacios: I move that the Convention adopt Article IV, regarding "Judicial Branch," on Second and Final Reading as amended by the recommended style changes.

The motion was seconded.

Motion to adopt Article IV on Second and Final Reading was voted on by roll call vote. The motion carried unanimously. (31 affirmative votes and 1 abstention, the abstention being ruled earlier to be counted as an affirmative vote, making the count 33 "yes.")

Article IV, as adopted on Second and Final Reading, is as follows:

ARTICLE IV: JUDICIAL BRANCH

Section 1: Judicial Power. The judicial power of the Commonwealth shall be vested in a judiciary of the Northern Mariana Islands which shall include those trial and appeals courts established by the legislature under this article.

Section 2: Commonwealth Trial Court. The legislature shall establish a Commonwealth trial court. This court has original jurisdiction over actions involving land in the Commonwealth and other civil actions except those in which the value of the matter in controversy exceeds five thousand dollars. The court also has original jurisdiction over criminal actions except those in which the defendant, if convicted, may be fined an amount that exceeds five thousand dollars or imprisoned for a term that exceeds five years. For at least five years after the establishment of the court, actions involving land shall be considered by a special division of the court. At least one full-time judge of the court shall be assigned to Rota and at least one full judge of the court shall be assigned to Tinian. The legislature may vest additional civil and criminal jurisdiction in the court after this Constitution has been in effect for at least five years or at an earlier date if no United States District Court for the Northern Mariana Islands is available under Article IV, section 402(b), of the Covenant to exercise jurisdiction over causes not vested in the Commonwealth trial court.

Section 3: Commonwealth Appeals Court. The legislature may establish a Commonwealth appeals court to hear those appeals from

Judgments and orders of the Commonwealth trial court ~~an~~ are required or permitted by law after this Constitution has been in effect for at least five years or at an earlier date if no United States District Court for the Northern Mariana Islands is available under Article IV, section 402(c), of the Covenant to hear these appeals.

Section 4: Appointment and Qualifications. The governor shall appoint judges of the Commonwealth courts with the advice and consent of the senate. The term of office shall be six years and may be increased by law to not more than twelve years for judges who have served at least one term. A judge shall be at least thirty years of age, a citizen or national of the United States and possess other qualifications provided by law.

Section 5: Compensation. The compensation of judges shall be provided by law. The salary of a judge may not be decreased during the term of office.

Section 6: Sanctions. Judges are subject to impeachment as provided in Article II, section 8, of this Constitution for treason, commission of a felony, corruption or neglect of duty. The legislature shall establish an advisory commission on the judiciary whose members include lawyers and representatives of the public. Upon recommendation of the advisory commission, the governor may remove, suspend or otherwise sanction a judge for illegal or improper conduct.

Section 7: Limitations on Activities of Judges. A full-time judge may not hold another compensated government position or engage in the practice of law. A judge may not make a direct or indirect financial contribution to a political organization or candidate, hold an executive office in a political organization, participate in a political campaign, or become a candidate for elective public office without resigning judicial office at least six months before becoming a candidate.

Section 8: Rule-making Power. The judiciary of the Commonwealth may propose rules governing civil and criminal procedure, judicial ethics, admission to and governance of the bar of the Commonwealth, and other matters of judicial administration. A proposed rule shall be submitted promptly to the legislature and shall become effective sixty days after submission unless disapproved by a majority of the members of either house of the legislature. Until rules are established under this section, the rules of the High Court of the Trust Territory of the Pacific Islands shall apply in the Commonwealth courts.

President Guerrero: We have completed adoption of the items on our Order of Business for this morning, but there is now a supplemental Order for this afternoon's session. I would like to ask the cooperation of all the Delegates so we can proceed and consider the items under item 8 on this afternoon's Order of Business. These items are:

Article XI, regarding "Public Lands"
Article XVIII, regarding "Constitutional Amendment"

Floor Leader Raza: I move that the Convention resolve itself into the Committee of the Whole in order to consider the items calendared under Second and Final Reading on this afternoon's Order of Business.

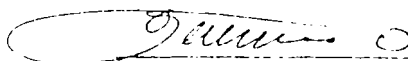
The motion was seconded and carried.


President Guerrero: I appoint Delegate Jesus Villagomez to preside over the Committee of the Whole.

The Convention resolved into the Committee of the Whole at 5:35 p.m.

The Convention recessed while in the Committee of the Whole. Recess was called at 7:00 p.m., to continue until 9:00 a.m. the following morning.

APPROVED:


Lorenzo I. Guerrero, President
Northern Marianas Constitutional
Convention


Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS
VERBATIM JOURNAL (TRANSCRIPT)

Forty-Second Day
Sunday, November 28, 1976

The Constitutional Convention of the Northern Mariana Islands reconvened while in the Committee of the Whole. The Committee was called to order at 9:00 a.m.

The Honorable Jesus Villagomez, Delegate, presided.

During Committee of the Whole, Delegate Luis Limes asked the Convention to recognize the presence in the gallery of Mr. Toyota, the gentleman whose father had started the Toyota Automobile Company in Japan.

The Convention reconvened in Plenary Session at 4:30 p.m.

The Honorable Lorenzo I. Guerrero, President, presided.

Delegate Jesus Villagomez: The Committee of the Whole has adopted Article XI, regarding "Public Lands," and Article XVIII, regarding "Constitutional Amendments." I am happy to report that we have adopted these two articles with amendments. Therefore, I would like to move for the adoption of Article XI as amended.

The motion was seconded.

Delegate Benjamin Manglona: I have an amendment on Article XI, section 5(a) and I move for its adoption.

The motion was seconded.

Delegate Benjamin Manglona: On line seven of the amendment, I propose that the words, "residence on" be removed and the words, "use of" be inserted.

Delegate Pedro Dela Cruz: I would like to ask the mover, what is the difference between "residence on" and "use of".

Delegate Benjamin Manglona: Mr. President, according to yesterday's discussion there is a case in the Northern Islands where people there have been residing for quite sometime and they used it as a residence. The Committee decided that perhaps by having this provision here, it would enable those people to get a 100 x 100 or 200 x 200 lot - village lot, and this does not include agricultural land. I was informing the Committee yesterday, that in Rota we have a special case where people were told by the Naval Administration to occupy any public land for anticipated future homesteading program, but the southern area has not been opened up till now and we have about three or four people that have been using these lands continuously and the reason why we deleted "residence on" and use the words "use of" instead, is because we can enable these people to acquire these lands upon the effective date of this constitution.

Delegate Pedro Dela Cruz: Do I understand from Delegate Manglona that this is only for village lot and not agricultural?

Delegate Benjamin Manglona: Mr. President, the amendment I now have can apply to both agricultural or village, the old amendment refers only to village.

President Guerrero: Is that clear Delegate Dela Cruz?

Delegate Pedro Dela Cruz: No, not quite clear.

Delegate Torres: This use of public land, during a special committee hearing on Rota, they kept repeating the same question. I was informed that several people in Rota are now occupying government land in excess of the five hectares limitation as cited in the TT Code. Now, will this waiver permit those occupying government land in excess of five hectares to be entitled to ten or

fifteen hectares that they are now occupying - that they have been using for the past fifteen years?

Delegate Jose S. Borja: I think the answer to that is no - it only allows them for that under the Corporation's Policy. If the village homestead is 100 x 100, they get 100 x 100. If the farming homestead is 2 from 5 hectares, they only get 2 from 5 hectares. This is the intention of the Committee itself - not the whole piece of the area.

Delegate Torres: I am not satisfied - the Committee never contemplated on that. Residence was used and from the discussion last night, I was made to understand that this will be for the area that has been occupied for years. But, I know for a fact that some people on Rota are occupying government land in excess of 5 hectares. Will I be correct, that if we pass this, those people be permitted to continue to hold that land?

Delegate Benjamin Mangiona: Yes, Mr. President. On Rota, many people are occupying government land for homesteading or grazing basis, but grazing is on a renewal basis every year and I know these people who are continuously using government land in excess of the anticipated 5 hectares for homestead. The particular case I was informing the committee is for the intention to homestead and these people have approximately 3, some 4 and I think the most 5 hectares because this public land is between private properties and even if these people would like to go beyond 3 or 4 hectares, they can't do that because the land is between private properties.

Delegate Torres: I will vote for this provided that the intention of the Convention is to comply with the restrictions imposed by the Trust Territory Code.

Delegate Magdalena Camacho: The amendment here seems to be very ambiguous. Lease of public land and residence on public land is very different. You could use the land for fifteen years. For fifteen years you could go in there and be using the land for fifteen years and you would be eligible for this one.

Delegate Jose S. Borja: Point of information. The point of information I would like to bring out is that this purpose only waives the requirement of getting a title but then, the Land Corporation can decide on what and how much piece of land could one get. This only waives the requirement for title. If you read the complete sentence, "No person shall receive title to a homestead for three years after the grant of a homestead or shall be able to transfer title to a homestead within ten years of receipt thereof, provided, however, that these requirements shall be waived for persons who have established a continuous residence use of public lands for at least fifteen years as of the effective date of this Constitution." That doesn't say that you are going to get in excess 5 hectares. This waives the requirement for homestead for getting your title. If the present law says you get 2.5 for agriculture, you get 2.5 and not the 5 hectares you have been using.

Delegate David Atalig: I am just wondering that since this is a one shot waiver, I wonder if this could be credit in the transitional provision of the Constitution instead of putting it in this section?

Delegate Benjamin Mangiona: Mr. President, if we are to be concerned about those people who are residing in the Northern islands and to be given a 100 x 100 or 200 x 200 village lot, I think we might as well amend this so that it can apply both for residential and agricultural so that those people who have occupied government land based on the past governmental commitment and have resided this long could perhaps benefited from this particular provision.

Delegate David Atalig: That did not answer my question, Mr. President. I am talking about the waiver and not residential or agricultural lots. As I stated earlier that this is a one-shot waiver, should't it be put in the transitional provision rather than putting it in this section?

Delegate David Maratita: There is a present law that establishes the homestead requirement for Pagan, but in this provision here this would make eligible all other people who are staying on the other islands north of Saipan. With this provision, I don't think it will be necessary to be provided in the transitional schedule.

Delegate David Atalig: I am sorry I didn't get the other portion of the question.

Delegate Maratita: I understand that part of the concern of the homestead requirement and that is by law, the people on Pagan are eligible to be given homestead. Those on the other islands, perhaps, we could also make them eligible other than those provided by law.

Delegate Calvo: I am however, skeptical of the words "use of", based on the fact that I know some people who have used government land and who have also a sizeable holding of other lands. I am very skeptical about this language because a person can hold 10, 15 or 20 hectares of lands somewhere else, but just because you prefer a piece of land which the government owns, and he has continuously used that land, you reconsider this pact of people eligible for this. I think Mr. President, we should take this on a case by case basis, as the Honorable Counsel has been continuously using - on a case by case basis because I do not see how the government, because a man continuously use a piece of government land and who has at the same time own a piece of land could be given this opportunity. Is that the intent?

Delegate Ramon Villagomez: The use of the term "use of" replacing the term "residence on" will not be entirely contrary to the intent of the Committee. The intent of the Committee is to look at those persons who have used government land for residential purposes, including people in the Northern Islands, Saipan and Rota. We want to give them the opportunity to be given homestead without the necessary requirements so that as soon as this becomes in effect, they will all have lands through homestead without going through the requirements. The Committee have no intention of allowing individuals who have big pastures and who have farms in addition to other land to be given this land. We feel that those people should be required to go through the homestead requirements in order to acquire land at large, agricultural properties, and so to say, use of public land would include all those individuals who have been using large government land for agricultural pasture and things like that and that is not the intent of the Committee, especially when they have other piece of land in addition to the government land they are using.

President Guerrero: Does that answer your question, Delegate Calvo?

Delegate Calvo: Yes, thank you.

Delegate Attao: My problem has been answered, but I have one question I would like to clear in my mind. Assume that I owned a property through homestead and if I sell my property and occupy government land, am I entitled to that property?

Delegate Ramon Villagomez: The intent of the Committee is to allow you homestead without going through the requirements. If you have already your homestead, it would stand to be assumed that you shouldn't be given another homestead and, therefore, in my interpretation, the Committee's intention will not allow you to keep that land because this is only to allow you a homestead without the requirements.

Delegate Manuel Tenorio: Point of information or clarification. I wanted to know if looking at the amendment at the same time amending the language that was passed out to us? Were there some differences here if you read the language that was typed up short minutes ago, on Article XI? There are some changes here. This amendment will classify the use of freehold. We are looking at the two papers, aren't we? I would like to pose a question to the consultant. The use of freehold phrase here, there is a mid-kind of departure from the use of the word title.

Mr. Willens: No, these are all style changes in the paragraph and the style changes will be applied. The amendments before you, in essence, is substituting the words "use of" to a "residence on", so regard that to the amendment, that is the issue, not the adoption of all the other language. The amendment being proposed is to substitute the words "use of" for "residence on" and that is the amendment that is in order and can be either way intergrated into the style changes.

Delegate Mafnas: I want to ask further on the question that was posed by

Delegate Attao: If I went to Rota and say I purchase 15 years ago, 5 hectares from a person from Rota and then at the same time I ask for an authorization from the government to occupy government land as Delegate Manglona explain to us. Bear in mind that I have 5 hectares and also at the same time occupied another 5 hectares of public land for the past fifteen years, will this provision entitle me to that additional 5 hectares?

Delegate Joe Borja: I will answer this way, provided you don't have any other homestead.

Delegate Mafnas: I submit Mr. President, that if this provision is passed, it will supersede the present law.

Delegate Magdalena Camacho: I would want to ask this question. If we adopt this, will Dr. Chong, who has been occupying that large area there be entitled to that portion?

President Guerrero: On that point of information, Dr. Chong has just been granted that lot -- house lot.

Delegate Ayuyu: I was going to bring forth what Delegate Mafnas pointed out before regarding a person who has a land of his own. That person can qualify under this provision and that defeats the purpose of homesteading program.

Delegate Benjamin Manglona: I would like to give information regarding the inquiry by Delegate Mafnas, that we have homesteading provision whereby those people who own land would not be entitled to be given a homestead lot. However, Mr. President, in addition to that, following the institution of this constitution, those people who have been residing in the southern portion of Talag Haya for the past 15 to 20 years, if the government is not ready to issue out the homestead to these individuals, I am pretty sure these individuals will not be considered to have a piece of land unless we insert this provision.

Delegate Ramon Villagomez: If we adopt the language "use of" then any person who has been occupying land and using it for whatever, will be entitled to earn that land through homestead without the requirements. But people use the word "residence on" that would limit the giving of homestead automatically to only those persons who have been using the land for residential purpose only, so that if they have been given the land, that would be their home and would be entitled to that lot.

Floor Leader Rasa: You mentioned Delegate Villagomez that only those who have been using such land for residential purposes, do I understand that that should also mean that even though a person is not residing there, but is farming on the land, would be given the right to own the land?

Delegate Ramon Villagomez: If we adopt the words "use of" the answer is yes. If we adopt the word "residence", no.

Delegate Magdalena Camacho: Point of clarification. Do I take it to mean that this waiver would have to go to the homesteading program again? They are being waived over here, and according to Delegate Jose Borja, he has been arguing that if you have been using this land you would have to go through the Land Corporation Homesteading Program.

Delegate Jose Borja: If you applied for a homestead and you are using a public land, that particular public land in a matter will be waived of the 3 and 10 requirement - that is the purpose of this, to waive the 3 and 10 years. Then, the Land Corporation would issue you the title to that public land - that's the intention of the Committee.

Mr. Willens: I agree with Delegate Borja, provided that this special opportunity for people who have used or lived on lands for fifteen years is limited to the requirements in the prior part of that caption namely the limitations on receiving title in three years and the inability to transfer the land for ten years, but the amount of land a person can get is still governed by the land programs established by the legislature. And so this permits a person who have

used the land for fifteen years to get title immediately if he qualifies for it under the homestead program and facilities, without the limited ten year restriction in this section. But the amount of land he could get under the homestead program is up to the legislature to grant him. That's the way I understand the language and I believe that is the intention of the Committee.

Delegate Jose Borja: Mr. President, you can't own that land unless you have the title, therefore, the Corporation will give you the title. Then the Corporation will waive the 3 and 10 years, if you have used the land for fifteen years. You have to get the title before you could even use the land, then the Corporation will give you the title under this 15 years requirement.

Floor Leader Rasa: I am beginning to be confused now. Under the present system, you don't have to have the title in order to own the land. If a certification of compliance has been issued then you are legally entitled to that land.

Delegate Ramon Villagomez: Under the present system, if you have satisfied the compliance, you are entitled to the land - you have what is called equitable interest land, in other words, it means it belongs to you, but you don't have the title to it. And the law does not allow you to sell it when you get the title, but you are entitled to the land, and they can't refuse to give it to you, the government can't take it from you, but you can't transfer or sell it until you get the title from the government.

Floor Leader Rasa: In order to bring a more comprehensive example, like Juan Norita. Juan Norita took this case to court and St. Pierre represented him. The decision was that after the issuance of the certificate of compliance, Mr. Norita could either sell or do anything with the land - he already sold the land without the title.

Delegate Ramon Villagomez: There are also cases on the contrary, and the homestead law prohibits the sale of land before you get the title. So the point is that, a person who has been living on the land for fifteen years, once the constitution becomes effective, he is entitled to that land without going through any requirements and he can sell it as soon as he receives the title.

Delegate Olympio T. Borja: I would like to say that a person went into the land and work on it for more than fifteen years, that person can decide whether to exchange it, but when he exchanged it, he is not satisfied with the exchange because he got only less than half of the portion exchanged, and so he continued to stay on the area and the government still allow him without permit, homestead or anything; and let say if that accumulates fifteen years upon ratification or effective date, could that person who is on that public domain already, say he exchanged it, previously it was a private and then by mere fact it was dead, the waiver of this homestead and so forth, the title to be given to him after fifteen, do I consider that he holds this category also? That is my understanding, but I would like clarification from the consultant that we are not only talking about the homesteading, that people have been given no title yet. This to my understanding is, even to Pagan that has been declared homesteading there, and that people have been residing over there, some of them on 20 hectares, but let's confine to 5 hectares for agricultural, my understanding is that yes those are eligible under this one if they have been using, occupying for over fifteen years when this becomes effective. What about those people that have been persistently willing to stay and not really going at the homesteading but because of the satisfaction, could this be called within this category too?

Mr. Willens: The people there have lived for fifteen years, there is no problem, but if they are living on public land, they qualify under this section. The waiver of this particular restriction is stated in the second sentence here.

Delegate Olympio T. Borja: In other words, it could be broader than what we really have in mind like in Rota or Pagan, but could be broader if people by revenge want to stay there and the government has not taken any action to evict or throw out the user of the land, after fifteen years from that time automatically can get the title on that because of the waiver requirements here.

Debate on
Article VI -
Public Lands

Mr. Willens: Yes, of course, the land involved has to be covered by the homestead program was meant to be defined what lands or what met the requirements to the homestead program. Is it possible that the person we are talking might be living on lands that are not available for homesteading - is that a possibility?

Delegate Olympio T. Borja: That is precisely the first thinking I have - not available for homesteading, has not been declared and as a result the guy has been there for fifteen to twenty years already and the government has no objection to it.

Mr. Willens: I think there is some ambiguity here, but that the legislature and the Land Corporation might be able to decide if that particular land is not available for homesteading. I prefer if the members of the Committee will discuss that particular problem or not. I certainly think the legislature retains certain control over the homestead programs and what lands are available.

Delegate Olympio T. Borja: Mr. Consultant, you are right, but at the same time I think the transitional provision is more supreme than what the legislature can do, so again this could be argued back and forth that he is entitled to public domain - we are talking about public land.

Delegate Pedro Igitol: I just would like to question that if a person who lease the land from the government for at least fifteen years, is he eligible under this proposed amendment to own the land?

(Several Delegates answered no.)

Delegate Igitol: How about squatters? People who moved on the land without any other need?

Delegate Palacios: The Committee's intention is that there are many people who have been on the homestead and were told to go in there and used it, but they never get any papers or provision. So they went in there and used it for fifteen years and until now they haven't been given the papers of acquiring that land to its title. This was the primary area of our intention. We never remembered that people who went in there on their own and/or for other reasons without permission from the government, be included in this provision. The constitutional history will show that.

Delegate Igitol: If a person moved into an area and used it for let's say, twenty years, how can the government prove that this person didn't get a verbal authorization?

Delegate Jose Borja: The thing we are talking about here is that if a person is applying for a homestead and he has been using public land, from records, it will show that he doesn't have any homestead from the very beginning. This will entitle him for the waiver for that three, or ten years, in other words, he gets it automatically, the use of land without waiting for the three or ten years period - he gets the title for that land. If he doesn't own any land or any homestead from the beginning, he would own the land even though he went in there, like what happen in Pagan.

Delegate Maratita: I would like to pose a question here regarding the proposed amendment - is that the continuous use of public land? There is a case on Rota where people usually go up to the sabanas as farmers, and they continuously use that portion of land up there. Now under this provision, I hope this is not the intent, but according to this, continuous use of land, and every year they used it for the past fifteen to twenty years.

Delegate Benjamin Manglona: I can respond to that question. In regard to the sabana land, people usually use that for about six months a year just for farming, but they do not particularly stay in one particular area, they go in scattered areas each time they farmed, so I don't think this apply to this provision.

Delegate Palacios: Delegate Maratita's question was not covered by this provision. Remember I said that the Committee's intention is for those people who went in for homestead. Questions of Delegate Igitol. I want to prove that if

a person had submitted a request for homestead and you can't find his request in the records at the Land and Claim Office, and then he occupied the land, then you can take his word that they have submitted a request and they went in and occupied the land because they have not been used of as in this provision. But there is a way of finding these things out.

Delegate Juan S. Demapan: If I am in order, I would like to propose an amendment, the number of years from 15 to 20 years, because I think that will be wiser.

Delegate King: I would like to pose a question to Delegate Joe Borja. You stated that this provision entitle you if there is no record that you own a private land. Suppose I have been staying on the land for fifteen years, and I didn't get any title, before **that**, I bought a land, private land, and change the name and put yours on that title -- the transfer papers.

Delegate Jose S. Borja: I am sorry, I don't get you - changing names?

Delegate King: You have the title, and then they changed the name, and put your name on that title like you own that land, when this constitution becomes effective, will the government prohibit you to get that land that you have been occupying for fifteen years?

Delegate Jose S. Borja: Did you say you got the title already? If you get the title on this public land, from this provision you are using another piece of land, you won't get the title.

Delegate Olympio T. Borja: The question is, you have bought private land and maybe you have 10 hectares of public domain. Whether or not you could earn title to that public domain, if that private land is not a public domain, I don't see any reason why you can't own that public domain after 15 continuous years of using it as stated in the requirements. The main thing here is, right now our government policy is only a policy that if you own land, you are in the low priority but that does not preclude your reality. Every person who is 18 years and above is entitled to homesteading, village or agricultural. It is only a matter of providing priority - a, b, c, but if you don't have anything then you are one of those persons who are eligible, but as far as your right to homesteading and so forth, that does not take your rights from you. Does that answer your question?

Floor Leader Rasa: I move for the previous question.

The motion was seconded and carried.

The motion to adopt amendment No. 88 regarding Article XI, section 5(a) carried by roll call vote. The votes were as follows:

YES: Delegates Attao, Benavente, Jose S. Borja, Olympio T. Borja, Castro, Fitial, Lorenzo I. Guerrero, King, Limes, B. Manglona, P. Manglona, V. Manglona, Ogo, Palacios, Rasa, and Taisakan. (16 votes)

NO: Delegates D. Atalig, P. Atalig, Ayuyu, M. Camacho, Dela Cruz, Juan S. Demapan, Maratita, J. Tenorio, M. Tenorio, Torres, J. Villagomez, and R. Villagomez. (12 votes)

ABSTAIN: Delegates Calvo and Igitol. (2 votes)

(As per the earlier ruling of President Guerrero, the abstention votes were counted on the prevailing side, making the final vote 18 affirmative and 12 negative votes.)

Floor Leader Rasa: It is very obvious that the number of people voting for the amendment is inadequate for passage of the 3/4 requirement, and if there is no objection, I would like first if there is no further amendment on the other sections that we adopt all the other sections on Article XI with the exception of section 5. I therefore move for the adoption of Article XI, as amended.

The motion was seconded.

Delegate Jesus Villagomez: Mr. President, I would like to be clarified - is the main motion to include the changes for style?

Floor Leader Rana: Yes, it does.

Delegate Mafnas: Article XI, as amended?

Delegate Olympio T. Borja: Point of clarification. The changes from amendment No. 88 is the change of the terms "residence on" to the terms "use of", but the rest remains as to the recommendations by the consultants.

Floor Leader Rana: The motion is to adopt Article XI, in its entirety, as amended.

The motion was seconded.

Delegate Mafnas: If there is no objection from the floor, may I please ask my question so that I can participate in the voting? If the homestead law states that you can only own five hectares and then you occupy public land for fifteen years, let's say ten hectares, if we pass this amendment, will this amendment supersede homestead law, there, I would be entitled to not five hectares, but ten hectares?

Delegate Palacios: The intention of the Committee's passage of this is that, you are applying for ten hectares, but you won't get ten hectares, you will get five hectares, according to the homestead law.

Delegate Mafnas: Homestead law? But this is a supreme law.

Delegate Palacios: Yes, but you must understand that the supreme law has its own intentions and you can't interpret it the way anyone would like to interpret it, so the constitutional history would show that this means that if you are occupying ten hectares, you will only get five hectares, according to the intention of this provision.

Delegate Mafnas: Thank you Delegate Palacios, now I can vote intelligently.

Mr. Willens: I agree with Delegate Palacios. It is certainly my understanding of the language in this subsection of 5(a) that the legislature decides whether to have a homestead program and if so, what its terms are. This provision comes into play only if there is a homestead program and if certain rights the people who have used lands, public lands, for fifteen years, that is my understanding of the language of this subsection and this will be further amplified in the section-by-section analysis.

Delegate David M. Atalig: Point of privilege. I am voting "no" on this merely because of amendment No. 88.

Motion to adopt Article XI, as amended, including the changes for style, carried by roll call vote. The votes were as follows:

YES: Delegates Attao, Benavente, J. Borja, O. T. Borja, Castro, Dela Cruz, Fitial, L. Guerrero, King, Limes, Mafnas, B. Manglona, P. Manglona, V. Manglona, Maratita, Palacios, Rana, Taisacan, J. Tenorio, J. Villagomez, and R. Villagomez. (21 votes)

NO: Delegates D. Atalig, P. Atalig, Ayuyu, M. Camacho, and J. S. Demapan. (5 votes)

ABSTAIN: Delegates Calvo, Igitol, Ogo, M. Tenorio and Torres. (5 votes)

(As per the earlier ruling of President Guerrero, the abstention votes were counted on the prevailing side, making the final vote 25 affirmative and 5 negative votes.)

Delegate J. Villagomez: I move to adopt Article XVIII, as amended, including changes for style, clarity and consistency, as recommended by the consultants.

The motion was seconded.

Delegate Benjamin Manglona: I move to amend Article XVIII, section 3. The amendment is to delete the words "present and voting" and to read section 3 as follows:

"The legislature by an affirmative vote of three-fourths of the members of each house present and voting may propose amendments to this Constitution."

Delegate R. Villagomez: I think this a very minor change and it doesn't really affect the essence of this amendment, therefore, I move to end debate.

The motion was seconded and carried by voice vote.

The motion to adopt proposed amendment No. 89 carried by roll call vote. They were as follows:

YES: Delegates D. M. Atalig, P. M. Atalig, Attao, Ayuyu, Benavente, J. S. Borja, Calvo, Castro, Dela Cruz, J. S. Demapan, L. Cuerrero, Igitol, King, Mafnas, B. Manglona, P. Manglona, V. Manglona, Maratita, Ogo, Palacios, Talsakan, M. Tenorio, Torres, and J. Villagomez. (24 votes)

NO: Delegates J. Tenorio and R. Villagomez (2 votes)

ABSTAIN: Delegates O. T. Borja, M. Camacho, Fitial, Limes and Rasa. (5 votes)

(As per earlier ruling by President Cuerrero, the abstention votes were counted on the prevailing side, making the final vote 29 affirmative and 2 negative votes.)

Delegate D. M. Atalig: Mr. President, I have an amendment to offer, amendment No. 90, propose for Article XVIII, section 2(d) to add a sentence after the word "basis" as follows:

"...and a political party may not endorse any candidate for delegate."

The motion was seconded.

Floor Leader Rasa: Mr. President, there are things in light that we cannot escape and there are those things that even though we have a provision in here will not be actually followed. The amendment is requiring a political party not to endorse a candidate. This convention has no business to tell a party who to support, and if this amendment is passed, it will not be followed by the people, because even though they say they will not support, how could we enforce the commitment? We all know that we belong to different political parties and to have an election on a nonpartisan basis is not being frank because the realities of politics speak to the contrary. We have tried to elect on a nonpartisan basis, but it never happen that way, and this will continue to happen because the political party is a political organization and a part of the community. Peoples attachment to the political party is stronger than the constitution and you better believe this. I don't know what this amendment would do, but everybody would want to see a fair, impartial type of election where no person should be endorsed by a political party. Perhaps the political party would be restricted to say I am supporting this, but you go behind the house of Tan Marian Baltazar and they will be campaigning. Let's not try to kid ourselves by providing this unrealistic provision.

Delegate Mafnas: I have two questions to ask Delegate Atalig. What prompted you to pose this proposal?

Delegate D. M. Atalig: One of my primary reasons for introducing this amendment is to ensure that the people of quality, who perhaps, are not good politicians may have a chance to be elected by not being endorsed by a political party. I understand how strong political endorsements are, and we have candidates who are interested to run and they are very qualified, but because they play a different view from a political party, they are not endorsed, and this is to prevent political party from selecting candidates. Also I see here in this Convention, lots of politiking. Mr. President, I was disturbed to see lots of provisions being passed here because of political reasons. We are forgetting that we are

passing this provisions for the future, for our people and it seems to me that a number of provisions are being passed for political reasons.

Delegate Mafnas: Delegate Atalig, how do you intend to enforce this unbelievable proposal?

Delegate D. M. Atalig: How the enforcement of this proposed amendment would be, I am not so sure, but I would like to see it a part of the Constitution, this provision to prevent political parties from endorsing a candidate, as practiced during the past constitutional election, where the political parties officially endorsed the candidates, and actually as I see it, the candidates are running on political basis, not as a candidate. Individual basis, the candidates are coming out with individual platform and I feel that for a delegate to be open-minded in the Constitutional Convention, we should free these candidates from political pressure. I hope that you fellow delegates really consider this and let each candidate run on his merit.

Delegate Mafnas: Last question. If the political party goes out and campaign for this individual, would that political party be subject to arrest?

Mr. Willens: I guess if I could answer that question, with the language that is presently in the subsection, the delegate must be elected on a nonpartisan basis, and if a party were, or as a candidate, seek the endorsement of a party and were to run, he would be ineligible. I agree with the question suggesting some difficulty in enforcing the proposed amendment, that certainly is true, but there are ways to enforce the provision at the present extent, which requires a delegate to be elected on a nonpartisan basis. If a delegate seeks the endorsement, seeks money from a political party, that delegate would forfeited his right to sit in any constitutional convention. The details would have to be spelled out I expect by law since the constitution is not self-enforcing and either it would have to be provided by law or a judicial action could be instituted to challenge the election.

Delegate Mafnas: I based my question on the last sentence, "...and a political party may not endorse" - I was not referring to a candidate seeking an endorsement of a political party, I am talking about a political party endorsing a candidate. If that happens, will this political party be subject to arrest?

Mr. Willens: It is difficult to arrest a political party, although it could be tried. Of course, the jail is big enough. The sanction would be to disqualify the delegate so that if he got elected, he would not get a seat in the Convention. That would be a way to enforce the proposal that has been advanced by Delegate Atalig. There are ways to enforce this proposal although they are difficult and they raise numerous political and other kinds of questions.

Delegate Dela Cruz: I admire Delegate Atalig's intention, but however, this is the result of the last election that we are elected here. The law stipulates that we are elected on a nonpartisan basis, but however, that did not stopped the people from getting together and back us up. Secondly, no matter where you go, even the Church recognize politics. It is a matter that does not require constitutional provision.

Delegate Calvo: I do not support this on the basis that I think we can place a better language. I do not intend to run without the backing up of a political party of some kind or anything. The language may say, it may not campaigned, but that we leave it up to the legislature to draft. We may not campaigned under a political banner, or so forth like that, but to go and campaign on a house to house basis is over impractical here in Saipan, even on Rota and/or Tinian, but I can't foresee a political candidate running or making it without a political party endorsement. I am against this amendment.

Delegate Ramon Villagomez: Without having to argue too much on the problem of enforcing this law and other matters, in my opinion, and I am brave to go to court if necessary this proposed amendment will be contrary to amendment No. 1 of the U. S. Constitution and Article I, section 2 of our Constitution, which gives the people the right to assemble and the right to organize for a participating purpose. We cannot stopped a group of people running for whatever office is legal from getting together and getting supporters. I don't think this will pursue - I think it will be unconstitutional.

Delegate Fitial: I rise in support of this Constitution, but not in support of

this amendment. For this Constitution, I do not like to see garbage in it, therefore, I move for the previous question.

The motion was seconded.

Delegate Palacios: I support the idea of this amendment, but if you will read it, it says, "elected on a nonpartisan basis". It duplicates the rest of the section.

Secretary Atalig: Mr. President, as I said before, and I say it again, politics prevails on this Convention floor. I see it on the proposals that came in, I see it in the voting pattern from the very first day when the Territorials were grouped on one side and the Populars on the other side. Later on, it was broken and Rota and Tinian got together and then the Saipan Territorials and Populars went the other way. Now, I support this amendment regarding election on a nonpartisan basis and without party endorsement. First of all, I may be cheap, but I'd like to reduce my campaigning costs. From the very beginning of this Convention, the parties grouped together, the different political parties to decide who is going to be our president, who is going to be our vice-president, who is going to be the chairman, and so forth. I don't like this kind of politics.

Delegate Benjamin Mauglona: I oppose this amendment 100%. I think anyone who does not want to belong to anyone of the political party may run on an independent ticket by himself, and nothing can prevent a candidate from running by himself without having the party endorse him, but I think to prohibit a person from being endorse by a political party, I don't want to see this a part of this constitution. Anyone who wish to become a candidate and don't want to spend money for campaigning can run and expect to win for one vote.

Delegate Maratita: I think the words "delegate to the convention should be elected on a nonpartisan basis" would suffice this requirement. It would be redundant just to add "and a political party may not endorse any candidate for delegate". Now, endorsement in an election, in the first sentence there would suffice because there will be no indication of a party on the candidate. I am sure that what Delegate Atalig meant here is during campaign, and during campaigning, I don't think we can disregard the fact that we have to get some backing in one form or another, either on an individual basis with a group or as a party, and so I don't think this proposed amendment here would serve its purpose.

Delegate Olympio T. Borja: I share the expression made by Delegate Maratita that this matter is redundant. Nonpartisan basis itself already is -- actually not to be endorsed by anything to any party. To give further information to the Delegates here, even the legislature when they made up the ConCon law, we specifically provided that no such nomination or papers should contain any reference to or designate any political party and the ballots used speculates that it should not contain any reference to or designate any political party while in the position of a candidate. But the intent of the mover of this amendment here is to really have the political parties out, in terms of supporting or out campaigning, that is unavoidable and that is against my rights - I like to see people in groups supporting even on a nonpolitical basis. On the basis of this Mr. President, I think nonpartisan basis would take care and we go ahead and dispose this matter.

Delegate David Atalig: Mr. President, when I introduced this matter, I had a very strong feeling that this would be defeated because of the reason that most of the Delegates here are politicians.

(Someone moved for the previous question and was seconded and carried).

Delegate Juan P. Tenorio: What are we voting on?

President Guerrero: Article XVIII.

Delegate Juan P. Tenorio: Can I still be afforded another chance to discuss a certain provision here? I don't want to accused anybody Mr. President, but I believe that Delegate Villagomez mentioned there is no substantial change, it is just a matter of opinion, and my own opinion is, unfortunately, the motion went too fast there is need for substantial change to section 3, as amended by

amendment No. 89. I would like to make further amendment to this, that since the 3/4 of the members now, instead of those present and voting, I would like to make an amendment to strike out "3/4" and put "2/3".

The motion was seconded.

President Guerrero: I would like to get some direction from the Convention. Is it the consensus of the Convention to entertain that motion?

Delegate Benjamin Mangiona: Objection.

Delegate Juan P. Tenorio: What procedure is necessary for me to take in order for me to recall this back?

Delegate Jesus Villagomez: Point of information. A deletion actually on a change in here is very minor and I am puzzled as to what procedure to take. Why not vote now?

Delegate Benjamin Mangiona: I have a very strong opposition to the proposed amendment since this is going to be a constitutional amendment, I think it has to require 3/4 of the legislature. Remember that we are dealing with the constitution and it makes it very clear in our hearts that this Convention recognize that in some of the provision they give us protection. By having this 2/3, that will mean to soften the passage or rather, enable the passage of the Constitutional Convention so that it may perhaps take away some of the provisions given to the two islands, like Rota and Tinian for example.

Delegate Juan P. Tenorio: Article V of the U.S. Constitution provides that 2/3 of the House, and I am basing myself on that and I believe that can work. I ask the indulgence of the Convention to think about this change, and ask for a few minutes recess for consideration.

Floor Leader Basa: I don't think we should be discussing this at this point, but I think Delegate Tenorio is right. It is his desire to submit an amendment, however, if we just look at this briefly, the 3/4 requirement is at least 7 members of the Upper House. In the Lower House, it will depend on the number of members that we allocate to the Municipality of Saipan. Assuming that we allocate 12, the minimum, that will give 13 or 14, so 3/4 of 14 will give us about 10, Rota and Tinian could boycott, because in the proposed amendment, they don't have to be present. In the original language, "only members present and voting" but there will be a procedure to establish a quorum in the legislature - so this will not pose any problem.

The Chair declared a short recess, to entertain the concern of Delegate Juan P. Tenorio.

The Convention recessed at 6:04 p.m.

R E C E S S

The Convention reconvened at 6:11 p.m.

Delegate Juan P. Tenorio: My conscience will not permit me to agree, Mr. President. I think my intention here is being misconstrued. My intention here is to safeguard the people - that we are only human, we are drafting up a constitution, which in essence, is not perfect, because of the very nature that the drafters are human and any provision in here which may possibly strangled us in the future, will continue to strangle us and it is hard to make the corrected remedy because to do so is next to impossible in the people. If one, just one, is leaving up in cloud 9 and two constituting the majority or at least 85% of the population is down here suffering, they will continue to suffer if they do not get out of their senses from cloud 13 to come down and help their fellow people. This is the intention here.

Delegate Benigno Fitial: I share the same opinion as Delegate Juan P. Tenorio. The section as amended allows any one senatorial district to boycott or prevent constitutional amendments to be considered in the Upper House. Is this what we want?

Delegate Benjamin Manglona: No, definitely there will be no boycott. I think there will be rules of procedure for the legislature and it should be written as such, that no one municipality should boycott any meeting, and that is the provision of the present rules of procedure for the legislature.

Delegate Fitial: There may be rules of procedure established by the legislature. As a mere fact that we have already provided for an arrangement of legislative initiative that would require 3/4 of the members - total members of the Senate, this means Mr. President and fellow Delegates, even if we have rules, the legislature establishes rules. If the Senators or any electoral district decides not to come to the legislature because they don't particularly consent to a provision for constitutional amendment, this bars the process, legislative initiative. I think the committee has to come up with a very sound arrangement and we should not -- just as one of the Delegates here pointed out his concern about voters -- registered voters, subject those people who are concern to those apathetic individuals who don't give a damn of what is going on. The same principle applies here, if one delegation does not want to participate, this should not subject the other delegations. Let's consider this carefully.

Delegate Jesus Villagomez: Point of information, Mr. President. Where do we stand regarding this 3/4 motion? Prior to being recessed, we had a motion to change the 3/4 to 2/3, is that still in order?

President Guerrero: We have to suspend Rule 47 if we have an amendment to be offered at this time. That is what I have been trying to clear with Delegate Juan Tenorio.

Delegate Juan Tenorio: I move to suspend Rule 47.

The motion was seconded.

Delegate Benjamin Manglona: Objection.

Delegate Ramon Villagomez: Mr. President, the record will show that I am the only person from Saipan who voted against the amendment that was submitted by Delegate Benjamin Manglona, and also Mr. Tenorio and my voting against this article, my signature of being absent from this Constitution will support the reason that I am against that amendment. That amendment makes it impossible for one municipality to prevent a constitutional amendment as provided under section 3. We cannot prevent small minorities from controlling the entire Commonwealth. I would also not signed the constitution and I will not vote for this article because of that - what is showing in section 5(b) and in many other sections of this Constitution. We are drafting a constitution, as said by Delegate Calvo, for the Commonwealth of the Northern Marianas. It is understandable that they will want to have participation and controlled and we can accommodate that, or we cannot accommodate that by giving them so much in the extent of the function of our government and in the interest of the majority of our people. I will not vote on this or sign the Constitution if by procedure, you are going to prevent us from doing a constitution that will work. I want a constitution that will create a government that will work and a government that we can afford. If in my opinion, the Constitution that we draft will not work or we cannot afford, I will not sign it.

Floor Leader Rasa: Mr. President, the amendment deleted the words "present and voting". If we go back to the original proposal, would this be acceptable to those opposing it?

Delegate Juan P. Tenorio: Yes, there is a substantial difference. From the way it was originally written, the original those "present and voting" - even with one municipality boycotting, that can still be effectively carried out.

Delegate Jesus Villagomez: What we just did here, by deleting "present and voting" is that if the legislature provides for a quorum, that quorum is not applicable in this case, that you have to have all the members in there, to participate at 3/4 of all the members. So whenever there is a quorum, that quorum is filled by this provision that we have just adopted. I am asking the indulgence and cooperation of everybody here to give us the chance to reconsider at this time.

Delegate Juan P. Tenorio: By amending 3/4 as I have previously tried to, to 2/3, that can essentially accommodate the original version. I share Delegate Ramon Villagomez's sentiment on this one, and like I say, I can't possibly change my position because I have a conscience to deal with for the things I like.

Floor Leader Rasa: I don't suppose we have to go into all the procedures in order to accomplish this, but the mover of that amendment, Delegate Manglona, is willing to have the words "present and voting" reinstated - meaning that there will be no amendment.

Delegate Jesus Villagomez: I move to suspend Rule 47.

The motion was seconded. There was no objection from the floor.

Delegate Jesus Villagomez: I move to reinstate the phrase "present and voting".

Floor Leader Rasa: Can we dissolve ourselves into an executive committee so we can discuss this before we take the voting? It is necessary that we have a compromise before we go into voting for all the article itself.

The Chair declared a short recess at 6:25 p.m.

R E C E S S

The Convention reconvened at 6:32 p.m.

President Guerrero: Before we recessed, there was a motion on the floor and I would like to ask the mover of that motion, Delegate Jesus Villagomez to restate his motion.

Delegate Jesus Villagomez: My motion is to reinstate the words deleted by amendment No. 89, and that is to reinstate the phrase "present and voting". The amendment reads: "The legislature by an affirmative vote of three-fourths of the members of each house present and voting may propose amendments to this Constitution."

Motion to reinstate "present and voting" on Article XVIII, section 3 carried.

Motion to adopt Article XVIII, as amended, carried by roll call vote. The votes were as follows:

YES: Delegates D. Atalig, P. Atalig, Attao, Ayuyu, Benavente, J. Borja, O.F. Borja, M. Camacho, Castro, Dela Cruz, J.S. Demapan, Fitial, L. Guerrero, Igitol, Limes, Mafnas, B. Manglona, P. Manglona, V. Manglona, Maratita, Ogo, Palacios, Rasa, J. P. Tenorio, M. Tenorio, Torres and J. Villagomez. (27 votes)

NO: Delegates Calvo, King, Talsacan and R. Villagomez. (4 votes)

(13) MISCELLANEOUS

President Guerrero: This is in continuation of our Order of the Day of the 41st day of our Convention's business. I would like to remind all Delegates that the Resident Commissioner will be coming over tomorrow at 10:00 a.m. to present the election certificate to each and everyone of the Delegates, and I would like to ask the indulgence of this Convention that all the Delegates be present to receive their certificate. The other business I would like to announce that the special committee to deal with Article II, involving composition of the legislature - lower house, and the statute of limitation, the names of the members for this committee are: Delegates Mafnas, Fitial, Ramon Villagomez, J. R. Cruz, O. F. Borja, B. Manglona, J. Tenorio and Torres.

Delegate Vicente Manglona: Point of privilege. I noticed that you nominated only 1 from Tinian and 1 from Rota. Would that be unbiased?

President Guerrero: That would be unnecessary, because the Convention itself

will determine the final voting, and I think this is not a biased position. The third announcement I would like to make is to inform the three substantive committee chairmen, the three vice-presidents, Floor Leader and Secretary to meet in the President's Office tomorrow at 9:00 a.m.

Delegate Jesus Villagomez: Point of privilege. The last time you appoint a special committee, I am sure you appoint a chairman for that committee. However, the committee could not meet for several days because no one was given the responsibility to chair the committee. I wish this will not happen again. I would like to hear the Chair appoint a chairman for this committee at this time.

President Guerrero: The Chair would like to appoint Delegate Olympio T. Borja to be the chairman for this committee.

Delegate Maratita: Point of privilege. In the interest of the future of the Northern Marianas, I feel it should also be the concern of this Convention, I would like to insert for the record into the Journal, an article that appeared in the Pacific Daily News, dated November 27, 1976, which establishes the concern that the Japanese own one of the Northern Marianas. I feel that this concern must be taken into consideration seriously. This is in reference to the fact that the new island that is being developed in the Northern Marianas, should be and must be considered part of the Northern Marianas. Mr. President, if you will permit me, I would like to read the last part of this article.

"What interests us is that if a new island does form in the area described, would it be technically one of the Marianas or one of the Bonins?"

Mr. President, I feel if we do not do anything early, I feel it must be the concern that we have the United States to make sure they claim these islands on behalf of the Northern Marianas.

Delegate Jose Mafnas: The speech I delivered the other day in opposition to the \$12,000 salary, I would, if there is no objection from the floor to have it inserted into the Journal.

"Mr. Chairman:

"The general attitude that a salary of \$12,000 per annum for our legislators is much much too big. We have heard complaints from the public hearings that we must reduce it. We have heard from our constituents and the general public that our generosity by recommending the annual compensation of \$12,000 for our legislators, this generosity might prevent ratification of the Constitution by our people. We have heard complaints that the consumers will ultimately suffer. We have heard complaints after seven years when the U.S. Government's subsidy stops by draining this much money to our legislators, our Commonwealth Government will be broke, and that we have no other source of income to pay the legislators.

"Yes, Mr. Chairman, I agree with those grievances. I agree with the general public that our legislature should not be an employment institution. I agree Mr. Public, that our legislators are only thinking of themselves, that you Mr. Public had never taken advantage of your congressmen, that you had never knocked at Senator Borja's door at 3:00 in the morning asking for money. I agree that you Mr. Public had never reminded Senator Herman Q. Guerrero of the coming election when you are asking Senator Guerrero to co-sign for you when applying for a loan at the bank. I agree Mr. Public that you always returned the \$500.00 that you borrowed from Senator Manglona. I agree with you Mr. Public that when Senator Rasa left for Guam to beg the Guam Legislature for free tuitions for your children who are attending school on Guam, that when Senator Rasa left for this purpose, he paid out of his own pocket, Senator Rasa was not only thinking of himself? I agree with you Mr. Public that you never credited goods and commodities from Senator Cruz's store and even if you did, Senator Cruz had never come after you for the payments, and if Senator Cruz went after you for the payments, Senator Cruz is a bad man. Yes, Senator Cruz, you are only thinking of yourself, that is why your profits kept on going down.

"I agree with you Mr. Public that after spending lots of money, even to the extreme of selling your properties for the education of your children, your son who wants to be a congressman should be paid a low salary. I agree that your congressmen should not provide for your family; a good home, that your wife is asking for an electrical stove, that you should complain at all if the bank repossess your car, that your children should not complain about their school supplies, that you should save money for their education in the future, that you Mr. Congressman should not have more than one child because you cannot afford more than one child, because remember that Mr. Public will be knocking at your door for 'give me money, give me money!'

"Yes, Mr. Chairman, a congressman does not have to campaign nowadays. A congressman who is up for re-election does not have to spend money for his campaign. He does not have to entertain his constituents. A congressman should not be paid equitably to meet his social obligation.

"Mr. Chairman, I object to paying our congressmen \$12,000 per annum. Let's give them nominal wages, since only the low calibre people will be in this. Let these low calibre people work out a plan for our new government, let them come up with a magic formula to carry us over and our future generations after the U.S. Government says, we promised to help you for seven years, now you are on your own. Let these second class quality of congressmen face the U.S. Congress to bail us out. Let them justify why we did not have a self-sustaining economy. Let them be rubber-stamps to the Governor because they don't know better. Let them legislate our laws, the kind of laws that will guarantee the bankrupt of our Commonwealth Government.

"Nominal salary will tend to invite average capacity of people. Average capacity of people will produce an average work. Average work will be disastrous to our Commonwealth Government and Commonwealth welfare."

Delegate Fitial: Point of privilege. I think it is about time the Chair recognize some of the attendance of the Delegates. We have been neglecting this negligence on the part of these Delegates. Let's not wait till the time I rise and condemn anybody.

President Guerrero: I believe that is the obligation of each delegate when they are facing the public before the votes were cast, telling the public that they will carry their duties as may be prescribed in the law. So that shows that they have some negligence on their part, but let not this Convention condemn any delegate.

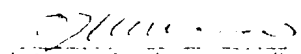
Delegate Dela Cruz: Our regulations provide for reprimand and if that continues, I suggest the Convention should do so.

Delegate Jesus Villagomez: I move that the Convention stand in recess until 10:00 tomorrow morning.

The motion was seconded and carried.

The Convention recessed at 6:50 p.m.

APPROVED:


Lorenzo I. Guerrero, President
Northern Marianas Constitutional
Convention


Pedro M. Atalig
Convention Secretary

Pipe Dreams

By Joe Murphy



Will the Japanese own one of the Northern Marianas?

Before you get too excited, listen to this. A patrol ship from Japan's Maritime Safety Agency sailed out of Japan last weekend to check underwater volcanos amid mounting territorial interest and concern over the possible emergence of a new island or two in the Pacific.

The new islands, if they are there, are located between Iwo Jima, at the southern end of the volcanic island chain, and Uracas Island, in the Marianas group.

The area of the survey is part of a 1,500-mile-long volcanic zone, stretching from Mt. Fuji in Japan to Guam.

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Most of that information came out of the New York Times newspaper and may not be known here yet. Maybe we can get the ComNavMar fleet to rush up and intercept the Japanese ship.

The first discovery came in March 1974. The crew of a Japanese boat, fishing for bonito, noticed a previously unknown area of shallow water, no more than 10 feet deep, about 150 miles northwest of Uracas.

The area, 1,000 miles south of Japan, is a popular fishing spot for the Japanese, Taiwanese and Koreans. But the reported discovery of two new underwater islands has set off competition between Japan and the U.S. over which nation first will spot and claim new islands emerging from the sea.

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Finding any island these days, with the new 200-mile economic zone, is like finding 4,000 square miles of a fertile food source. I imagine the U.S. is probably mad today that they gave the Japanese back the Bonin islands a few years ago. I understand this also included Marcus Island, giving the Japanese a couple of big spots in the Western Pacific.

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These things are important these days. If an underwater mountain were to surface and create a new island, Japan could be affected in many ways including the possible use of seabed minerals. "If it becomes an American territory," a fishery agency official said in Japan, "our fishing boats could be banned from an area with a radius of 200 nautical miles centered on the new island, which would be a hard blow to Japanese bonito fishing."

There is no precedent concerning a newly-born island.

What interests us is that if a new island does form in the area described, would it be technically one of the Marianas or one of the Bonins? I guess that would depend on who got there first and planted the flag.

It's sort of eerie to think, also, that Guam and Mt. Fuji are part of the same volcanic chain.

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CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

FORTY-THIRD DAY
Monday, November 29, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 10:20 a.m.

The Honorable Erwin D. Cunham, Resident Commissioner, presented each Delegate with an election certificate.

(2) A moment of silent prayer was observed.

(3) The Convention Secretary called the roll. There were 37 Delegates present. Delegates Jose R. Cruz and Carlos S. Camacho were absent. No Delegates were excused. A quorum was present.

(Secretary Atalig reported that Delegate Cruz had asked to be excused. Floor Leader Raza moved that those Delegates not in attendance be excused. The motion was seconded and defeated.)

(4) ADOPTION OF THE JOURNAL

Floor Leader Raza: Mr. President, I move for the adoption of the Summary Journals of Days 40 and 41.

The motion was seconded and carried.

Floor Leader Raza: Mr. President, I move for the adoption of Verbatim Transcripts for Days 25, 26, 27, 28 and 29.

The motion was seconded and carried.

(5) COMMUNICATIONS - None.

(6) COMMITTEE REPORTS - None.

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

(8) SECOND AND FINAL READING OF RECOMMENDATIONS

Calendared: Article IX, regarding "Initiative, Referendum & Recall"
Article XII, regarding "Land Alienation"
Preamble

Floor Leader Raza: Mr. President, I move that the Convention resolve into the Committee of the Whole in order to consider the items listed under item eight on the calendar.

The motion was seconded and carried.

President Guerrero appointed Delegate David Maralita to preside over the Committee of the Whole.

The Convention resolved into the Committee of the Whole at 10:35 a.m.

The Convention reconvened in Plenary Session at 3:33 p.m.

President Guerrero: The Convention will now come back to order. I have been informed that it will require a short period of time for the Articles as amended by the Committee of the Whole to be prepared and distributed for discussion on Second Reading.

Delegate Ramon Villagomez: Because of the delay required, I move that the Convention recess until seven o'clock this evening.

The motion was seconded.

Chairman O. T. Borja: Mr. President, before we recess, may I ask that members of your Special Committee meet right after this session. That's the one that's composed of Chairman Mafios, Chairman Fitial, Delegate Ramon Villagomez, Delegate J.R. Cruz and First Vice President Manglona, Delegate J.P. Tenorio and Delegate Torres.

Delegate Vicente Manglona: Mr. President, privilege. Since Delegate Cruz is not available, I would like to ask for someone from Tinian to be appointed in his place.

President Guerrero: In that case I will appoint the Second Vice President from Tinian to take the place of Delegate Cruz.

Also, at this time I would like to announce that the Style Committee for the Convention will consist of six members. I appoint the following members: Delegates M. Camacho, P. Atalig, J. Villagomez, H. Guerrero, M. Tenorio and L. Limes.

Delegate Jesus Villagomez: May I ask what the Style Committee will do?

President Guerrero: The Committee will select the style for lettering of our Constitution and what documents should be produced by this Convention, et cetera. I think the Committee should meet tomorrow at 8:30 in the morning, if that's alright with everyone.

Delegate Limes: Privilege. If there anyone appointed from Tinian?

President Guerrero: I don't think that will be required since this isn't concerned with the various municipalities. It is concerned only with style.

Motion to recess carried.

The Convention recessed at 3:47 p.m.

RECESS

The Convention reconvened at 7:35 p.m.

Chairman Maratita: Mr. President, your Committee of the Whole in its meeting this afternoon deliberated on Article IX, regarding "Initiative, Referendum and Recall," Article XII, regarding "Land Alienation," and the Preamble. Article IX was adopted with amendment, Article XII was adopted without amendment and the Preamble was adopted as amended by proposed amendment number 69.

Mr. President, I move that Article IX, as amended by the Committee of the Whole, be adopted. That should also include the changes as recommended for style.

The motion was seconded.

Delegate Juan S. Demapan: Mr. President, I move that proposed amendment number 91 be adopted.

The motion was seconded.

(The Plenary Session was conducted in Chumorro from 7:40 p.m. until 7:49 p.m.)

Delegate Ramon Villagomez: Under the original petition on "Initiative" do the municipalities have the mechanism for making their own initiative?

Delegate J.S. Demapan: Yes.

Delegate Ramon Villagomez: And what is the difference between that mechanism and the mechanism proposed by the amendment?

Delegate Juan S. Demapan: (Chamorro)

Delegate Ramon Villagomez: So the only argument you have against allowing a Commonwealth initiative is that the common people of Saipan have never been to Tinian?

Delegate Juan S. Demapan: (Chamorro)

Delegate Ramon Villagomez: I'm not sure that it is a good argument to prevent Commonwealth initiative because the common people have never been to Tinian and Rota. I think with the transportation, communication and education we are developing....we may have trouble now but we are developing a Constitution for the future. I think to prevent Commonwealth initiative would be defeating half the purpose of this section. I think it is important to have the general public of the Commonwealth be able to do this and they should be given this opportunity. The fact that the opportunity is there encourages the legislature to enact those laws needed by the people.

Delegate Hofschneider: Question. When you say Commonwealth in general, do you mean all the municipalities?

Delegate Ramon Villagomez: Yes, I mean all the people of all the municipalities. When I talk about the Commonwealth I talk about all the people of the Commonwealth in each municipality looking at one question. Then they all vote on that one question. Then you determine all the votes from all the municipalities.

Chairman Mafnas: I want to ask a question of Delegate Demapan. If the legislature is not responsible to the needs of the general public, what remedy or mechanism is there extended the public to meet these needs?

Delegate Juan S. Demapan: (Chamorro)

Chairman Mafnas: No, I'm talking about the Commonwealth general public.

Delegate Juan S. Demapan: (Chamorro)

Chairman Mafnas: Just in general, if the legislature refuses to enact a law that would affect the whole Commonwealth and the legislature is not responsive to the desire of the general public, what mechanism is there extended to the public to rectify or remedy the situation?

Secretary Alalig: You just don't elect the rascals.

Chairman Mafnas: No, no, no. This is before the four-year term expires or the three-year term expires.

Secretary Alalig: That is still a short time. You just throw the rascals out and don't re-elect them.

Chairman Mafnas: Mr. President, I think the previous speaker has misunderstood my question. I realize the check and balance is there for the coming election, however, I am talking about the period these people are sitting on the needs of the general public and are not responsive.

Delegate Juan S. Demapan: Let us take the question from another point of reference. Say that the legislators made a law that is not good for the public. I think that is the same question.

Chairman Mafnas: No, it is not. I am talking about the general public wants this law and yet the legislature will not enact such law.

Delegate Juan S. Demapan: So what's the difference in saying that the legislature enacted a law that the people didn't like?

Chairman Mafnas: That's provided in the Constitution and that's "referendum."

Delegate Juan S. Demapan: Right.

Chairman Mafnas: But I'm talking about the people initiating a law. We have provided a mechanism for your question--and that is "referendum."

Secretary Atalig: If you look at subsection (d), it does not specify a special election so you would have to wait until the next general election to put your legislation on the ballot. I think at that time you could throw these rascals out.

Chairman Mafnas: That is not the question, Delegate Atalig. The question is: The people need this law right now. They cannot wait until the next election.

Secretary Atalig: Who are the people?

Chairman Mafnas: The general public.

Secretary Atalig: How do you determine what group of people want this particular law? It's actually a special interest group, isn't it?

Chairman Mafnas: No, I stated my point and my quorum. I am not talking about a special interest group. I still have not been answered, Mr. President.

President Guerrero: Is there someone that can answer that question posed by Chairman Mafnas?

Chairman Fitial: There is none.

Chairman Maratita: Mr. President, Article IX, "Initiative, Referendum and Recall," under section 1 as was adopted by the Committee of the Whole....I think this will suffice the intention of a municipality when they want to enact a local law. Under those provisions they may do so. This proposed amendment 91 would now limit only initiative on local laws and not Commonwealth laws. If the legislature is not responsive to the needs of the people of the Commonwealth, and if the people of the Commonwealth desired to correct the inaction of the legislature, they may not do so because it would not be allowed by proposed amendment number 91. Mr. President, I think the proposed amendment 91 would only be good for local laws, but it would not be good for Commonwealth laws that the people want to see enacted through the initiative process. I believe, Mr. President and fellow Delegates, that this proposed amendment 91 would not suffice in our desire in this Convention.

Delegate Pedro Dela Cruz: A question to Delegate Demapan, please, Mr. President. With your proposed amendment, do I take it to mean that the people do not understand the mechanism of initiative?

Delegate Juan S. Demapan: The answer is both "yes" and "no." When it comes up on a local matter like here on Saipan, of course, I have confidence in our people and how they cast their vote. When it comes to Rota, I don't want the majority of the people to determine what is good and what is bad for Rota.

Delegate Dela Cruz: Delegate Demapan, do you feel the people could not make an intelligent decision through initiative regarding the enactment of comprehensive legislation?

Secretary Atalig: On a comprehensive matter like environmental law or penal code, I don't think the people could make a wise decision. Are we going to put ten pages of legal wording on the ballots for them to look through, read, and make their determination before they vote? Do you mean to tell me that they're going to read that in the voting booth?

Floor Leader Raza: Mr. President, I move to end debate.

The motion was seconded and carried.

Motion to adopt proposed amendment number 91 was defeated on vote by show of hands.

Delegate Pedro Dela Cruz: Mr. President, I want the record to show I did not vote because I did not get an answer to my question.

President Guerrero: We are still on discussion on Article IX, as amended by the Committee of the Whole.

Floor Leader Raza: I do not have any amendment, but before the article is adopted I would like to pose just one brief question. Section 1(c) provides that an initiative petition shall be submitted to the voters...and then there is a specified number of days...180 days. Then you go to referendum on Section 2(e) and there is no specification for a particular number of days. Why?

Delegate Ramon Villagomez: The answer is that with respect to initiative, subsection (c), there was an amendment made by Delegate Herman Guerrero to provide 180 days. But nobody made any amendment to include a specific number of days on the referendum portion. It was not from the Committee that the 180 days was put in the initiative portion of the article. That was done on First Reading by amendment.

Delegate Francisco T. Palacios: Initiative is 180 days and referendum is the next general election. Maybe the next general election is six months later and in that time we will get ready to take care of it by referendum.

Delegate Jose Borja: The 180 days are just to make sure that the public is being educated on that provision. As far as referendum, I think it is the responsibility of the legislature to defend themselves.

Floor Leader Raza: Mr. President, I think there is need for consistency here. The argument is well taken but, on the other hand, I think 180 days is a long time. We are talking about a six months period. Mr. President, there might be a possibility for a counter-initiative while the initial initiative is under consideration.

Delegate David Atalig: Mr. President, if the legislature has not taken action on a particular measure and the people feel it is a necessary measure, then the legislature could take action on the measure within the 180 days. I disagree with having this provision in the Constitution because it is useless.

Delegate Palacios: The reason for this initiative section is for the people to act when the legislature does not act. You need the 180 days to educate the people and go through with initiative. If, within the 180 days, the legislature enacts the law--that solves the problem of the legislature not acting. That forced the legislature to act and accomplished the purpose.

Floor Leader Raza: Delegate Palacios, would it make any difference if we also specified the number of days under referendum?

Delegate Palacios: I don't think so because referendum is when the legislature has enacted a law and the people want to take it away. You can wait until the next general election. Because if you start that process, in the meantime the legislature could by their own act nullify that law. That will also accomplish the purpose of referendum. That way you give enough time.

President Guerrero: Maybe I could ask our legal counsel to clarify that some. Mr. Willens?

Mr. Willens: Yes, Mr. President, I think it's a small issue but it's worth spending just a few minutes on. The purpose of these time requirements is to prevent an issue from being presented to the people without sufficient time for informed discussion and debate. There is a need for some time before the people consider an initiative petition because it would involve a new law which might never have been considered before and which might have been very controversial. The 180 days was included to make certain that an initiative petition could not be presented a week or even two weeks before a regular general election and then--whammo--there is a regular general election on it. For all you know, then you could have a stupid law passed by the people because there hadn't been time for the opposition to develop or some informed discussion. That's why 180 days was proposed. I, personally, think that it is too long. I think that 60 to 90 days would be sufficient given the small size of your community and the extent to which you are politically sophisticated. But, in any event, there is a similar need for the referendum provision. Under Section 2(e), as it could, the attorney general would have to submit a referendum petition to the people even if it came up a week or ten days before the next

regular general election. And I don't think we want that. I would recommend for section 2(c) that you insert a reasonable time limitation of 30 or 60 days to make certain that that doesn't happen. You do not need as much time for a referendum as you do for initiative because a referendum deals with a law that has already been passed, is in written form, has been published, has presumably gotten some publicity and you do not have the same need for education of the public as you have with an initiative. But I do think that the thought is a good one to insert some kind of time limitation in 2(c)--30 to 60 days would be good. And I would suggest to you, although not very strongly, that maybe 180 days is a little bit too long and you might want to reduce that.

Delegate Ogo: Point of information. Mr. President, on section (d). If you look at it on your original, in the Committee of the Whole we did not change 2/3 by passing a local law, yet in the new amendment they changed that to a majority. 2/3 is changed to a majority on local law. That's on the second sentence down.

Delegate Ramon Villagomez: Mr. President, this morning we decided to eliminate "each of two municipalities" and to put just "Commonwealth." In the change for style and consistency that we have before us now, "each of two municipalities" is put back. That's on the second sentence. And page 2, section (d), line 3 where it says "votes cast." That is supposed to be "registered voters." It's just typographical. And on line 7 there are two mistakes. Where it says "majority" is supposed to be "three-fourths" and where it says "votes cast" it is supposed to be "registered voters." And "two-thirds" where it says "majority." That was the decision made this morning.

Floor Leader Rasa: We have still deviated from the issue I was posing. Now we have heard the recommendation by the consultant and I think we also want to see that in a referendum this would not happen in a week's time. So we should at least insert the number of days. If there is no objection, Mr. President, I have no written amendment but I would like to move to suspend Rule 47.

The motion was seconded and there was no objection from the floor.

President Guerrero: There being no objection, Rule 47 is hereby temporarily suspended.

Floor Leader Rasa: Mr. President, I would like to see that under subsection (c) under referendum, the number of days should be 60 days. And I would like to go back to initiative and insert 90 days. I so move.

The motion was seconded.

Delegate Olympic T. Borjas: I would like to further amend. On the referendum portion, a really sharp politician could wait until just 90 days before the elections. I would ask the mover to reduce that to 30 days instead of 60.

Floor Leader Rasa: I have no objection to amending my motion.

President Guerrero: So why don't we take that one step at a time. Mr. Floor Leader, could you restate your motion now?

Floor Leader Rasa: Section 1, subsection (c), second page, second sentence, delete 180 days and insert 90 days. I so move.

The motion was seconded and carried.

Floor Leader Rasa: On section 2, subsection (c), find any kind of phrasing as long as the number of days is 30 days. I so move.

The motion was seconded.

President Guerrero: I think our legal counsel has the wording for it.

Mr. Willens: Follow the same language and insert this phrase at the end of subsection (c): "that if held at least thirty days from the date the petition has been certified by the attorney general."

Delegate Ogo: Point of clarification. Are we voting section by section?

President Guerrero: We are voting now on section 2, yes. The amendments to section 2 and section 1 on the number of days.

Motion to amend Article IX, Sections 1 and 2, was carried by vote by show of hands.

Delegate Limes: (Chamorro)

President Guerrero: We are in the Plenary but vote by show of hands is sufficient on the amendment. We're not taking the final vote on the entire article.

Delegate Limes: (Chamorro)

President Guerrero: (Chamorro)

Delegate Vicente Manglona: Mr. President, I move to adopt proposed amendment number 92.

The motion was seconded.

Delegate Pedro Dela Cruz: Move to end debate.

The motion was seconded and carried.

Motion to adopt proposed amendment number 92 carried by show of hands.

Secretary Atalig: Mr. President, I move to adopt proposed amendment 93.

The motion was seconded.

Secretary Atalig: Mr. President, I would like this body to adopt this provision on recall. I think it would satisfy a lot. I think the legislature should be given the opportunity to write their own code of ethics, their own grounds for removal of public officials. These would be applicable to the mayor, to the governor, the lieutenant governor and the legislature.

Delegate Juan S. Derrapan: Mr. President, I am in favor of this amendment.

Delegate Hoffmeider: Mr. President, I am afraid if we pass this to have the legislators specify grounds for recall, they might provide only very limited grounds that would never exist.

Delegate Olympio T. Borja: Mr. President, I think the proviso can be written to give cause without political reasons.

Delegate Manuel Tenorio: I wish to register my reservations to this particular provision, Mr. President. We are trying to give the very people that will be subject to recall the power to make the law that will provide the grounds for recall. It could be very dangerous, Mr. President. I do not believe that the legislature can come up with appropriate measures to hear cases on the various departments and their divisions. I think there's a conflict of interest right there. I think the legislature cannot come up with the provision to handle themselves.

Delegate Oulva: Mr. President, I am opposed to this because they could be lenient on themselves in the legislature. They could make the provisions of practice very high on the government, the other branches.

Chairman Atalig: Mr. President, I wish to speak in very firm opposition to this amendment offered by our Secretary from Rota and the Delegate from Saipan. Mr. President, the passage of this amendment number 93 would be disastrous to the people of the Northern Mariana Islands. I do not know exactly what prompted the two gentlemen to even make a joke of this amendment and so, Mr. President, I move to end debate.

The motion was seconded.

President Guerrero: The next speaker on my list is Delegate Fitial.

Chairman Fitial: Thank you for recognizing me, Mr. President. It is a privilege.

President Guerrero: State your privilege, if you will, please.

Chairman Fitial: I thought you were going to recognize the whole world before you recognized me, Mr. President. That is my privilege, thank you.

President Guerrero: Is that the only question you have to ask?

Chairman Fitial: Yes.

Delegate Jose Borja: I am in support of this amendment for the sole reason that we have initiative where if the people do not agree with what the legislators provide for recall, I think we can move through initiative. I think that's what we want. That way we can trust our legislature.

Chairman Mafnas: As you will recall, this afternoon I opposed this section because I am in agreement with what Delegate Tenorio has stated to the Convention--that we are giving the same people the opportunity to come out with the several grounds that they will be subjected to recall. I agree with Delegate Hofschneider that this Convention is not capable of setting the grounds. My question is this: If this Convention is not capable of setting the grounds and if we are afraid of the legislature providing the grounds, are we going to allow John Doe to set the grounds? A citizen to set the grounds that could completely destroy the reputation and integrity of an elected official.

President Guerrero: Is that a question?

Chairman Mafnas: That is a question.

Secretary Atalig: I would like to ask this body whether they distrust Senator Olympio T. Borja, Senator Herman Guerrero, Senator.....

"Point of order" was called by several Delegates.

Secretary Atalig: I trust our legislators.

Chairman Fitial: I can answer the question. I don't think John Doe Citizen would have the intention to destroy as stated by Chairman Mafnas.

President Guerrero: Does that answer the question, Chairman Mafnas?

Chairman Mafnas: No, Mr. President. This body is intelligent enough to come up with reasonable enough grounds for recalling an elected official. I also believe that during this session we always state after the Convention that "I have confidence in my legislators." Now it is just the opposite and we are not confident that our legislature should be trusted. So who should be trusted? A citizen that asks you for direction and upon refusing can initiate and can instigate 40% of the voters to recall your position?

Delegate Ramon Villagomez: There are two questions that I see. The first one is when do we trust and when do we mistrust our legislature. I think this Convention will agree that there are certain aspects of life where you can place trust on a group of individuals--a group of people. And then there are also aspects of life which are very touchy, which create conflicts of interest which will cause you to believe that the kind of people in whom you have placed your trust might be questioned by another group of people. Now, as to the other question--whether to allow John Doe Citizen. When we don't give the legislature the responsibility to state the grounds and when we say we cannot as a group designate the grounds, what we are doing is letting history determine what are the grounds. When a person does something that looks inappropriate to the public, the public will try to make the decision whether use of the public forum, the use of the courts, or interpretation by the courts and the lawyers determine whether that ground is proper. You are then giving it to the entire system. The system of the legislature, the system of the voters, the system of the judiciary to determine at that time in history--the time when a person has done something which the public feels may not be appropriate. We are not giving

It to a person on the streets, but we are giving it to the time and place in which it happened and all the history which has been built up by the government.

Delegate Lima: Mr. President, the capability we have here, we could list down all of the... (Chamorro). The question here is whether we are giving our people the right to exercise this recall. It is not up to us to determine whether or not we should put down what are the grounds.

Floor Leader Bana: Mr. President, I would have to be repetitious. I think it is necessary that I repeat the arguments that I posed during the Committee of the Whole in opposing this particular provision in its entirety. However, I would like to speak with regards this proposed amendment. Mr. President and fellow Delegates, the rights of individuals are not absolute--they are relative. The Congress or the members of the legislature are considered to be totally inactive. We have provided the mechanism to see that the people would have the right in order to initiate laws. In the proposed amendment...if we fail to pass this proposed amendment this would give total rights to every man on the street to determine what is ground and what is groundless. I stated this afternoon that the very basic concept of a recall is so much related to the concept of initiative. This would actually strengthen the possibility where politics is maximized to the extent where it personalizes what you like and what you don't like. So my mere refusing to say "hello" to John Doe Citizen might constitute a ground for my being removed from that office. I want the Journal to be clear on that because I am serious about this. We have seen the nature of partisan politics and how it burdens in the Marianas. Fellow Delegates, rights are not rights in the absolute sense. You have the right to light a fire, to burn a house, but you don't have the right to kill those people. You have the right but you are going to get convicted for doing it. So these rights are relative. What we are trying to do over here is that we give the people...the people are not in a position at all times to know what is going on in the government. Mere misleading information, a mere newspaper man can lead the people into revolution. We have seen how the newspaper controls policymakers yet they are not as objective as other people who have totally and completely studied issues before them. Mr. President, the proposed amendment would mandate the legislature to provide grounds--and I mean reasonable grounds--for these people to be recalled. My failure to say "good morning" is not enough ground for you to initiate and instigate a petition to have me pushed out from public office. I don't know what else to say, Mr. President and fellow Delegates, but I have to repeat myself and say that freedom is relative and all these rights are relative. They are not absolute. We have to control these rights and see that they are practiced with the maximum of reasonableness. We cannot allow anybody in the street to have these rights because these rights abused would constitute tyranny of the innocent majority. I would like to request that we pass this and I move to end debate.

Delegate King: Mr. President, I totally support this amendment. It would give full participation between the people and the legislature. It is a proper procedure to go into our Constitution.

Delegate Palacios: Mr. President, I support recall and I support this amendment. I have been in contact with the legislature for a long time. I know there are rascals but my honest opinion is that the majority of the people in the legislatures I have associated with are decent people, fair-enough people. If we pass this amendment and the legislature places the groundrules for what are the things for recall, I believe they will be a felony and other serious matters that they deserve to take that bad apple out from among themselves. Because if they keep the bad apple, other people will look bad, too. Therefore, in this particular instance, I have enough confidence that the legislature will be reasonable to set forth the rules for recall. On the other hand, if you don't allow the legislature to put certain rules or enact them for recall, I think they can be harassed--and I don't think that is what we want. Our recall purpose is to get rid of bad people. I think this amendment will be alright.

Delegate Castro: (Chamorro)

Delegate Palacios: (Chamorro) The majority of the people in the legislature are fair.

Delegate Castro: (Chamorro)

Delegate Palacios: (Chamorro)

Delegate Ogo: If the people are ready to initiate recall and as yet the legislature has not come up with criteria as to what does and what does not constitute grounds for recall, then how would this take place. Does it mean under this section that if the legislature does not come up with the grounds, we have to wait?

Delegate Jesus Villagomez: I have a very good answer. If we were to adopt this amendment, we might as well throw out recall.

Floor Leader Raza: I don't think the legislature is stupid enough to not come up with the grounds.

Delegate Ramon Villagomez: If the legislature does not come up with a list of grounds then, naturally, the people cannot recall.

Mr. Willens: If I wanted to recall a public official and if the amendment was adopted and the legislature had not acted, I would go to court and say that I was entitled to recall. Then I would not have to state grounds because this constitutional provision requires me only to state those grounds for recall as specified by law. If the legislature has not acted then I don't have to do that and, therefore, I would not have to state any grounds. There would be no grounds as provided by law, therefore, I have no requirement to state grounds because there are no grounds provided by law. Because I could not do so.

Delegate Ramon Villagomez: If you don't have grounds then you cannot recall.

Mr. Willens: It doesn't say that. It says you shall state the grounds as provided by law.

Delegate Ramon Villagomez: Are you saying that you can recall a person when you don't have any grounds?

Mr. Willens: You could say whatever grounds you wanted or state no grounds at all. Because this provision would not be applicable.

Delegate Antonio Camacho: Mr. President, I think the mainstream of arguments against it is because we are basing our thoughts on the fact that John Doe Citizen is not educated enough to.....

Floor Leader Raza: I didn't say that. May the record reflect that I did not say that he is not educated.

Delegate Antonio Camacho: I believe the general man will be reasonable enough to come up a decision when to recall a legislator who is not doing his job.

Delegate Igitol: I share my agreement with Delegate Dr. Palacios that all the legislators are not crooks. But, Mr. President, if those bad apples are not taken out from the good apples, those good apples would become bad, too.

Delegate Juan P. Tenorio: I would just like to add the thought that if the legislature does not hurry up and provide the grounds, then would they not be in worse shape?

Mr. Willens: That's what I'm saying. So the amendment would provide a useful purpose because it would provide the legislature with incentive to dictate reasonable grounds. I think it would be a reasonable legal argument that if they failed to provide grounds by law, then the position I stated might be accepted by the courts. The voters might not have to state any grounds. I think it's a legitimate legal argument and I don't know who would prevail, but I do think it would provide incentive for the legislature to act to state reasonable grounds.

Delegate Juan P. Tenorio: Yes, Mr. President, it's just as we discussed this afternoon and, as explained by our consultant, the wording "as provided by law" makes this even stronger. For that reason I move for the previous question.

President Guerrero: Before I entertain your motion please let some of the speakers speak. There are so many that want to speak.

Delegate Manuel Teporio: Mr. President, I first want the record to show that I am not voting this proposal down because I don't trust the legislature. That's not my point. What I am opposed to in this particular provision is that the legislature cannot foresee what types of crimes will perhaps be applicable to them in the future. There are crimes that are even new to the States and we're putting them into our Constitution. The present legislature cannot enact a law for the recall provision that will project future crimes because we don't know what type of shape they will come in. This provision, if left open, can be for the courts to decide if any grounds are justified. I don't see any reason, personally, why a senator or legislator should fear such provision in this. At present I think we have men for our legislature that are very good and I think they are doing their job. This is only for public officials. I feel that it is fundamental for the people that are voting to have the right to recall elected officials. I'm sure that this particular provision, while it may be used in the future--but I do not see it being used in the next two, three or four years--this provision will, in fact, protect some public elected officials. Thank you, Mr. President.

Chairman Atalig: First of all, Mr. President, I have to disagree with the comment by the consultant, the honorable Howard, on the ground that his interpretation of this is entirely different from the consultant that consulted this particular committee.

President Guerrero: Chairman Atalig, please confine yourself. I believe the issue now before us is amendment 93.

Chairman Atalig: Yes, and I am referring to his interpretation.

President Guerrero: I believe amendment 93 was not discussed in your committee.

Chairman Atalig: It was discussed "as provided by law" and I am trying to relate what has been said. His is contrary to what the consultant to the committee said. That's his personal opinion.

President Guerrero: There seems to be some confusing information here because members of your own committee are saying "no, no, no."

Chairman Atalig: For their recollection I will put out the committee's report and these gentlemen signed the report.

Delegate Magdalena Camacho: Mr. President, I want the record to show that since the people elect you, they have the right to get you out of office.

President Guerrero: Are you referring that to the president?

Delegate Camacho: NO!

(laughter)

Floor Leader Raza: Move to end debate.

The motion was seconded and carried.

Motion to adopt proposed amendment number 93 was defeated by roll call vote.

Delegate Igitoi: Privilege. I want the present legislators to know I will still be voting for them next time.

Delegate Ogo: Point of information. On recall, does that mean that any of the congressmen or senators from Pata...that the people of Rota want to recall one of these...does that mean the entire Commonwealth is going to vote?

(Many Delegates said "no.")

Delegate Benavente: (Chuckles)

President Guerrero: The Chair will now call a short recess.

The Convention recessed at 9:10 p.m.

RECESS

The Convention reconvened at 9:23 p.m.

Delegate Ogo: I move to adopt proposed amendment number 96.

The motion was seconded.

Delegate Ogo: Mr. President, I would just like to make some clarification because there was some misunderstanding on the earlier reports. The only intention of this amendment 96 is to change the general laws to be passed by a simple majority to be inserted as "two-thirds" instead of "simple majority". That is the only thing intended to do by this amendment. There are some typographical errors, though. Local laws are not changed. The only change is on subsection (d) to change it to "two-thirds of the registered voters of the Commonwealth" instead of "majority." The reason I drafted this, Mr. President, is that it may impose some restriction in the future on our legislature that although the legislature may repeal any law through initiative, it may incriminate the legislature to go against any law enacted through petitions because of votes they are getting. So, in order for the people to be given the chance, then let's give them a chance on a larger basis rather than just a very simple majority. This is why I strongly feel that if we are to give the power to the people then we should upgrade the percent from a simple majority to two-thirds.

Delegate Palacios: I think in the amendment we are trying to get the Commonwealth people to initiate laws by two-thirds of the registered voters. I don't think this amendment is a good amendment.

Delegate Maratita: Mr. President, I think we should really take a good look at this subsection (d). What we have here in the change for style is "An initiative petition that proposes a general law for the Commonwealth shall become law if approved by a majority of the votes cast," whereas, in the initial provision that doesn't show "votes cast" but "registered voters." These are two different things. Isn't amendment 96 just a reversal from what we did this morning? This afternoon we amended the position that 2/3 be amended by a majority. So what we're trying to do now is just reverse and go back to the original position.

President Guerrero: May we ask the mover of the motion if that is his intention.

Delegate Ogo: Delegate Ramon Villagomez has already made that correction-- that "votes cast" should be changed to "registered voters."

Mr. Willens: That's what I was told earlier in this session. To strike the words "votes cast" and I have done that on my copy on the basis that it was an error. And so it reads now "by a majority of the persons qualified to vote in the Commonwealth" which means the same as a majority of the registered voters. That's what I presently have and so the amendment would change the word "majority" to "two-thirds."

Delegate Maratita: The amendment this afternoon, Mr. President, was that we go back to the original and only that we change the word "two-thirds" to "majority of registered voters in the Commonwealth." That was the only change that we made this afternoon.

Delegate Juan P. Tenorio: Mr. President, according to amendment 18 which was debated this afternoon, the proposal was to change the draft of the First Reading was to change "two-thirds of the registered voters of the Commonwealth" to "a majority of the votes cast." The one that came up this evening is for a majority of the votes cast. The amendment now up is for two-thirds of the votes cast.

Delegate Palacios: No, registered voters.

Delegate Calvo: Mr. President, I think the proposed amendment 96 has merit due to the fact that "a majority of the votes cast"...say, for example, that about a third of the people are apathetic. They don't care to go out and cast their vote and they don't care which way the ball bounces. Are we trying to make it easy for the Commonwealth people to pass laws or enact laws by themselves? Is that what we're trying to do?

Delegate Ramon Villagomez: (Chamorro)

Delegate Ogo: For further clarification, Mr. President, if we just go on the original proposal, that is what this is--the amendment.

Delegate Calvo: As I was stating, Mr. President, are we trying to make it easy for the people to enact laws? What are we trying to accomplish in this? Are we trying to control a responsible type of law? A majority of the registered voters means 51% of the registered voters in the Marianas. And a majority of that is another 51%. That's 51% of 51%.

Delegate Palacios: No, no. Only 51% of the registered voters.

Delegate Calvo: If there are 5,000 registered voters, what is the majority of the registered voters? It's 2,501, right?

Delegate Palacios: Right.

Delegate Jesus Villagomez: What this implies here is that if we're talking about "majority of the qualified voters" and have 6,000 qualified voters, then 3,001 have to go out and cast their vote "yes" for it to be in effect. If only 3,001 voters go out, then all 100% of them have to vote "yes." It's impossible. And if you're going to make that "two-thirds of the qualified voters" then it is more and more and more impossible.

Delegate Calvo: So what is the correct language here, Mr. President? Am I supposed to read here "An initiative petition that proposes a general law for the Commonwealth shall become law if approved by a majority of the registered voters?"

Delegate Ogo: Right, but there is an amendment now to change that majority to two-thirds. That's what we're discussing now.

Chairman Fitial: Mr. President, I am beginning to doubt whether we know what we really want in here. This proposed amendment would further the impossibility. It's not only 2/3 of the votes cast, but you have to have 2/3 affirmative voting for such legislation. For the record, Mr. President, the amendment is in itself presenting a very big problem. It would provide a very stringent requirement for the people to enact legislation. I think we might as well take this provision out of the Constitution.

Delegate Ogo: Exactly, Mr. President. From the beginning I have totally disagreed with this initiative because we already have senators and congressmen. So, what is the purpose of giving the people the privilege of voting laws when we already have senators and congressmen on whom we're spending thousands and thousands of dollars. Therefore, if we're going to give the people this privilege, then let's not make it very easy for them to make any laws they want to. The way it is at the present time, we have seen that a very strong political party may get together and initiate a law everyday. That means if it is just a simple majority--and because we have seen at the present time the active-ness of these political parties. Just one person with a lot of influence could call the people together and say, okay, we want this law because it protects the majority, the political party majority. And they can totally disregard the legislature. With this kind of system we are making it very easy and I do not see why. That is why I think we should raise it from a simple majority to two-thirds and make it a little bit more difficult.

Delegate Diaz: Mr. President, there is a merit on the proposed amendment, however, there is also a demerit. There is a tendency of our people on practically every election not to go to the polls and vote. The merit of this proposal is that 2/3 would probably be a workable solution. However, on the "registered voters"--as I said before, the tendency of our people is not to go to the polls and vote. I would suggest, instead, that we have "2/3 of the total votes cast." I think that would be the most workable solution. Now, we have been discussing this and zigzagging back and forth on this particular article, therefore, at this particular point I would like to ask the indulgence of the honorable Delegates in this Convention to suspend Rule 41 to put this to "votes cast" rather than "registered voters." Then I would go along with the proposed amendment, provided we make it "votes cast." I think that is the most workable solution.

Delegate Jesus Villagomez: I don't think it's necessary to make any amendment in written form because this is an amendment to an amendment.

President Guerrero: We have to get the consensus of the Delegates. Is there an objection?

(There was no objection.)

President Guerrero: Please proceed with your amendment.

Delegate Diaz: Just to change "registered voters" to "votes cast." That is all of the amendment, Mr. President. It will be "An initiative petition that proposes a local law shall become law if approved by two-thirds of the votes cast in the Commonwealth."

(There was discussion that the wording would make it a general law.)

Mr. Willens: If you look at amendment 96, it's exactly that way. "An initiative petition that proposes a general law for the Commonwealth shall become law if approved by two-thirds of the votes cast by persons qualified to vote in the Commonwealth."

Delegate Diaz' motion was seconded.

Delegate Ogo: Because of that amendment, Mr. President, I am withdrawing my amendment 96.

Delegate Jesus Villagomez: Mr. President, he cannot withdraw his amendment because we have just made an amendment to the amendment.

President Guerrero: Well, we'll just entertain that amendment here.

Delegate Juan P. Tenorio: Mr. President, I share the feeling of Delegate Diaz that we do not want to make it too hard but at the same time we don't want to make it too easy because this is the essence of an initiative. Mr. President, this is good. I move to end debate.

Motion was seconded and carried to end debate.

Motion to amend by using the words "votes cast" rather than "registered voters" carried by roll call vote.

Delegate Limes: (Chamorro)

Motion to adopt Article IX on Second and Final Reading, as amended and including the style recommendations, carried by roll call vote. The votes were as follow:

YES:	Delegates F. Atalig, Attao, Ayuyu, Benavente, J. Borja, O.T. Borja, M. Camacho, Castro, Dela Cruz, Diaz, Fitial, L. Guerrero, Igitol, Limes, Mafnas, V. Manglona, Maratita, Palacios, Raza, Taisacan, M. Tenorio, Torres, J. Villagomez, R. Villagomez and P. Manglona. (25 votes)
NO:	Delegates D. Atalig, P. Atalig, Calvo, Hofschneider, King, B. Manglona, Ogo and J. Tenorio. (8 votes)
ABSTAIN:	Delegate Juan S. Demapan. (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 8 negative.)

Delegate Ramon Villagomez: Mr. President, privilege. I would like to ask why the changes made this morning have not been made and given to us. Why did we get a copy back that made such a confusion?

Mr. Willens: I'm sorry if there has been confusion. We acted on the basis of amendments that were passed, including 18 which refers to "votes cast." But there were some mistakes and I apologize for them. We tried to clarify it but if that contributed to the confusion we can begin all over again on

tomorrow. If it contributed to the difficulties there.

Delegate Ayuyuy: How do we treat a person who is sitting in this Convention but refuses to vote?

President Guerrero: He will be absent for the voting.

Delegate Hofachneider: Can I ask the Convention to vote on sections 2 and 3 only?

President Guerrero: It's as the consultant stated. If there's any inconvenience because of the papers it can be corrected.

Delegate Castro: Can we be guaranteed that all changes made this morning will be reflected?

President Guerrero: It will be reflected in the record. Any any amendment.

Delegate Ogo: Mr. President, there is a great confusion on subsection (d) according to the report made from the Committee of the Whole. Our consultant, unintentionally, probably, put a lot of wording in there that were not changed. I just hope that this will be corrected and reflect the correctness on what we have done.

President Guerrero: That will be done. I am sure the consultant will do it.

Chairman Maratita: I just want the record to reflect that there was no deviation from what was discussed this morning in Committee of the Whole. I did not report a wrong information.

(There was continued discussion that $3/4$ Delegates were present and voting and an affirmative vote of 26 votes was required for passage. A second roll call vote was taken on Article IX--the votes reflected above.)

President Guerrero: The result of the final voting for Article IX, as amended, is 26 yes, 8 no, and it does pass the $3/4$ requirement.

Chairman Maratita: I move that the Convention adopt on Second and Final Reading Article XII, regarding "Land Alienation," as amended by the changes for style.

Floor Leader Rana: I move that we adopt proposed amendment 95.

The motion was seconded.

Delegate Ramon Villagomez: This is a bad amendment. I oppose it.

Delegate Dela Cruz: Mr. President, this amendment would encourage the leasing of private real property. This would also open the avenue for landowners who have good land to offer it for lease for commercial basis so that the economic benefit can be spread out. In the provision on public land we have granted an extension of another fifteen years with the approval of the legislature. But if we limit them here then potential investors will only look upon public land as a favorable term. I feel that the economic benefit should be extended to the local people and this is one way that we can accommodate their economic needs.

Delegate Jose Borja: Mr. President, I think the proposed amendment defeats the purpose because on the original article it says "more than" so that includes 40 years, too. The original one says "more than 25" so there's no purpose served by this.

Delegate Dela Cruz: Mr. President, that is a period of twenty-five years, including renewal rights. I have checked this with our consultant and I would like to be corrected if I am wrong. With the present language doesn't it mean a total of twenty-five years? Would that include an extension up to 40 years?

Mr. Willens: It would not as presently written. Section 3 describes long-term to be more than twenty-five years including renewal rights. The section

covers both private land and public land. The long-term interest is defined in this section and it cannot be leased to someone who is not of Northern Marianas descent past that. Your amendment is extending that to forty years and that would mean you could lease land up to forty years to persons who were not of Northern Marianas descent.

Delegate Dela Cruz: The main purpose of this is to open an avenue for landowners for them to reap the benefit of profit, too. Someone may ask how can they be part of the profit. The system can be developed where a division can be developed for a profit-sharing system.

Delegate Olympio T. Borja: I view section 3 to be further definition of section 1 which provides the definition of long-term interests. We do have the procedure whereby it could be extended fifteen years on public lands as long as there is approval by 3/4 of the legislature. If I read this correctly, it will be still consistent with that so this amendment, to me, is of no importance of all.

Delegate Dela Cruz: Mr. President, we are dealing with private property now and not public lands. On lease of private property the legislature has no business. The legislature can provide for regulations for leasing of private property. But Senator Borja is referring to public lands. Unless this language is correspondent to the language under public lands, then I agree. But this one is specifically talking with regard to the alienation of land.

Delegate Palacios: Point of Inquiry. If this provision is passed as amended can we lease public lands for forty years?

Mr. Willens: The provision for forty years on the public lands article deals only with public land. It does not say who you can lease to for forty years, thirty years, or any amount of years. It says you cannot lease it for more than forty years. If this section 3 in Article XII stays as it is at twenty-five years, that means you could not lease even public land to a corporation for more than twenty-five years unless that corporation qualifies as a person of Northern Marianas descent under this article. The number of years does not have to be the same in the public lands provision and in this provision. Now, have I answered your question?

Delegate Palacios: No, not quite. Now, let's say...If this provision is adopted, as amended by amendment 95 where you can lease the land for forty years...Then public lands could also be leased for forty years?

Mr. Willens: Public lands can be leased for forty years under the provision as we amended the other day with approval of the legislature. This has nothing....This covers both public and private lands and it controls who can get leases of more than twenty-five years or of more than forty years if this amendment is adopted. And if this amendment is adopted you can lease land to a foreign corporation--a 100% foreign corporation--up to an amount of forty years. But if it is more than that it would have to be a corporation that qualifies as a person of Northern Marianas descent. The important thing to remember is that it covers both public and private land and, secondly, it controls even the disposition of public lands because you cannot lease public lands to persons who are not of Northern Mariana Islands descent for more than twenty-five years as it is written and before you.

Delegate Palacios: I rise in opposition to this amendment. We have reviewed this question in the committee for a long, long, long time--and our consultant is aware and has a doctorate in economics--and we studied this from an economic point of view if leasing this for a period of twenty-five years would stagnate economic development. We found out that it was not going to stagnate economic development. And our experience, also, in the past during the Japanese Empire occupation of the Trust Territory, including Saipan, Tinian and all the islands, the Japanese government never allowed us to lease the land for more than thirty years. And then later on never allowed us to lease the land for more than twenty years. But that kind of arrangement never stopped the economic development in the Trust Territory. As a matter of fact, by 1939 Tinian alone was paying all the civil service for all of the Trust Territory. The royalty from Tinian alone was paying the whole damn Japanese from that money. But I don't believe this economy that tells me that unless we go beyond twenty-five years we're going to stagnate our economy.

Delegate Dela Cruz: What he is referring to is a war economy. Not a capitalistic economy.

Delegate David Atillg: I would like to ask if when we are talking about a corporation of 100% Northern Marianas descent, are we precluding them from leasing land?

President Guerrero: No.

Delegate Juan P. Tenorio: I would like to pose a question to the consultant. When we say that public land can be leased for an extension of fifteen years with the approval of the legislature, would that in anyway have a conflict with this?

Mr. Willens: No, Delegate Tenorio. In my judgment there is no conflict between the two provisions. You can keep this at twenty-five years and still have the limitation on public lands at forty years.

Delegate Vicente Manglona: Mr. President, I rise to disagree with amendment number 95 for the simple reason that we have given too much to the foreigner. I think local cooperation here can establish its own business and I don't see why we are supporting the interest of the foreigner. There is the fact that the economic development fund is very good to assist the interests of the local businessman. That is the main reason I think we can do business with our own people instead of enticing the foreigner to come in and do business. That foreign money would go out rather than remain in our economy. Therefore, I would have to disagree with this amendment number 95 one hundred per cent.

Delegate Juan B. Demapan: Mr. President, when are we going to move to end debate?

Delegate Dela Cruz: Mr. President, just by the mere fact that we have opened this place to be part of the American political family is that we are opening ourselves to foreign investment. Also, we are denying the same United States citizens who are taxpayers who are not Northern Marianas descent. They are taxpayers, too. We are denying them the privilege of utilizing the land here. Of course, what Dr. Palacios.....

Delegate Palacios: Point of order. The subject is not "Dr. Palacios."

President Guerrero: Delegate Dela Cruz, please confine yourself with your statements.

Delegate Dela Cruz: Mr. President, we are talking about investments and we're talking about lease. We are not talking about selling of property. You do not lose your property when you lease it. If you hire a good lawyer you can have a darned good agreement that will be to your benefit in every way.

Delegate Igitol: I certainly agree with my colleague from Tinian. I believe that we should tell Mr. Jones to get out of Tinian.

Delegate King: I certainly support this amendment because I would like my land to be leased for longer than forty years. Longer than 25 or longer than 40 years.

Delegate Calvo: One question first. With this section am I to read that the government is going to impose a twenty-five year lease on the land that I own?

Mr. Willens: The government will not tell you to whom or for how long you can lease your land. That is your private property. What the Constitution is saying in this provision is that you could not lease it for more than twenty-five years to someone who is not of Northern Marianas descent. If you want to lease it for more than twenty-five years it would have to be someone who is of Northern Marianas descent. If you want to lease it for under twenty-five years it can be to whomever you wish.

Delegate Calvo: That defeats the basic principle of free enterprise.

Mr. Willens: On restrictions on land it is, indeed, a limitation on your right to dispose of your property. This Constitutional provision and the Covenant are designed to prevent people in the Northern Marianas from selling their land to whomever they wish.

Delegate Calvo: We're not selling here. We are talking about leasing.

Mr. Willens: Or on long-term interests which have been defined here as a lease of more than twenty-five years. The purpose of the amendment here is to extend the number of years so as to give you more freedom to lease the land for a period of less than forty years. But in either event there is a limitation on your freedom to lease or sell the land in order to achieve the objective here of keeping the land in the protection of people of Northern Marianas descent. There is clearly a limitation on your personal freedom involved and there are some people in this community who undoubtedly will oppose this provision because of that.

Delegate Calvo: Mr. President, I like to make money, too. If Mr. Rockefeller comes in and wants to lease my land.....I have a price. I think, Mr. President, that this amendment has merit. If Mr. Rockefeller has the money, I'll give my land to him because I want to make money, too. Not everyone of Northern Marianas descent can afford my price. I think, Mr. President, that we are deviating from a lot of things and trying to strangle the very people we're trying to protect. What are we trying to do? What are we trying to prove? I'll repeat again. I want to lease my land to just anybody I want to--including a person from Timbuctoo.

Delegate Ayuyu: I'm all confused now. I was going to ask what is "alienation." A forty year lease is alienation of land?

Mr. Willens: "Alienation" is just a fancy word meaning "transfer." It is defined in section 1. What you're talking about is permanent and long-term interest in property. That's what you cannot alienate, which means that's what you cannot transfer. What you have done here in this constitutional provision is defined a transfer of long-term interest as one of longer than twenty-five years including renewal rights. So selling your land or leasing it for more than twenty-five years are the two kinds of transfers that are restricted by this constitutional provision. They are restricted because you cannot make those transfers to persons who are not of Northern Marianas descent.

Delegate Manuel Tcnorio: I just want to point out at this time that this does not prevent or restrict an owner from leasing his private property to a person of Northern Marianas descent or a corporation of Northern Marianas descent. And he can sell it, too. We restrict the corporations by defining that descent so we can make use of that corporation and we can involve our people in that corporation. If you are a private landowner and wish to lease your land for one hundred years, I suggest you lease it to a corporation of Northern Marianas descent. If you want to sell it, I think they can come up with the cash. It does not restrict that kind of economic development as previously mentioned by the honorable Delegate Dela Cruz. You still have this leeway. But it does, of course, prohibit an owner from selling to an individual or corporation other than Northern Marianas descent.

Delegate Dela Cruz: Mr. President, may I correct that. I did not say it was prohibiting it. I said this opens another avenue.

Delegate Palacios: Mr. President, we have been talking about and we have been truly concerned about leasing our land so that our people will not come out like the Hawaiians today. They call themselves Hawaiians but they own very little land in Hawaii. The Guamanians today own only about 33% of the whole of Guam land. The rest belongs largely to the government, and the rest to non-Guamanians. Land is what we inherited from our ancestors. I look at it this way: If I have land and I lease it for fifty years, and I die in 20 years then my children have to wait for 30 years before they can benefit from the land, unless I rightfully invested that money. I do not believe that 25 years is an unreasonable time. In fact, the United States government has been quite concerned with how we were going to interpret long-term interest. If there is a lease of more than 25 years it is just synonymous to really

losing your own land. We are very concerned about this so that our people will not be like the Guamanian, nor like the Hawaiian. We like to make money, but are we not going to make money with twenty-five year leases?

Delegate Juan P. Tenorio: What I am going to say now is a fact of life. My folks were approached at one time to lease their property which is only little--100 by 100. The person who wanted to lease the property did not want it for a twenty-five year lease. He wanted a thirty year lease. My folks are very old but they still have responsibilities. We have our own family. That property is now being leased for \$500 per month. How many of you can afford to pay my folks \$500 a month for the rest of their good natural lives? That's because you want twenty-five years. Who are you trying to protect? Are you protecting my folks for those twenty-five years? Let's be reasonable. And this is true. The record will show what I am saying. I think forty years is a very reasonable time.

Chairman Fitial: I make a motion that we end debate.

The motion was seconded and carried.

Motion to adopt Amendment No. 95 carried by roll call vote.

Motion to adopt Article XII, regarding "Land Alienation," as amended and including the changes for style, was carried by roll call vote. The votes were as follow:

YES: Delegates P. Atalig, Attao, Ayuyu, Benavente, J. Borja, O.T. Borja, Calvo, M. Camacho, Dela Cruz, J.S. Demapan, L. Guerrero, Hofschneider, Igitol, King, Limes, Mañas, B. Manglona, P. Manglona, Maratita, Ogo, Rana, Talavann, J. Tenorio, M. Tenorio, Torres and J. Villagomez. (26 votes)

NO: Delegates D. Atalig, F. Atalig, Castro, Fitial, V. Manglona, Palacios and R. Villagomez. (7 votes)

ABSTAIN: Delegate Diaz. (1 vote)

(As per the President's earlier ruling, the one abstention vote was counted as an affirmative, making the final count 27 affirmative and 7 negative.)

Chairman Maratita: I move that we adopt on Second and Final Reading the Preamble as amended by the changes for style.

The motion was seconded.

Delegate Hofschneider: I move that we adopt proposed amendment 94.

The motion was seconded.

Delegate Dela Cruz: There is a style change in the copy provided by our consultant. What is the purpose of "Northern Marianas heritage" in there? Is there a special meaning to it?

Delegate Hofschneider: It has clarity, consistency and style. It is perfect. That's all.

Delegate Palacios: Howard, "to serve as fundamental law," is that necessary? Is it necessary to spell that out here or is it understood that the Constitution is our fundamental law?

Mr. Willens: Nothing in this Preamble is necessary. This language was in the amendment I was given to work with and it seemed a graceful way to begin the Preamble and so I incorporated that with what has been recommended by the President. I made four other changes. I made the change about "upholding prestige." I don't think upholding prestige is a very desirable goal for you because I think it's unclear as to whose prestige you're upholding and where you're upholding it. So I dropped that. I thought the concept of the dignity

of an island Commonwealth was a good phrase and I put it at the bottom. I thought that blessing, invocation of the Almighty might be a useful way to conclude the Preamble. I did not think the reference to enjoyment of rights and privileges imposes duties and obligations had any particular grace or meaning as a way to end the Preamble so I put it in the middle. So that you preserve what you have and enrich it in the future. Then I used the Almighty God as a proper conclusion. It has grace, dignity and almost poetry.

Delegate Palacios: On the fifth line where it says "the present generation and generations to come." My understanding of constitutional law is that each generation must have its own constitution. So the wording here is quite contradictory to the concept of democracy and constitutions. So I don't see it as quite proper to spell out "next generation."

Mr. Willens: You're right, Delegate Palacios. Thomas Jefferson said that every generation ought to establish its own constitution.

Delegate Magdalena Camacho: It seems to me that Delegate Palacios is not being confined to amendment 94. What he is talking about is the amendment from this morning. What we are talking about here is the change of our Northern Marianas heritage from Chamorro and Carolinian.

Delegate Palacios: I'm sorry. I was just going too fast.

Delegate Manuel Tenorio: (Chamorro)

Chairman Fitial: Mr. President, I would like to pose a question to the author. What do you consider Northern Marianas heritage?

Delegate Hofschneider: I remove those few words, "Northern Marianas heritage" and put down "Chamorro and Carolinian," we are defeating the purpose of the Northern Marianas. We are the people of the Northern Marianas. In years to come we will have new citizens who are Northern Marianas. If you put down Chamorro and Carolinian what will you do with those new ones?

Chairman Fitial: That doesn't answer my question, Mr. President. I am referring to "heritage." I'm asking what is "Northern Marianas heritage."

Delegate David Atalig: Mr. President, I see the point that Chairman Fitial raised. With the consent of the other two who signed this I would like to withdraw our amendment. I would like to include just "our heritage." This would include Chamorro, Carolinian and those citizens of the Northern Marianas who will be here in the future.

Delegate Maratita: "Northern Marianas heritage" would include everyone. That would include Chamorro, Carolinian, Japanese, Filipino and everyone that calls the Northern Marianas their home and calls themselves Northern Marianas people.

Chairman Fitial: Let's be proud of our heritage. You are proud that you are Chamorro and we are proud that we are Carolinian. We have our own heritage separate of each other.

Delegate King: I support amendment 94. "Northern Marianas heritage" means our island and our people. "Chamorro and Carolinian" means that there are two kind of people. We should be one people. We should put it together.

President Guerrero: Could the Chair pose a question? How many kinds of people are in this room framing this Constitution?

Delegate King: Two, Chamorro and Carolinian. But does that mean you are going to exclude those people that come in later?

Delegate Ayuyu: I would think that "Northern Marianas" is more encompassing than "Chamorro and Carolinian." Our heritage is not just Chamorro and Carolinian. It is a conglomerate of many people. To make things simpler we can delete "Northern Marianas" and have just "our heritage."

Floor Leader Rasa: I move to end debate.

The motion was seconded and carried.

Motion to adopt proposed amendment 9h was defeated.

Motion to adopt the Preamble on Second and Final Reading was defeated by roll call vote. The votes were as follow:

YES: Delegates F. Atalig, J. Borja, O.T. Borja, M. Camacho, Castro, Dela Cruz, J.S. Demapan, Fitial, L. Guerrero, Igitol, Limes, Mafnas, B. Manglona, P. Manglona, Ogo, Rasa, Taisacan, M. Tenorio and R. Villagomez. (19 votes)

NO: Delegates D. Atalig, P. Atalig, Attao, Ayuyu, Calvo, Hotschneider, King, V. Manglona, Maratita, Palacios, J.P. Tenorio, Torres and J. Villagomez. (13 votes)

ABSTAIN: Delegates Benavente and Diaz. (2 votes)

(As per the President's earlier ruling, the two abstentions were counted as affirmative votes, making the final count 21 affirmative and 13 negative.)

Chairman Fitial: Privilege, Mr. President. I just want to point out the concern of the authors of the amendment which was defeated. "We the people of the Northern Mariana Islands"--who are they? Do they have a heritage? Some of the Delegates suggest that they have Northern Marianas heritage and their culture is Chamorro.

Floor Leader Huan: Point of order. I think we cannot continue to entertain debate by privileged motion on an issue that has already been defeated. I just want to make that clear.

Delegate Calvo: After defeat what avenue is next?

President Guerrero: Nothing. This has been defeated. I hope that when the Delegates are voting they will take a serious thought about what they are doing. Don't say "no" or "yes" and not even think what is going to happen.

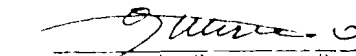
Delegate Ramon Villagomez: I move to recess until tomorrow morning at nine o'clock.

Floor Leader Rasa: Mr. President, I understand that the Conference Committee will have a meeting at 8:30. That might take them an hour. If there's no objection I would like to ask the mover to change his motion to ten o'clock.

Delegate Ramon Villagomez: I so move.

The motion was seconded. The Convention recessed at 11:10 p.m.

APPROVED:


Lorenzo L. Guerrero, President
Northern Marianas Constitutional
Convention


Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS
VERBATIM JOURNAL (TRANSCRIPT)

Forty-Fourth Day
Tuesday, November 30, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 10:10 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 39 Delegates present. No Delegates were absent or excused.

(4) ADOPTION OF THE JOURNAL

Floor Leader Rana: I move that we adopt the Summary Journals of Days 42 and 43.

The motion was seconded and carried.

Chairman Atalig: There is a typographical error under "Miscellaneous" of the 42nd Day. There is not a complete sentence for Chairman Mafnas' request.

(5) COMMUNICATIONS - None.

(6) COMMITTEE REPORTS

Chairman Borja: Mr. President, your Special Committee appointed to reach a compromise on the issues of "Composition of the House" and "Statute of Limitations" has met and compromised on "Statute of Limitations." Our recommendation has been inserted into the Schedule on Transitional Matters and will be presented to the house later in our calendar of business. We are still deliberating on "Composition of the House" and hope to reach a consensus soon.

(7) INTRODUCTION AND FIRST READING OF COMMITTEE RECOMMENDATIONS

Chairman Fitial: Mr. President, I would like to introduce for First Reading a new section for the Schedule on Transitional Matters--Section 7, regarding "Eminent Domain."

Chairman Fitial: I would like to introduce Section 6 on the Schedule on Transitional Matters, regarding "Continuity of Corporations and Licenses."

Chairman Mafnas: Mr. President, I would like to introduce at this time Section 12 on the Schedule, regarding "Commencement of Terms, and Section 9, regarding "Commonwealth."

(8) SECOND AND FINAL READING OF RECOMMENDATIONS

Calendared: Article VI, regarding "Local Government"
Preamble

Floor Leader Rana: Mr. President, I move that we resolve into the Committee of the Whole in order to consider the items listed under Second and Final Reading.

The motion was seconded and carried.

President Guerrero appointed Delegate Pedro M. Ogo to preside over the Committee of the Whole.

The Convention resolved into the Committee of the Whole at 10:25 a.m.

The Convention reconvened in Plenary Session at 2:12 p.m.

Chairman Ogo: Mr. President, I am happy to report that the Committee of the Whole adopted the Preamble as amended by Preamble B. I now move that the Convention adopt on Second and Final Reading the Preamble as adopted by the Committee of the Whole.

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

YES: Delegates D. Atalig, P. Atalig, Attao, Ayuyu, J. Borja, O.T. Borja, Calvo, M. Camacho, Castro, J. Cruz, Dela Cruz, J. DLG. Demapan, Diaz, Fitial, L. Guerrero, Hofschneider, Igitol, King, Limes, Mafuas, B. Manglona, P. Manglona, V. Manglona, Maratita, Ogo, Palacios, Taisacan, J. Tenorio, M. Tenorio, Torres, J. Villagomez and R. Villagomez. (32 votes)

NO: Delegates F. Atalig, C. Camacho and H. Guerrero. (3 votes)

ABSTAIN: Delegates Benavente, A. Camacho and J.S. Demapan. (3 votes)

(As per the President's earlier ruling, the 3 abstentions were counted as affirmative votes, making the final count 35 affirmative and 3 negative.)

Chairman Ogo: Mr. President, your Committee also adopted Article VI, regarding "Local Government," as amended.

President Guerrero: Since it will require a few minutes for the staff to prepare the article on Local Government as adopted by the Committee, I suggest that we proceed to the First Reading of Sections 6, 7, 9 and 12 of the Schedule of Transitional Matters. But before we do that I will call a recess, subject to the call of the chair.

The Convention recessed at 2:20 p.m.

RECESS

The Convention reconvened at 2:35

President Guerrero: Sections 6, 7, 9 and 12 of the Schedule will be considered now under Special Orders of the Day. Mr. Floor Leader?

Floor Leader Rana: Mr. President, I move that we resolve into the Committee of the Whole in order to consider the sections of the Schedule on Transitional Matters as listed.

The motion was seconded and carried.

President Guerrero appointed Delegate Magdalena Camacho to preside over the Committee of the Whole.

The Convention resolved into the Committee of the Whole at 2:45 p.m.

The Convention reconvened in Plenary Session at 4:32 p.m.

Chairwoman Camacho: Mr. President, I am happy to report that your Committee of the Whole has adopted Sections 7, 9 and 12 of the Schedule on Transitional Matters without amendment. It has also adopted, as amended, Section 6 of the Schedule. I move to adopt those sections on First Reading.

President Guerrero: Before we vote on those for First Reading please let us clear the calendar from this morning. Chairman Ogo?

Chairman Ogo: I move for the adoption on Second and Final Reading of Article VI, regarding "Local Government," as amended and recommended by the consultants for style.

The motion was seconded.

Delegate Benavente: I move that we adopt Amendment No. 98.

The motion was seconded.

Delegate Benavente: (Chamorro)

Delegate Dela Cruz: (Chamorro)

Delegate M. Tenorio: (Chamorro)

Delegate Jose Cruz: (Chamorro)

Delegate Benavente: (Chamorro)

Delegate Herman Guerrero: I'm concerned about Section 6. There would be an overlapping of duties and authorities if we continued our present kind of municipal government. There is also a conflicting part between the proposed amendment and the legislative branch as we have already adopted it. Regarding the other concern of Delegate Benavente, it is taken care of under Section 4 where added salaries can be justified to the legislature. Another point of concern is that the term of office for the mayors of the municipalities are not parallel. I understand that Tinian would only have two more years and Rota and Saipan would be four years. I think the provisions of this should be thoroughly discussed.

Delegate Calvo: Mr. President, I share the concern of the mayor with respect to his proposed amendment and having the charter municipality continued here on Saipan for the reasons he enumerated, however, I would like to pose a question. In case the Commonwealth government will absorb the fifty-plus employees now under the employ of the Saipan Municipal Council, what program is the Municipal Council going to maintain?

Delegate Benavente: Could you clarify that question?

Delegate Calvo: If the Commonwealth government absorbs the municipal employees under the municipal government now, what then would the municipal government do with respect to the programs?

Delegate Benavente: The central government would take over also the services. My concern is the employees currently employed by the local government. As to the future employment status, I am aware there is a transitional provision that the central government will absorb those employees, but as to how long the Commonwealth government will keep them--that is questionable.

Delegate Calvo: I think the stand of Rota...and I stand to be corrected by my colleagues...is to abolish the municipal council or municipal government as soon as possible. I'm wondering if we can't accommodate the mayor's concern here without even having to mention Rota and Tinian. Then, for that matter, if Tinian wishes to abolish their local council, too, they may do so. Is there anyway we can accommodate Saipan and leave Rota and Tinian alone? I'm asking the Committee on Local Government that question.

Chairman Fitial: Do I understand that you're asking if we can provide for Saipan alone?

Delegate Calvo: That is correct.

Chairman Fitial: Mr. President, it was the overwhelming decision of the Committee that the present system of local government must change and that the services would continue to be rendered to the communities. This was one basic principle that the Committee has adopted when they were deliberating on the local government issue.

Delegate Calvo: One last question, Mr. President. In other words, the Commonwealth government will absorb lock, stock and barrel the municipal government's function as well as the collateral, equipment and everything else?

Chairman Fitial: That is correct.

Delegate Benjamin Manglona: Mr. President, I am somewhat troubled by Section 6 of the proposed amendment. It may be repetitious but I tend to agree with my colleague, Senator Guerrero. I think the purpose of this proposed amendment is to continue the present chartered municipality until at least 1980. Mr. President, in the proposal for local government we have a provision for an elected mayor from each municipality. This will take effect upon the effective date of this Constitution. If we have a mayor to be elected upon the effective date of this Constitution, and if we continue to have the existence of the present municipality in Saipan--I would like to pose a question--who's going to be the spokesman for the people of the municipality? Is it the mayor of the existing municipal government or the mayor elected under the constitutional government?

Delegate Benavente: The new constitutional mayor will be elected after the termination date, which is 1980. So the constitutional mayor will not be elected until such time as the termination date comes.

Delegate Benjamin Manglona: Mr. President, the reason I posed that question is because I think there is a conflict here. The intention of this proposed amendment is to allow the present chartered municipality to continue on until 1980. At the same time, if our Constitution become effective next year and an election be held next year, that would mean we would have a mayor elected on each island. In the way we are asked to approve this amendment, we would be having two mayors. This is just not consistent with the language in the proposed provision for local government. Therefore, although I sympathize with my colleague Mayor Benavente, I think the only remedy here is to perhaps provide a provision to handle his concern on the employment aspect of the municipal employees, especially here on Saipan. Thank you.

Delegate Benavente: Clarification, Mr. President. On the proposed amendment number 98, Section 4, "Election of Mayor," says the people shall elect a mayor "as provided in Section 6." And Section 6(a) means that the new constitutional mayor will be elected maybe on or before 1980.

President Guerrero: Does that answer your question, Delegate Manglona?

Delegate Benjamin Manglona: I yield, Mr. President.

Chairman Fitial: I just want to say a few words, Mr. President. First, I want to indicate that I share the concern of our distinguished Delegate, Mayor Benavente. The Committee during its discussion on the proposed article on local government came up with the new system, new outlook, new approach to local government based on their belief that it would provide for uniformity, a standardization of Commonwealth services to be provided to the public. Also, duplication in the interest of cost and economy--to prevent duplication of efforts that can be best attained by one functional unit or one central government. It was the contention of your Committee, Mr. President, that we should abolish the present system of local government in order to adopt a new approach or a new outlook and provide a duration--it's like a trial--that after a given period of time, if the people desire or determine that they want to have a local government with all the departments and necessary functions with it, they can easily request the legislature to establish such local government operation for such community. I also share the concern of the Delegate Mayor Benavente who happens, also, to be a member of the Committee, that Saipan could operate on its own at the present time--but the effectiveness is questionable. The Committee discovered for a fact that the major portion of the revenues generated for the operation of the municipal government here on Saipan is derived from grants-in-aid supported by the present district legislature. The approach that we have proposed to the Convention is like a trial to assess the real need for such an extensive or expansive local government in the future. Thank you, Mr. President.

Delegate Jesus Villagomez: I would like to assure the Delegates and the present employees of the local government that upon the effective date of this Constitution their employment will not terminate at that time. There is a provision taking that into consideration in the Schedule of Transitional Matters regarding continuity of government employment and operations. This would assure you that you will not be taken off the payroll immediately following the effective date of the Constitution. I want that to be perfectly clear to everyone here.

Delegate Diaz: I think I can understand the concern of the honorable Delegate Mayor of Saipan. I share his concern, however, I also have reservations regarding proposed amendment 98. Before I state my reservations, Mr. President, I would like to ask the honorable Delegate Mayor Benavente if the last sentence under Section 3(d) has been restated.

Delegate Benavente: Yes, the underlined part.

Delegate Diaz: My reservation is that I have slightly a different version of Section 6(a). I would suggest that if there is an election following next year, all incumbents hold over until the Commonwealth election. In other words, instead of the incumbents holding office until 1980, in the case of an election--in the case of Tinian I think there will not be an election next year for the municipal council--but if the election was in 1978, then I would suggest that those incumbents would hold over until the new election for our Commonwealth governor. That would be merely my suggestion and maybe it would help the concern of the good mayor of Saipan.

Delegate J.P. Tenorio: As a member of the Saipan Municipal Council at the present, it is my feeling that one of the biggest problems we're facing is that everytime we deliberate in that honorable body there is a delineation of power in the area of jurisdiction concerning legislation and whatnot. It is my feeling that the new Commonwealth should be given the opportunity to get itself the proper bearing and whatnot. That would give the legislature of the Commonwealth, also, time enough to separate what they consider local matters from other matters. I'm a firm believer that the primary function of the government is service for its people. In that end, I believe that the existence of the municipal council is a burden to our taxpayer and that the municipal council should terminate itself as soon as possible and the money presently used for the municipal council should be spread out to the people in terms of services. Thank you.

President Guerrero: Alright, at this time could I ask the legal consultant to comment on this since it is very important.

Mr. Willens: Yes, thank you, Mr. President. I will not belabor the point but I would like to express a few thoughts about this proposed amendment to Article 6. It's been my view of the past several weeks that Article 6 on local government is one of those that will be looked at most carefully by the United States authorities in the course of reviewing this document by approval. As the document has emerged from the Convention I believe it is an article that will withstand very close scrutiny and it's an article of which you can be very proud. I think it can be explained and defended to the United States in these three important respects: First, it shows a considerable amount of political courage on the part of the members of this Convention to abolish existing institutions of local government and to create a new institution which you think is better designed for your purposes. It shows your concern for efficiency in terms of delivering public services and your emphasis on services for the people rather than positions and governmental bodies. Third, it reflects your concern for economy and will enable you to demonstrate to the United States that you have created an overall government structure that is appropriate for your small community and one with the limited resources that you will have over the next several years. So, I think the article that you have before you for Second Reading is a very important article and one that you can defend on those three important grounds that I have just summarized. I'm afraid that the proposed amendment really takes you right back to where you started from and I think it would really open up your article for a continuation of your existing institution of government. That is my view of the article as it presently stands.

Floor Leader Raza: I move to end debate.

The motion was seconded and carried.

Motion to adopt proposed amendment 98 was defeated by roll call vote.

Delegate Ramon Villagomez: On Article VI, Section 5, line 5, the word "ethnic." I would like to move to delete the words "and ethnic" on line 5 and on line 8

delete the words "and among ethnic groups." The reason I make the motion to delete those terms is to reduce as much as possible any language in the Constitution that would divide ethnic groups within the Commonwealth. I think that local matters would include ethnic matters.

The motion was seconded.

Chairman Fitial: In the interest of unity among the people of the Northern Marianas, I move to end debate.

The motion was seconded.

President Guerrero: Are we ready to vote on the entire Article VI, as amended?

Delegate Ramon Villagomez: We haven't voted on my motion.

President Guerrero: Your motion is only for deletion and that has been approved by the ethnic representative.

Chairman Fitial: Point of order. You are discriminating.

President Guerrero: I don't think we are discriminating. You are the sponsor of this particular amendment and you are in agreement with that so I don't think there's any need to call for a vote.

Delegate Carlos Cumacho: Point of information. Can somebody tell me how many assistants does the mayor have under Section 4 for compensation?

Floor Leader Rasa: The term "assistants" is plural there so he could have more than one should he ever decide.

Delegate Jesus Villagomez: There would be as many as provided by law.

Delegate J.S. Demapan: Mr. President, I'm wondering if this municipality we are envisioning will be able to work because it is under commercial laws. (laughter)

Chairman Fitial: I can answer that. That would provide that our municipal government would be operating legally.

Delegate J.S. Demapan: What are the policies we are practicing in the Northern Marianas? That is my major concern.

Motion carried to end debate.

Motion to delete, as offered by Delegate Villagomez, carried by vote by raising of hands.

Motion to adopt Article VI, as amended, carried by roll call vote. The votes were as follow:

YES:	Delegates D. Atalig, F. Atalig, P. Atalig, Attao, Ayuyu, J. Borja, O.T. Borja, M. Camacho, Castro, Cruz, Dela Cruz, Diaz, Fitial, L. Guerrero, Hofschneider, King, Limes, Mafnas, B. Manglona, P. Manglona, V. Manglona, Ogo, Palacios, Rasa, Taisacan, J. Tenorio, M. Tenorio, Torres, J. Villagomez and R. Villagomez. (30 votes)
NO:	Delegates Benavente, A. Camacho and H. Guerrero. (3 votes)
ABSTAIN:	Delegates C. Camacho and J.S. Demapan. (2 votes)

(As per the earlier ruling of President Guerrero, the 2 abstentions were counted as affirmative votes, making the final count 32 affirmative and 3 negative.)

(9) INTRODUCTION OF RESOLUTIONS

Chairman Fitial: I would like to introduce Resolution No. 7, regarding migration of Northern Marianas people to the United States.

(10) UNFINISHED BUSINESS

President Guerrero: May I ask the committee dealing with Section 11 of Transitional Matters? Is this still with the Committee on Governmental Institutions, Chairman Mafnas?

Chairman Mafnas: Mr. President, as soon as we resolve the problem of the lower house we will tackle that problem. I hope it will be done soon.

President Guerrero: May I ask your committee to meet sometime tomorrow, then, so you can at least report to the Convention. I do ask that your committee and the Special Committee dealing with the composition of the lower house come up with a report for tomorrow. I hope these matters can be resolved soon so we can proceed with the business of the Convention.

(11) SPECIAL ORDERS OF THE DAY - None.

(12) GENERAL ORDERS OF THE DAY - None.

(13) MISCELLANEOUS

President Guerrero: I have distributed one communication, a letter from Strik Yoma, Director of Affairs, expressing their concern about our draft provisions.

(14) ANNOUNCEMENTS

Chairman Fitial: For the purpose of promoting unity among the people of the Northern Marianas, the Carolinian Delegation is hosting a party on Saturday for the Convention Delegates and staff from 6 to 8 p.m. It will be outside by the pool and everyone is invited.

Chairman O.T. Borja: Mr. President, your Special Committee will meet at seven o'clock this evening to discuss "Composition of the Lower House."


Secretary Atalig: The Style Committee will meet tomorrow morning twenty minutes before the Plenary Session begins.

Floor Leader Raza: I move that the Convention recess until ten o'clock tomorrow morning.

The motion was seconded and carried.

The Convention recessed at 5:50 p.m.

APPROVED:


Lorenzo I. Guerrero, President
Northern Marianas Constitutional
Convention


Pedro M. Atalig
Convention Secretary

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, F. 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. DJG. 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 Mufnas: 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 unnecessariness 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 Manglona: 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. Congressmen 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 dumbed. 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 bureaucracy 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 Atalg: 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 that 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 Tintan 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 that 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 Palacion: 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 Alalig: 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. DLG. 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 Calvo. (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 committee 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 Rusa: 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 Rusa: 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 minimize 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 Fitral: 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 Fitral: 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 Fitral: 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 is due to relicense 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 life 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. DELG. Demapan, J.S. Demapan, Diaz, Fitial, R. Guerrero, L. Guerrero, Hofschneider, Igitol, Limes, Mafias, 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 Rasa: 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, Attano, Benavente, J. Borja, O.T. Borja, C. Camacho, M. Camacho, Castro, J. DLG. Demapan, Diaz, Ftial, 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:

YES:	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 Fitial: 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.

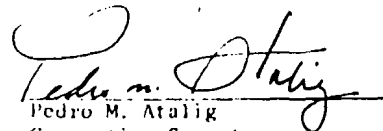
Delegate Ramon Villagomez: I move that we recess until ten o'clock tomorrow.

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

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 Rasa: 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 Rasa: 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 problems of the Constitution.

Delegate Torren: 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, is 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 its 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 Canacho: 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 Salpan 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. Domapan: 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 Fitral: 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 Raso: 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 Cunaño, Delegate Senator Herman Guerrero, Delegate David Maratita, Delegate Dr. Francisco Palacios, Delegate Senator Oscar Raza and Delegate Benigno Fitial.

President Guerrero: Do you have members from your committee to participate in 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.P. 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 Mangiona 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 Cuncho.

President Guerrero: That's good. Delegate Cuncho 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?

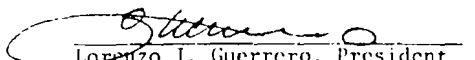
Chairman Fitial: Yes, the "Islanders" will be performing.

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

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

Forty-Seventh Day
Friday, December 3, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 10:30 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 33 Delegates present. Delegates Jose R. Cruz, Henry U. Hofschneider, Benjamin T. Manglona, Prudencio T. Manglona, Pedro M. Ogo and Leon I. Taisacan were absent. No Delegates were excused. A quorum was present.

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

(4) ADOPTION OF THE JOURNAL

Floor Leader Raza: I move for the adoption of the Summary Journal of the 46th Day.

The motion was seconded and carried.

Chairman Atalig: I call the attention of the Delegates to page 2, specifically on the amendment made by Senator Borja. If I'm not mistaken, Senator Borja went on to amend the closing clause of the Resolution yesterday as it was ordered by the President. I would like to go down further, Mr. President, by bringing your attention to Chairman Mañana's part to delete the word "Office" and insert the word "Officer" Jose.

President Guerrero: I thought it was changed to "Sergeant", anyway.

Chairman Atalig: Yes, but "Office" is not the right word.

Delegate Calvo: Mr. President, on page 3, the last paragraph. I wonder if this is the right Delegation appointment.

President Guerrero: No, that was supposed to be Delegate Calvo instead of Delegate King.

Motion to adopt the Summary Journal of the 46th Day, as amended, carried.

Floor Leader Raza: I move to adopt the Verbatim Journals of Days 30, 33, 34 and 36.

The motion was seconded and carried.

(5) COMMUNICATIONS - None.

(6) COMMITTEE REPORTS

Chairman Borja: I would like to report that your Special Committee and our consultant reviewed the eleven communications assigned us by the President. We are pleased to note that each submission was very thoughtful and displayed the correspondent's thorough study of the draft Constitution. Your special committee considered suggestions offered by the Resident Commissioner, Erwin Canham; Strik Yoma, Director of Public Affairs for the Trust Territory Government; Roger N. Ludwick; Senator Herman R. Guerrero; Jack Layne, acting

Attorney General for the Northern Mariana Islands; A.C. Tenorio, Director of Public Works for the Northern Mariana Islands; Juan A. Sablan, Executive Officer and at that time Acting Deputy High Commissioner of the Trust Territory; the United Carolinian Association; Felicidad T. Ogunoro; Joaquin I. Pangellinan; and Reynaldo O. Yana.

Mr. President, the views of these correspondents fell, for the most part, into one of four general categories. However, many of the criticisms of the November 14 draft have been solved and cured in the Constitution as approved by the Convention on Second and Final Reading. Many of those submitting comments, for example, were concerned primarily over the size and expense of a thirty-nine member legislature. Another communication was disturbed that the article on personal rights included the guarantee of a militia. The United Carolinian Association observed that the draft Constitution made no provision for the representation of Carolinians in the new Commonwealth government. The Constitution also now protects the island of Maug. The Constitution as revised takes into account all of those points and objections raised.

A few of these eleven letters included the criticism that the language of the Constitution was unclear. One correspondent voiced unease over the scope of the protection of juvenile defendants in criminal cases. This second type of concern is remedied by the section-by-section analysis.

Third, Mr. President, some of the comments were directed at decisions of public policy reached by the Convention after long and painstaking deliberation. Several correspondents, for example, expressed distaste for the provisions on the alienation of land.

Fourth, a very few letters urged that the Convention adopt provisions that would be in violation of the Constitution of the United States. One individual urged the inclusion of language requiring certain public officials to have been born in the Northern Mariana Islands. The special committee strongly disfavors the adoption of any such constitutional provision.

Your special committee, therefore, commends each of the eleven correspondents for taking the time to assist the Convention in its important work. Your committee welcomes the continued interest of these Marianas residents in the progress of the Constitution. Your special committee recognizes the sincerity of such views, but believes that no useful purpose would be served by reconsidering topics already resolved by the Convention. Accordingly, your special committee feels that the task assigned them has been completed.

Therefore, Mr. President, your special committee recommends this special report favorably. I will now ask the pages to distribute it to all members. Thank you.

Chairman Mafnan: Mr. President, your special sub-committee met to discuss Section 11 of the Transitional Schedule, regarding "Saipan Election Districts." We have come up with a formula which should be discussed some more by this sub-committee. Therefore, we ask that item 7 on our order of business be deferred until this afternoon. We came up with an acceptable formula but, then, this morning there was a revision. The committee feels they should be given more time. I move that this subject be placed under item 10, "Unfinished Business" for this afternoon.

The motion was seconded and carried.

Delegate Herman Guerrero: Privilege, Mr. President. On the report just distributed from Senator Borja's special committee I notice that there is nothing noted about the correspondence from St. Pierre and the rest of the legal consultants of the Legislature. May I ask why?

Chairman Borja: The file that we were assigned did not contain that correspondence but if the President wants us to review it, we will do so. I do, however, believe that the points raised by St. Pierre were cured by other correspondence and provisions passed since then.

Delegate Herman Guerrero: There was correspondence from the Chamber of Commerce that is not listed here either.

President Guerrero: The concern of the Chamber of Commerce was taken care of in our early deliberations. However, I will ask that special committee to also review the correspondence mentioned in case any of the concerns listed haven't been covered.

Chairman Borja: Mr. President, I move that the report from the special committee be adopted.

The motion was seconded and carried.

Secretary Atalig: I'd like to report that the Style Committee met and discussed the signing ceremonies. It will be held Sunday, December 5, 1976, at two o'clock in Mt. Carmel Auditorium. The attire is island wear. Decorations are being arranged with the student body there. There will be refreshments and invitations and public announcements have already been prepared. Also, the committee decided on having a reception at the Royal Taga. It will be buffet with Delegates, staff and a few guests invited. Also, if we can approve the final draft of the Constitution, we could get it ready for the printers today. If we don't get it approved today, however, we will have to get it typed up by our clerical staff here. The Committee has also made a tentative order of business for the signing ceremonies. We would have the invocation and have requested Monsignor Tomas Camacho to do so. We would have the reading of the Preamble by Delegate Magdalena Camacho. We would have remarks by our President and Resident Commissioner Canham and then the signing of the Constitution by roll call. There will then be the presentation of the Constitution to Resident Commissioner Canham. Chairman Fitial was kind enough to arrange singing of the island anthem by "The Islanders" and then to complete things there will be the benediction. That's what the Committee has done so far.

President Guerrero: Could we get the consensus of this Convention on that? I understood you to say that it will be island attire?

Secretary Atalig: Yes, because of the heat. It's just too hot to wear a coat and tie.

President Guerrero: Wouldn't it be more appropriate to wear a tie because of the occasion?

(Several Delegates said "no.")

Secretary Atalig: We'll leave it up to the discretion of each Delegate if he wants to wear a coat and tie. But it'll be a hot day and it'll be at 2:00 with no airconditioning.

President Guerrero: Is that strongly recommended by the Committee?

Secretary Atalig: Extremely.

(Several Delegates agreed with Secretary Atalig.)

Chairman Atalig: I wonder if the Secretary would be kind enough to give us a copy of that?

Secretary Atalig: I'm reporting it to you orally now. You could listen. But it will be finalized this afternoon and distributed to the Delegates.

Delegate Dela Cruz: Since this is a momentous occasion, are we disseminating information for the public to attend?

Secretary Atalig: Yes, as I stated before, we have been preparing public announcements and invitations.

Delegate Maratita: May I inquire what is wrong with Monday?

Secretary Atalig: It's better on a Sunday because the people are not working.

Delegate Ramon Villagomez: If we have the official signing on Sunday, what would we be doing on Monday?

Delegate Jesus Villagomez: On Sunday we'll sign one original. On Monday we'll sign 54 copies.

President Guerrero: Monday is the last day of our Convention and we will have many final things to clear up.

Secretary Atalig: I'd like to report also that we have already printed the covers for the Constitution and the Preamble pages and signature sheets.

(Secretary Atalig displayed the printed sheets for approval.)

Delegate Magdalena Camacho: I just want to remind the members that since this is a regular session for the signing of the Constitution, the Committee is urging the members not to make speeches during that day.

Delegate Jesus Villagomez: I'd like to change that to "we're not asking the members to not make speeches; we're limiting the members from making speeches."

Delegate Diaz: All speeches made by Delegates should be made in this Convention Hall when we hold our last session on Monday.

(8) SECOND AND FINAL READING OF COMMITTEE RECOMMENDATIONS

Calendared: Section 14, Schedule on "Transitional Matters, regarding "Approval of the Constitution by the United States."

Floor Leader Raza: I move that we adopt Section 14 of the Schedule on Second and Final Reading.

The motion was seconded and carried unanimously by roll call vote. There were 33 affirmative votes.

Delegate Manuel Tenorio: I want the record to show that the Covenant does not include a number of days for the reconsideration of the Constitution if disapproved by the United States. It would be up to the U.S. government to approve the second reconsideration, as far as the number of days are concerned. But the Covenant has no provision giving the number of days for the United States to reconsider and act on it. That's for the record. Thank you.

(9) INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

Calendared: Resolution No. 9, authorizing and directing the President and Secretary to review and approve the summary and verbatim journals of the Convention's activities.

Resolution No. 10, extending thanks and appreciation to the staff of the Convention.

Delegate Jose Borja: Mr. President, I would like to introduce Resolution No. 11, concerning "Historical Site and Objects."

(Secretary Atalig read the Resolution as proposed.)

Delegate Ramon Villagomez: I move to adopt Resolution No. 11.

The motion was seconded.

Delegate Galvo: With this Resolution, would we include the Inter-Con Inn under Article XIX, Section 3?

Delegate O.T. Borja: The intention of the Resolution is that if we are in control, we want these things to be preserved. But I do see your point.

Delegate Manuel Tenorio: If there's no objection from the introducer, I would like to include the flag of the United States that's been on the President's podium, also. I no move.

The motion was seconded and carried to amend the main motion.

Chairman Fitial: I'd like to ask who owns those flags.

President Guerrero: They're owned by the people of the Northern Marianas.

Delegate O.T. Borja: Mr. President, just a minor modification, but I think we should change this to the president of the Inter-Con Beach instead of the general manager. If no objection, I would like to so modify the proposed Resolution.

(There was no objection.)

Chairman Mafnas: Mr. President, I just wonder what the chances would be of requesting the Inter-Continental management to leave the condition of this room exactly the same when we leave on Monday. I mean leave it that way forever. I think everything here should be considered historical to the Northern Marianas. Long after we're dead.

Delegate O.T. Borja: It would be good if we could be accommodated on that. Could we ask you, Mr. President, when you transmit this Resolution to see if this room could be named the Constitutional Room, Constitutional Gallery, or something like that?

Chairman Mafnas: I realize the cost of what I'm suggesting that the hotel do, but it would be historical and good for the hotel, too.

Delegate J.P. Tenorio: Chairman Mafnas has a noble idea and it might be possible. The management could make millions by charging a fee to come in and look at the room.

Delegate Diaz: I'd like to say that I support Chairman Mafnas' idea.

Chairman Fitial: These are all good ideas and we can spend the rest of the day talking about them. But I'm getting scared thinking about death.

Delegate J.S. Demapan: I object to the inclusion of the Inter-Continental Inn. We are here only because it's a convenience and because we have no other choice. This place has no place in the history of the Northern Marianas.

Floor Leader Raza: I move for the previous question.

The motion was seconded and carried.

Delegate O.T. Borja: One last thing. Because of the significance of this Resolution, I would like it to be signed by all Delegates to this Convention.

President Guerrero: Yes, that's a good idea.

Motion to adopt Resolution No. 11, as amended, carried by on vote by show of hands.

Secretary Atalig: I move for the adoption of Resolution No. 9, authorizing and directing the President and Secretary to review and approve the summary and verbatim journals of the Convention's activities.

The motion was seconded.

Delegate Jesus Villagomez: Who was the author of this Resolution?

Secretary Atalig: The President and Secretary co-authored.

Delegate Jesus Villagomez: Will the Delegates be given copies when the Journals are completed?

Secretary Atalig: Yes.

Delegate O.T. Borja: I move for the previous question.

The motion was seconded and carried.

Motion to adopt Resolution No. 9 carried.

Secretary Atalig: I move to adopt Resolution No. 10, extending thanks and appreciation to the staff of the Convention.

The motion was seconded.

Delegate Vicente Manglona: The Resolution is missing the names of three persons. How about the administrative officers?

Floor Leader Raza: I move that the names of the administrative officers be added to the Resolution.

The motion was seconded and carried.

Secretary Atalig: The names of the administrative officers were omitted because we felt a Resolution would be prepared by each Delegation for their administrative officer. But if not, I agree that they should be included here.

Delegate Diaz: What happened to the Resolution drafted by the Committee on Personal Rights?

President Guerrero: A Resolution is being drafted to cover that concern.

Delegate O.T. Borja: I move for the previous question.

The motion was seconded and carried.

Motion to adopt Resolution No. 10, as amended, carried.

Chairman Mafnas: I move that the Convention recess until two o'clock this afternoon. I also ask the members of the Special Committee to remain in the Hall for a few moments.

The motion was seconded and carried.

The Convention recessed at 11:20 a.m.

RECESS

The Convention reconvened at 2:15 p.m.

President Guerrero: May I ask the Chairman of the Special Committee to report on Section 11 of the Schedule on Transitional Matters?

Chairman Mafnas: Mr. President, your special committee met and arrived at a compromise regarding Section 11 of Transitional Matters. Without further elaboration, I move that the Convention on Second and Final Reading adopt, accept and approve the Saipan Election Districts proposal.

The motion was seconded.

Delegate Vicente Manglona: Privilege, Mr. President. If both groups agree, then I will vote "yes."

Chairman Mafnas: All members are in agreement.

Motion to adopt Section 11 of the Schedule on Transitional Matters, regarding "Saipan Election Districts," was carried by roll call vote. The votes were as follows:

YES: Delegates Felipe Atalig, Vicente Atiao, Felix Ayuyu, Luis Benavente, Jose Borja, Gregorio Calvo, Antonio Camacho, Carlos Camacho, Magdalena Camacho, Daniel Castro, Pedro Dela Cruz, Juan DLG. Demapan, Juan S. Demapan, Hilario Diaz, Benigno Ftial, Lorenzo Guerrero, Pedro Igitol, Esteven King, Luis Limes, Jose Mafnas, Vicente Manglona, David Maratita, Francisco Palacios, Oscar Rasa, Manuel Tenorio, Joaquin Torres, Jesus Villagomez and Ramon Villagomez. (29 votes)

ABSTAIN: Delegates David Atalig, Pedro Atalig, Herman Guerrero and Juan P. Tenorio. (4 votes)

(As per President Guerrero's earlier ruling, the four abstentions were counted as affirmative votes, making the final count 33 affirmative.)

(10) GENERAL ORDERS OF THE DAY - None.

(11) SPECIAL ORDERS OF THE DAY

Calendared: Reconsideration of Article II, Section 3, regarding "Composition of the lower house."

Final adoption of the entire draft Constitution.

President Guerrero: Reconsideration of Article II, Section 3, is under Special Orders for today because notice of recall was given yesterday, as you will remember. Delegate Torres, do you still intend to discuss this matter?

Delegate Torres: No, Mr. President, I wish to defer action on it.

President Guerrero: We will now go into the final adoption of the draft Constitution.

Delegate Torres: Mr. President, I have not had time to read and digest the entire draft. There's much too much to study it carefully enough so quickly.

Delegate Magdalena Camacho: Mr. President, if we don't get it to the printers today, the secretaries will have to type the Constitution here.

Delegate Manuel Tenorio: May I suggest that we discuss the changes and approve the entire thing tomorrow?

Delegate Carlos Camacho: I think we should delay passage of the entire draft until tomorrow in order to allow more time for concentration and study.

Delegate Luis Limes: Can the section-by-section analysis be distributed today?

Delegate Dela Cruz: I suggest that we recess now and meet again tonight to vote on this. That would give enough time for us to study it.

Delegate Magdalena Camacho: There's already been one night to read it.

Delegate Felipe Atalig: I have a question. On Article XI, regarding "Public Lands," could I ask why "international law" was deleted?

Mr. Willens: As my memorandum to the Convention indicated there were two references to international law. One is Section 1 of Article XI which is the one Chairman Atalig is referring to, and the other is Section 1 of Article XIV. In both cases I deleted the references of international law for two reasons. First, it was unnecessary in the sense that you could not apply any rights under international law with the assertion of the term international law; and secondly; the use of that term by the United States could be viewed as controversial by them when they approved the Constitution. I felt it was unnecessary because the Commonwealth would receive all rights given to a state.

Delegate Jesus Villagomez: Point of order. Before we go into further discussion on this matter, I think we should make a motion to adopt the entire draft Constitution for the purposes of discussion. I so moved for the adoption of the entire draft Constitution.

The motion was seconded and carried by voice vote.

Delegate Juan S. Demapan: I don't know if this is the right time for me to express my opinion, but, it is also very, very much time consuming for each one of us to review this entire draft of the Constitution. I may be late, but I would like to propose a means of making it easier for each one of us to review this proposed draft Constitution. I would like to propose that the original committees be assigned to review their particular provisions and when we reconvene tonight or tomorrow, it would be easier for each one of us to digest the full text of this proposed draft Constitution.

Delegate Ramon Villagomez: I don't think we will find any section in this draft Constitution that will require any extensive debate. I have read the entire Constitution twice and I have only one substantive question that require three grammatical questions. I don't think it would be necessary to return to the three Committees to review their particular provisions. I think we could get this done within an hour of the Convention's business.

President Guerrero: This entire draft Constitution is the property of the Convention now and I am sure that each Delegate is aware of all the provisions and amendments contained herein, since we have the opportunity to go through each one of them during the first and second reading of our Convention's business. This also include style changes as recommended by our consultants.

Delegate Diaz: I believe that we all had the chance to read the entire draft of our Constitution since we were given the time yesterday and last night. Also the final draft was presented and I don't find any inconsistency regarding the draft and/or final draft of the Constitution, except probably for a few typographical errors, but I would suggest that each Delegate do their reviewing here and now, because we have to allow ample time for the Print Shop to print the final version of the Constitution and also the Style Committee to complete their work. The time is now and not in a little while or later.

Floor Leader Rasa: Mr. President, I don't know why we get into the final adoption of the Constitution. The Constitution per se has been legally adopted. Should there be any objection, it should go on a reconsideration process. So, to adopt this Constitution which has already been adopted is a duplication of an earlier action that has been acted upon by this Convention.

Chairman Felipe Atalg: A very minor suggestion Mr. President. I was going over the Constitution of the United States and I would like to suggest to the Style Committee of our Constitution that the first three letters of our Preamble be in bold print as they were in the Preamble of the United States.

Delegate Igitol: I have a question on Article IV, Section 2, fourth line from the bottom, where it stated "...if no U.S. District Court for the Northern Mariana Islands is available..." do I sense the feeling of doubt that the U.S. Government will not establish a U.S. District Court?

Chairman Mafnas: The adjustment was made to meet with the concern voiced by Delegate Ramon Villagomez in an earlier session. I believed the consultants had mentioned to the members of this Convention that they could not be sure as to when the U.S. District Court will be created in the Commonwealth.

Mr. Willens: As Chairman Mafnas had explained why these changes were made, I am confident that there would be a U.S. District Court, but I would want to protect you, the Commonwealth, in case the court was not available immediately. That is the reason this language is here so as to make certain that your Commonwealth court system will have all the necessary jurisdiction it needs if a U.S. District Court is not created. Also, it was desirable to eliminate Section 4 which pertains to the U.S. District Court because it could appear to the U.S. that the Constitution was dictating what courts would be in the Commonwealth. Sections 2 and 3 showed that new language.

Delegate Olympio T. Borja: There had been some changes made to the draft Constitution but they appeared to be insignificant changes. As the legal consultants explained to us why these changes were made and what changes were made, I personally have reviewed the draft Constitution and have found no significant changes made since the provisions contained herein fall in line with our wishes to be incorporated into the Constitution.

Delegate Manny Tenorio: My question is on Article XI, Section 6(c), is there any significant change made?

Mr. Willens: No, there was no significant change made, only a change of words, but does not affect the language of the section.

Delegate Ramon Villagomez: I have been going through the book that our consultants have been using with regard to the language styles for our Constitution and I can't find anything under proviso, and as I recalled, from reading that book they are changing all the "provided, however" to "provided that". In our Constitution, I found that in three places you insert the phrase "provided however that", and I can point them out to you later.

Mr. Willens: I would like you to do that. I really didn't accept that particular view completely, we tried to change the phrase "provided, however" to "except" most of the time, but there were few occasions where we left the phrase "provided, however" because they are read better, but I am perfectly prepared to look at it again with you and I'd be glad to have your judgment on that.

Delegate Ramon Villagomez: On Article IX, Section 3(c), instead of having it read, "...unless special elections are provided...", I feel it would be best to say "...unless a special election is provided...", just a grammatical style change.

Mr. Willens: You read a point which I think is a substantive point. In our section-by-section analysis where we checked the view that the legislature cannot provide for a special election for a particular recall petition - that recall must have a legislative generally to permit special election for recall petitions, that is why the particular language is used. If you were to say "a special election" it would never be free to recall petitions.

Delegate Ramon Villagomez: Article IX, Section 1(d), as I recalled the last amendment we adopted on this require that an initiative petition that proposes local law shall become law by a two-thirds of the votes cast by qualified voters in that municipality. This is two-thirds of the persons of the senatorial district who are qualified to vote. The last amendment as I recalled stated two-thirds of the votes cast. Would you clarify this please?

Mr. Willens: I checked that out as you raised it with me and I checked with Delegate Diaz. If the Convention have that paragraph in front of them, I would appreciate your best judgment, it's Article IX, Section 1(d). It deals with initiative petition and the first sentence dealing with "...general law for the Commonwealth shall become law if approved by two-thirds of the votes cast by persons qualified to vote in the Commonwealth." That was again made in the last discussion. The second sentence which Delegate Villagomez is directing our attention to, is in essence to two-thirds of the qualified voters, and it was my recollection that only the first sentence was changed and I went back to the summary journal and saw that Delegate Diaz raised this issue and I checked with him and he believes that this reflects what the Convention actually did. I agree with Delegate Villagomez that there is an inconsistency here which you have not have intended and if you want to--either our recollection is wrong or we can fix it now and make it consistent--depends on what you want to do.

Delegate Ramon Villagomez: I was the first one to make this amendment and my amendment changed only one part to make it consistent. Pete Ogo came back with another amendment that made the two consistent.

Mr. Willens: The summary journal reflects that Ogo's amendment was withdrawn because it did not change the language here. If you want to make it consistent, I would suggest and it is up to you to do it, and it could be done very easily. As it stands now, it requires a higher vote to approve an

initiative for a local law, that does vary, a law--Commonwealth-wide, and I don't know if that is the interest of any municipality or island whatsoever, it is a very tough version as it is--two-thirds of the votes cast, a very high percentage; two-thirds of the qualified voters might mean 75 or 80% of the people who actually vote, if you don't get a very high turnout. So, it certainly would make sense to make these two provisions consistent.

Delegate Diaz: Since I was the mover of that particular motion, making that amendment, I would suggest that we make this consistent with each other rather than with the number of votes required to be cast.

Delegate Ramon Villagomez: I move that we changed the language in the second sentence of Article IX, Section 1(d) so that it will read, "An initiative petition that proposes a local law shall become law if approved by two-thirds of the votes cast by persons qualified to vote in that municipality."

Mr. Willens: All you have to do then is to insert three words in the second line of that sentence, insert "votes cast by" after the words "two-thirds of the". That would make it consistent with the first sentence of that subsection.

Delegate Torres: I would like to find out, if we adopt a provision or adopt provisions so far, can it be changed at a later date. The Convention or the Committee adopted "two-thirds of the votes cast" or "two-thirds of the registered voters". What effect would that have on our action this afternoon?

Mr. Willens: You are free to mark the document in any way that you see fit. Procedurally, it would be best I think, if the record show a motion to reconsider which brings it back on the floor by a majority vote and a motion to insert the word or words, and it complies with the three-fourth's rule. That would clearly demonstrate on the record that you have enacted the provision that you wanted regardless of what was done in the past.

Delegate Ramon Villagomez: I withdraw my earlier motion and will resubmit it at a later time. I move to suspend Rule 51 temporarily, which requires a one day notice for reconsideration.

Motion to suspend temporarily Rule 51 was defeated.

Chairman Felipe Atalig: I have a suggestion to make, Mr. President. The problem can be solved by directing the Secretary to check the record accurately as to when the discussion transpired since that seems to be the problem.

Delegate Castro: I would like to ask the same question as Delegate Torres. If the record shows that it should be vote cast, what will happen?

President Guerrero: If the record shows votes cast, then that is how we stand.

Delegate Castro: But the constitution says two-thirds, where would we stand - that is the question I am posing. I am a bit confused - I have amendment No. 96 and it says votes cast that is what is shown on the amendment.

(The Journal Clerk read the verbatim debate of amendment No. 96 as discussed on the 43rd day of the Convention's business.)

Delegate Maratita: The style changes I have on Article IX, Section 1(d) dated November 29, 1976, the correction read as follows:

"An initiative petition that proposes a general law for the Commonwealth shall become law if approved by two-thirds of the votes cast by persons qualified to vote in the Commonwealth. An initiative petition that proposes a local law shall become law if approved by two-thirds of the registered voters from the senatorial district who are qualified to vote."

That is the correction I have.

Delegate Ramon Villagomez: I withdraw my previous motion. I have one more question to pose, that is on Article XVIII, Section 2(a). After the question in that subsection which reads "Shall there be a constitutional convention to propose amendments to the Constitution?", would the legislature or the governor, in the event the legislature fails to act, submit this question to the voters? When I first read this, I got confused, and by the use of comma, I am sure this can be read clearer and more understandable. I suggest it be

read as follows:

"The legislature, or the governor, in the event the legislature fails to act...."

Mr. Willens: I accept that, the insertion of the governor. There is a fallback which was prompted by some uncertainty as to how you would implement this and I think this is a useful thing to do.

President Guerrero: I am also on the same Article that I would like to call the attention of the Delegates--on subsection (d) regarding the numbers of delegates to the Convention, as everyone knows, we have been substantially diminished the number of the larger house of our legislature. What is the feeling of this Delegation? We only have 14 members--is that the consensus of this Delegation?

Delegate Ramon Villagomez: This section is dealing with only one small part of the Constitution and not the whole Constitution which requires a large Convention. Dealing with a small part or section of the Constitution and not the drafting of the whole Constitution does not require a large Convention.

Mr. Willens: I read from the Guam Paper that the Guam Constitutional Convention would have 40 delegates. Conventions usually are involved with this number of people and in the States the number of people involved in a Constitutional Convention are usually larger because they represent more people. It is true as Delegate Villagomez had said, that a Convention at a later time will deal with only one or two problems of a Constitution, and usually if you are dealing with only one or two problems, you use one of the techniques to change the Constitution, legislative initiative or popular initiative and often a Constitutional Convention might be a thorough drawing review of this--20, 30 or 50 years from now. My question is whether or not you want to limit the people in the legislature next time around--it might be desirable to strike this provision which will make them free to create a convention of any size they thought is appropriate at the time or if you do want to impose some ceiling on it, you could say equal to the number of members of both houses totally.

Delegate Juan DIG. Demapan: My main concern here is that I want to proceed passage of this Constitution for the Northern Mariana citizens. If such provision would block approval of this Constitution, Mr. President and fellow Delegates, I want the record to show that from the beginning till the very last day of this Convention, I still opposed such provision for the fact that such provision was not treated to equal protection for the majority as well as for the minority. I see no reason Mr. President, why our good Carolinian Community will have to identify themselves as a minority group, while we are here as one united people.

President Guerrero: The Chair has also distributed copies of comments received regarding the same matter. I am sure every Delegate has a copy of the comments.

Chairman Felipe Atalig: I am sure the consultant had made it clear to the Convention regarding the wording of Article III, Section 18, and I do wish to elaborate further on this. I would like to call the attention of the Convention to Article I, Section 3(a)--this may not be a big concern for the Convention, but I am just wondering whether we should include the words "no warrants shall be issued" or some commas for a matter of clarification on that section.

Mr. Willens: The general procedure we follow as a matter of style is that the fewer commas used, the better it would be. I don't see any problem of interpreting Section 3(a) which is under "Search and Seizure". I don't think it is very poetic, but I am sure it is understood and said its intention in a straight forward way.

Delegate Torres: On Article II, Section 4(a), would there be a problem regarding the Northern Islands with respect to the language contiguous and compact?

Mr. Willens: You will notice in the concluding phrase of the sentence, that it modified both portions of the sentence, except maybe permitted by the separate islands and distribution of population in the Commonwealth. Even if it doesn't, compact and contiguous is a legal requirement only to the extent that it conforms with the facts of life. We cannot move islands together--islands will be considered a compacting contiguous. I don't think any legal requirement of compacting contiguous district would prevent us from including the Northern Islands either as a district among themselves or attach on to a district in Saipan. The alternative conclusion would be even more from a legal standpoint

and that would be to try to give the Northern Islands a single representative at a time when they have a very little population.

Delegate Torres: My next question on the same Article is, have we reduced the age limitation for membership in the legislature? What are the age requirements now, I am quite confused.

Mr. Willens: When the age requirement for the Senate was reduced to 25 years, the House went down to 21 years.

Delegate Torres: I was insured that when Delegate Villagomez recommended a 2-1-1, he also included a 12-1-1, he also included a limitation in this House. I want to find out the status of all these, because when this was amended, the 12-1-1 ratio was strongly recommended and I am at a loss with all the many changes coming in.

President Guerrero: At the time he made the amendment, he recommended that the limitation be set at 20 members maximum.

Delegate Torres: My last question is on Article II, Section 2(c), I supposed there is a typographical error and should read "in which" and not "on which".

Chairman Mafnas: On the same Article, Article II, Section 4(b), I would like to direct this question to our legal consultant. What if the Commonwealth Court of Appeals was not created nor the United States does not provide us with the U.S. District Court, I failed to see a provision whereby the Commonwealth Trial Court would assume jurisdiction in apportionment. Can I be enlightened?

Mr. Willens: I see your point Chairman Mafnas. My view in rewriting Section 4 to make it clear that if there were no U.S. District Court functioning at the time the Commonwealth began to function, that the legislature would create from the outset a Commonwealth Appeals Court--they would have to do that. I do not believe the contingency you have identified could occur, because if there is a U.S. District Court available it would require action by the Commonwealth Legislature in its very first week of operation to create a legal system which will include a Commonwealth Appeals Court.

Delegate Mafnas: On the same line of thinking, under the Judiciary Branch, Section 3, it states "The legislature may establish a Commonwealth Appeals Court." The word "may" does not failed the legislature to create one.

Mr. Willens: That is correct and the reason it was permissive was because we did not want the legislature to create an Appeals Court until at least five years have passed. And we did not want a mandate to create a court after five years have passed because we would want to look at the circumstances if the people's needs were satisfied by the United States District Court serving as a United States Appeals Court. The language is permissive but as you say, the Legislature would have to exercise jurisdiction to create an Appeals Court if the United States District Court is not in existence upon the effective date of the Commonwealth government's beginning.

Delegate Maratita: On Article I, Section 10, "Privacy", the last phrase "...compelling government interest." Why the word government has been eliminated?

Mr. Willens: There was no official amendment to that, we have given each delegate the first half of the Section-by-Section Analysis where it would be necessary to read it, we hope to have the remainder of the Analysis sometime this evening. The reason I am referring you to the Analysis is that, there is discussion of this section in the Analysis beginning on page 28, and it emphasizes that there must be a government or public interest before intrusion. This section does give a right of privacy against the intrusion by private person as well as government agency, and one thing about this provision, I think was overlooked during the debate, is that without this section, you would not have a constitutional right to privacy. This creates a right to privacy in the Marianas Commonwealth, which does not exist under the Common Law, and which does not exist in the United States. It is an extension of the rights here and the clause "...except upon a showing of compelling interest.", is explained on page 30 of the Section-by-Section Analysis and it uses the term government interest and also public purpose, which means that the defendant whose privacy is being evaded, a public purpose has to be shown which advances the health and safety of the community. The term public purpose means to help protect the need of the people and to permit the dissemination of public information.

Chairman Mafnas: I raised a question on Section 4(j) of the same Article, whereby it states persons under 18 years of age shall be protected in criminal judicial proceedings. My question is, does that section necessarily establish that the maturity age would be 18 years?

Mr. Willens: No, it does not, and we discuss that on page 20 of the Section-By-Section Analysis and let me read a paragraph from that section.

"The legislature may elect to spell out the procedures whereby this constitutional provision can be implemented, such as a comprehensive juvenile delinquency law. This section does not prevent the legislature from directing that certain offenders who are under the age of 18 may be tried as adults in specified circumstances."

Delegate Pedro Atalig: On Article III, Section 15, I was wondering if there is a better word than "reallocate or allocation of offices" that could be used in place of these words?

Mr. Willens: Certainly, a number of words come to mind and can be used if the Convention wishes to do so, such as "assign" and "reassign".

Delegate Diaz: On Article XVII, "Oath of Office", I think there is a typographical error within the version of the oath which reads "...Covenant To Establish...", is it proper or not?

Delegate Magdalena Camacho: It would be "un-Covenant" to use a small "t".

Delegate D. Castro: I would like to pose a question regarding Article XVIII, Section 2(d). We had discussed this Section earlier and then moved on to something else. Are we going to leave this Section as it is or take further action?

President Guerrero: I would like to ask the indulgence of this Convention to focus their attention to that particular subsection.

Delegate Ramon Villagomez: I moved to delete Article XVIII, Section 2(d) in its entirety.

Delegate Magdalena Camacho: Can we do that, delete the entire subsection?

President Guerrero: I would like to get the consensus of this Convention, whether we could delete it in its entirety or combine the number of both houses to equal the number of members for the convention.

Delegate Jesus Villagomez: If there is no objection, I suggest to delete the phrase "the larger house of" to read "equal to the number of the members of the legislature."

There were some informal discussion among the Delegates.

Delegate Jesus Villagomez: I moved to change the wording of Section 2(d) from "equal to the number of members of the larger house of the legislature" to "equal to the number of members of the legislature."

There being no objection, the Convention passed the amendment unanimously by roll call vote. There were 29 affirmative votes.

Article XVIII, Section 2(d) passed unanimously, as amended.

Delegate Juan DLG. Demapan: Point of privilege. I would like to speak with regard to Section 18 of Article III, "Executive Assistant for Carolinian Affairs."

"Mr. President and fellow Delegates:

"I wholeheartedly respect and do sympathized with the intention of the Proposed Amendment No. 75, which is to be incorporated under Section 18, but in all fairness regardless of the Chamorro and the Carolinian communities, I feel obligated to register my strong feelings on this subject.

"Mr. President, if such section is acceptable to this Constitution Convention then this is no reason why our Constitution should not reflect the views of every dissident or disgruntled person to be incorporated into the Constitution.

"Mr. President, one man's crazy ideas are as good as another's and should be

given equal consideration if we are to listen to the irregular ideas of everyone who wants these views to be reflected in the Constitution. Then, I do not have to call to your attention for the final result. It will be a joke; a laughing stock.

"Mr. President, it is my strong personal feeling that Section 18, of the Draft Constitution will merely jeopardize future elective position for all Carolinian descendant because of their persistents in maintaining the concept of minority and majority instead of the concept as citizens of the Northern Marianas.

"Mr. President, this shortsightedness or oversightness in actual sense will continue to perpetuate continue ethnic awareness, ill-feelings which will not be advantageous to the future Commonwealth Government of the Northern Marianas.

"Mr. President, it is very hard to believe why should the leaders of the United Carolinian Association ought to identify themselves as a minority group. What about those poor and ordinary United Chamorro Association, should we allow to discriminate them or should this Convention deprive the same rights as what have been proposed under Section 18, of the Draft Constitution. At the outset, Mr. President and distinguished Delegates, I am afraid that upon the final draft of our constitution, this Convention and the majority citizens of the Northern Marianas will not vote in support of the Draft Constitution. It is my gravest concern to respectfully ask the Delegate members as a whole to seriously come up with an acceptable decision for the best and equal interest of all Northern Marianas citizens.

"Please permit me now to shed some ideas into the logic of my argument. First of all, the aforementioned Proposed Amendment No. 75 is overly protective to the minority. By allowing such a grandiose and luxurious position for minority representation, we are totally discriminating against the majority. Mr. President and fellow Delegates, let us ask ourselves truthfully the following question. Is it absolutely necessary and economically feasible to allow such a position with no specific functional responsibility?

"Mr. President, we often heard the saying of cutting down cost to our future government. This specific Proposed Amendment is not in line with the admonition of maximizing efficiency and at the same time minimizing cost. In all practical political realities, Section 18 of the final draft constitution may gain the support of those delegates who are anxious to obtain the confidence of the Carolinian people for the sake of future election and not because they are thinking to have an objective constitution fair to all people of the Northern Marianas. The minorities will surely have a role in the government. Both in the legislative and executive branch, which I am sure they will.

"Mr. President, political rewards is a common practice within any democratic society. The Marianas is no exception and I feel that we are kidding ourselves to entertain such an extravagant idea. I am 1,000% sure that the ideas as incorporated in Section 18 is an idea dreamt-up by the elite, so-called United Carolinian Leadership without proper consultation with the general Carolinian Community.

"Mr. President, this is a purely political gimmick invented by these leadership in order to make sure that one of them will be appointed in that position. I question the rationale behind under Section 18, subsection (a), where it provides that 'whoever is appointed must be ACCEPTABLE to the Carolinian community.' This is purely selfish, downright discriminatory, disheartening, and tactic which will continue to disharmonize our beloved Carolinian and Chamorro as brothers and sisters so that these United Carolinian Association Leadership will continue to be in the newspaper front page.

"In conclusion, Mr. President and fellow Delegates, I am very pleased to reiterate that if such an outlined issue proposal is to be allowed by this Constitutional Convention, I am sure that our people will not vote in favor of the final Draft Constitution and maybe as well as the United States Congress and the United States Government.

"Thank you."

Delegate Juan S. Demapan: On Article VIII, Section 1, does it mean that we have to have a general election every year?

Mr. Willens: No, it does not mean that. It means that there will be an election only when terms of elected officials expire, or when necessary. The Section-By-Section Analysts clearly defines the meaning of this section.

Delegate Juan S. Demapan: My next question is on Article II, Section 2(b), relating

to election of senators. Is it possible that only one senator be elected in any given election?

Mr. Willens: It is clear as explained in the Section-By-Section Analysis, that senators serve four-year terms. Their terms varied so that all nine senators are not elected in one year, or at the same time.

Delegate Juan S. Demapan: I am wondering what will happen to the Northern Islands at the time they have 1,000 people. Could they elect 1 senator, too?

Mr. Willens: At the time they qualify to elect their own senator, they will be electing two senators, while the other senatorial districts in the Northern Marianas will be electing one each.

Motion to adopt the entire Draft Constitution as amended, carried by roll call vote. The votes were as follows:

YES: Delegates D. Atalig, F. Atalig, P. Atalig, Attao, Ayuyu, Benavente, J. Borja, O. T. Borja, A. Camacho, M. Camacho, Dela Cruz, J. S. Demapan, Diaz, Fitial, H. Guerrero, L. Guerrero, Igtol, Limes, Mafnas, Maratita, Palacios, J. P. Tenorio, M. Tenorio, J. Villagomez, and R. Villagomez. (25 votes)

NO: Delegates Castro, Juan DLG. Demapan, and King. (3 votes)

ABSTAIN: Delegates Calvo, C. Camacho, V. Manglona and Torres (4 votes)

(As per President Guerrero's earlier ruling, the 4 abstention votes were counted as affirmative, making the final count 29 affirmative and 3 negative.)

(12) GENERAL ORDERS OF THE DAY - None

(13) MISCELLANEOUS

Delegate Palacios: I have a short remark here that I would like to submit and have it inserted into the Journal of the last day.

Delegate Juan P. Tenorio: I have never given a speech during the Convention, and I ask that I be allowed to give one at this time.

"I abhorred the illogical rhetorical rhapsody with regard to Section 18, and I respect mankind too much, and especially the people of the Marianas, to question their integrity in making a decision for themselves."

Delegate Diaz: I would like to make a short, short remark regarding my vote on the whole package of the final draft of the Constitution.

"I would like the record to show that I voted yes, that as human beings we are bound to make mistakes, because we are not perfect. From the day we are born to the very last day of our destiny, we make mistakes because we are not born perfect people. I have tried my very best to the maximum of my ability, and I felt I have contributed much to that extent.

"Thank you."

Delegate Calvo: I wish to give a speech on the very last day of the Convention and I would also like to remind the delegates that we still have to have the last roll call on the 50th day of our session.

President Guerrero: I would also like to announce that the final portion of the Analysis would be distributed tomorrow and I would also like to ask the indulgence of all the Delegates to be present. I would also like to suggest that all Delegates who would like to give speeches may do so on the last day of our session.

Delegate Jesus Villagomez: Is it possible to obtain copies of the final portion of the Analysis later today so that we can have ample time to review it before our next session?

Mr. Willens: I don't think that is possible, it is a 250 page document and is straining the xerox machine and secretarial capabilities. I would like to have the Analysis, however, adopted in general by the Convention as a fair statement of the

collective intention of the Convention, even though it doesn't perhaps reflect everyone's views. It would be helpful to defend the document and help with interpretation in the future. We are doing all we can, the secretaries and the xerox operator to get the final portion out as soon as possible, but as I say, it is impossible to have the final portion distributed later during the day. We will for sure, try to get them out early tomorrow morning.

Delegate Jesus Villagomez: I suggest that perhaps the Convention would recess now and meet tomorrow afternoon at two o'clock to discuss the final portion of the Analysis. If the final portion would be ready in the morning, those who wish to study individually the final portion may do so, and have a general discussion on the Analysis in the afternoon when we meet. I so moved.

Delegate Fitial: I would like to call the attention of all the Delegates that a letter from Senator Herman R. Guerrero was distributed to every Delegate and this letter was not supposed to be distributed because Senator Guerrero discovered that he had made a mistake about Section 18 of Article III. I received the message from Senator Guerrero, and I would like to ask the Delegates to disregard this communication.

President Guerrero: Thank you for the information Delegate Fitial. I also met with Senator Guerrero and he requested that his letter be withdrawn as a communication to the Convention. However, by the time I met with Senator Guerrero, it was too late because I have given instruction already to have the letter duplicated and distributed to the Delegates. My apologies to Senator Guerrero and I ask the Delegates to disregard this communication.

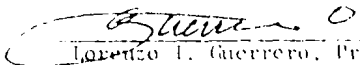
Delegate Ramon Villagomez: I would like the record to show the four general areas where I am dissatisfied with the Constitution. They are: (1) salary of the legislators; (2) the requirement of two municipalities to initiate or pass a measure; (3) the exclusive power of the senate to confirm appointments; and (4) the Executive Assistant for Carolinian Affairs. Thank you.

Delegate Jesus Villagomez: I move that the Convention recess until two o'clock tomorrow afternoon.

The motion was seconded and carried by voice vote.

The Convention recessed at 4:32 p.m.

APPROVED:


Lorenzo I. Guerrero, President
Northern Marianas Constitutional
Convention


Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

Forty-Eighth Day
Saturday, December 4, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 3:00 p.m.

The Honorable Lorenzo I. Guerrero, President, presided.

(2) A moment of silent prayer was observed.

(3) The Convention Secretary called the roll. There were 28 Delegates present. Delegates Vicente Attao, Daniel P. Castro, Jose R. Cruz, Juan DLG. Demapan, Herman Q. Guerrero, Jose P. Mafnas, Benjamin Manglona, Prudencio Manglona, Pedro M. Ogo, Leon I. Taisacan and Manuel A. Tenorio were absent without leave. No Delegates were excused. A quorum was present.

(4) ADOPTION OF THE JOURNAL - None

(5) COMMUNICATIONS - None

(6) COMMITTEE REPORTS - None

President Guerrero suspended items 7 through 13 on the Order of Business and moved to item 14, Announcements.

(14) ANNOUNCEMENTS

Secretary Atalig: Tomorrow is the day set for the signing of the Constitution. The ceremony will begin at 2:00 p.m. at the Mount Carmel Auditorium. I suggest that all the Delegates be there at least 30 minutes before the scheduled time in order to take their places on the stage. Also, after the ceremonies, we will have a reception to be held at the Royal Tagna from 7:00 to 9:00 p.m. for the Delegates and staff. This will be a buffet dinner provided by the Office of Transition Studies and Planning, and Micronesian Insurance Underwriters will be providing the drinks. Spouses are included.

President Guerrero: I would like to announce that the consultants had completed the Section-by-Section Analysis of the Constitution and all the Delegates have been provided a copy. If you have any questions or any further discussion on the Analysis, we will have the time afforded each Delegate on Monday, December 6th. Please prepare any questions and/or discussion you would like to make in time before we meet on Monday.

Mr. Willens: I would like to have the Section-by-Section Analysis be adopted by the Convention, and I would prepare a Resolution to that effect at the request of our Convention President.

Delegate Fitlal: I would like to remind the Delegates of the reception tonight here at the hotel at 6:00 p.m. given by the United Carolinian Association. Spouses are also included.

Secretary Atalig: I would also like to inform the Delegates that at the signing ceremonies, we will be using only two pens, fountain pens, and no other pens. If a Delegate wishes to use his own pen, he may, provided that it has black ink and is a fountain pen.

President Guerrero: I would like to urge all the Delegates to be at the signing ceremony by 1:30 p.m. since the presence of every Delegate is very important. The attire will be island wear.

Delegate Fitlal: I would like to ask the indulgence of the Convention to recognize the presence of Mr. Chuck Barchi, Legal Consultant to the Guam Legislature and also Steve Kelly from the Pacific Daily News in the gallery.

(Delegates Vicente Attao and Manuel Tenorio entered the Convention Hall).

Delegate Fitial: I would like to know if the Delegates would be able to obtain a copy of the Constitution after the signing ceremony.

Secretary Atalig: For the signing ceremonies, we will be signing two originals. One will be presented to Resident Commissioner Canham after it is signed, and the other will be taken to the Print Shop for printing. It will be a matter of days before each Delegate can obtain a copy, but we will definitely be providing each Delegate a signed copy of the Constitution because on Monday, we will be signing here at the Convention Hall the signature page of the Constitution, while the Constitution itself will be at the Print Shop for duplication.

Delegate Palacios: I would like to inquire about the pen we are going to use for the signing ceremonies. Is it a special pen that we can't use any other pen?

President Guerrero: We have purchased two pens for the signing ceremonies, and both are fountain pens. If you have a fountain pen that has black ink, you can use it, but we would like to make it uniform.

Delegate Felipe Atalig: Who would have access to the pens after the signing of the Constitution?

President Guerrero: They will become the property of the Convention together with the other objects we have declared as historical objects of the Convention.

Delegate Maratita: I am wondering if it would be possible to provide each Delegate with a pen for the signing ceremonies as a souvenir of the Convention.

President Guerrero: Secretary Atalig, is that possible, can you check into that matter later on? Delegate Maratita, your suggestion is well-taken, and I will discuss this matter with our Secretary after our session.

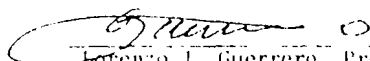
Floor Leader Rasa: If there are no further discussions, I move that the Convention stand in recess until 1:30 p.m. tomorrow, and to meet at Mount Carmel Auditorium for the signing ceremonies. At the same time, I would like to make a motion to meet in Plenary Session here at the Convention Hall at 9:00 a.m. Monday, December 6, 1976, for the final session.

Motion to recess until 1:30 p.m., December 5th, for the Constitution signing ceremony at Mount Carmel Auditorium was seconded and carried.

(The Convention will meet in Plenary Session at the Convention Hall at 9:00 a.m. Monday, December 6, 1976, for the final session.)

The Convention recessed at 3:16 p.m.

APPROVED:


Lorenzo I. Guerrero, President
Northern Marianas Constitutional
Convention


Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

Forty-Ninth Day
Sunday, December 4, 1976

The official signing ceremonies for the Constitutional Convention of the Northern Mariana Islands were called to order at 2:20 p.m.

The Honorable Lorenzo I. Guerrero, President, presided.

The Honorable Monsignor Tomas Camacho gave the invocation.

The Convention Secretary called the roll. There were 33 Delegates present. Delegates Jose R. Cruz, Juan D.L.G. Demapan, Benjamin T. Manglona, Prudencio T. Manglona, Pedro M. Ogo and Leon I. Talsacan were absent. No Delegates were excused.

President Guerrero called upon Delegate Magdalena Camacho to lead the Delegates and guests in reciting the Preamble to the Constitution of the Northern Mariana Islands as follows:

"We the people of the Northern Mariana Islands, grateful to Almighty God for our freedom, ordain and establish this Constitution as the embodiment of our traditions and hopes for our Commonwealth in political union with the United States of America."

President Guerrero made the following remark:

"Honorable Resident Commissioner Erwin D. Canham, Honorable Monsignor Tomas Camacho, Honorable Francisco C. Ada, other distinguished guests, ladies and gentlemen:

"On behalf of my fellow Delegates to the Marianas Constitutional Convention, through whose collective effort, understanding, and foresight, we have been able to accomplish the difficult task of framing our fundamental law, I extend my warmest and sincerest welcome to each and everyone of you to witness the signing of the Constitution of the Commonwealth of the Northern Mariana Islands.

"This is indeed a solemn and historic moment for all of us. This eventful day marks a giant stride towards full attainment of our long-cherished desire to be a part of the political family of the United States of America, and stay within her protective folds.

"We, the leaders whom you delegated to safeguard your future, economically and politically, take pride in having done our best to frame this constitution, as an important step of nation-building. Your delegates, everyone of us, strived to ensure that the constitution we are about to sign today, truly represents your aspirations and ideals, that it truly expresses your ideas and thoughts on what your future government should be.

"We feel very confident that this constitution will reflect to the best interest of our people, duly considered under the basic principles of democracy that our government should be of, for, and by the people, and that legislations are enacted not for the benefit of a few, but for the greatest good of the greatest number.

"Thank you. Si Yuus Maase."

President Guerrero also recited his remark in Chamorro language.

The Honorable Erwin D. Canham, Resident Commissioner for the Government of the Northern Marianas made the following remark:

"Monsignor Camacho, Mr. President Guerrero, Delegate Magdalena Camacho, other distinguished Delegates, eminent visitors, Ladies and gentlemen:

"Now we come to a long-awaited moment; a moment of formal accomplishment,

P. 315 missing

[Signature]
Pedro M. Atalig
Convention Secretary

[Signature]
Lorenzo L. Guerrero, President
Northern Marianas Constitutional
Convention

APPROVED:

There being no announcements, the convention's official signing ceremonies were recessed at 3:00 p.m., to reconvene at 10:00 a.m., the following day for a regular session.

The benediction was given by Monsignor Camacho.

The Commonwealth song "El Fallo el Halom Wase" was led by the Islanders singing group.

On behalf of the convention, President Guerrero presented the signed Constitution to Resident Commissioner Canham. Mr. Canham accepted the signed Constitution.

- Daniel P. Castro
- Pedro Q. Dela Cruz
- Juan S. Demapan
- Hilario R. Diaz
- Henriego K. Filla
- Herman Q. Guerrero
- Henry U. Hofschneider
- Pedro J. Itico
- Eateven M. King
- Luis M. Limes
- Jose P. Matnas
- Vicente M. Manglona
- David Q. Maratta
- Francisco T. Palacion
- Oscar G. Rana
- Juan P. Tenorio
- Manuel A. Tenorio
- Joaquin S. Torres
- Jesus G. Villagomez
- Ramon G. Villagomez

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

Fiftieth Day
Monday, December 6, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 10:00 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 31 Delegates present. Delegates Carlos Camacho, Jose Cruz, Juan D.G. Demapan, Jose Mafnas, Benjamin Manglona, Prudencio Manglona, Pedro Ogo and Leon Taisacan were absent. No Delegates were excused. A quorum was present.

(Delegate Limes moved that those Delegates not in attendance be excused. The motion was seconded and defeated.)

Floor Leader Rasa: Mr. President, I move that we suspend the order of business temporarily and proceed to item 9, "Introduction of Resolutions."

The motion was seconded and carried.

Floor Leader Rasa: Mr. President, I would like to introduce Resolution No. 16. The vote for passage will take place later in the day.

President Guerrero: Would the Convention Secretary please read the Resolution.

Secretary Atalig. Yes, Sir.

RESOLUTION NO. 16

A RESOLUTION

Adopting the "Analysis of the Constitution of the Commonwealth of the Northern Mariana Islands.

WHEREAS, the legal consultants to the Convention have prepared an "Analysis of the Constitution of the Commonwealth of the Northern Mariana Islands"; and

WHEREAS, the Convention has considered the Analysis; and

WHEREAS, the Analysis describes the provisions of the Constitution and discusses the intention of the Constitution in adopting those provisions, but does not itself have the force of law;

NOW, THEREFORE, BE IT RESOLVED, That the Constitution adopt the "Analysis of the Constitution of the Commonwealth of the Northern Mariana Islands" and direct that it be available to the Northern Marianas people along with the Constitution for their consideration in determining whether to approve the Constitution of the Commonwealth of the Northern Mariana Islands; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be attached to and printed with the "Analysis of the Constitution of the Commonwealth of the Northern Mariana Islands."

(10) UNFINISHED BUSINESS - None.

(11) SPECIAL ORDERS OF THE DAY

President Guerrero: Under our Special Order for the day we have the adoption of our Section by Section Analysis of the Constitution. In order for us to have our detail by detail discussion, do I hear a motion for adoption?

Floor Leader Raza: I move that we adopt the Section by Section Analysis.

The motion was seconded.

Delegate Torres: Howard, on page 9 of the Section by Section Analysis, why is the attorney general authorized to issue warrants? Why are we allowing the legislature to provide that he issues warrants, I mean? Couldn't he be neutral or be cast from the case? He's the one that would be prosecuting the case. I am somewhat puzzled by the attorney general being included as one who could issue warrants.

Mr. Willens: I think the only point we're making here, Delegate Torres, is that this is not resolved firmly in the Constitution. It will be left up to the Legislature to spell out the process for seeking an issue of warrants. I agree that the United States practice of utilizing judicial officers or magistrates who operate under the court's jurisdiction is the way to do it. This is just an indication that the Constitution leaves this as a problem for the legislature to resolve. With respect to the attorney general, you will remember that there was a strong feeling that the attorney general be separated from the police and law enforcement activities, although it is true that he would be prosecuting. He would not be in charge of day to day investigation, though, as it would be run by the department of public safety. So, theoretically, at least, he would have sufficient neutrality to serve this function should the legislature decide to do so. I would recommend, however, that the legislature limit the issuance to judicial officers.

Delegate Torres: On that same page, "if the facts are knowingly falsified, the witness may be prosecuted for perjury or sued..." If that witness is a government official, would he be personally liable or would the government be liable?

Mr. Willens: Actually, I think there has been a recent change in the law. I read an article in the Guam newspaper about it within the last few weeks. I think the thrust of this decision is that the people are going to be personally liable due to this kind of malfeasance. The government might well be held liable unless the....although that depends on whether it's a civil rights act or something of that sort that gives a cause of action for a public officer to deprive someone of his civil rights. That's the statutory basis for actions in the United States. I think you can certainly say that an individual is going to be responsible for his acts, certainly, and subject to lawsuits. And the government might well be held liable.

Delegate Torres: On page 10, Howard, the provision relating to wiretapping and eavesdropping. Don't you think this is too lenient? We have a provision providing the right of privacy and, yet, at the same time, this is a very broad grant of power. We are practically authorizing any law enforcement officer of the government to seek and obtain a warrant for wiretapping. Do you think, perhaps, that it might be better if we restrict it to the top law enforcement officers of the law enforcement division? Such as the attorney general and the assistant attorney general.

Mr. Willens: I think it would be useful to restrict it. I agree with you and think it is a matter, again, for legislative implementation. I think you would probably have a law that is like the Federal law that is now in effect, requiring that the attorney general personally authorize each such interception so that it is not done frequently in the regular course of business by law enforcement officials. That is something for you to spell out in legislation and I think it should be restricted. Don't forget, though, Delegate Torres, that this whole section 3(b) is a limitation on government action--of a kind that other Constitutions don't have. This is a desirable

protection of the citizens to prevent electronic eavesdropping and to subject it to the same requirements as the issue of warrants that we have for the other kinds of search and seizure. It does require judicial control on this kind of law enforcement activity and the legislature will be free--or, indeed, the attorney general will be free as a matter of executive responsibility--to direct that all such permits or requests be funneled through his office.

Delegate Torres: Mr. President, may I proceed?

President Guerrero: Yes, please proceed.

Delegate Torres: Some of the Delegates may have questions on this section. I intend to go all the way. I have questions all throughout and maybe some of the Delegates will want to ask questions.

President Guerrero: Why don't we stop at this point, then, and see if any other Delegates have similar questions. From page 1 to page 9, are there any further questions? (There were none.)

From page 10 to page 20, are there any questions? Delegate Villagomez.

Delegate Ramon Villagomez: Howard, during Committee of the Whole it was explained by you or by Deanne that under double jeopardy, if the case is filed in the Commonwealth court it cannot be filed in the federal court. In the section by section analysis you have changed your position. Now you are saying that if the case is filed first in the island court, it can again be filed in the federal court. Is there any authority for that?

Mr. Willens: I don't like to think that we have changed our position. But you cannot impose any restrictions on the federal government in the execution of criminal prosecutions. That is beyond the authority of the Convention or the Commonwealth. All we can do in the Constitution is impose restrictions on your government, the Commonwealth government, and you have adopted a provision that prevents the Commonwealth from prosecuting someone for a crime that has already been prosecuted by the federal government. What we have said, of course, is that if it is not exactly the same crime involved, we have no problem. We had a discussion on that.

Delegate Ramon Villagomez: Doesn't the U.S. Constitution imply that the double jeopardy section of the Constitution prevents the federal government from trying a person for the same crime and the same facts?

Mr. Willens: Yes.

Delegate Villagomez: That is not the explanation that Deanne gave us. My understanding is that if the charge is different--even if in the island court the person is charged with burglary and in the federal court the person is charged with grand larceny--then the federal court can prosecute because it is a different charge under the same facts and the same case. But if the charge is the same, such as burglary in the island court and burglary in the federal court, then it would constitute double jeopardy.

Mr. Willens: That as a matter of general statement is true. I agree with that. The problem is that it is never the same charge. The definition of federal crimes almost always carries with it some different ingredient than a state charge.

Mr. Solomon: For example, Patty Hearst went on trial in federal court and now she is on trial in state court.

Delegate Villagomez: For what crime, bank robbery?

Mr. Solomon: Yes, she already has received 200 years in federal court and now she's being tried again in state court.

Mr. Willens: We discussed this in the briefing papers. The Supreme Court decisions are clear that the federal government can prosecute after a state conviction under federal law. But after the Supreme Court interpreted the Fifth Amendment in that way, the Congress passed a law forbidding federal prosecution after a state proceeding of those specified offenses, including involvement of interstate carriers and their officers. In other words, Congress as a matter of restricting the Justice Department has concluded that the federal government should not prosecute after a state or commonwealth has prosecuted. So, except for that particular law and the crimes defined in that law, the federal government still remains free to prosecute under a federal law for an act that has become the subject of a state or commonwealth prosecution.

Delegate Palacios: The Commonwealth has a law that says it is a crime to rob a bank and the federal government has a law that says it is a crime to rob a bank. My understanding is that after the Commonwealth has found that he is not guilty, the federal government could not come back and should not be allowed to come back and try that person again for robbing a bank. The Commonwealth court had already found out that he was not guilty, maybe because of some judicial mistake in handling the case. Does this stand true, then, in the explanation?

Mr. Willens: Well, if the crime for which the individual is being charged is identical in all respects--the very same act and the very same crime as defined by law--then the federal government could not bring the second prosecution if the person had been acquitted in the first prosecution. But what we have been discussing here is the fact that the crimes are often slightly different. If someone comes in and robs a bank on Salpan, that could be a violation of your local Commonwealth law and, also, the bank is insured by the federal government. That would also make it a violation of the federal law. Technically, the federal government could bring a second prosecution under those circumstances but, as a matter of course, they do not usually do so. What they would generally do in a case like that is try the federal case first. The prosecutors can work it out between themselves as to who brings the first prosecution because they realize that if the first prosecution is not successful, probably there will not be a second prosecution. It depends on a case by case circumstance. What you have done is absolutely defensible. You have said that as a matter of Commonwealth law you will prevent the Commonwealth government from prosecuting someone who has already been prosecuted and acquitted by the federal government for a crime that is a crime under both federal and Commonwealth law. Take your bank, for instance. Your Constitution provides that if the federal government prosecutes for bank robbery and the person is acquitted, the Commonwealth government will not be able to try that person again for the same crime.

Delegate Palacios: What if the Commonwealth prosecutes them first?

Mr. Willens: I would think that if it is not covered by this law, the federal government has a legal right under the federal Constitution to prosecute the person again. But they typically do not do that because of the double jeopardy rule and because they think it is not fair. But because they have that legal right and because the Supreme Court has interpreted the Constitutional provision, usually the United States federal prosecutor and the commonwealth prosecutor will talk after the crime has been committed and decided who has the responsibility for investigating the matter and prosecuting.

Delegate Olympio T. Borja: If the attorney general dismissed a case either with prejudice or without prejudice, without a trial, could that defendant then be brought to trial by the federal government for the same offense?

Mr. Willens: It makes quite a difference whether it is with prejudice or without prejudice. There comes a point very early in criminal prosecution

where criminal jeopardy attaches. That means if the district attorney after that point dismisses a case it is tantamount to acquittal. The person does not have to be fully tried and acquitted before he has the benefit of double jeopardy. That protection attaches at an earlier point. If one prosecutor dismisses the charges, the others are often bound by that decision. It is not easy to dismiss a case and then subsequently refile it in federal court. It can be done up to a point but it involves other complications like the right to a speedy trial and so forth. If the prosecutor files a charge and it sits for six months it certainly wouldn't be fair to file it again later in another court. It would be against the right to a speedy trial.

Delegate Torres: I'm going to go back a little bit. On Section 3, third paragraph, page 7. Howard, isn't this somewhat of a departure from the U.S.... isn't it rather vague about this visitor here?

Mr. Willens: Are you on page 7?

Delegate Torres: Yes, the constitutionally protected areas with respect to search and seizure. That suggests the lawfulness of a search or seizure when property is in view. What about the visitor and his standing on this?

Mr. Willens: I don't know that this addresses the question as to who really has standing. It is a complicated question. You have to have some kind of interest in the area being searched before you can object to the introduction of that evidence in a case against you. I, frankly, don't know exactly what the law is on that.

Delegate Torres: Now, this category of people--would they be exempted or would they have that right. For instance, a mere guest or social visitor?

Mr. Kolfsky: The guest has to be on the premises, say, by invitation.

Mr. Willens: There is no intention here, Delegate Torres, to depart from the general precedents of the U.S. law with a definition of the area or the persons who are eligible....The effort here is to incorporate all the language and interpretations of the United States Constitution in respect to this.

Delegate Torres: On page 19, then. Now, these sections allows a murder or lesser included offenses....For instance, a person is charged with a crime. Then all lesser included offenses would be merged into that.

Mr. Willens: That's right. You are not in anyway depriving yourself of that kind of protection or the prosecutor that kind of flexibility for what the crime can bring. But, again, within the law you should not prosecute for murder and if there was acquittal then go back and prosecute for manslaughter.

Delegate Torres: Yes, and then burglary would not mean that he would be charged with attempted burglary.

Mr. Willens: If he actually committed burglary, then that is right. You could not charge him with attempt, as I understand the law, and with burglary.

President Guerrero: If there are no further questions to page 20, shall we move then from page 21 to page 40. Delegate Igitol.

Delegate Igitol: I have one clause here that I do not understand and I would like to ask you to explain it to me, Howard. On page 32, line 6, where it says "special laws that apply to particular individuals or entities..." Could you explain that, please?

Mr. Willens: Yes. A special law would be a law that the legislature passed whereby an individual or a particular corporation is involved and the certain regulation applies only to a certain group of people. It is a law that does not apply to everyone equally. A local law applies to a particular locality. A special law applies to special individuals or entities and not everyone of the same class. It's okay to pass a law for corporations involved in a particular kind of business like the selling of real estate. But if you were to pass a law regulating all corporations engaged in the sale of real estate....but if you passed a law that applies only to some corporations engaged in the sale of real estate, that would be a special law. Sometimes that is prohibited but you have given the legislature the flexibility to pass that kind of law if they think there is a reasonable basis to do it.

Delegate Torres: On page 19, Howard, starting with "The legislature may define Commonwealth residency in a manner that permits persons.....who are out of the Commonwealth temporarily for business, education.....to be considered as residents." Now, the way I read this is that the legislature had the discretion whether to consider them as residents or not. I may be mistaken but I thought we had specifically provided that this category of people should be considered as residents.

Mr. Willens: You don't have a constitutional provision that compels that result. What you have is both a requirement of residency of domicile. What we are trying to demonstrate here in this analysis is that the legislature does clearly have the flexibility to define residents in such a way that will cover these people. I think it's a useful statement of your intent because, otherwise, people might feel that using both words "residency" and "domicile" you had intended to give "residency" a very narrow interpretation. A narrow interpretation of residency would require that a person physically be in the Commonwealth in order to be a resident there. Of course, many of you had a concern, as we all did, that temporary absences should not be allowed to control this issue. For that reason we decided that a statement like this in the analysis would be useful.

Delegate Torres: Now, can the legislature, under this language, provide otherwise--that these people are not residents?

Mr. Willens: They can under article VII, the last section, I think. The "Eligibility to Vote" article where they are given the authority to define residency and domicile for the purposes of defining eligibility to vote. Yes, it's article VII, section 3, which says, "The legislature shall implement section 1 (which is eligibility to vote) by providing a criteria by which domicile and residency shall be determined for voting purposes....." So the legislature does have a grant of authority here and they could take a narrow view of residency or they could take a broader view. This paragraph on page 39 reflects your intention that this residency be defined broadly to cover these people that are temporarily out of the Commonwealth.

Delegate Olympio T. Borja: Howard, on page 21, regarding bail bonds. I understand that the bail bond is primarily a guarantee that the person will return to stand for trial. What if the attorney general, knowing that a certain defendant will break the law again once he is released on bail, gets the courts to set the bail bonds at \$10,000, knowing that the defendant and his family couldn't make that kind of bond. If there anything that can be done to lower the bond?

Mr. Willens: You're raising a question of preventive attention, very controversial under the Constitution of the United States. In a way, preventive attention is a way to keep people in custody while they are awaiting trial because of the concern that they may be dangerous to the community. There is a federal statute authorizing preventive attention but it is a very limited kind of provision and thought to be, possibly, unconstitutional. Really, you are not able to keep people in custody because of your concern that they may be dangerous to the community. In other words, in your case, you could not set a bond at \$100,000 because you wanted to make certain the person could not make the bond so that he would stay in jail until he was tried.

Delegate Olympio T. Borja: Okay, but what if you set the bond at \$5,000 and he left the island, not to return before his trial was set. The bail bond wouldn't just continue to be in effect. What could be done to get him back?

Mr. Willens: You have to find a way to get him back to the jurisdiction. One advantage to an island community is that you have a way to keep him from leaving. As a matter of law enforcement machinery, you will be able to tell the airport and immigration people and the people at Charley Dock that they are not to let Joe Blow leave the island. You'll have a way, in fact, to guarantee that people are available for trial.

Delegate Olympio T. Borja: And if he did get away, we could always try to get another government to send him back.

Mr. Willens: That's right. You could always try extradition to get someone back.

President Guerrero: Are there any questions now from page 41 to page 80?
Delegate Villagomez.

Delegate Jesus Villagomez: Just a minor question. On page 55, the first line, I found a personal pronoun here and it's the one and only personal pronoun I found in the analysis.

Mr. Willens: Yes, there are a few references to gender here and I'll have to justify each and everyone of them to Mrs. Seimer back there. You can be sure of that.

Delegate Torres: On page 52, Howard, section 6. Local laws, Howard, if they are those passed by the majority of the representatives from the island, does the governor have to approve these bills?

Mr. Willens: Yes, the Constitution is written in such a way as to make those Commonwealth laws and every Commonwealth law has to be approved by the governor. So, even though they have the discretion to pass the law by the majority of representatives from the island, it is still a Commonwealth law and still subject to approval by the governor. It is still subject to veto power and if there is a veto, has to be overridden by the entire legislature. It is a way of providing necessary controls over the enactment of local laws by less than the entire legislature. This is going to be a very tricky area of law for you to work out and there's no way for you to do it except on a case by case basis.

Delegate Torres: So, take for example, Tinian with 4 members in the legislature. It would take 3 of their 4 members to enact a law for Tinian. If the governor vetoes that law, then the entire legislature must override that veto.

Mr. Willens: Yes, and that's important because they may be passing a law on something that really isn't local. They may be placing a call on Commonwealth funds. They may be going contrary to Commonwealth law. That's why you need the governor and the entire legislature involved as much as possible.

Delegate Torres: Okay, page 56, section 7(b). This is the deadline for bills. I may be mistaken but I thought counting of days did not include the date of receipt.

Mr. Willens: "Forty days from the date of receipt," so you would start counting the next day. That way, if he gets it at 4:30 on an afternoon the day is not wasted because counting doesn't start until the next day.

Delegate Torres: What if it is transmitted to the Executive branch from the Legislature and never gets there for two or three days?

Mr. Willens: I think the way the actual constitutional language is worded... It says "transmitted" and I think "transmitted" will be viewed as "received by the governor."

Delegate Oscar Rana: On page 57, Line 4, it says "when signed by the presiding officer of the house". What if the presiding officer refuses to sign the bill?

Mr. Willens: I would think you could mandate him to fulfill that responsibility. If he doesn't fulfill his responsibility, he can lose his job.

- (10) UNFINISHED BUSINESS - None.
- (11) SPECIAL ORDERS OF THE DAY - None.
- (12) GENERAL ORDERS OF THE DAY - None.
- (13) MISCELLANEOUS

Delegate Vicente M. Manglona: Mr. President and distinguished delegates:

As a spokesman for the Tinian delegation, I would like to express my sadness at the absence of our fellow delegates from Rota and Tinian. With all of us, they labored hard from the beginning of the convention until the forty-fifth day when they elected to leave the convention for reasons that are not very clear to me. I am thankful that they contributed as much as they did toward the success of this Convention. I regret that they could not have waited just five more days and participated in the signing of our historic document, the Constitution of the Northern Mariana Islands.

We who are present can rejoice in the completion of the final draft of our Constitution. I am proud to say that it is the best possible document that a large number of delegates, each having his and her own briefs, ideas, opinions and aspirations, could produce. If our Constitution had to reflect all the wishes and desires of each of the delegates, we could never have finished the task of writing our Constitution. But through the democratic process of discussion and compromise we did so despite the limited time given us.

There is a saying which goes like this: "You cannot please everyone." This is true of our Constitution. Each one of us, I believe, has some reservations about certain provisions in the Constitution. But we should not jeopardize our Constitution because it does not satisfy every one of our countless wishes and desires. No product made by man can be perfect. Because of my firm belief in democracy, I accept the concept that "majority rules."

Therefore, I urge each of you, my fellow delegates, to fight for ratification of the Constitution we have framed. Do not let our efforts become meaningless. Let us harvest the fruits of our labor by ensuring that our Constitution is accepted by our people in the coming referendum. Let us begin working towards that notable goal now.

In conclusion, I am grateful and thankful for the opportunity bestowed on me to participate in the memorable work of forming a Constitution for our people. I thank you.

Delegate Gregorio Calvo: Mr. President, I'd like to make a speech on behalf of the Rota delegation--those of us who remain.

My fellow delegates:

As we reached the final day of our Convention, I can't help but feel a revival of the American history in action right in this convention when the thirteen colonies met in Philadelphia to draft the great American Constitution.

Many similar things and issues confronted both the delegates to the Philadelphia convention and this convention within the last 50 days. Perhaps not consciously but as humans, we all share similar causes, feelings and aspirations in formulating a constitutional government that will work for our people. I will not take your time to dwell in American history, however, if you will permit me, I would just take a moment of your time to share with you some of my observations of what has happened during this convention.

Some of our tasks in formulating our constitution were relatively easy; others were more difficult to handle, such as those issues that pertain to geographical dislocal, philosophies or ideologies. The difficulties which concerned me most, however, were the political issues and the dichotomy of majority rule versus minority rights.

Many of us have compromised our principles; others refused to be swayed. We witnessed some of the Rota and Tinian delegations walking out of this

convention in frustration and anger. Were those of us who remain right to have accepted a compromise that perhaps defied their principle? Those who stayed behind, should they leave the convention in indignation, too? Should they refuse to sign the constitutional document because they did not subscribe to everything in it? Et cetera, et cetera.

Questions like these are very simple to answer if one has a very weak principle of conduct--or a very strong one. To the man of weak principle, compromise is an easy path so long as one gains even a little in the bargain. To the man of rigid morality, the answer is equally obvious--it is better not to agree at all than to agree to an imperfect bargain. Both of these types we have witnessed in this Convention.

However, lying between the simple extremes of unprincipled politics and rigid morality is a domain of action that has been called ethics of responsibility. By this, I mean an attempt to weigh the consequences of each alternative as intelligently as possible, and then to choose the best available. Acting according to the ethics of responsibility, a political leader cannot enjoy the luxury of rejecting an imperfect compromise, even a highly imperfect compromise, so long as that compromise represents the best possible alternative presented--as may be the case here.

Irresponsibility, in my view, consists not in making concession, but in making unnecessary concession--not in making imperfect bargain, but in failing to make the best possible bargain--not in adhering strictly to principles, but in holding rigidly to one principle at excessive costs to other principles. One may be irresponsible, then, not merely from a want of principle but from a want of intelligence and knowledge of the real world we live in. In the ethics of responsibility, it is important not only to know what one wants but also to know exactly what one must do to attain it, and what it will cost, not merely in monetary terms but in other values such as in this case--the Constitution of the Northern Mariana Islands.

My fellow delegates, I want all of you to know that I do not condone the walkout of my colleagues from Rota, however, their actions perhaps were dictated by a very rigid principle of morality. Those of us who remained were forced to adhere to the ethics of responsibility, and we look back with no regrets.

We want a Constitution, a Constitution for the Northern Marianas. We want to be part of it, and we're proud to have contributed to the making of this Constitution.

In parting, I want to remind everyone of you that our task does not end here. We must sell this constitutional document to our people and we all must bear the responsibility of seeing that what we have produced here must and will work for our people not just for today but in the many, many years to come.

On behalf of the Rota delegation and the people of Rota, we wish to thank each and every delegate in this convention for the consideration and support you have given us in accommodating some of our concerns.

Thank you, Mr. President.

Delegate Hilario F. Diaz: Mr. President and fellow delegates:

On behalf of the people of Tinian, the Tinian Delegation and myself, I wish to take this opportunity on the last day of our convention to say a few words regarding our Constitution.

When we gathered here on the first day of our convention, I was enthusiastic to begin our task. I was optimistic that our efforts would produce a Constitution. My enthusiasm and optimism, however, were limited by concern that we would be unable to compromise our differences in an atmosphere of good will.

My optimism was justified. We have completed the most difficult task in the history of the Northern Mariana Islands. Our Constitution will benefit the Marianas people, however, only if it gains their approval and, later, their loyalty.

If the Constitution should produce any discontentment among our people in the future, then I pray that further generations will remedy the cause of the discontentment. This generation has done its best to draft a document free of major defects.

Mr. President and fellow delegates, from the beginning to the end of our Convention today, whenever our President called on us to rise for a moment of prayer, I recited these words conscientiously and devotedly: "Oh, Holy Spirit, we ask Thy Goodness and most gracious guidance to come into our minds and hearts and help us to think intelligently and equitably on issues for our Constitution, deliberate and discuss them thoroughly and adequately, and decide upon them properly for the good of our people and our islands in the Northern Marianas."

Mr. President, I know for a fact that the Constitution we have just adopted is not perfect, but I do know that it is a worthy document that should not be underestimated by an individual. Let history alone be the final judgment of our success.

Lastly, Mr. President and fellow delegates, I would like to express our most heartfelt gratitude and sincerest appreciation for all the kindnesses extended to us during our 50 days here on Saipan.

Thank you again and Si Yuss Maase to one and all.

Delegate Olympio T. Borja: Mr. President and distinguished fellow delegates, Ladies and Gentlemen:

At this time I would like to add my remarks to those other distinguished Delegates who have spoken, or who will speak at this, the conclusion of the Constitutional Convention for the Northern Mariana Islands.

As we all know, the product of our nearly two months of labor was signed yesterday, Sunday, December 5, 1976 at the Mount Carmel Auditorium. And while it is not yet that time, I can think of no better "Christmas present" to give to the people of the Northern Mariana Islands than a brand-new Constitution for the people, by the people, and of the people.

In fact, Mr. President, considering the events that have taken place at the Mt. Carmel Auditorium--the beginning of negotiations for the Covenant, signing of the Covenant, and the signing of the Constitution, I respectfully suggest that the Mt. Carmel Auditorium ought to be renamed the "Constitutional Hall" of the Northern Mariana Islands, just as our meeting place ought to be renamed the "Constitutional Chambers" in recognition of the historical event which has taken place here.

The signing of the Constitution has been one of the most important steps in the logical sequence of event which saw the Congress of the United States of America approve our Covenant, and the people of our islands mandate us with the responsibility of creating the best possible kind of future government for them. This historical event represents the sixth step in the process of becoming a part of the American political family as outlined by Ambassador Williams over one year ago. Now we have only four steps remaining: ratification of the Constitution by our people, approval by the U.S. government, installation of our Commonwealth government, and termination of the Trusteeship within the next five years.

It is my hope--as I am sure it is the hope for all of us--that the completion of this Constitution will enable us to implement full constitutional government in about one year with elections for the Commonwealth legislature and executive branch next year and actual installation of those officials and operation of the government by early 1978.

In this connection, Mr. President, I would like to express my hope that the Resident Commissioner and his staff with the legislative branch of the Northern Mariana Islands, will soon create a group to conduct a political education program to fully inform our people concerning provisions of the Constitution, so that their vote on this document will be--in the best democratic tradition--a fully informed one. Likewise, we know the Northern Mariana Islands government will give this project its highest priority.

Mr. President, I am also constrained to note that despite the time limitations of our 50-day session, and because of the plain hard work and untiring efforts of the delegates, our staff and consultants, we have produced this document for our people. While time limitations and organizational efficiency made it impossible for the general public to participate fully in the constitutional process through hearings on crucial articles and provisions of this Constitution, I am pleased and gratified to note the many letters received by the Convention and its committees outlining the public's concern and the fact that these concerns have been taken into account in our final product.

Perhaps it is useful for the historical record to note that 60 or 90 days should be provided for such an important event as a constitutional convention, instead of 50 days. Be that as it may, one of our accomplishments in this period has been to create provisions allowing for amendment of the Constitution through the initiative and referendum process, so that any possible shortcomings it may have, or any changes that are necessitated by future circumstances and events, can be provided by the people of the Northern Mariana Islands. This is a process by which the people can influence their government as amply evidenced by the 26 amendments made to the original U.S. Constitution since its inception.

All of the foregoing are, of course, preliminary and preparatory remarks to underline the importance of what we have done here. This is the first time in our recent history, the first time in centuries, that we, the people of the Northern Mariana Islands, have been able to exercise the God-given and democratic right to make our own Constitution, to provide for our own autonomy, our own home rule and provide for our own locally elected public officials in both the legislative and executive branches of our government, and also to provide--for the first time in our history--legislative override to the veto by the executive branch.

Mr. President, in order to emphasize this point, I wish to say that this is not simply the end of an era, but the end of a millennium. For the first time in our history, we, the people, will control and decide our Northern Mariana Islands affairs.

Mr. President, I have no doubt that our future generations will consider this document and this convention as truly historical events. Undoubtedly, some will take for granted the rights and privileges guaranteed by our Constitution. But I want to state for the record that I have strong emotions when I contemplate what we have done here and what it represents. Many of us here, for example, can recall what we term as "Japanese times." Some of our older citizens can also recall the German and Spanish times--and some, if not all of us, can recall times when we were no more than serfs on our own land, a part of political feudal lands of other nations. It is for these reasons that I use the term "historic" and that the term has so much meaning for me, for all of us, regardless of our affiliations, regardless of our home island, regardless of our cultural backgrounds.

But in noting the historical significance of this moment, I would be remiss if I did not also note for the record my personal reservations about certain aspects of the legal foundations for our future government. First, Mr. President, I have reservations concerning the inclusion in the provisions of the Constitution on salaries accorded to publically elected officials and some of the provisions provided in the public land such as on homesteads and Marianas Public Land Corporation. While it is at this time not a crucial issue, I still strongly believe that it was an issue better left to the wisdom and action of the future legislative branch, and I think that time and circumstances will prove the accuracy of my belief.

Second, Mr. President, I have reservations concerning the provision which limits introduction of an appropriation or revenue measure to the future house of representatives. Surely at one time there was a valid reason for establishing a similar provisions for the Congress of the United States, but equally certain is the fact that past years of experience in the United States indicates that this restriction is no longer a necessary and critical one--simply a matter of tradition.

Despite these reservations, I am in full support of this Constitution and shall endeavor in the future to act in accordance with not only the legal provisions but the spirit and intent of this major accomplishment of self-government for the Northern Mariana Islands. In this connection, I am pleased that despite the very valid objections and concerns of my colleagues in this convention, we have finally and successfully arrived at an agreement which is satisfactory to all concerned.

My only regret is that a few of the delegates chose to indicate their disagreement with the provisions of this document by ceasing their participation in the constitutional process, rather than exercising their right under public mandate to put forth their best efforts to influence other members to accommodate their positions and opinions and even though sincere and honest concessions were made by this Convention to accommodate their positions and demands.

I am absolutely certain that--as I said earlier--the people of the Northern Mariana Islands and the United States of America will be proud of each of us as a result of the product of this Convention. I am further certain that just as the people of the Northern Mariana Islands have reacted warmly to the favorable consideration of the U.S. Congress, which approved the Covenant, that provided for this Convention, the people of the U.S. through their elected representatives, will promptly and favorably consider and approve this document.

In this regard, let me say that I know we all share the expectation that a smooth transition from our present status to our Commonwealth will be foremost in the minds of our government and the U.S. government.

Mr. President, I wish to conclude by expressing first to you my deep gratitude and high esteem for the professional manner in which you have acted as the presiding officer for this momentous convention. Surely the people of the Northern Marianas and we, the delegates, owe you an everlasting debt of gratitude. Likewise, we all owe the vice presidents, committee chairmen, delegates, professional consultants and staff, our profound thanks and dangkulo na si yuus manse for their hard work and personal sacrifices in making this a successful convention. I would also be remiss if I did not also extend my heartfelt thanks to the Speaker and members of the Northern Mariana Islands Legislature and the Office of Transition Studies and Planning for their excellent assistance to this convention.

Also, I should say that we have the deepest appreciation and most sincere admiration for the financial and spiritual assistance provided by the people of the United States in initiating, supporting and realizing the dream of this Constitution.

Prior to closing, Mr. President, I should also like to offer two further comments on our work here. The first concerns our friends and neighbors in Micronesia. Certainly our experience in the Micronesian Constitutional Convention was an invaluable experience in conducting and concluding this convention. Furthermore, in return, I think our Micronesian friends and brothers and sisters on Guam can gain valuable insights into their future progress, by reviewing the work of this Convention. I, for one, am committed to insuring that friendly and harmonious relations will continue not only with Micronesia, but with our brothers and sisters on Guam.

Finally, Mr. President, I want to again stress the importance of the successful conclusion of this meeting. Despite the doomsayers who have publicly predicted that this convention would fail, we have demonstrated again to the world and to ourselves that the democratic process does work, that politics is the art of compromise, and that the people of the Northern Mariana Islands, after all, are unified in their desire and their quest for a better future for themselves and their generations to come as a responsive and responsible part of the American political family.

Therefore, Mr. President, let us consider this not the end of our efforts, but a beginning point for our efforts as a self-governing Commonwealth.

May God bless this convention, and may we all live to see the fruit of our labor and our cherished and long-desired dreams become a living reality in the

near future as we gratefully create our future government and join our future fellow Americans.

Thank you, Mr. President.

Delegate David Q. Maralita: Today marks the culmination of a 50-day work which the people of the Northern Mariana Islands have entrusted us in bringing about a Constitution for the new Commonwealth of the Northern Marianas.

On December 5 we signed the Constitution attesting to the fact that it will be the supreme law of our new Commonwealth. The Constitutional Convention has done its work in spite of what appeared to be some obstacles facing each delegate during the process of formulating this historic document.

I must say that the Constitution, in its pure sense, is not a perfect document that will satisfy all of our people. I, myself, have some reservations with some of the provisions but, nevertheless, my objections should not be an overt action to destroy our overall efforts in this convention. We must remember that when the Covenant was also placed before the people it received some objections by those who expressed that some of the provisions were unacceptable. The Covenant as we all know has been approved by an overwhelming majority of our people. I would wish that the Constitution when put before the people for ratification will equally receive even better support from the majority of our population, with the help of all of us delegates.

As we depart from this convention hall, we hope not to forget that our task of delegates would not stop on December 6. While the law officially limits our convention to fifty days, I feel that we will still have the moral duty to explain in some manner to our people the implications of the Constitution and its provisions prior to ratification. We should hope for the day after the effective date of the Constitution as the final acclamation of our task when the people will for the first time enter into a new chapter in their quest for self-government--the new Commonwealth of the Northern Mariana Islands.

I bid each delegate farewell as we call this day off and look forward to meeting with you again in the days ahead as fellow citizens in the Commonwealth of the Northern Mariana Islands under the protection of the very Constitution which we all shared in framing.

Delegate Manuel Tenorio: "We the people of the Northern Mariana Islands, grateful to Almighty God for our freedom ordain and establish this Constitution as the embodiment of our traditions and hopes in political union with the United States of America."

Mr. President and fellow delegates of this Convention, yesterday, December 5, 1976, marks a significant event in the cornerstone of our history--the momentous signing of the Supreme Law of this island nation. Today, December 6, 1976, we assemble in this memorial hall to conclude the task of this convention as mandated by law. We rejoice to this very day and thank the Almighty God for His guidance throughout the most difficult ordeal brought upon this body and for the perseverance of the delegates in their pursuits of upholding the very principles of democracy it has been mandated to design.

Mr. President and honorable delegates of this convention, tomorrow lies before us perhaps the most difficult task to be confronted by members of this honorable body. The task of advancing to our people of this island nation, the very principles and concepts of this document that this body for the past 50 days have arduously ventured to design some with reservations and some without.

Mr. President, as a participant in this formulation of our Supreme Law, I rise to ask the indulgence of every member in this hall to actively participate in sowing the seeds of our product to the minds and satisfaction of our citizens in this island community. I ask upon the blessings of the Holy Spirit to show us the way and to enlighten the hearts and minds of our people, in their decisions toward the ratification of this Constitution.

Mr. President and fellow delegates, in conclusion, I am proud to say that

this convention has accomplished its mission and though far from perfect, the Constitution gives to the governed the maximum protection possible in the eyes of this convention and pray also that it be in the eyes of the Almighty God.

I thank you, Mr. President.

Delegate Pedro J. Igitoff Mr. President: Although this is the final session of the Constitutional Convention, our work is just beginning. We have adopted a Constitution. The document that we signed yesterday is the product of diligent effort, difficult compromise, and a profound desire to respond to the needs of all of the citizens of the Commonwealth. The Constitution would create a workable government in which geographic and ethnic minorities have a voice in shaping policy and a role in implementing that policy.

The Constitution must be adopted before our people can benefit from the new Commonwealth government. Beginning today, let us all dedicate ourselves to explaining the value and the importance of the Constitution. Our responsibility does not end with the drafting of a document. Rather, the people of the Northern Marianas sent us to this convention to secure constitutional government for them. We must discharge that responsibility and only with the approval of the Constitution first by the Northern Marianas people and then by the United States government will our task be completed.

Mr. President, every delegate has contributed to the deliberations of this Convention. Every delegate has learned from other delegates. Every delegate has benefited from the kindnesses of fellow members of this Convention. I express my appreciation to all of my colleagues for the privilege of having served with them in drafting a Constitution and for the equally valuable privilege of serving with them in the coming months to secure the approval of our work.

Mr. President, there may have been times when speeches and remarks delivered on the floor of the convention sounded a bit bitter and harsh. I am sure those were meant only to express the speaker's views and feelings towards certain proposals and were not meant to hurt anyone. I hope that when we leave this chamber today, the ill-feelings that we may have had are left behind in this chamber to be "preserved" as convention materials and not to be used to further our grudges.

Finally, Mr. President, lest I forget, I wish to extend my warmest personal regards and appreciation to the legal consultants and their staff for their guidance in the formulation and drafting of the constitutional document. May I venture to say that they will be long remembered by each of the delegates and by the people of the Northern Mariana Islands. I certainly wish them "good luck and Godspeed" back to their loved ones.

It is only fitting that I also convey my thanks and appreciation to all the convention staff for their endless support throughout the 50-day convention.

And, lastly, Mr. President, my family joins me in wishing each and everyone a very merry Christmas and a prosperous New Year. Thank you.

Delegate Ramon Villagomez: I don't have a prepared speech, Mr. President, but I would like to say something.

To you, Mr. President, and my fellow delegates, the consultants and staff, I want to express my appreciation for the opportunity of working with you and formulating a Constitution. Thank you, and a very merry Christmas.

Mr. Howard P. Willens: Mr. President and Delegates:

I rise for the last time as your counsel to speak my mind. I do so on behalf of my partners, especially Deanne Seimer, and my associates--Paul Koffsky, Neal Solomon, Mark Weisburd and Bob Major. We thank you for the opportunity to be of service and to share this extraordinary experience with you. You have kept us busy and free of boredom during these past 50 days, to say the least. What more can a lawyer ask?

We congratulate you for successfully completing your assignment in 50 consecutive days. No constitution in recent United States history was ever prepared in such a short period of time. It was possible only because of your dedication to the work and your commitment to finish. I hope you remember these hectic days next year as your neighbors on Guam try to write a constitution over the seemingly leisurely period of 120 days.

But you have done more than just produce a constitution in 50 days. You have produced a great Constitution. Let me tell you why--as your friend and counselor. Let me give you ten good reasons why this Constitution should be overwhelmingly approved by the people of the Northern Mariana Islands.

1) The Commonwealth Constitution complies fully with the Covenant and the U. S. Constitution. With respect to the Covenant, you have accepted the limitations it imposed upon your decisions. You have done so with grace and good humor--even though there are some provisions of the Covenant that many of you disagree with.

With respect to the U.S. Constitution, you have listened to our advice carefully and have acted accordingly. You have resisted the temptation to burden your own Constitution with provisions of questionable legal status under the U.S. Constitution--despite the urgings of many special interest groups that you do so.

If there are lawyers or others in the Northern Marianas or the United States who feel that this document does not comply fully with the Covenant and the U.S. Constitution, I urge them to come forward, to state their views clearly, openly, and to hear our defense of your work. I and my colleagues would welcome such a debate.

2) The Commonwealth Constitution creates institutions of government that can serve the people effectively, efficiently and economically. The legislature, executive and judicial branches of government created in your Constitution are relatively simple and uncluttered. They impose no unnecessary restrictions on the exercise of legislative, executive and judicial power.

In drafting these provisions, you have learned from past errors in other parts of the United States and have incorporated the best of the contemporary learning in the field. At the same time, you have included provisions in these articles that reflect your special needs and circumstances, just as you have created some institutions such as the Marianas Public Land Corporation unique to the Commonwealth.

3) The Commonwealth Constitution protects the civil liberties of the people. The Constitution that you have prepared does more than just incorporate the traditional guarantees found in the U.S. Constitution--essential as these may be. The Commonwealth Constitution articulates new and important protections--against electronic eavesdropping, capital punishment, invasions of privacy, destruction of the environment and callous treatment of the young. Your Constitution is a humane, generous and creative document in these respects, and you are entitled to be proud of it.

4) The Commonwealth Constitution protects the natural resources of the Northern Marianas. The provisions of the Constitution dealing with land alienation, public lands and uninhabited islands reflect an appreciation of your island environment and your limited natural resources. You will be criticized for these provisions, which will be challenged as unconstitutional or timid or both. I hope you will defend these provisions with pride. They reveal a desire to learn from the mistakes of others and a recognition that short-term economic gains may bring long-term social and cultural losses.

5) The Commonwealth Constitution recognizes the financial limitations of the Northern Marianas. The Constitution throughout reflects your awareness that the new Commonwealth has limited funds and must use those wisely. Your decisions regarding the salaries of your future government officials, the size of the lower house, the use of the U.S. District Court for local judicial matters, the elimination of existing agencies of local government--all demonstrate your sensitivity to the problem and your commitment to the goal of eventual self-sufficiency.

6) The Commonwealth Constitution respects the interests and needs of the separate islands in the Northern Marianas. How best to reconcile the competing demands of the separate Islands has been an issue that has been with you since the opening day of this Convention. The Constitution reflects a series of compromises on this issue which can be defended, individually or together. This is so with respect to your decisions regarding:

- the size of the senate;
- the powers of the senate;
- the powers of the mayors;
- the control of public services by the governor;
- the commitment to equitable and decentralized services;
- special guarantees to Rota and Tinian regarding decentralized services; and
- the size of the lower house.

There will be those on Saipan who will say that you gave too much power to Rota and Tinian. There will be those on Rota and Tinian who will say that they got too little power. To both groups of critics I suggest you say: we did our best on each of these issues, we believe that the government institutions defined by the Constitution are workable, and we invite the critics to pitch in and try to make the new government a success.

7) The Commonwealth Constitution respects the needs and aspirations of the Carolinian minority. The Constitution recognizes that there is a Carolinian minority on Saipan that complains of past discrimination and fears future discrimination. Whether these fears are real or imaginary is really not important. Contrary to some criticisms already voiced, the creation of an executive assistant to the governor to address Carolinian concern does not represent any admission that there has been discrimination against the Carolinians in the past. This constitutional provision offers a means to provide assurances of non-discrimination, to substitute facts for fears, to guarantee participation in the government to a valued part of the Northern Marianas family. Is it not better to acknowledge this concern and provide an institutionalized way to deal with it than to deny that any problem exists?

8) The Commonwealth Constitution respects the sovereignty of the people and the imperfections of their representatives. Your provisions on initiative, referendum and recall reflect your awareness that the people as a whole ultimately must judge the performance of their elected officials. The same is true of the constitutional provisions dealing with constitutional amendment. At the same time, you have recognized the frailties of individuals--as in the provisions for a public auditor, limiting legislative salary increases, and the Marianas Public Land Trust.

9) The Commonwealth Constitution provides a basis for growth and change in the future. You have produced a document that is truly limited to fundamentals--as defined by this Convention in light of your perception of the needs and hopes of your people. It is a short document--a little over 11,000 words in length. By modern standards, this is very short indeed. In fact, it is shorter than two of the most highly regarded constitutions in recent American history--those of Hawaii with 15,000 words and Alaska with 12,000 words. This means that you have not unduly encumbered your future government but have provided a Constitution which can endure and retain vitality in the decades ahead.

10) The Commonwealth Constitution can be and should be approved promptly by the United States. This, after all, was your principal objective--to produce a document which, for all these reasons, will be approved by the United States. I am optimistic that the United States will do so--but only after the people of the Northern Marianas have expressed their views about the Constitution in a referendum. It would be a tragedy after all this effort if this Constitution is not approved--causing still more delay in realizing the political and economic benefits of the Covenant.

These are the ten reasons I would give in support of the Constitution. I hope you share my views and will commit yourselves to the political education job ahead. We wish you every good fortune.

Delegate Felipe Q. Atalig: Mr. President and fellow delegates:

This historical task of framing a Constitution for the Commonwealth of the Northern Marianas has ended. It is indeed a short and arduous journey, filled with sorrow, joy and feelings of ecstasy as one endeavors and accomplishes the enlightening dreams of his people. The long hours of debates, studies and consultations were never regarded as obstacles to the achievement of our intended objectives, but rather as personal sacrifices that each delegate was willing to make for the betterment of our people and islands.

We have accomplished the important task assigned to us 50 days ago. This history of our Constitution will be written in the history books of the Commonwealth of the Northern Mariana Islands. Our children will read the story and be proud of it. This document is another milestone in the history of our people.

I submit to you, Mr. President, that I am proud that in the near future the children of the Northern Marianas will remember Felipe Q. Atalig as the James Madison of the Northern Marianas.

One of the most important roles of this convention was to bring our people together. This was done through recognition of article 3, section 18, in our Constitution. We should continue to accept the Carolinians of the Northern Marianas descent as brothers and sisters along the same vein of recognition and acceptance that the United States exemplifies for all the people of the Northern Marianas and others who are politically under the realm of jurisdiction.

Finally, Mr. President, I want to extend to you personally my congratulations and sincere appreciation for the excellent manner in which you have presided over and directed this convention during the past 50 days.

Delegate Juan S. Demapan: Mr. President and fellow delegates:

Today we celebrate the final day of our formulating a people's Constitution, a Constitution that, in short, embodies our traditions and hopes of our Commonwealth in political union with the United States of America. We are all actually in the midst of history--a history which we should all be proud of.

The formulation of a Constitution is not an easy task. The 50 days that we have spent here could give ample examples of some of the most turbulent encounters of human differences of opinion. But fortunately the final road has been rather calmed because we all believe that only in unity will there be strength. And that strength is more than proven with our signing of our Constitution.

So let the word be spread from this place and time throughout the Northern Marianas that a special document has been formed. Special in itself because never before in our confused and disjointed history have we been given the opportunity to write our own verse of what it means to be human and to be living under the flag of freedom. This special document is a tribute to the people of all the Marianas today, tomorrow and the future.

In final, let me proudly say that I am confident that we have all done our best in this convention. So let's all join hands from here and take pride in our efforts to help our people help themselves. Our long dreamed of Commonwealth in political union with the United States of America has only just begun. Thank you.

Delegate Esteven M. King: Mr. President and fellow delegates:

I have a few comments to say about our Constitution.

1) Our Constitution will establish the three government branches: executive, legislative and judicial, and define their powers.

2) Our Constitution definitely defending the true democratic system of government power, must be retained and exercised by the people, either directly or indirectly, though a system of representation, however provided, fair election for those individual representatives.

3) Our Constitution displaced no other people; wishes no other home than the Marianas; having known war, we hope more for peace; having been divided, we wish best unity; having been ruled, we seek more freedom and liberty; having been criticized because of minority, we wish more to be recognized by the majority.

4) Our Constitution, with it, the changing life style of the young people as well as the old ones in regard to clothing, the songs they sing, words they speak and their stubborn insistence on being recognized by the adult society growing impact of our cultural revolution.

5) Our Constitution would make our people proud and their country's "Marianas Flag" of the new government will soon be flying high in the air of every municipality; it tells of a variety of goals and objectives to promote the Marianas socially, economically, educationally and politically.

6) Our Constitution, during the 50 days of rough impact and the signing of the Constitution yesterday, marks a great event in every island in the Marianas which the people strengthen the government by supporting it by their cooperation and sacrifice. But we now--or will--be proud to say we have a Constitution of our own, called "The Northern Marianas Constitution."

Let us be glad and proud of our history. I will no longer call you "delegates," but I will call you "heroes."

Mr. President and fellow delegates, as God created all humankind equal but with different talents, and told us to apply all those important talents among each other. I have acquired a strong feeling that we have accomplished this in our task to establish our workable Constitution.

Lastly, I would like to say thank you, Mr. President, Hero-Delegates, all the good consultants, and all the Con Con staff, and also to O.T.S.P.

President Guerrero: I would like to now make my last remarks before this Convention. Fellow Delegates:

We observe today a beginning as well as an end. Over the last 49 days we have considered a broad range of issues. We have discussed and we have debated; we have persuaded and we have compromised. Our activities have produced a Constitution. Our Commonwealth is closer to reality. We have concluded an important chapter in the history of the Northern Marianas.

We must remember, however, that conclusion of this chapter is also the introduction to the next. As we adjourn today we take our work to the people. In the next several months our constituents will carefully review the Constitution. They will vote in a plebiscite whether to approve the documents. The decision of the plebiscite will determine the success of our efforts.

Accordingly, beginning on this 50th day of our Convention, let us resolve to put aside our differences. Each of us has compromised much in achieving the adoption of the Constitution. But we have all gained more than we have lost. We have framed a constitutional government that will be efficient in its organization, responsive to its people, and protective of each citizen's rights. We should--we must--be proud of our work. We must demonstrate our pride and our confidence in the wisdom of the Constitution by explaining its provisions to our neighbors and urging them to support its approval.

The Resolution calling for the Legislature to establish a Committee in Support of the Constitution is designed to create the means for persuading the people to support the Constitution. I hope that each of you, fellow delegates, that supported the passage of the Resolution will actively join in the task of that Committee.

Fellow Delegates, I cannot close without expressing to all of you my heartfelt gratitude for the honor of having been elected your President. During the last seven weeks you have supported fully my efforts to promote the progress of the Convention. I look forward to joining with the Delegates of this Convention in taking the Constitution to the people. I am confident of their verdict. Thank you.

Delegate Herman Q. Guerrero: Fellow Delegates:

Because of the fact, even hectic, pace at which we have worked during the past 50 days, the time may seem to have passed quickly and we may tend to underestimate our achievement. We should not do that. Many generations of our people will be proud of the Constitution of the Northern Mariana Islands.

A major part of our work is completed, and now another responsibility challenges us. The opportunity for self-government is a great and notable opportunity. Our ancestors may have dreamed of one day having the responsibility for the protection of their own freedom, but would they believe that today we are a few small steps away from that achievement? It is important that everyone in our Marianas community understands that the Constitution we have written is a great achievement for all of our people.

We must bring this message to our people. We must encourage them to embrace the opportunity of self-government and to accept the responsibilities it imposes. We must work hard so that our people understand the meaning and content of our Constitution and overwhelmingly adopt the Constitution for themselves and their children. As part of my continuing duty as a Delegate to this Convention, I pledge that I will support the Constitution of the Northern Mariana Islands before the people and urge all of you, my fellow Delegates, to accept the same obligation.

Our work has begun. It must continue. Thank you.

Delegate Benigno Fitial: I have no prepared speech, Mr. President. I just want to extend my sincerest appreciation to the delegates for the outstanding job they have done, and to the legal consultants for the excellent assistance they have given us, to the staff for their fine support, and to you, Mr. President, for your outstanding performance and leadership in directing the Convention these 50 days. I would like to distribute a song and ask that each one of you join me. It is a farewell song for the Convention.

President Guerrero: May I ask that we wait and sing the song as the very last thing today. There are a few things to be done first.

Delegate Francisco Palacios: Fellow Delegates:

I am grateful to God, for the wisdom and courage the Delegates have manifested in the formulation of this Constitution.

I am forever humbled for the opportunity our people accorded me to participate in the drafting of this Constitution.

The supreme task hereafter, for all of us Delegates to this Convention, when this proposed Constitution become a foundation of our government, is to make it function in our daily life.

I thank you.

President Guerrero: At this time I would like to call upon the President and the General Manager of the Inter-Continental Hotel to present the Resolution we have just adopted on behalf of the Hotel. I am sure you all know Mr. David Sablan and Mr. Jerry Johnson---Mr. Sablan and Mr. Johnson, will you please come forward?

On behalf of this Convention, I am proud to present to you the Resolution we have adopted on behalf of the Hotel.

Mr. David Sablan: On behalf of the holding Company, the management of the Company, the holding Company being Pacific Micronesia Corporation, the managing Company is Inter-Continental Hotel, Inc., I would like to extend my sincerest appreciation for selecting Saipan Beach Inter-Continental Inn as the site for drawing up the Constitution for the Northern Marianas. I hope you have enjoyed the area, despite

the heat we have had on several occasions. I know the hotel was not designed for a Constitutional Convention, but we tried our very best to meet your needs and to make the drafting of the Constitution a possible and successful one. Thank you.

President Guerrero: If there are no further speakers, I would like to ask Delegate Fitial to lead us in singing the song he has requested earlier.

Delegate Fitial: Mr. President, this is not a new song, it has been on the island for so long. The meaning of the song is very touchy and I find it very appropriate to be sung at this time. I ask that the Delegates and also the staff join me in singing the song.

(The lyric of the song follows.)

- I. Gi todo lugat maseha mano
Guine gi hilo tano
Man akiohit-pat manachago hit
Utafan hagoflie --

Chorus:

Pues adios astake
Pues adios astake
Man alie hit talo adios
Pues adios astake
Pues adios astake
Man alie hit talo adios

- II. Gi todo i tiempo na man, hi hita
Guine gi hilo tano
Man afamaulik hit yan man agoflie hit
Sin no que de rasa

(Repeat Chorus)

President Guerrero: I would like to request the following Delegates to remain after we adjourn sine to discuss some important matters. We will meet in my office. They are: Delegates Olympio T. Borja, Herman Q. Guerrero, Ramon Villagomez, Francisco Palacios, Juan P. Tenorio, Vicente M. Manglona, Gregorio Calvo, Pedro M. Atalg and Floor Leader Rasa.


Delegate Fitial: Mr. President, I would like to ask Delegate Palacios if he is serious about the gathering tonight at his place?

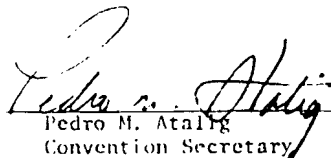
Delegate Palacios: Yes, all the Delegates, legal consultants, and staff are invited to a get-together tonight at Palacios Beach in Garapan at 7:00. Please come and make sure you bring along your swimming trunks or bikini because we will all go swimming.

Floor Leader Rasa: If there are no business to be discussed, I would like to move that the Convention adjourn sine die.

There being no objection from the Floor, the President declared the Convention adjourn sine die at 3:50 p.m.

APPROVED:


Lorenzo I. Guerrero, President
Northern Marianas Constitutional
Convention


Pedro M. Atalg
Convention Secretary

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CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

FIRST DAY
Monday, October 18, 1976

In accordance with Marianas Law No. 4-205 the Constitutional Convention of the Northern Mariana Islands was begun with formal ceremonies at 9:15 a.m.

Acting President was Erwin D. Canham, Resident Commissioner of the Northern Mariana Islands.

Acting President Canham: The first session of the Northern Marianas Constitutional Convention will be in order. Please let me say that it is indeed a great privilege and honor to welcome each and everyone of you.

First, to invoke divine blessing on this solemn occasion, I invite the Reverend Monsignor Tomas A. Camacho to lead us in prayer. Will you all please rise.

Monsignor Camacho: In the name of the Father, the Son, and of the Holy Spirit. Let us pray.

God of Abraham, God of Isaac, God of the Forefathers of the American people, as we begin another chapter of this historic and momentous occasion of our future destiny, we beg You to come and to enlighten these duly elected members of the Constitutional Convention of the Northern Mariana Islands. Help them to be people that are always mindful of Your grace and glad to do Your will. Bless with wisdom and nobility of spirit these ladies and gentlemen so that the decisions they make will not reflect selfishness, but for the benefit of all future Americans living on this far-flung of the future frontier. Bless this august body with proper guidance as they confront the problems of making a wise and practical constitution. Help them to remember the spirit of courtesy and graciousness in dealing with the people of the Mariana Islands and their neighboring islands. Grant that the product of this Constitutional Convention be a symbol of freedom and justice for the rest of the Pacific Islands. Keep ever before us on this Bi-Centennial Year of the United States the vision of the land of the free, the home of the brave, and the nation whose God is the Lord. We ask this through our Lord Jesus Christ, your Son, who lives and reigns with You and the Holy Spirit, one God, for ever and ever. Amen.

Acting President Canham: It is indeed a very great privilege to be able to welcome the Elected Delegates to this Convention. Let me congratulate you because you have been called upon to perform the most important function in the history of these beautiful islands and their eager people. Your job is defined in the briefing papers prepared for this Convention in the following terms:

"The essential task of the Constitutional Convention is, which I quote: "to shape the basic institutions of government of the new Commonwealth." This undertaking requires first that the Delegates identify the political values that their people cherish and the goals they hope to achieve. Next they must fashion the political institutions that reflect these values and provide the machinery to pursue their goals. And, finally, they must write a Constitution to give legal effect to the system they have created and to provide a symbol of unity for all the people of the Commonwealth."

This is a massive task. You do not have much time in which to accomplish such great purpose. But I have full confidence in the capacity of this representative body. You were elected by a large turn-out of voters who coped with an unavoidably complex ballot with considerable discrimination. You are served by an able staff of advisers and provided with expert and scholarly analyses of your problems.

Yet all the decisions are yours and you will be accountable for them up to the stage of ratification by the people of the Northern Marianas and up to final approval by the Government of the United States. You will have very difficult decisions to reach, some of them calling for the wisdom of Solomon and Thomas Jefferson combined. Will your Constitution be broad and general or specific and restrictive? How will you divide power between the executive, the legislative, and the judicial branches?

What kind of provisions will you make for the special conditions and unique traditions of these islands?

You have one great advantage. The Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States already defines many constitutional elements and relationships. It is a solemn act of self-determination, carefully negotiated, ratified by an overwhelming majority of your people and also by the Congress and President of the United States. The Covenant is a guide and a commitment for your labors.

But your task still remains immense, and I am sure you realize there is no time for petty disputes over issues that are not really constitutional issues at all, nor for indulgence in oratory for its own sake while the 50-day clock continues to tick relentlessly on.

My respect for this body's capacity for good judgment and for self-restraint is great. When you have finished your labors, I am sure the people of the Northern Marianas will have added respect for yourselves and for the historic decisions you make with objectivity and wisdom.

Needless to say, the administration government of the Northern Marianas stands ready to assist you in any way we can, as we are obligated to do. We are also indebted to our very good neighbor and our long-time parent, the Trust Territory Government. We live in close cooperation with that Government. If as a kind of eldest son, or oldest child, we have left the family roof, it does not mean that our respect and affection for the old homestead is diminished. Indeed, no less than eleven of you are officials of the Trust Territory Government and as a member of the Joint Commission on Transition, I must express to the Acting High Commissioner and his Deputy our great appreciation for their willingness -- let me put it bluntly -- to put you on administrative leave. It is a most generous aid to a tight budget.

A great deal could be added in recognition of this wonderful moment that has come. You must feel as I do, profoundly moved. This is a long-awaited hour. It is solemn; it is full of challenge and difficulty, and yet, it is full of the brightest of hope. Thank you.

Now, May I call upon a distinguished speaker, the Honorable Vicente N. Santos, Speaker of the Northern Marianas Legislature.

Speaker Santos: Thank you very much. Delegates to the Northern Mariana Islands Constitutional Convention. To all superficial appearances today, October 18, 1976, might be just another prosaic Monday, indistinguishable from a long list of prosaic Mondays past; but appearances would be wrong, very wrong. Today, Monday, October 18, 1976, is a very special day, a benchmark day, an historic day.

Today marks an ending and a beginning for our people. It heralds the end of a long subserviency to many masters and the beginning of our journey into destiny under our own helmsmanship.

The people of the Northern Marianas have spoken. They have selected you to act for them at their constitutional convention; in effect charging you with the awesome responsibility of charting a meaningful course into the harbor of constitutional government.

On the one hand, the great honor bestowed upon you is both signal and historic; on the other, it imposes responsibilities of monumental proportions. The "work" in the sense of an opus which you are called upon to mold within the coming days is nothing less than a commitment to a future way of life, not only for this generation, but for our posterity. We do not delude ourselves that the task will be easy; it will demand application of historic perspective, vision, and a keen sense of selectivity to achieve a work which must be nothing short of an eclectic masterpiece.

In exercising their franchise the people of the Northern Mariana Islands have expressed confidence in this honorable Delegation; they have said that you possess the necessary qualifications and that you shall lead the way.

For myself, I am in full accord with the wisdom of the people. I have full confidence that you will acquit yourselves well; that we shall all have just cause to acclaim your efforts. I hope, however, that at this point a few well intentioned cautions will not be thought presumptuous.

Remember that the edifice that you have been commissioned to erect must be able to withstand the stresses of time.

Remember that meaningful content must take precedence over fine rhetoric if your endeavor is to endure intact.

Remember that while brevity may be the soul of wit, it is not necessarily the hallmark of an acceptable law of the land.

Our Constitution must be as comprehensive and detailed as the times, the state of development of our people, our culture and our place among the nations of the world demand. Where to draw the line is no easy task. I do not pretend to know, but with the aid of the excellent briefing papers provided by your advisors and their daily counseling coupled with your own innate sense of what is fitting and needful, I do not doubt the outcome.

What is fundamental and critical, it is your function to discern and implement.

May God grant you vision, the greatness of soul to rise above partisanship, objectivity and an appreciation of the historical significance of the great endeavor upon which you embark today.

We wish you well; we await your accomplishment. Thank you.

Acting President Canham: My next responsibility is to call the roll of the Delegates. I think just to be original, I will begin with the smallest Delegation first. Each please respond in turn.

(Acting President Canham called the roll alphabetically, by Delegation.)

Acting President Canham: The entire Delegation, without exception is present.

My next duty is to ask the Delegation to rise for the purpose of the Oath of Office. It will be taken together and I will ask you to repeat en masse:

"I do solemnly swear that I will faithfully execute the office of Delegate to the Northern Marianas Constitutional Convention and will, to the best of my ability, support the Constitution of the United States and the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, so help me God."

Acting President Canham: The next task, the last one which I am required to perform, is the election of your president.

Delegate Francisco T. Palacios: I move that Lorenzo I. Guerrero be elected President of the Convention.

The motion was seconded.

Delegate Vicente T. Attao: I move that nominations close.

The motion was seconded to close nominations.

The motion carried by voice vote to close nominations.

Motion to elect Lorenzo I. Guerrero as President of the Convention carried unanimously by voice vote.

Resident Commissioner Canham: With the greatest pleasure I invite President Guerrero to the Chair.

President Guerrero: First of all I would like to extend my appreciation to the Delegates of this Convention for giving me their confidence to be elected as your President of this Convention. I thank you, everyone of you. Before I proceed with the agenda, I would like to make a short remark: Fellow Delegates to this Convention, Distinguished Guests, Ladies and Gentlemen:

The glorious days have come for us, the Delegates to this Convention, to carry out the mandate of our people, and commence the task of drafting a constitution which is truly representative of our people's wishes and aspirations, and within the guidelines set forth under the Covenant on the establishment of the Commonwealth of the Northern Mariana.

Framing a constitution is not an easy task. Each and every Delegate has his or her own ideas and beliefs on what would best suit the requirements under our new government, and which governmental setup would be the most suitable for adoption. It is in the consolidation of our individual ideas that we could really form a constitution that would apply to the present generation, and the future.

While time is of the essence in this given task, our approach on sensitive and delicate matters must always be with caution and extreme care. The matter of citizenship and naturalization, for instance, must be given the strictest degree of concern. Let us learn from the mistakes of other nations, and have the lessons of the past guide us in securing a brighter future. Let us provide an assurance that our people will continue to be the majority in our island nation. We must similarly provide due protection to our people's rights and strengthen the safeguards to the privileges they now enjoy as part of the democratic way of life.

To achieve success, we must first attain unity and harmony, and maintain a close working coordination among all the Delegates. I am confident that we will succeed in our common goal of having a constitution which embodies our people's ideals and aspirations, and that this Constitutional Convention will go down as one of the most significant events in the history of our nation. Thank you Si Yuus Maase!

President Guerrero: Before we go on to the next item in our agenda, which is adoption of Rules of Procedure, I recognize Delegate Benigno R. Fitial.

Delegate Benigno R. Fitial: I move we postpone items eight (8) and nine (9) of the agenda and move on to other business.

The motion was seconded.

President Guerrero: Delegate Jose R. Cruz.

Delegate Jose R. Cruz: I move we have a 10 minute recess.

The motion was seconded.

President Guerrero: The Chair recognized that we should dispose of the motion for recess first.

(A voice vote was taken and was not conclusive.)

Delegate Jose R. Cruz: I would like to request a roll call vote.

The roll was called and the Delegates voted as follows:

AFFIRMATIVE: Delegates Felix A. Ayuyu, Jose S. Borja, Olympio T. Borja, Antonio M. Camacho, Carlos S. Camacho, Magdalena C. Camacho, Juan DLG Demapan, Herman Q. Guerrero, David Q. Maratita, Jesus G. Villagomez, Ramon G. Villagomez, Jose R. Cruz, Daniel P. Castro.

NEGATIVE: Delegates Felipe Q. Atalig, Vicente T. Attao, Luis A. Benavente, Juan S. Demapan, Benigno R. Fitial, Pedro L. Igitol, Luis A. Limes, Jose P. Mafnas, Francisco T. Palacios, Oscar C. Rana, Manuel A. Tenorio, Joaquin S. Torres, David M. Atalig, Pedro M. Atalig, Gregorio S. Calvo, Pedro Q. Dela Cruz, Benjamin T. Manglona, Prudencio T. Manglona, Pedro M. Ogo, Leon I. Taisacan, Hilario F. Diaz, Henry U. Hofschneider, Esteven M. King.

ABSTENTIONS: Vicente M. Mangiona, Juan P. Tenorio.

President Guerrero: The vote is 23 affirmative, 13 negative and 2 abstentions. The motion for recess is defeated.

I would now like to entertain the motion to postpone Items 8 and 9 on the agenda until later on today.

(A voice vote was taken and the motion was passed to postpone items 8 and 9 until later that day.)

The next item on our agenda is item 10, the Organization of the Convention, and at this time, I would like to call on Pedro A. Tenorio, Director of Transition Studies and Planning to give us the organization of this Convention.

Director Pedro A. Tenorio: Thank you Mr. President. On behalf of my staff in the Office of Transition Studies and Planning, I would like to congratulate all of you Delegates on your election to serve in this very important body.

In accordance with provisions of the Marianas Law No. 4-205, establishing the Marianas Constitutional Convention, and in particular Section 11, dealing with financial and staff support from the Office of Transition Studies and Planning, I would like first to report to you that my office and staff are prepared to assist the Convention Delegates in every way possible to insure that administrative problems do not interfere with your basic role and responsibilities as Delegates.

In order to properly coordinate the activities of the Convention and to streamline support services to you, there is within my office an administrative organization created specifically to meet the needs of the Convention. Such organization consists of personnel who are assigned general and specific functions to perform the necessary services and to support you.

In the area of financial support, the Office of Transition Studies and Planning will be responsible for the payments of salaries and per diems of the Delegates, including all other expenses related to the Convention. In addition to the United States funds made available for the holding of the Constitutional Convention, the Northern Marianas Legislature has also made available \$30,000.00 to defray expenses of the Convention.

I wish to acknowledge, as the Resident Commissioner has already done, the generosity of the Trust Territory Government, specifically the Acting High Commissioner and the Executive Officer, in granting administrative leave to those Delegates who are employed by the Trust Territory Government. This represents a savings of approximately \$20,000.00 to the Convention.

I also wish to acknowledge the support and cooperation of the Resident Commissioner, Mr. Canham, and his staff, for their assistance and support in the planning of this event. In addition, Mr. Canham's willingness to assign to the Convention several key members of his staff is greatly appreciated.

Lastly, I also wish to acknowledge the cooperation of the Speaker of the Northern Mariana Islands Legislature, Mr. Santos, in providing equipment, clerical and logistical support to the Convention. At this time, I would like to introduce the key employees of the Convention and the Office of Transition who will be performing the administrative and general support services to the Delegates.

Mr. Pedro M. Atalig, who is a Delegate will act as the principal in charge of the overall administrative functions of the Convention. He will be assisted by Mr. John Boyer, the Administrative Officer.

Per diem and salary checks of Delegates will be disbursed by Mr. Boyer. The person in-charge of recording and public information activities is Mr. Rudy Sablan. He will be assisted by Mr. Herbert Rosario.

Mrs. Stacy Pounds will be the principal Journal Clerk and will be assisted by Mrs. Emy Sablan and Mrs. Linda Layne. A typing and secretarial pool will be set up for the use of the Delegates and for the reproduction of journals. It will be under the supervision of Mrs. Connie Togawa. Our printing room supervisor is Mr. Ben Kapileo, and the Librarians for the Convention are Mrs. Rita Camacho and Chris Ramirez. The Sergeant at Arms is Mr. Jose Ada from the Marianas Department of Public Safety.

A map of the location of delegations, consultants and staff offices is provided this morning to acquaint you with the layout of the Convention facilities.

The Law Firm of Wilmer, Cutler & Pickering of Washington, D. C. was retained by the Office of Transition Studies and Planning to prepare briefing papers for the Delegates, to advise regarding the organization and procedures of the Convention, and to provide other professional services during the Convention. The law firm will work under the general supervision of the President and Officers of the Convention. The firm will be available to prepare legal memoranda regarding issues before the Convention, to assist the committees in their work, to draft constitutional provisions reflecting the decisions of the Convention, and to perform such other assignments as seem appropriate. The work of the law firm and other professional consultants is under the supervision of Mr. Howard Willens. I will ask Mr. Willens to introduce the members of his team. Mr. Willens.

Consultant, Mr. Howard Willens: Thank you, Mr. Tenorio. Mr. President, Resident Commissioner, Delegates to the Convention and Honored Guests. It is an honor to be here on behalf of my law firm to assist this Convention in its important assignment. I have had the good fortune during the past four years to work closely and get to know many of you. I hope during the near future, I will have the opportunity to get to know all of you.

I would like to introduce two of my senior colleagues who will be helping this Convention. First, I would like to introduce my partner, Deanne C. Siemer. Ms. Siemer received her training at George Washington University and the University of Hawaii. She took her legal education at the Harvard Law School and has practiced law in Washington during the past eight years. She has had a distinguished career with the United States Budget Bureau as well as with our law firm.

Second, I would like to introduce Howard N. Mantel, who is the Associate Director of the Institute of Public Administration. Mr. Mantel is a lawyer by training. He has worked with the Institute as an advisor to local, state and federal government agencies in the United States. Mr. Mantel has a wide range of experience you can take advantage of in the course of your deliberations.

We have four additional lawyers from my law firm here to work with the Convention. Mr. Paul S. Koffsky, Robert A. Major, Neal S. Solomon and A. Mark Weisburd. They will be working with Ms. Siemer, Mr. Mantel and myself.

As you know from our briefing papers, we have basically one assignment here, that is to help you prepare a Constitution that is consistent with the Covenant and the United States Constitution and responsive to the needs of your people. We have prepared briefing papers which are designed to put before you the various alternatives which we think you would like to consider on many of the important issues before this Convention. We have no predilections regarding the kind of Constitution you should have. We are here to provide you with our guidance, if you request it. We are prepared to assist you in every way possible during the next 50 days and look forward to the opportunity of working with you. Thank you.

Director Pedro A. Tenorio: Thank you, Mr. Willens. Mr. President, I would like to say if any of the Delegates has any particular problem they want us to look into, please do not hesitate to call upon myself and the other members of my staff. Again, on behalf of the members of my staff, I wish you all success in your very difficult role as you prepare the Constitution for the Islands of the Northern Marianas. Thank you very much.

President Guerrero: Thank you, Mr. Tenorio. The next thing on our agenda is the report of the Pre-Convention Committee. At this time, I would like to call Mr. Jose P. Mafnas, who is the Chairman of the Pre-Convention Committee. Mr. Mafnas.

Chairman Jose P. Mafnaa: Thank you, Mr. President, Resident Commissioner Canham, and Members of this Convention.

Your Pre-Convention Committee met last week to discuss the organization and procedures of this Convention. We developed a proposed agenda for this first session, a set of procedural rules, and a draft schedule for consideration by this body. The results of our work were passed out to each Delegate last week.

It is now up to all of us - from each Delegation - to work together to draft a Constitution for the Commonwealth of the Northern Mariana Islands. No Constitutional Convention in recent history has tried to do so much in so little time. We must use each of our 50 days to the fullest. It is for that reason that the Pre-Convention Committee proposed a draft schedule for your consideration. This schedule provides that our committees would try and complete their work in the first three weeks of the Convention and submit their reports at the conclusion of that period to the Convention sitting as a Committee of the Whole. We know that this is an ambitious schedule. Speaking on behalf of the Pre-Convention Committee, let us set aside our political differences, let us put our heads together and concentrate our efforts on the next 49 days so that when December 6th arrives, we can be proud of our accomplishment. Thank you.

President Guerrero: The Chair recognizes Delegate Benjamin T. Manglona, Chairman of the Rota Delegation. Mr. Manglona.

Delegate Benjamin T. Manglona: Mr. President, Fellow Delegates and Honored Guests:

Before we end this opening session I would like to make a few remarks on behalf of the Rota Delegation.

My fellow Delegates from Rota and I wish to extend our congratulations to the Delegates from Tinian and Saipan to this Convention. We believe it is a great honor to be elected by our people to prepare the first Constitution in the history of the Northern Mariana Islands. We are here to work. We wish to assure the Delegates from Tinian and Saipan of our wholehearted support in the important assignment of this Convention.

It is unfortunate that this Convention opens during a political campaign season. Some of us belong to the Territorial Party; others belong to the Popular Party. We must avoid the temptation of using this Convention to advance our own political fortunes or those of any political party. We must unite -- regardless of political affiliation -- in the effort to write a workable Constitution for all the people of Northern Mariana Islands.

We from Rota come to this Convention with an open mind, ready to forget the injustices of the past. We do not believe that our people were always fairly treated by the leaders from Saipan. We are prepared to look to the future, not the past, and to assume that all the islands in the Marianas will share equally in the benefits of our new Commonwealth. There can be no progress without justice, and there can be no justice until we recognize that the people of the Northern Marianas are one people. Our Constitution must reflect this basic principle.

We have much to do in only 50 days. We must take advantage of each of these days, even if it means hard work and long hours to accomplish the job given us by the voters. The success of the Convention lies in our hands. Let us begin. Thank you, Mr. President.

President Guerrero: The Chair recognizes Delegate Olympio T. Borja at his request to make a few remarks. Mr. Borja.

Delegate Olympio T. Borja: Resident Commissioner and Mrs. Canham, Mr. President, Delegates to the Constitutional Convention of the Northern Mariana Islands, Honored Guests, Ladies and Gentlemen:

Mr. President and Honorable Delegates, with your indulgence, I wish to make a few brief remarks at this opening session of our Convention.

At the outset, I want to extend my deep and sincere appreciation and "dangkulona si yuus maase" to the people of the Northern Marianas for allowing me -- and all of us -- the opportunity to represent them in this crucial event. Second, I want to offer my heartiest congratulation to you, Mr. President, for the election to the high office of President and this assures me that our work here will be carried out efficiently and effectively, in the best spirit of harmony, cooperation, and mutual interest for the benefit of our people, and I offer my sincere cooperation in this regard.

Mr. President, I am sure that the historical importance and meaning of this Convention have escaped none of us: We have undertaken a solemn and serious duty to write the basic legal foundation for our future Government, one that will allow for local autonomy, yet be responsive to all our citizens. It is an awesome task, but I am certain that we will all rise to meet the challenge to the best of our abilities, so we may see realization of full Constitutional self-government early in 1978. As I mentioned, this is an historical convention for it is yet another step in achieving towards our ultimate political goal -- it is a step which perhaps was preordained when American Armed Forces liberated the people of the Northern Mariana Islands amidst the smoke and ashes of World War II some 30 years ago. Prior to that day, our people and islands had been no more than colonial possessions of three foreign powers over a period of three centuries. Now, as a logical consequence of our liberation and administration by the United States of America, and our long desire to become a part of the American Political Family, we are preparing to write our own Constitution and prepare for true self-government; we are preparing for a final step in the process which began with our status negotiations, the plebiscite, and the signing of the Covenant. In effect, Mr. President, what could not have been done in 300 years previously, we will accomplish in 30 short years.

In therefore realizing the historical significance of this moment, and this Convention, it behooves all of us to also look forward to the next 300 years, and the next generations of our people. We must protect their interests, and the interests of their children in this one document, and consequently, I respectfully suggest that each one of us was elected a Delegate to do a job for all of our people. As elected representatives I urge all of us to put aside any political, cultural or other affiliations we may have, and to work together in a spirit of harmony for all our people. Of course, Mr. President, there are bound to be problems, and many perplexing questions to consider in our Convention. While the concept of a Constitution is a simple one, it involves complex matters, and difficult decisions. A Constitution should be brief, but not too brief; it should be flexible, not too vague; it should be all encompassing, but not unduly restrictive; it must fit the particular history, circumstances and needs of a people, but it must also anticipate a change in those circumstances and needs in the future.

For this reason, Mr. President, I want to single out for praise our Consulting Firm of Wilmer, Cutler & Pickering for the extensive and exhaustive briefing papers which have been professionally prepared for our review and consideration. Certainly the excellence of their research in their background papers will be of invaluable assistance to our considerations and deliberations in the days forthcoming. The better prepared we are, the better chances are for a successful convention, and an excellent Constitution.

Therefore, I have every hope and expectation that, given the quality of the Delegates and leadership, and the technical expertise provided, we will successfully accomplish our mission within the 50 days allowed by our Law.

In setting forth on our task, we must note that because of the unique requirements of the Trusteeship agreement, our entrance into Constitutional Government perhaps has been delayed far beyond what we wished, but on the other hand, we must also acknowledge that with the Covenant in hand, and the Constitution close at hand, we will have the potential for enjoying local autonomy and self-government to a degree which remains beyond the grasp of other jurisdictions within the American Political Family.

In conclusion, Mr. President and Delegates, let us ask the Lord for His Blessing upon this Convention and upon us so that we will carry out his work, with foresight and wisdom, with equity and with courage, and also discharge our duties and responsibilities as Delegates in this very important and historical task for the benefit of our Islands and our generations to come. Thank you very much, Mr. President.

President Guerrero: Delegate Felipe Q. Atalig is recognized by the Chair.

Delegate Felipe Q. Atalig: I am not going to give any speeches today, but I would like the house to recognize Commissioner Pedro Nakatsukasa, Jose C. Tenorio, Mayor Felipe Mendiola, Speaker Jose R. Rios, Speaker Alfred Apatang, Chief Exec. Francisco C. Ada, Dr. Benusto R. Kaipat, and prospective Senatorial candidate, Jose R. Lifoifoi.

President Guerrero: The Chair recognizes Benigno R. Fitial, Delegate from Saipan.

Delegate Benigno R. Fitial: I move we recess until 1:30 p.m.

The motion was seconded

Delegate Jose R. Cruz: Mr. President, I just want to request this Convention to recognize everybody in the gallery.

President Guerrero: Yes, we thank you all for coming today.

The motion has been made and seconded that we recess until 1:30 p.m.

Recognize Delegate Jose R. Cruz.

Delegate Jose R. Cruz: Point of Information. This body is duly constituted, however, this body is without Rules.

Delegate Oscar Raaa: There is a motion on the floor.

President Guerrero: We will now vote on the motion to recess until 1:30 this afternoon.

A voice vote was taken and the motion carried for recess.

President Guerrero: That will conclude our program for this morning, Ladies and Gentlemen. We thank you for your presence at the Convention this morning.

The Convention recessed at 10:10 a.m.

RECESS

President Guerrero called the Convention to order at 2:10 p.m.

President Guerrero: As per the motion made this morning, our first order of business should be to adopt the Rules of Procedure for this Convention. Do I hear a motion?

Delegate Francisco T. Palacios: Mr. President, I move that the Rule of Procedure as proposed for the Convention, inclusive of the eleven proposed amendments as just distributed, be adopted as the official Rules of Procedure of this Convention.

The motion was seconded.

Delegate Olympio T. Borja: Mr. President, I would like to ask the privilege of expressing my views on the motion, particularly on the proposed amendments to the Rules of Procedure. I believe that the Rules of Procedure to be adopted should be the ones prepared by the Pre-Convention Committee since Public Law No. 4-205 gave them the authority and mandate to prepare such for consideration. After reviewing the eleven proposed amendments it appears to me that they are in conflict when we don't have the official Rules of Procedure adopted. I can see that these proposed amendments could be appropriate if they were taken up later on as provided for in the Rules. I think it is only correct, Mr. President, if we adopt our own Rules of Procedure, they should be the ones prepared by mandate and authority. They

should be the official Rules of Procedure. These were prepared in advance and we had time to study them. The proposed amendments have been distributed too recently for us to have time to study them. If I look up the chapter pertaining to future changes, we can easily adopt any amendments at a future date. It appears to me, Mr. President, that every Delegate here is entitled to advance notice and time for them to review and deliberate. It would be good to have notice of one day, or possibly five days, as provided for here. The only opposition I have for the motion is that I do not like to see us, the Delegates, act on the proposed amendments when we do not already have the official Rules of Procedure for this Convention. Therefore, Mr. President, I would like to make an amendment as a privileged motion to adopt the Rules of Procedure that have been prepared solely by the Pre-Convention Committee.

The motion was seconded.

President Guerrero: There is now an amendment to the main motion, is that clear? Delegate Borja requested that the Rules of Procedure prepared by the Pre-Convention Committee be adopted before any amendments be adopted by this Convention.

Delegate Olympio T. Borja: Mr. President, I would like to clarify my point a little bit. The proposed amendments, numbers one through eleven provide within themselves that they are amendments. My objection is that we should adopt the official rules first and then discuss and perhaps adopt the amendments.

Delegate Francisco T. Palacios: We cannot amend the Rules at this time because there are no Rules to amend. First we must adopt the Rules of the Convention. Any Delegate who wants to amend the Rules should do so after we adopt the Rules of Procedure; so the motion to amend is not in order.

Delegate Ramon G. Villagomez: Mr. President, I agree wholeheartedly with Delegate Borja and I would like to add to his position. The eleven amendments that are before us are proposed changes in the Rules of Procedure. They have been given to us within the last few moments and we have had no opportunity to look at them and take them into consideration. I believe that the main, or primary, Rules of Procedure were issued by the Pre-Convention Committee and the members of this Convention have had time to determine whether they are proper or improper. We have not had time to look at the proposed changes to the Rules. Therefore, I believe that not only is it more proper at this time to adopt the Rules given to us by the Pre-Convention Committee, but we should wait until after then to make any amendments as permitted. If we are going to adopt the proposed amendments now, we are jumping ahead of ourselves. We have not had time to look over those proposed amendments. I think it is proper at this time to open discussion and discuss each one of those proposed amendments.

Delegate Joaquin S. Torres: Mr. President, I vehemently disagree with Delegate Borja. If a lack of time is the concern, may I suggest that we have a fifteen minute recess. The proposed amendments are very simple and I think we should go ahead with the work of this Convention in adopting the Rules at this time.

Delegate Jose R. Cruz: Mr. President, how can we propose amendments to the Rules of Procedure when we have no Rules? May I remind all of the Delegates that this morning I posed that question. I said that this body is duly constituted, therefore, we must have the Rules as soon as possible. These eleven sheets of paper handed to me just minutes ago are simply proposed amendments. The question rises now: "How can you amend a Rule when you don't have a Rule?" Certainly I agree with Delegate Borja's remarks.

Delegate Oscar C. Rasa: Point of order, Mr. President. Delegate Borja's motion is out of order simply because Delegate Palacios' motion is not to amend the Rules of Procedure, but to incorporate the proposed changes. We have to make a point of clarification in here. We cannot amend a Rule that is not in existence. In order for these Rules of Procedure to be adopted, this Convention as a Whole will have to vote on them. We have not yet voted on these Rules. The motion made by Delegate Palacios is that we must incorporate not the amendments, but the proposed changes. Therefore, the amendment to the motion is out of order. Mr. President, I move for the previous question.

The motion was seconded.

Delegate Herman Q. Guerrero: Point of privilege, Mr. President. Could we have time to review this question?

Delegate Oscar Raza: May I ask the Delegate to identify what point of privilege. There is a motion for the previous question. He is out of order Mr. President.

President Guerrero: The Chair recognizes Delegate Herman Guerrero. Please state your privilege. Please make sure it's consistent with our discussion.

Delegate Herman Q. Guerrero: Mr. President, we should all be able to work harmoniously in this Convention. We should have Rules, I agree with this wholeheartedly. The incorporation of the proposed changes to the Rules of Procedure as proposed, as the papers have been handed to us only within the last minutes, have not left time to digest what is proposed. We do not know what effect these proposed changes will make. All I am asking is sufficient time to review these proposed changes. Thank you.

President Guerrero: There is a question on the floor. At this time the Chair recognizes that we should dispose of the main motion as made by Delegate Palacios.

Delegate Jose R. Cruz: Mr. President, having heard the explanation of Delegate Raza, I believe that we have, in essence, the same position. The eleven sheets of paper just distributed, as I was saying before, propose Rule amendments. You can look at the top of each of these eleven sheets and they say "Proposed Rule Amendment." My question is: How can we have a proposed amendment to a Rule when this body doesn't have any Rules? I am saying that I agree with Senator Borja.

Delegate Oscar Raza: Mr. President, I made a motion for the previous question.

President Guerrero: We will now vote on Delegate Raza's motion for previous question.

Voice vote was taken on the motion for previous question. A division of the house was called. On vote by show of hands, motion carried for previous question.

President Guerrero: At this time I would like to ask Delegate Palacios to please restate his motion.

Delegate Francisco T. Palacios: Mr. President, my motion was to adopt the proposed amendments to the proposed Rules of Procedure for the Convention, inclusive of proposed eleven amendments.

The motion was seconded.

President Guerrero: The floor is open for discussion on that motion.

Delegate Jose R. Cruz: Mr. President, I would like to request, perhaps from the Legal Department, some clarification under Public Act No. 347

Delegate Olympio T. Borja: Mr. President, there is already, a motion for the previous question. Point of order.

Delegate Jose R. Cruz: Point of order, Mr. President, he has not been recognized by the Chair and is speaking.

President Guerrero: Please, I ask your cooperation in this. May I call upon our legal counsel to clarify this matter. Delegate Cruz, please continue.

Delegate Jose R. Cruz: The question I am posing, Mr. President, is that under Act No. 347, Section 6(b), there is language that stipulates that this Convention has the legal and final authority to determine the eligibility of the delegate-elect. Now, under the so-called Proposed Amendment No. 4, it says, "No protest or petition contesting the election or appointment of any delegate shall be received or considered by the Convention." I just want a simple clarification of that.

President Guerrero: May I have an opinion from our Legal Consultant, please.

Mr. Willens: Mr. President, it is our view that the Proposed Rule Amendment No. 4 is consistent with the enabling Act.

President Guerrero: We will now vote on the main motion as made by Delegate Palacios.

Voice vote was taken and a division of the house called. Upon vote by show of hands, motion carried to adopt the proposed Rules of Procedure for the Convention, including the eleven proposed amendments as presented.

President Guerrero: I just want to make a clarification here. I hope it is the understanding and majority of consensus that we adopted the Rules of Procedure as amended by the proposed amendments. Our next order of business is the election of our officers. We will elect three vice presidents and according to the Rule just adopted, we will have a floor leader.

Delegate Benigno R. Ftial: Mr. President, I nominate Delegate Benjamin T. Manglona, Delegate from Rota, for our First Vice President.

The nomination was seconded.

Delegate Jose R. Cruz: Mr. President, I move that nominations are closed.

Motion was seconded to close nominations.

Delegate Oscar C. Rasa: Mr. President, there being no further nominations, I move that we elect Delegate Manglona by acclamation to First Vice President of our Convention.

The motion was seconded.

President Guerrero: Motion being made and seconded that Delegate Benjamin T. Manglona be elected to our First Vice President, may we have a round of applause.

First Vice President Benjamin T. Manglona: Mr. President, I would like to express my deepest appreciation to each and every one of the Delegates for their vote of support in making me First Vice President of this Convention.

Delegate Manuel A. Tenorio: Mr. President, I would like to nominate for Second Vice President Delegate Vicente M. Manglona from Tinian.

The nomination was seconded.

Delegate Jose R. Cruz: I move that nominations close.

Motion was seconded to close nominations.

Delegate Oscar C. Rasa: Mr. President, I move that Delegate Vicente Manglona be elected Second Vice President by acclamation.

The motion was seconded.

President Guerrero: Delegate Vicente M. Manglona is elected Second Vice President by acclamation.

Second Vice President Vicente Manglona: On behalf of my family and myself, I would like to extend my sincere appreciation to all those who have delegated the responsibility of Vice President to me.

Delegate Leon I. Taisacan: Mr. President, I nominate Delegate Francisco T. Palacios as our Third Vice President.

The nomination was seconded.

Delegate Jose R. Cruz: Mr. President, I nominate Delegate Olympio T. Borja as Third Vice President.

The motion was seconded.

Delegate Olympio T. Borja: Mr. President, as much as I appreciate the nomination, I must decline. I move that we elect Francisco T. Palacios by acclamation.

The motion was seconded.

President Guerrero: Delegate Palacios is elected by acclamation to the position of Third Vice President.

Third Vice President Delegate Francisco T. Palacios: I would like to express my appreciation to you for electing me your Third Vice President.

Delegate Benigno R. Fitial: Mr. President, I nominate Delegate Oscar C. Rasa for the office of Floor Leader.

The nomination was seconded.

Delegate Olympio T. Borja: Mr. President, I move that we elect Delegate Rasa by acclamation.

The motion was seconded.

President Guerrero: Gentlemen, Mr. Rasa is our new Floor Leader by acclamation. The election of our officers is now concluded.

Delegate Pedro Q. Dela Cruz: Mr. President, correct me if I am wrong, but I believe the Rules of Procedure state the Secretary should be elected, too.

Delegate Benigno R. Fitial: Mr. President, I'm not sure if it is required, but I nominate Delegate Pedro M. Atalig as our Secretary.

Delegate Herman Q. Guerrero: Point of Information, Mr. President. I'm not sure the Convention Secretary is to be elected by the Delegates.

President Guerrero: For your information, I checked before the meeting today and that position of Convention Secretary does not have to be elected. I am sure that Delegate Pete Atalig is being appointed as Secretary for our Convention and is to be congratulated.

Delegate Benjamin T. Manglona: Mr. President, may I request a brief recess, subject to the call of the Chair. I so move.

Motion was seconded

President Guerrero: There will be a short recess, subject to the call of the Chair.

The Convention recessed at 2:40 p.m.

RECESS

President Guerrero called the Convention to order at three o'clock, p.m.

Delegate Benjamin T. Manglona: Mr. President, I wonder if I am in order to make a motion to amend Chapter VII, Section 1(b), and Chapter VII, Section 3(b), of our newly adopted Convention Rules of Procedure. I want to change the wording of the adopted Rule to the old proposed wording as provided in the Rules of Procedure. I want it placed on tomorrow's calendar in accordance with the Chapter that calls for one day's notice. I move that these matters are placed on the calendar for tomorrow.

The motion was seconded and carried for Chapter VII, Sections 1(b) and 3(b), to be considered on the Order of Business for the following day.

President Guerrero: There has been a sheet of paper recently distributed in this Convention Hall. The Chair would like to take this opportunity to assign the following Delegates to each respective Committee:

Chairman of the Committee on "Governmental Institutions" will be Delegate Jose P. Mafnas. The Vice Chairman will be Delegate Prudencio Manglona. Members will be Gregorio Calvo, David Atalig, Benjamin Manglona, Pedro Igitol, Vicente Attao, Joaquin Torres, Jose R. Cruz, Olympio T. Borja, Herman Q. Guerrero, David Q. Maratita and Antonio M. Camacho.

Chairman of the Committee on "Personal Rights and Natural Resources" will be Delegate Felipe Atalig. The Vice Chairman for that Committee will be Delegate Ramon G. Villagomez. Members will be Delegates Henry Hofschneider, Leon Taisacan, Pete Atalig, Luis Limes, Francisco Palacios, Juan S. Demapan, Manuel A. Tenorio, Felix A. Ayuyu, Jose S. Borja, Daniel P. Castro and Hilario F. Diaz.

The Chairman of the Committee on "Finance, Local Government and Other Matters" will be Delegate Benigno Fitial. Vice Chairman will be Delegate Pedro Dela Cruz. Members will be Delegates Pete Ogo, Esteven King, Luis Benavente, Juan Tenorio, Oscar C. Rasa, Vicente Manglona, Jesus G. Villagomez, Magdalena C. Camacho, Juan DLG. Demapan and Carlos S. Camacho.

If there are no objections from the floor, those will be the assignments of each Committee.

Delegate Ramon G. Villagomez: Mr. President, I would like to express my appreciation for my appointment as Vice Chairman of the Committee on Personal Rights and Natural Resources. However, I would like to say that I am more interested in being involved in the work of this Committee as a member. For that reason, I would like to inform you that I would prefer to not accept the appointment, Mr. President.

President Guerrero: Thank you, Delegate Villagomez. The Chair recognizes the interest you have expressed. At a later time today I will make another appointment for the Vice Chairman of that Committee.

I would like to announce before we adjourn today that the Committee on Organization and Procedure that consists of all officers just elected will have a meeting just as soon as the Convention adjourns today. We need to proceed with the necessary actions to be followed in this Convention and we also need to put in the calendar for tomorrow's meeting.

The Chair has not at this time, of course, appointed any sub-committees. Appointment is pending meetings with these other officers. If we see that it is required, we will assign some of the members to those sub-committees.

Delegate Jose R. Cruz: Mr. President, I move that we recess until tomorrow morning at nine o'clock.

Motion was seconded.

Delegate Olympio T. Borja: Point of information, Mr. President. Did you have further business?

President Guerrero: Yes, I would like to make two announcements before we recess. There is a reception this evening to be hosted by the Resident Commissioner, the Office of the Northern Mariana Islands Transition Commission and the Office of Transition Studies and Planning of the Northern Mariana Islands. It will be from six to eight o'clock p.m. at this hotel and all Delegates are urged to attend.

I recognize Delegate David Q. Maratita.

Delegate David Q. Maratita: Mr. President, I would like to inquire what title we are going to use in this Convention. Are we going to use "Delegate" or "Senator?" I would hope that each of us would be "Delegate."

President Guerrero: Thank you, Dave, for your concern. The most proper language for all of us to use is "Delegate" since we are all Delegates to this Convention.

Delegate David Q. Maratita: Thank you, Mr. President. I would just like to be assured that no more favorable treatment would be given a Senator than to any Delegate.

Delegate Jose R. Cruz: Mr. President, may I suggest that if the President wishes to insist on titles, when he recognizes someone like Delegate Borja, he says, "Mr. Borja, Senator Borja, Delegate Borja." (Laughter)

Delegate Hilario F. Diaz: Mr. President, point of interest, please. As I understand it, all the elected officers have expressed their appreciation in this Chamber today. I was just curious about our Floor Leader, the distinguished Delegate Oscar Rasa. I would like at this time to make a brief speech on his behalf.

Floor Leader Rasa: Mr. President, it would be most appropriate if I did this in writing. That is the reason why I have not expressed my appreciation. Be rest assured that I will do this in writing.

President Guerrero: Thank you. There is one other sheet that was distributed today listing the Administrative Assistance/Public Information Officers for each Delegation. For the Saipan Municipality it is Mr. Nick Santos. For the Rota Municipality it is Mr. Mateo Masga. For the Tinian Municipality it is Mr. Martin San Nicholas. Saipan, by the way, includes the Northern Islands.

Delegate Oscar C. Rasa: Mr. President, there being no further business, I move that the Convention recess until nine o'clock tomorrow morning.

The motion was seconded.

Delegate Jose R. Cruz: Mr. President, point of order. I believe the motion made by our Floor Leader is out of order as the motion was already on the floor. (Laughter)

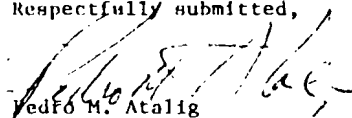
Floor Leader Rasa: Mr. President, the motion as entertained by Delegate Cruz is technically dead. A new motion to recess is in order.

Delegate Jose R. Cruz: I respectfully withdraw my point of order, Mr. President.

President Guerrero: The Convention is hereby recessed until tomorrow morning at nine o'clock.

The Convention recessed at 3:15 p.m.

Respectfully submitted,



Jedfo M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

SECOND DAY
Tuesday, October 19, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 9:15 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 38 Delegates present. Delegate Herman Q. Guerrero was absent.

Floor Leader Rasa: Mr. President, I move that Delegate Herman Guerrero be granted leave of absence.

The motion was seconded and, there being no objection from the floor, the President so ordered.

(4) ADOPTION OF JOURNAL

President Guerrero: The next item on our agenda is the adoption of our Journal. For your information, I received information from the Secretary that duplication of our Journal for yesterday's meeting is not completed and is in the process.

Floor Leader Rasa: Mr. President, just a point for clarification. According to the rules and procedures that we adopted yesterday item number 4, "Adoption of the Journal" is not included in the official Rules of Procedure. I, therefore, move that we bypass this and move on to item 5.

The motion was seconded and carried by voice vote.

(Delegate Herman Q. Guerrero entered the Convention floor.)

(5) MISCELLANEOUS COMMUNICATIONS - None.

(6) COMMITTEE REPORTS

Chairman Felipe Q. Atalig: The Committee on Personal Rights & Natural Resources has no report at this time, Mr. President.

Chairman Jose P. Mafnas: Mr. President, your Committee on Governmental Institutions has no report as yet.

Chairman Benigno Fitial: The Committee on Finance, Local Government and Other Matters has not yet met and, therefore, has no report at this time, Mr. President.

(7) INTRODUCTION OF PROPOSALS - None

(8) FIRST READING OF PROPOSALS - None

(9) SECOND AND FINAL READINGS OF PROPOSALS - None

(10) MOTIONS AND RESOLUTIONS

Delegate Benjamin T. Mangiona: Mr. President, before I make a motion I would like to refer this Convention to line item 68 of our Rules of Procedure, "Notice and Vote Concerning Amendment of Rules." It requires this Convention to have not less than five (5) Convention days' notice in order to make an amendment. Therefore,

Mr. President, at this time I wish to move for the temporary suspension of our Rules of Procedure in order to adopt Proposed Amendment Number 12.

The motion was seconded and carried by voice vote.

Delegate Carlos S. Camacho: Point of information, please. I don't have a copy.

President Guerrero: Do any other Delegates not have copies of the Proposed Amendment? Are you ready to vote on that suspension of the Rules?

Delegate Olympio T. Borja: Point of information, Mr. President. I believe we just adopted the suspension of the Rules and I think we now need a motion to adopt Proposed Amendment No. 12.

Delegate Pedro Q. Dela Cruz: I so move--that the Proposed Rules Amendment No. 12 be adopted.

The motion was seconded and carried by voice vote. Proposed Rules Amendment No. 12 was adopted by the Convention.

Delegate Luis M. Limes: Mr. President, I am sorry but I am all mixed up. Has Proposed Amendment No. 12 been passed out yet?

President Guerrero: I am sure that all the necessary papers have been passed to the individual Delegates. Does everyone have a copy at this time, please?

Delegate Luis M. Limes: Yes, Mr. President. Thank you.

President Guerrero: Before going to item eleven I would like to ask our legal counsel about the "Summary of Voting Requirements under Convention Rules" that was distributed this morning.

Mr. Willens: Mr. President, we thought it would be useful for the Delegates to have a summary of the voting requirements established by the Rules of Procedure that you have adopted, which we have distributed to you. It is a one page summary of the voting requirements, so that when during debate you come up against a particular motion, you will be able to easily ascertain whether a majority vote is needed or whether some other requirement is established by the Rules. It is for your convenience, and has no independent legal significance.

Delegate Olympio T. Borja: Thank you, Mr. President. I believe that while we are discussing Motions and Resolutions, the point raised by Floor Leader Rasa is a valid point. I concur with him, but I fail to see any provision in the Rules that the Delegates must adopt the Journal on the following day. I must bring this notice in advance, like Delegate Manglona did yesterday. Since this provision is very important I would like to make a motion that such insertion for the adoption of the Journal be placed on the calendar for tomorrow. I will put it in writing following today's session so that it will be included on tomorrow's calendar. Therefore, Mr. President, in the interest of convenience and an effective Journal for the Convention, I move that tomorrow's calendar contain a proposal to insert the requirements of the Journal for the approval of the Convention.

The motion was seconded.

Delegate Benigno Fitial: Mr. President, point of information. Was this intentionally left out by the Pre-Convention Committee?

Delegate Jose P. Mafnas: No, it was not intentionally left out. It was inadvertently omitted.

Floor Leader Rasa: To provide more enlightenment on the issue, upon reviewing yesterday's Journal, it appears that a few of the statements were left out. I suggest that we should get together and try to decide just how we're going to work those aspects which will affect the adoption of the Journal. The members should be given time to review statements they made because we do make mistakes, Delegates as well as secretaries. It should be reviewed before adoption by the Convention as a whole.

Mr. Willens: The Rules provide in Rule 14(b) that the Secretary has the responsibility of keeping a daily Journal of the Convention proceedings, summarizing the matters considered and the actions taken by the Convention, and to provide a copy for the Delegates as promptly as possible. It is the intention of the Rules that the Journal be a summary of the actions taken and the matters discussed and that the Journal not be a verbatim transcription of the proceedings of this Convention. As Delegate Rasa has indicated, a transcription involves numerous problems of accuracy, of completeness, and cannot possibly be done in our view on a daily basis. We believe that a Journal should be a short summary of what was done on each day so that it could be prepared easily and reviewed by the Delegates at the beginning of each session. I am trying to distinguish between a Journal and a verbatim transcription.

Delegate Felipe Q. Aralig: I disagree with the legal consultant. I am specifically referring to my statement on page 9. This is just a minor thing, but "Commissioner" Pedro Nakatsukasa should be inserted in there. It has been deleted and, also, "Prospective Senatorial Candidate" Jose R. Lifofoi. Why was this not included in my statement?

Delegate Jose R. Cruz: Mr. President, for further enlightenment, not for any recrimination motive, Mr. President. But a Journal which must be adopted by the Convention should be on a verbatim basis. We cannot shortcut statements made by the Delegates. Delegate Jose R. Cruz, on the last page, and I quote, Mr. President, "I believe our Floor Leader is out of order as the motion was already on the floor." I did make a response which evidently is eliminated. These are minor things. We should not quarrel. But I think as a matter of record the Journal should be on a verbatim basis. That is why Senator Borja is coming up with a design tomorrow so we can act on it. We cannot shortcut statements, Mr. President, made by the Delegates. This is distorting statements.

Journal

President Guerrero: Your point, Mr. Cruz, is well taken and I am sure that we will discuss this with our recorders here, who are under the responsibility and direction, of course, of the Secretary, so that all the statements made by the individual Delegates will be inserted in the Journal. I would urge, also, that each member should have an opportunity to review the Journal and make sure that all the statements are well taken for the adoption of the Convention.

Delegate Jose R. Cruz: Thank you, Mr. President. I certainly agree with the remarks made by Delegate Rasa. The remark I made yesterday, and the response shown in the Journal certainly made it look very much ridiculous on the part of the Delegate. Mr. President, on page 5, Rule 14(b), as our consultant indicated, this Convention agrees to the substance of these provisions that the Secretary shall keep a daily Journal of this Convention summarizing the matters considered. We have to decide whether we want this Convention to have just a summarized Journal or verbatim. That is the question now that we have to decide, otherwise we are bound by this Rule.

Delegate Dela Cruz: Thank you, Mr. President. This is the same line as Floor Leader Rasa mentioned. Yesterday I made two statements and they are omitted from the Journal entirely.

Delegate Joaquin Torres: I agree with the Delegate from Tinian's interpretation of the Rule. However, that does not include omission of statements made by Delegates. Summary does not mean omission of statements made by Delegates when the Rule provides for summarization of statements made by the Delegates. Again I repeat: that does not authorize omission of statements made by the Delegates.

Delegate Manuel A. Tenorio: Thank you, Mr. President. For clarification, I want to know, for the Convention, if the tapes are kept as a record. And when the Convention does, in fact, adopt the daily Journal, will they adopt the daily recordings for the record, too?

President Guerrero: For your information, Delegate Tenorio, I am sure that all the recordings are in custody of the Convention under the jurisdiction of the Secretary. I am sure that it is well recorded and if anyone has any doubt they could refer to the tapes.

Delegate Francisco Palacios: Mr. President, I agree that the Rules provide for a summary, however, in this First Day Journal some of it is summary and some is verbatim. That is why there is some ill-feeling here, because what Delegate

Cruz stated is verbatim, but that statement is not followed by what Delegate Rasa had stated. There is some unbalance. If we want a summary Journal, then let's have a summary Journal. If not, then let's decide what we should have. Thank you.

Delegate Jose R. Cruz: Thank you, Mr. President. What I think happened during the Pre-Convention meeting, in the interest of efficiency and so that we have a daily digest, it was discussed that perhaps a summarization of the Journal is the best formula. I would like to express a point that I do not condone omission of a statement by a certain Delegate. What I was referring to awhile ago is that we have a Rule, we have adopted such Rules, and we are bound by these Rules that state the Journal will be on a summary basis. Now, if this Convention wishes to have a verbatim Journal, then we should just change the Rules. That is the substance of my remarks earlier.

Delegate Benigno Fitial: Mr. President, we have, I'm sure, identified the problem and if we are going to keep talking about it, I'm sure there is nothing that can be done at the moment. Delegate Borja has a plan that will be submitted in tomorrow's agenda to resolve this problem. So let's end debate on this particular matter. I so move.

The motion was seconded and carried. Debate was ended.

President Guerrero: Are we ready to vote on the main motion by Senator Borja?

Delegate Jose P. Mafnas: Mr. President, point of information. May I ask the distinguished Delegate, Senator Borja, to restate his motion, please.

Delegate Olympio T. Borja: Mr. President, I am very happy to respond and restate my motion. The motion I have placed on the floor is a motion to place on the calendar of business for tomorrow's consideration of an amendment to the Rules of Procedure concerning the requirement of the adoption of the Journal.

Delegate David Q. Maratita: Mr. President, I just want to be enlightened on agenda item number ten, "Motions and Resolutions," referring to Rules of Procedure Chapter 7, Section 1(b) and Section 3(b). Where can I find these particular chapters?

President Guerrero: I'm sure you can find these in the Proposed Rules of Procedure.

Mr. Willens: Mr. President, the Rules have been renumbered so now there is an amendment to Rule 66 and Rule 68.

Delegate Pedro Dela Cruz: I'm sorry, Mr. President. We only have to page 20 of the new regulations, so the old regulations should be taken off.

Mr. Willens: It is on page 18 of the retyped version distributed this morning. There was an amendment to Rule 66(b) and 68(b) and a substitute page can be prepared reflecting the action of the Convention this morning. Throw away the old ones.

President Guerrero: Delegate Maratita from Saipan, is that clear?

Delegate David Q. Maratita: Chapter 7, Section 1(b) and Section 3(b), I cannot find it here.

President Guerrero: That is the old numbering.

Delegate David Q. Maratita: I would like to refer to this particular Chapter. Are we referring to the adopted Rules of Procedure?

President Guerrero: Yes, correct. The one that we adopted yesterday. This is the Proposed Amendment that will be submitted this morning.

Delegate David Q. Maratita: Mr. President, Chapter 7, Section 1(b); can anyone help me in finding this?

Delegate Pedro Dela Cruz: Mr. President, maybe I can explain this.

President Guerrero: I'll have the Delegate from Rota, Mr. Dela Cruz, explain.

Delegate Pedro Dela Cruz: Chapter 7, Section 1(b), is on page 25 of the old regulations. This was amended yesterday and a new version has been produced. So take this old regulation and throw it out the window. And then turn to page 18, number 66, in which number 66, Section 1(b) is, and then you refer back to Proposed Rule Amendment No. 12, which has been adopted. That's where it is. Page 18, No. 66, is supposed to be the old Chapter 7.

Delegate David Q. Maratita: Thank you, Mr. President. I hope we can adopt this system in Chapter 7, Section 1(b), on the new Rules of Procedure. I don't see any Chapter 7, Section 1(b).

Secretary Atalig: Mr. President, if you will recall, yesterday, Delegate Benjamin Manglona moved that we consider Chapter 7, Section 1(b) and Section 3(b) and the motion was carried. That was a motion to put this on the calendar and that is why it appears here, if you recall.

Delegate Benigno Fitial: I think the problem here, as a point of reference, is that the new version of the Rules of Procedure does not include any chapters. The new Rules are being enumerated and they are not classified under the chapter system.

President Guerrero: I am sure that we have had enough discussion on that, so let's move on to our next item on the agenda.

- (11) UNFINISHED BUSINESS - None.
- (12) SPECIAL ORDERS OF THE DAY - None.
- (13) GENERAL ORDERS OF THE DAY - None.
- (14) ANNOUNCEMENTS

Chairman Fitial: Mr. President, I would like to announce that the Committee on Finance, Local Government and Other Matters will have a meeting immediately after this morning's session in one of the rooms over in the annex.

Chairman Atalig: The Committee on Personal Rights & Natural Resources will have a meeting immediately after this session, along with the consultants for the Committee. May I ask, Mr. President, that the attendance of this meeting is mandatory. They have to be there for this meeting, and I urge every member to come and if they don't come, we will exercise the power of the Sergeant-at-Arms.

Chairman Mafnas: Mr. President, your Committee on Governmental Institutions will be meeting immediately after this session. I urge every Delegate to be present.

Delegate Antonio M. Camacho: Mr. President, I would like to add to the directive of Delegate Atalig. I think the Delegate who intends to be absent could send a proxy to his Committee.

President Guerrero: I hope that matter can be settled with your respective chairmen. Make sure that any Delegate who will not be able to attend any meeting will extend a notice of excuse, with some good reason that you will not be able to attend.

Delegate Pete Ogo: Mr. President, for a point of clarification on these announcements. I was listening for some specific place. We have a meeting today but we don't know where we are to meet. I am very sure there is going to be a lot of confusion after this meeting. I hope these announcements for meetings can be more specific in time and place.

Chairman Mafnas: The Committee on Governmental Institutions will be meeting in the Conference Room immediately after this session.

Chairman Fitial: The Committee on Finance, Local Government and Other Matters will be meeting in one of the conference rooms that will be available.

President Guerrero: For your information, the gallery behind us could be utilized for a Committee meeting. I understand there is a partition that can be closed if it is necessary.

Secretary Atalig: I would like to point out that I will be the one scheduling the different rooms for use. Some Committees are larger than others. Naturally those smaller Committees could meet in a conference room. The larger Committees, such as Governmental Organization, could use this Convention Hall. There is also another facility and that is the Keio Room, the Japanese restaurant. I would like the chairmen to get together with me on this and not just schedule their own.

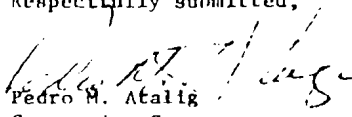
Delegate Manuel Tenorio: Mr. President, if there is no further discussion or announcement, I would like to move that we recess until one o'clock this afternoon.

Delegate Olympio T. Borja: Mr. President, I would like to amend the motion to state that we will recess until tomorrow morning at nine o'clock a.m.

The motion was seconded and carried by voice vote.

The Convention recessed at 10:55 a.m.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

THIRD DAY
Wednesday, October 20, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 9:15 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 39 Delegates present. No Delegates were absent or excused.

(4) COMMUNICATIONS - None.

(5) COMMITTEE REPORTS

Chairman Jose P. Mafnas: Mr. President, I would like to make an oral report to the Convention. Your Committee on Governmental Institutions met yesterday and made substantial progress on the issue of a Washington Representative. A report will be prepared and submitted to the Committee of the Whole. Thank you.

Chairman Benigno Fitjal: Mr. President, your Committee on Finance, Local Government and Other Matters also met yesterday and adopted a schedule of meetings and agenda. We are very confident we will accomplish our assignment in three weeks as provided by the schedule from the Pre-Convention Committee. Today we will discuss Constitutional Amendment and we are also confident that we will accomplish this today.

Chairman Felipe Atalig: Mr. President, at this time I would like to make an oral report. Your Committee on Personal Rights & Natural Resources began its deliberation yesterday morning. The Committee decided to consider the matters assigned to it in the following order: Eligibility to Vote and Election Procedures scheduled for discussion on October 19 and 20; followed by Bill of Rights on October 20 and 21; then Natural Resources on October 26 to 28; and Land Alienation from October 29 to November 4. Your Committee designated November 5 for their review and adoption of all constitutional provisions to be proposed by the Committee to the Convention. At its afternoon meeting the Committee discussed Eligibility to Vote. The Committee tentatively made decisions concerning citizenship, age and residency requirements. Today's agenda for the Committee includes literacy requirements, disqualification from voting due to conviction of a crime, election procedures, initiative, referendum and recall. I wish to further report, Mr. President, that the participation and output of work by your Committee members is excellent and highly commendable by your Committee Chairman. Thank you.

(6) INTRODUCTION OF PROPOSALS

Delegate Jose R. Cruz introduced Delegate Proposal No. 01, entitled "Proposal Regarding the Executive Branch of Government."

At the request of Floor Leader Rasa, President Guerrero dispensed with items (7) and (8) of the Order of Business, there being no objection from the floor.

(9) MOTIONS AND RESOLUTIONS

Floor Leader Rasa: Mr. President, at this point I would like to move that Convention Rule 68(a) be temporarily suspended.

The motion was seconded and carried to temporarily suspend Rule 68(a).

Floor Leader Raza: Mr. President, at this point I would like to introduce Proposed Rule Amendment No. 13, specifically deals with the Journal and the transcript. I move that Proposed Rule Amendment No.13 be adopted.

The motion was seconded and carried. The adopted Rule Amendment is as follows:

RULE AMENDMENT NO. 13

Resolved, That the following be added to the Rules of Procedure:

77. Journal. The journal to be prepared by the secretary pursuant to Rule 14(b) shall consist of a summary of the proceedings of the Convention. The journal shall be produced daily for the delegates and shall be submitted for their approval each day during the Convention's consideration of preliminary matters under Rule 38.

78. Transcript. A verbatim transcript of the proceedings of the Convention shall be produced and distributed by the secretary under Rule 14(g) to the delegates as is practicable. Delegates shall have four (4) days, excluding days on which the Convention does not meet, in which to correct inaccuracies in the transcript by filing an appropriate notice with the secretary of the Convention or by offering an amendment or addition during its consideration by the Convention. Following this four (4) day period, the president shall submit the transcript to the Convention for its approval.

Floor Leader Raza: Mr. President, there being no further action under Motions and Resolutions, I request that we move on to item (10) of our Order of Business.

President Guerrero: There being no objection from the floor, it is so ordered.

(10) UNFINISHED BUSINESS

Delegate Olympio T. Borja: Mr. President, in line with the Rule Amendment No. 13 just adopted by the Convention, I would like to move for the adoption of the Summary Journals of the first and second days.

The motion was seconded.

Delegate Jose P. Mafnas: Mr. President, on page 3 of our Summary Journal of the First Day. Am I correct that the Vice-Chairman of the Committee on Personal Rights & Natural Resources is still Ramon Villagomez?

President Guerrero: For the information of the Delegates, yesterday I officially appointed Delegate Felix A. Ayuyu to be Vice-Chairman of that Committee. This morning I received a communication from Delegate Ayuyu saying that he reluctantly declined to be Vice-Chairman of that Committee. At this time I would like to inform the Delegates that I will delegate the authority to the Chairman of that Committee for them to elect their Vice-Chairman.

Motion to adopt the Summary Journals of the First and Second Days carried.

(11) SPECIAL ORDERS OF THE DAY - None

(12) GENERAL ORDERS OF THE DAY - None

(13) ANNOUNCEMENTS

Convention Secretary: Mr. President, I would like to announce that the three substantive committees will meet immediately following our recess. The following rooms have been assigned for their meetings: The Committee on Governmental Institutions will meet in the Convention Hall. The Committee on Personal Rights & Natural Resources will meet in the Keio Room. And the

Committee on Finance, Local Government and Other Matters will meet in the room at the back of the Convention Hall.

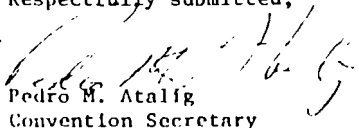
I would also like to announce that coffee and hot tea will be provided to the Delegates at the expense of fifty cents (50¢) per day per Delegate.

Floor Leader Raza: Mr. President, there being no further business, I move that the Convention recess until ten o'clock tomorrow morning.

The motion was seconded and carried.

The Convention recessed at 9:30 a.m.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

FOURTH DAY
Thursday, October 21, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 10:10 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 39 Delegates present. No Delegates were excused or absent.

(4) ADOPTION OF THE SUMMARY JOURNAL

Floor Leader Rasa moved that the Convention Rule of Procedure No. 68(a) be temporarily suspended. The motion was seconded and carried.

Floor Leader Rasa moved to amend Rule 38 of the Rules of Procedure to include "Adoption of the Journal" to appear between item (c) "Roll Call" and item (d) "Reports of Committees." The motion was seconded and passed.

Floor Leader Rasa moved for the adoption of the Summary Journal of the Third Day. The motion was seconded and carried.

(5) MISCELLANEOUS COMMUNICATIONS

Secretary Atalig: Mr. President, we have two Communications this morning. The first is a memorandum to all Convention Delegates from the Convention President, attaching a memorandum from Pedro Tenorio, Director of the Office of Transition and Planning, regarding "Compensation of Marianas Constitutional Convention Delegates." The second Communication is a memorandum to all Convention Delegates from the Convention President concerning "Speeches Given on the Convention Floor." Both memorandums are self-explanatory and have been given to all Delegates.

Delegate Pedro Dela Cruz: Mr. President, after going over the correspondence from the Director of OTSP I have some statements or comments to make regarding the per diem rate and section 2 and section 3. I realize the legality of the per diem rate, as well as the per diem allowance for off-island Delegates, and let me say that I have no quarrel about that. We who are the subject here, being off-island Delegates, do not protest the per diem rate. However, going down to Section III, sub-section 1, where it says, "Each delegate is entitled to one roundtrip transportation except delegates who are employees of the GNMI and whose duty station is Saipan." I feel that is a grossly unfair situation. We might be required to go down to Rota to confer with our constituents. And I think that, in all fairness, that has to be done. If I have to perform the function and responsibility as a Delegate, I feel the Convention should put out the expense of the transportation ticket. I do not feel that I should be using my own financial resources for this matter.

Convention Secretary: Mr. President, to respond to that statement, you know the rationale for the per diem and you know your duty station is here in Saipan. If you are going to Rota on Committee business, I don't think there will be any problem. But for you to go on your own personal business, I don't think the Convention should cover the expense of the ticket.

Delegate Pedro Dela Cruz: When I have to go down to pursue and to discuss matters with my constituents, I think that is Convention business. That is not personal business.

Convention Secretary: Delegate Dela Cruz, if you will come and see me we can clear this up.

Delegate Dela Cruz: Mr. President, this has been discussed previously and I feel the Floor should decide on this.

Delegate Gregorio Calvo: I have to agree with Delegate Dela Cruz, Mr. President. After the Convention I think it is right that we take whatever we have here down to Rota. We feel that is still Convention business even though it is after the Convention. We have to take to our people what has been done here.

Delegate Jose R. Cruz: Mr. President, I just want to inform the Convention that during the Pre-Convention Committee meetings we discussed this briefly. Delegate Ben Manglona and other members of the Pre-Convention Committee were involved in this discussion. To be truthful, I am somewhat surprised to see this communication before us this morning because we informed the OTSP office that the Delegates from other islands are required from time to time to return to their respective municipalities for consultation purposes. It is unlike Delegates from Saipan because they live here and they represent the people here. In the case of Rota, Tinian, and even perhaps the Northern Islands, the Delegates are required to return to their respective areas for consultation. Therefore, Mr. President, I think it would be wise after the session to see the Secretary and settle this internal problem once and for all.

Delegate Hilario Diaz: Mr. President, I wholeheartedly agree with the Delegate from Rota. I also feel that we are obligated to consult with our constituents on Tinian. I therefore request that this particular matter be reconsidered.

Convention Secretary: Mr. President, one of the reasons why we hired the Administrative Assistants was for them to serve as Public Information Officers. It seems that the Delegates are wanting perhaps a roundtrip ticket every week. I must be blunt. The budget does not cover this. We might be in the red if we persist in trying to overspend.

Delegate Felipe Atalig: I think it appears that the matter is more a problem directed to Rota and Tinian. I therefore suggest, Mr. President, that we should go ahead and discuss the rest of the agenda of the house. This should be discussed later on by their respective leaders with our Secretary.

Delegate Benjamin Manglona: Mr. President, I consider this problem to be a communication problem. I agree with Delegate Atalig that we should proceed with the other items on our agenda of business. I will take up this matter with my Delegation and also with the office of OTSP.

Delegate Pedro Dela Cruz: Mr. President, if this cannot be resolved I feel the President should enter this case. Also, I have the feeling that somebody is just ramrodding things down to us.

President Guerrero: I can assure the Delegates that we will study and thoroughly discuss with the Pre-Convention Chairman what commitment was made by the office of OTSP. And we will discuss this matter with the Director. I suggest we proceed with our agenda.

Floor Leader Rasa: Mr. President, I would like to inform the Delegates that under "Miscellaneous Communications" Robert's Rules of Order, the newly revised edition, debate of issues is restricted. I suggest that if there are any problems, they should be directed to the appropriate body.

(6) COMMITTEE REPORTS

Chairman Mafnas: Mr. President, may I respectfully submit my report and ask that it be read by the Secretary.

President Guerrero: Please read the report, Mr. Secretary.

The Committee Report, as read by the Secretary, was as follows:

"Mr. President, your Committee on Governmental Institutions met yesterday and made substantial progress in considering matters dealing with the Judicial branch of government. The Committee will meet today to consider a draft report and constitutional article pertaining to Washington representation. Tomorrow the Committee will turn to the subject of the Legislative branch of government.

"The members of your Committee on Governmental Institutions are working well together and are making good progress towards completing the Committee's assignment. Thank you, Mr. President."

Chairman Fitial: Your Committee on Finance, Local Government and Other Matters met yesterday for a total of five hours and has completed its deliberations on a very important provision to be incorporated in the Constitution, Mr. President, namely, Constitutional Amendments. The exact constitutional language for this particular provision is being drafted by the legal consultants and will be reviewed by your Committee, hopefully, today. If not today, definitely it will be reviewed tomorrow, Mr. President. Also, your Committee is very confident that this particular provision will be ready for consideration by the Convention Committee of the Whole by the end of this week. Mr. President, I want the record to show that the membership of your Committee is fully participating and actively deliberating on this particular issue. I also want the record to show that very careful analysis of this provision has been made. We will be meeting today to discuss and review this matter, and also to take up another very important provision, namely, Education.

Chairman Atalig: Your Committee on Personal Rights & Natural Resources has completed their deliberations on Eligibility to Vote, Election Procedures, and Initiative, Referendum and Recall. I would like to note that the report has been given to the Committee members and I urge the members to review carefully their report. I found out in the first glance that there has been so many deletions and additions in the report, Mr. President, that have not been discussed by the Committee members. I therefore urge the President of this Convention to please provide some sort of recording system for the Committees whereby the matters discussed would be kept accurately.

President Guerrero: Your point is well taken, Chairman Atalig. I suggest, of course, that all Committee Reports be thoroughly discussed before presentation to this Convention.

Delegate Ramon Villagomez: Chairman Atalig mentioned that a lot of points were changed in our Committee Report. I think it is not very accurate to just stop at that point. I think we should also realize that the consultant who drafted this report was given a very short time. We asked to have this report completed by this morning at eight o'clock and they were under a great deal of pressure by lack of time. I think we should take that into consideration. There is an understanding that this report will be reviewed by the Committee so that there may be additions or corrections. So, that is a problem, but it is not that serious a problem. Thank you, Mr. President.

Chairman Atalig: Mr. President, in response to Delegate Villagomez, I want the record to reflect that the report submitted this morning is a reflection of my observations on the glance that I had at the report. I see no reason that there should be substantive changes or deletions on the report.

President Guerrero: As I pointed out earlier, Chairman Atalig, that matter should be discussed thoroughly with your Committee and the legal consultant that is rendering service to that Committee.

(7) INTRODUCTION OF PROPOSALS

Delegate Jose R. Cruz introduced and read Delegate Proposal No. 02, entitled "Proposal Regarding Taxation and Finance."

Delegate Pedro Igitol introduced Delegate Proposal No. 03, entitled "Proposal Regarding the Judicial Branch of Government." The Convention Secretary read the Proposal.

Delegate Francisco T. Palacios introduced Delegate Proposal No. 04, entitled "Proposal Regarding the Protection of the Culture of the Northern Mariana Islands."

Delegate Francisco T. Palacios introduced Delegate Proposal No. 05, entitled "Proposal Regarding the Practice of Traditional Medicine."

Delegate Antonio M. Camacho introduced Delegate Proposal No. 06, entitled "Proposal Regarding Executive Branch of Government." It was read by the Secretary.

Delegate Ramon G. Villagomez introduced and read Delegate Proposal No. 07, entitled "Proposal Regarding the Executive Branch of Government."

Delegate Ramon G. Villagomez introduced and read Delegate Proposal No. 08, entitled "Proposal Regarding Statutes of Limitations in Land Matters."

Delegate Ramon G. Villagomez introduced and read Delegate Proposal No. 09, entitled "Proposal Regarding Special Court to Deal with Land Matters."

(8) FIRST READING OF PROPOSALS - None.

(9) REFERRAL OF PROPOSALS

Delegate Proposal No. 01, entitled "Proposal Regarding the Executive Branch of Government.", was assigned to the Committee on Governmental Institutions.

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

(11) MOTIONS AND RESOLUTIONS - None.

(12) UNFINISHED BUSINESS - None.

(13) SPECIAL ORDERS OF THE DAY - None.

(14) GENERAL ORDERS OF THE DAY - None.

(15) ANNOUNCEMENTS

Chairman Mafnas announced that the Committee on Governmental Institutions would meet immediately after the session in the Convention Hall.

Chairman Atalig announced that the Committee on Personal Rights & Natural Resources would meet at one o'clock in the same room where they had been meeting.

Chairman Fitial announced that the Committee on Finance, Local Government and Other Matters would meet immediately following the session in the Convention Hall back area.

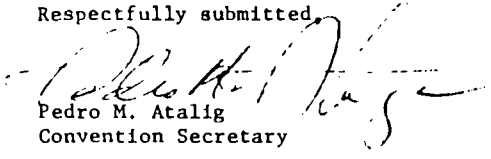
President Guerrero announced that there would be a meeting of the Committee on Organization and Procedures in the Office of the President at 1:00 p.m.

Floor Leader Rasa: Mr. President, there being no further business, I move that the Convention recess until ten o'clock tomorrow morning.

The motion was seconded and carried.

The Convention recessed at 10:40 a.m.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

FIFTH DAY
Friday, October 22, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 10:30 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 39 Delegates present. No Delegates were excused or absent.

(4) ADOPTION OF THE JOURNAL

Floor Leader Raza: Mr. President, I move for the adoption of the Summary Journal of the Fourth Day.

The motion was seconded.

Delegate Felipe Atalig: Mr. President, I would like to call the attention of the Delegates to Page 1, under item (5) "Miscellaneous Communications", paragraph 3. There seems to be some typographical error here in that "miscellaneous communications" was deleted. The sentence should read "Floor Leader Raza suggested that since Robert's Rules of Order, Revised Edition, restricts debate on miscellaneous communications, any problem should be directed to the appropriate body." I would like that correction to be made.

President Guerrero: It is so ordered.

The motion carried. The Summary Journal of the 4th Day was adopted.

(5) MISCELLANEOUS COMMUNICATIONS - None.

(6) COMMITTEE REPORTS

Chairman Fitial: Mr. President, today your Committee on Finance, Local Government and Other Matters happily presents its report on the Constitutional Amendment provision. It is a fourteen page report and I would like to submit it for the record and incorporation into the Journal. Copies are available for distribution to all members of the Convention.

President Guerrero: At this time I would like to announce that some of our Committee Reports are pending and the reason for it is that our Xerox machine is out of order again this morning. We can resolve back to this matter again when copies of the reports are available.

Chairman Fitial: Mr. President, just for the record, your Committee on Finance, Local Government and Other Matters completed deliberations on another very important provision, that of Education, yesterday. The exact constitutional language of this provision is being drafted and will be ready for your Committee's consideration, hopefully, today. Thank you, Mr. President.

(7) and (8) INTRODUCTION AND FIRST READING OF PROPOSALS

Delegate Felipe Q. Atalig introduced Delegate Proposal No. 10, entitled "Proposal Regarding Land." The title of the Proposal was read by the Secretary.

Delegate Felipe Q. Atalig introduced Delegate Proposal No. 11, entitled "Proposal Regarding Nurses and Teachers." The title was read by the Convention Secretary.

Delegate Felipe Q. Atalig introduced Delegate Proposal No. 12, entitled "Proposal Regarding Traditional Custom." The title was read by the Secretary.

Delegate Felipe Q. Atalig introduced Delegate Proposal No. 13, entitled "Proposal Regarding Official Holidays." The title was read by the Secretary.

Delegate Pedro M. Atalig introduced and read Delegate Proposal No. 14, entitled "Proposal Regarding Conflicts of Interest."

Delegate David Q. Maratita introduced and read Delegate Proposal No. 15, entitled "Proposal Regarding the Legislative Branch of Government."

Delegates Benjamin T. Manglona, Jose R. Cruz, Pete Ogo, Prudencio Manglona, Esteven King, Vincente Manglona, Henry Hofschneider, Hilario Diaz, Pedro Dela Cruz, Pedro Atalig, Leon Taisacan, Gregorio Calvo and David Atalig introduced Delegate Proposal No. 16, entitled "Proposal Regarding the Executive Branch of Government."

Delegates Benjamin T. Manglona, Jose R. Cruz, Pete Ogo, Prudencio Manglona, Vicente Manglona, Pedro Atalig, Esteven King, Pedro Dela Cruz, David M. Atalig, Gregorio Calvo, Leon Taisacan and Hilario Diaz introduced Delegate Proposal No. 17, entitled "Proposal Regarding the Legislative Branch of Government."

President Guerrero: Recognize Delegate Benjamin T. Manglona.

Delegate Benjamin T. Manglona: Mr. President and Fellow Delegates. On Monday, at the opening day of our historic Convention, I addressed this honorable body on behalf of the Rota Delegation. As you may recall, the momentum of my opening remarks was centered on the subject of unity and justice. As I sit in this Convention in the last four days, I sense this feeling of unity - I sense this feeling of justice amongst the Delegates.

Fellow Delegates, the real test is now. In the days ahead we will prove the workability of this test.

Today our Delegation is pleased to introduce two Delegate Proposals on two very important issues to be deliberated and to be resolved by this Convention.

Our Delegation has met and discussed several issues of concern to the people of our municipality, who desire to secure adequate representation in the new Government of the Commonwealth of the Northern Mariana Islands. For the purpose of background and as prelude to further discussion and deliberation on topics of critical importance to our people of Rota, our Delegation have cast tentative decisions on the following issues.

See previous paper

I. EXECUTIVE BRANCH OF GOVERNMENT

A. Structure

In pursuit of the goal that is shared by Rota and Tinian municipalities of taking a firm role in the conduct of the new Government of the Northern Mariana Islands, our Delegation proposes the following executive branch structure: an elected Governor (elected at-large, Commonwealth-wide); one elected Vice-Governor (elected at-large, Commonwealth-wide); two elected Lieutenant-Governors (elected at-large, within the respective municipalities, Rota and Tinian). It is the view of our Delegation that since the Governor shall exercise general supervisory power over the Commonwealth, and because the Vice-Governor shall succeed as Governor in the event of a vacancy in that office during the term of the incumbent, both the Governor and the Vice-Governor should be elected from the qualified voters of the entire Commonwealth. Accordingly, since the Lieutenant-Governor shall represent the interests of Rota and Tinian municipalities within the Commonwealth Government, they should be elected from the qualified electors of their respective municipalities.

Our Delegation desires that, in order to ensure that the interests of Rota and Tinian municipalities are fully represented in the executive decision making process, the Lieutenant-Governor be accorded a position in the Governor's council or cabinet. The accessibility to the Governor will enable the views of the people of Rota and Tinian to be presented effectively within the Executive Branch of the Commonwealth.

B. Budget

Our Delegation, in furtherance of our desire to allow Rota and Tinian

municipalities a degree of local autonomy, proposes that the Lieutenant-Governor be allowed to participate actively in the preparation of the budget and its presentation to the legislature of the Commonwealth of the Northern Mariana Islands. It is the view of our Delegation that one method of achieving this objective would permit the Lieutenant-Governor to submit to the Governor's budgets for services to be delivered on Rota and Tinian for coordination with all other budgetary matters in one executive budget that will be submitted to the legislature. Upon legislative approval, the responsibility for supervising on implementation of the financial programs approved by the legislature for Rota and Tinian shall lie with the Lieutenant-Governor.

II. LEGISLATIVE BRANCH OF GOVERNMENT

Our Delegation proposes the following with respect to the legislative branch of government:

cut back
to 3-3-5

- a. 4-4-4 combination in the upper house;
- b. retain the same number of representation of the Northern Mariana Islands Legislature in the lower house
- c. appropriations originate in the lower house and are approved in the upper house
- d. governmental appointments with the advice and consent of the upper house
- e. any member of the upper house of the legislature may introduce a bill or resolution pertaining exclusively to the needs and interests of the island that he represents and which will have application only in such islands
- f. prior to acting on any bill submitted by a member of the upper house, the Governor shall consult with the Lieutenant-Governor of the island concerned.

Mr. President and Fellow Delegates, this concludes our justification in our proposal. In the next few days of this Convention, our Delegation is more than pleased to cooperate with individual delegates, committees and this Convention in considering our Delegation's proposal.

In closing, our Delegation wishes to seek your understanding and full endorsement of our proposal. Thank you.

President Guerrero: We will continue with Introduction of Proposals.

Delegate Oscar C. Rasa introduced and read Delegate Proposal No. 19, entitled "Proposal Regarding the Executive Branch of Government."

Delegates Gregorio Calvo, Benjamin Manglona, Prudencio Manglona and David Atalig introduced Delegate Proposal No. 20, entitled "Proposal Regarding Health Services and Social Welfare." The text was read by Delegate Calvo.

Delegates Jose R. Cruz, Hilario Diaz, Henry Hofschneider, Esteven King and Vicente Manglona introduced Delegate Proposal No. 21, entitled "Proposal Regarding Agiguan Island." The proposal was read by Delegate Henry Hofschneider.

Delegate Oscar C. Rasa introduced and read Delegate Proposal No. 22, entitled "Proposal Regarding the Legislative Branch of Government."

Delegates Leon Taisacan and Ramon Villagomez introduced Delegate Proposal No. 23, entitled "Proposal Regarding Disposition of Public Lands." The text was read by Delegate Villagomez.

Delegate Pedro Igitol introduced Delegate Proposal No. 24, entitled "Proposal Regarding Eminent Domain."

Delegate Olympio T. Borja introduced and read Delegate Proposal No. 25, entitled "Proposal Regarding Bill of Rights."

Delegate Olympio T. Borja introduced and read Delegate Proposal No. 26, entitled "Proposal Regarding Eminent Domain."

Delegate Olympio T. Borja introduced and read Delegate Proposal No. 27, entitled "Proposal Regarding Eminent Domain."

Delegate Olympio T. Borja introduced and read Delegate Proposal No. 28, entitled "Proposal Regarding the Status of the Constitution."

President Guerrero: Recognize Chairman Jose P. Mafnas.

Chairman Jose P. Mafnas: May we temporarily suspend the Order of Business and move back to item number 6, Committee Reports.

President Guerrero: So ordered.

Chairman Jose P. Mafnas: Mr. President. On behalf of the Committee on Governmental Institutions, I have the honor to offer the Committee's unanimous Recommendation No. 1. The Committee's submission includes proposed draft constitutional provisions and a report setting forth the Committee's reasons for recommending those provisions.

In brief, the Committee recommends that the Washington representative be popularly elected and, at least at the outset, serve a two-year term. Under the Committee's recommendation, the representative must be at least 30 years old, a qualified voter in the Northern Marianas, and have been domiciled and have resided in the Commonwealth for the ten-year period immediately preceding his election. Persons convicted of felonies in the Northern Marianas or in any area under the jurisdiction of the United States would be ineligible for election as representative.

The Committee's recommended provision would require the representative to report annually to the Governor and Legislature, to represent the Commonwealth in the United States, and to perform those related duties which are assigned to him by law. The representative would be entitled to adequate compensation.

Mr. President, the Committee on Governmental Institutions respectfully requests that the Convention do the following:

1. Adopt this Committee report and Committee Recommendation Number 1; and
2. Schedule the matter for discussion by the Convention at an early date.

Thank you, Mr. President.

President Guerrero: Recognize Chairman Benigno Fitial.

Chairman Fitial: Thank you, Mr. President. Regarding the report from your Committee on Finance, Local Government and Other Matters, I would like to insert a few remarks for the verbatim Journal. The remarks submitted are as follow:

Your Committee on Finance, Local Government and Other Matters happily presents its report on its recommendation for an article of the Constitution on Constitutional Amendment and the accompanying Committee Report for introduction and first reading.

The recommendation proposes that the Constitution of the Commonwealth of the Northern Mariana Islands can be amended in the future by Constitutional Convention, legislative initiative, or popular initiative with the ratification of the voters at a regular general election. In this way our historic Constitution can be reviewed in the future. And if additional changes are needed, they can be made or added through the Constitutional amendment process.

Your Committee's recommendation, if they are adopted and made a part of our Constitution, will assure that in the future there is a very careful consideration of any needed changes. Further, such changes would be adopted only with the approval of the people, i. e., by ratification by the voters, at a regular, general election.

(9) REFERRAL OF PROPOSALS

Delegate Proposal No. 02, entitled "Proposal Regarding Taxation and Finance," was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 03, entitled "Proposal Regarding the Judicial Branch of Government," was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 04, entitled "Proposal Regarding the Protection of the Culture of the Northern Mariana Islands," was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 05, entitled "Proposal Regarding the Practice of Traditional Medicine," was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 06, entitled "Proposal Regarding Executive Branch of Government," was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 07, entitled "Proposal Regarding the Executive Branch of Government," was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 08, entitled "Proposal Regarding Statutes of Limitations in Land Matters," was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 09, entitled "Proposal Regarding Special Court to Deal with Land Matter," was referred to the Committee on Governmental Institutions.

(10) SECOND AND FINAL READINGS OF PROPOSALS - None.

(11) MOTIONS AND RESOLUTIONS

President Guerrero: Recognize Delegation Benigno Fitial.

Delegate Benigno Fitial: Mr. President, I would like to offer the following resolution. That Rule 54 be amended by substituting the date of October 29, 1976, for the date of November 25, 1976, and that the contents of Rule 54 be amended to read: "No delegate proposal shall be introduced after October 29, 1976, except with the unanimous consent of the Convention."

Mr. President, adopting this would mean that all Delegate Proposals would have to be submitted by one week from today. Under the Provisions of Rule 68 this would required five (5) days notice before this Convention can take action. The purpose of this proposal is to encourage all the Delegates to offer their Proposals promptly. We all know this Convention has a very short time to finish its work. Only 45 days are left until December 6th. The work of the Convention is being done largely by the three Committees, Mr. President. Each of these Committees has adopted a tentative schedule for consideration of the matters assigned to it. The Delegates must recognize that Delegate Proposals must be considered promptly by the careful consideration of the Committee. It is not my purpose to prevent any Delegate from expressing his or her view on any subject relevant to our proposed Constitution. There are at least three ways in which this can be done. First, any Delegate can make a Proposal until October 29, 1976. Second, any Delegate at anytime can present his view to the responsible Committee regarding any matters and consideration. Third, any Delegate can offer an amendment on the floor to any Committee Recommendation with which he does not agree.

In view of these safeguards, Mr. President, I urge the Convention to adopt this proposed amendment to the Rules. Thank you.

Floor Leader Rasa: Just a point of information. Do I understand that Chairman Fitial wishes this resolution be treated as a motion?

Chairman Benigno Fitial: No, I was just presenting my views on the proposed Rule Amendment.

Floor Leader Rasa: I understand that, Mr. President. If that is the case then I wish to make the following motion: I move that Convention Rule 68(a) be suspended.

The motion was seconded and carried to suspend temporarily Rule 68(a).

Floor Leader Rasa: I move the Resolution introduced by Chairman Fitial be treated as a motion.

The motion was seconded and passed that Rule 54 be amended.

President Guerrero: Recognize Chairman Jose P. Mafnas.

Chairman Jose P. Mafnas: Mr. President, I move that Committee Report from the Committee on Governmental Institutions, No. 01, regarding "Washington Representation" be adopted.

The motion was seconded.

Chairman Benigno Fitial: Point of Information. The Chairman of a Committee cannot move to adopt his own Committee's Report.

President Guerrero: I believe with the concurrence of the Delegates we can recognize the Chairman's motion.

The motion was carried by voice vote to accept the Committee's Report.

Chairman Benigno Fitial: I would like to move for the acceptance of my Committee Report.

The motion was seconded.

President Guerrero: Recognize Floor Leader Raza:

Floor Leader Raza: May I request that the word "my" be deleted and the word "your" substituted.

President Guerrero: So ordered.

Delegate David Q. Maratita: Is the motion before the Convention to adopt, in its entirety, the recommendation of the Committee for inclusion by the Convention?

Delegate Felipe Atalig: I want to refer to the Chair that Chapter 3, Number 1, requires that the Delegate from Garapan is to rise before being recognized.

President Guerrero: Recognize Delegate Cruz from Tinian.

Delegate Jose R. Cruz: Mr. President, I do not have a copy of the Committee Report made by Chairman Fitial, which is under motion for acceptance.

Chairman Benigno Fitial: Your Committee Report is available for distribution. I do not see any reason why it has not yet been distributed.

President Guerrero: May I ask the Secretary to distribute that Report before we vote on the motion.

Secretary Atalig: Mr. President. May we have a 5 minute recess so the copies of the Committee Reports can be distributed to all Delegates.

The President ordered the recess.

The Convention recessed at 11:12 a.m.

RECESS

The Convention reconvened at 11:22 a.m.

President Guerrero: We still have a motion on the floor, which was made by Chairman Benigno Fitial for the Committee on Finance, Local Government & Other Matters.

Recognize Delegate Olympio T. Borja.

Delegate Olympio T. Borja: Mr. President. Point of information, please. I believe taking a motion on any Committee Report at this time is not only inconsistent with our Rules, but not to the advantage of the Delegates since we would have to adopt each one individually. I think we should accept the report and place it on the calendar under General Orders so that we can resolve to the Committee of the Whole and move for adoption instead of moving now for each adoption and then again, on the following day, taking up the same thing.

*Resolved
pending for
adoption*

I believe it would be better to accept this and place it on a calendar for deliberation and adoption by the Committee of the Whole. In the interest of expediency, I believe that we should change the motion to say "accept the Report and place it on the calendar" instead of "adoption" at this time. Thank you.

President Guerrero: I believe, Delegate Borja, that is the intention of the motion.

Would the Secretary please read the motion made by Chairman Fitial.

The motion was read and a voice vote was taken and carried to accept the Report from the Chairman of the Committee on Finance, Local Government & Other Matters.

(12) UNFINISHED BUSINESS - None.

(13) SPECIAL ORDERS OF THE DAY

President Guerrero: At this time I would like to announce that the two Committee Reports and Committee Recommendation presented earlier in the session will be placed on the calendar of business for tomorrow so that the Committee of the Whole can have discussion.

Recognize Delegate David Maratita.

Delegate David Maratita: Point of privilege, Mr. President. Regarding Introduction of Proposals and Recommendation of Committees, I wonder if the Committee submitting the Recommendation is in line with Rule 54 of our Procedures. In other words, the Committee is submitting its recommendations on a proposal. Will this be on the calendar under "General Orders?" On "Introduction of Proposals", will that be taken up by Delegates or Committees at that time?

Chairman Jose P. Mafnas: The purpose of adopting a Committee Report, Mr. President, is not passage of that report; it is merely to insert in the record that such report becomes property of the Convention.

Delegate David Maratita: Mr. President, I am not questioning whether or not the Committee Report should be adopted by the Convention. I am just concerned whether on the Order of the Day, "Introduction of Proposals", is that by Delegate or by Committee?

President Guerrero: According to Rule 54, "Introduction of Proposals", includes Delegate Proposals and Committee Recommendations.

Floor Leader Ranaa: There can be no report without having first some proposals, and a report is a justification of a proposal. So, a Report or a Recommendation by a Committee is a proposal in itself.

Delegate David Maratita: As we look at the various Committee Reports, they are making recommendations as to the provision in the Constitution. That is the point I am raising now, whether or not Introduction of Proposals by Committees should be done on the Order of the Day under "Introduction of Proposals" either by Delegate or by Committee.

The Committee Report that was just adopted was a proposal within itself, and was this introduced according to Rule 54? Mr. President, there is no "Committee Recommendation" on the Order of the Day. We have only "Introduction of Proposals by Delegates," but no "Introduction of Proposals by Committee."

Delegate Olympio T. Borja: I feel we are consistent with Rule 54 and that is, any Proposal submitted by a Delegate should be considered a Delegate Proposal and Recommendations submitted by the Committee should be considered Recommendations. We have adopted two Recommendations from Committees to be placed on tomorrow's calendar for Committee of the Whole deliberations. If you will note in Rule 55, this is the procedure to be followed. First accept the Committee's Recommendations and place this on the calendar for discussion under General Orders of the Day by the Committee of the Whole.

President Guerrero: That is correct, Delegate Borja. The two Committee Reports have been placed on the calendar under General Orders of the Day for deliberation by Committee of the Whole.

Delegate Jose R. Cruz: Rule number 54 simply allows for a Delegate or a Committee to submit its report, but it does not provide a provision for this body to adopt such proposal.

Delegate Olympio T. Borja: In line with the point raised by Delegate Cruz and Delegate Maratita, item 11, on the Order of Business. "Motions and Resolutions" is where we should accept the Report and place it for tomorrow.

(14) GENERAL ORDERS OF THE DAY

President Guerrero: Privilege of the Floor is given to Delegate Leon I. Taisacan from Rota.

Delegate Leon I. Taisacan: Mr. President and Fellow Delegates. My remarks are in support of the Proposal just introduced by Delegate Benjamin Manglona this morning.

I, like many people of the Northern Mariana Islands, both in this room and elsewhere, would like to add my approval to the ideas and goals espoused by Delegate Benjamin Manglona. The Delegates to the Constitutional Convention have undertaken a solemn duty to prepare the fundamental document for the people of all the Northern Mariana Islands. Although inequities have existed in the past and perhaps will continue to exist in the future, it should be our desire -- indeed, it is our duty -- to ensure that the voices of those who have suffered the past wrongs are not lost. These voices must and will be heard in our new government. It is of the utmost importance, Mr. President, that the goals envisioned by Delegate Manglona are given effect and that the proposals that he has offered to the Convention are given our approval. If the Delegates to this Convention do no more than assure the adequate representation of those who have not been heard in the past, then this effort will be one of the greatest triumphs in our island group's history. Thank you.

President Guerrero: Any more speeches to be given this morning?

Recognize Delegate Juan DLG. Demapan.

Delegate Juan DLG. Demapan: Mr. President and Fellow Delegates. It is with heavy heart and grave concern that I feel obligated to register my deep disappointment with the direction our Constitutional Convention seems to be taking.

On Monday, October 18, 1976, the opening day, most of the speakers emphasized the need for this Convention to approach the grave task ahead with open minds and dedication to the cause of our people to the end that the Constitution that it is our duty to draft and submit to the people is one designed to serve the best interests of all our people now and in the future.

The speakers stressed the need for good will, hard and thoughtful work, but above all, they recognized the absolute necessity to put aside all political partisanship during our deliberations. Were these only words? Unfortunately, I am led to believe so.

If the selection of committee leadership is any indication, then I am forced to the conclusion that political affiliation and considerations will play a large part in the days ahead. No one will convince me that it was not possible to find a single minority party member to chair one single committee. All committees, without exception are chaired by members of the majority party.

Please be assured that my disappointment does not lie in the fact that I was not selected to head-up a committee, far from it; but I do know and so does everyone here that there are several delegates from the minority party who are more than qualified. Why were they overlooked if it was not because of their party affiliations?

Where is the spirit, unity and nonpartisanship that was urged upon us in opening day speeches? Where is the good will and solidarity of effort we were advised to practice?

If our conduct of the past few days is indicative of the future then we will have betrayed the trust placed in us by the people.

Let us bear in mind that we are working, not only and primarily for ourselves but for our people, our children and for future generations. We dare not fail them.

Let our deliberations and decisions be based always on what is the greatest good for the greatest number.

I, for one pledge myself to put aside any and all political considerations in the pursuit of my sacred duties here.

I exhort you all to do likewise. Posterity will bless us or curse us according to the quality of the work we do here on their behalf. Thank you.

President Guerrero: Recognize Delegate Jose R. Cruz.

Delegate Jose R. Cruz: Mr. President and Fellow Delegates. I just want to endorse the remarks made to this Convention earlier by the Delegation from Rota. I am in support of their Proposal and I would also like to urge this Convention to take into serious consideration the remarks made by Delegate Demapan. Thank you.

President Guerrero: Recognize Chairman Felipe Atalig.

Chairman Felipe Atalig: Thank you, Mr. President. Just for the record I disagree with the statement made by Delegate Juan DLG. Demapan.

(15) ANNOUNCEMENTS

Chairman Benigno Fitial: The Committee on Finance, Local Government and Other Matters will be meeting immediately following this session in its usual meeting place in the area behind the Convention Hall.

Chairman Jose P. Mafnas: Mr. President, your Committee on Governmental Institutions will be meeting at 2:00 p.m. this afternoon in the Convention Chamber.

Chairman Felipe Atalig: My Committee is well-informed as to the time and place of their meeting.

Delegate Joaquin Torres: I move that this Convention recess until 2:00 p.m. tomorrow, October 23, 1976.

President Guerrero: Recognize Delegate Jose R. Cruz.

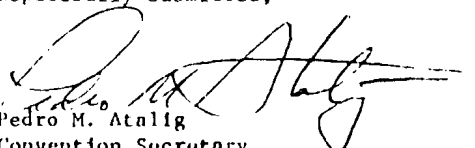
Delegate Jose R. Cruz: I would like to ask a question for planning purposes. Is this weekend and Monday a holiday?

President Guerrero: According to the law which created the Convention, Section 9, this Convention will meet for 50 consecutive days and it will meet for 50 consecutive days.

The motion to recess was seconded and carried.

The Convention recessed at 11:45 a.m.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

SIXTH DAY
Saturday October 23, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 2:05 p.m.

The Honorable Lorenzo I. Guerrero, President, presided.

(2) A moment of silent prayer was observed.

(3) The Convention Secretary called the roll. There were 33 Delegates present. Delegates Felipe Q. Atalig, Olympio T. Borja, Carlos S. Camacho, Daniel P. Castro, Juan DLG. Demapan and Herman Q. Guerrero were excused. A quorum was present.

(4) ADOPTION OF THE JOURNAL

Floor Leader Rasa: Mr. President, I move for the adoption of the Summary Journal of the 5th Day.

The motion was seconded.

The Convention Secretary reported that there was a correction to be made on the second page, whereby Delegate Proposal No. 21 was read by Delegate Hofschneider.

The motion carried and the Summary Journal of the 5th Day was adopted.

(5) COMMUNICATIONS - None.

(6) COMMITTEE REPORTS

Chairman Benigno Fitial: Mr. President, your Committee on Finance, Local Government and Other Matters happily presents to the Convention its recommendations on the subject of Education, and its accompanying report on this subject.

This Committee has reviewed extensively the briefing papers and other documents pertaining to education, including provisions for our people of the Northern Mariana Islands. Quality education for our people is vital and should be encouraged at all levels, including elementary and secondary, higher education, as well as adult, vocational, and special educational programs.

The Committee recommends, Mr. President, that the Constitution state clearly that there shall be free, public and compulsory education in the Northern Mariana Islands. Further, that there shall be higher education within the needs and resources of our people.

Mr. President, we recognize that there are many matters pertaining to the provision and financing of education which will command the attention of the legislature, education authorities and officials of the Commonwealth Government. The proposed constitutional provisions set forth the high goals and aspirations for our people. We strongly recommend that the Convention and its Committee of the Whole consider and approve in principle the recommended constitutional provisions we hereby submit.

Thank you very much, Mr. President.

Chairman Mafnas: Your Committee on Governmental Institutions has no significant report to make at this time except that your Committee has met and tentatively come up with constitutional language on "Judicial" and "Legislative."

Vice Chairman Palacios: Mr. President, your Committee on Personal Rights & Natural Resources has three separate recommended Constitutional provisions for submission to the Committee of the Whole at this time. The first recommendation deals with eligibility to vote, the second with election procedures, and the third with initiative, referendum and recall. We have prepared reports

to the Committee of the Whole stating our Committee's reasons for proposing this Constitutional language. At this time I offer the Committee's three reports and ask that these reports be received by the Convention and that the Committee's proposed Constitutional provisions be placed on the calendar for discussion by the Committee of the Whole at the earliest possible date.

I would now move that the Convention acknowledge receipt of this report.

The motion was seconded.

President Guerrero: If there is no objection from the floor, it is so ordered.

(7) INTRODUCTION AND FIRST READING OF PROPOSALS

Delegates Pedro Q. Dela Cruz, Leon I. Taisacan, Pedro M. Ogo, David M. Atalig, Benjamin T. Manglona, Pedro M. Atalig, Gregorio S. Calvo, Benigno Fitial and Pedro Igitol introduced Delegate Proposal No. 29, entitled "Proposal Regarding Election Procedures." The Proposal was read by the Secretary.

Delegate Jose R. Cruz introduced and read Committee Proposal No. 30, entitled "Proposal Regarding the Official Language of the Commonwealth."

Delegate Jose R. Cruz introduced and read Committee Proposal No. 31, entitled "Proposal Regarding Trial by Jury."

Delegate David Q. Maratita introduced and read Committee Proposal No. 32, entitled "Proposal Regarding Local Government."

Delegates Pedro Q. Dela Cruz, Benjamin T. Manglona, Gregorio S. Calvo, Leon I. Taisacan, Prudencio T. Manglona, Pedro M. Atalig, Pedro M. Ogo and David M. Atalig introduced Delegate Proposal No. 33, entitled "Proposal Regarding the Executive Branch of Government." The Proposal was read by the Secretary.

Delegates Esteven M. King, Vicente M. Manglona, Henry U. Hofschneider and Hilario Diaz introduced Delegate Proposal No. 34, entitled "Proposal Regarding Governmental Institutions." The Proposal was read by Delegate King.

Delegates Esteven M. King, Vicente M. Manglona, Henry U. Hofschneider, Hilario F. Diaz and Benjamin Manglona introduced Delegate Proposal No. 35, entitled "Proposal Regarding Capital Improvement Funds." The Proposal was read by Delegate King.

Delegate Pedro Igitol introduced and read Delegate Proposal No. 36, entitled "Proposal Regarding the Office of Public Auditor."

Delegates Pedro Dela Cruz, Prudencio Manglona, Benjamin Manglona, Gregorio Calvo, Pedro Ogo, David Atalig, Leon Taisacan, Pedro Atalig, Benigno Fitial and Pedro Igitol introduced Delegate Proposal No. 37, entitled "Proposal Regarding Land Alienation." The Proposal was read by the Secretary.

Delegates Pedro Ogo, Prudencio Manglona, Jose Cruz, David Atalig, Pedro Dela Cruz, Pedro Atalig, Leon Taisacan and Benjamin Manglona introduced Delegate Proposal No. 38, entitled "Proposal Regarding Education." The Proposal was read by Delegate Ogo.

Delegate Francisco T. Palacios introduced and read Delegate Proposal No. 39, entitled "Proposal Regarding Members of the Medical and Dental Professions."

Delegate Francisco T. Palacios introduced and read Delegate Proposal No. 40, entitled "Proposal Regarding Taxation and Finance."

Delegates Manuel A. Tenorio, Vicente M. Manglona and Leon I. Taisacan introduced Delegate Proposal No. 41, entitled "Proposal Regarding Governmental Institutions." The Proposal was read by Delegate Tenorio.

Delegate Ramon G. Villagomez introduced Delegate Proposal No. 42, entitled "Proposal Regarding the Office of Comptroller." The Proposal was read by the Convention Secretary.

Delegates Pedro M. Atalig, Jose R. Cruz, Felix A. Ayuyu, Benjamin T.

Manglona, Prudencio T. Manglona, Pedro Q. Dela Cruz, David M. Atalig, Leon I. Taisacan and Gregorio S. Galvo introduced Delegate Proposal No. 43, entitled "Proposal Regarding Consumer Protection." The Proposal was read by the Convention Secretary.

Delegate Manuel A. Tenorio introduced and read Delegate Proposal No. 44, entitled "Proposal Regarding Education."

Delegate Manuel A. Tenorio introduced and read Delegate Proposal No. 45, entitled "Proposal Regarding Nomenclature for Government Offices."

REFERRAL OF PROPOSALS

Delegate Proposal No. 10, entitled "Proposal Regarding Land.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 11, entitled "Proposal Regarding Nurses and Teachers.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 12, entitled "Proposal Regarding Traditional Custom.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 13, entitled "Proposal Regarding Official Holidays.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 14, entitled "Proposal Regarding Conflicts of Interest.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 15, entitled "Proposal Regarding the Legislative Branch of Government.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 16, entitled "Proposal Regarding the Executive Branch of Government.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 17, entitled "Proposal Regarding the Legislative Branch of Government.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 18, entitled "Proposal Regarding Conflicts of Employment by Public Officials.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 19, entitled "Proposal Regarding the Executive Branch of Government.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 20, entitled "Proposal Regarding Health Services and Social Welfare.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 21, entitled "Proposal Regarding Agiguan Island.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 22, entitled "Proposal Regarding the Legislative Branch of Government.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 23, entitled "Proposal Regarding Disposition of Public Lands.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 24, entitled "Proposal Regarding Eminent Domain.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 25, entitled "Proposal Regarding Bill of Rights.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 26, entitled "Proposal Regarding Eminent Domain.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 27, entitled "Proposal Regarding Eminent Domain.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 28, entitled "Proposal Regarding the Status of the

Constitution.", was referred to the Committee on Finance, Local Government and Other Matters.

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

(9) MOTIONS AND RESOLUTIONS

Chairman Fitial: Mr. President, I move that the Convention adopt, or receive, the Committee Report and Recommendation No. 2 as reported by the Committee on Finance, Local Government and Other Matters, regarding "Education."

The motion was seconded and carried.

President Guerrero: Chairman Fitial, just for the record, is that supposed to be considered for First Reading today?

Chairman Fitial: To be placed on the calendar for tomorrow, or whenever you feel, Mr. President.

President Guerrero: You are requesting the Chair to calendar the Committee's Report?

Chairman Fitial: Yes, and at the same time for the Convention to accept the Report.

Vice-Chairman Palacios: Mr. President, what happened to my motion? I moved that your Committee's Proposal be received by the Convention.

President Guerrero: May I call on the Floor Leader.

Floor Leader Rasa: Mr. President, if I may. I think it would be most appropriate if we adopt a Committee's Report under "General Orders of the Day." Before adopting it we should go into Committee of the Whole. After Committee of the Whole we rise, and the Committee of the Whole will make a recommendation to the Convention. After that we go back to motions and we move that all those motions, all those Reports be adopted.

President Guerrero: Is that clear, Delegate Palacios?

Vice-Chairman Palacios: Yes.

(10) UNFINISHED BUSINESS - None.

(11) SPECIAL ORDERS OF THE DAY - None.

(12) GENERAL ORDERS OF THE DAY

Floor Leader Rasa: Mr. President, I move that the Convention now resolve itself into the Committee of the Whole in order to consider Committee Recommendation No. 1 from the Committee on Finance, Local Government and Other Matters, regarding "Constitutional Amendment," and to consider Recommendation No. 1 from the Committee on Governmental Institutions, regarding "Washington Representative."

The motion was seconded and carried. The Chair requested that Delegate David Maratita preside.

The Convention resolved into the Committee of the Whole at 2:30 p.m.

The Convention reconvened in Plenary Session at 3:56 p.m.

President Guerrero: The meeting is now called to order again. I will receive the report of the Committee of the Whole.

Chairman Maratita: Mr. President, your Committee of the Whole is pleased to report back to the Convention that it has acted on the two proposals as presented to it, one from the Committee on Governmental Institutions and the other from the Committee on Finance, Local Government and Other Matters. Your Committee has debated on two particular Recommendations. One was the Constitutional Amendment and your Committee is pleased to report that the Committee has adopted the Committee's recommendation with an amendment to the Report on the draft Article. Your Committee has also adopted the Recommendation from the Governmental Institutions Committee on Washington Representative.

Chairman Fitial: Mr. President, I move that we place these two Committee Reports along with the Recommendations for Second and Final Reading.

The motion was seconded.

President Guerrero: Any specific date?

Chairman Fitial: At your discretion, Mr. President.

Delegate Jose R. Cruz: Point of information, Mr. President. Could I ask the Floor Leader for some directions on this, as to whether or not we could dispose of this on Final Reading today. If we can do it, and there is no objection, why not do it today?

Floor Leader Rasa: Mr. President, as I understand it, there is nothing in the Rules which would prohibit this Convention from adopting or placing the Committee Reports from Committee of the Whole for Final Reading or adoption of the Report. We can place it for Second and Final Reading, at the same time we can dispose of it anytime we wish to.

President Guerrero: That is the reason why the Chair pointed out to the Delegates that, if there is no objection, I have to hear from the Delegates of this Convention.

Delegate Jose R. Cruz: Mr. President, if I am in order, I would like to move that Committee Recommendation No. 1 on the subject "Washington Representative" be adopted by this Convention on Final Reading.

The motion was seconded.

Floor Leader Rasa: Mr. President, these are issues that might have some connection with other Constitutional provisions which we have not seen. Second and Final Reading demands the final phrasing of the Constitutional language. So, the only reason why I would like to request for the Convention to at least try to get in touch with other members in other that we try to see the relationship between this provision and other related provisions. I understand that in the final analysis there will be a review of the complete draft which must be considered by the Convention. That will call for a Third Reading, in essence. But I would still like to see that the Convention does not act on it immediately, so that a complete revised amendment be given to each member and that Final Action should be determined at the discretion of the President.

President Guerrero: It is so ordered, Floor Leader. The Chair will recognize that and I will try to calendar further discussion and for Final Reading sometime next week.

Delegate Jose R. Cruz: Point of order, Mr. President. There is a complete motion on the floor. I am not in the same position with the Floor Leader's suggestion. I am in favor of completing the remaining process of the motion and then we can go into the next business.

President Guerrero: Delegate Cruz, for your information, I consulted with our legal counsel in that respect and if the Convention would like to dispose of the motion made by Delegate Cruz, we can vote on it without any objection from the Chair.

Delegate Jose R. Cruz: I am simply saying, Mr. President, that there is a complete motion that should be acted upon by this Convention. The Chair cannot deprive this Convention of a complete motion action.

President Guerrero: The Chair recognizes your motion, Delegate Cruz.

The motion unanimously failed.

Delegate Jose R. Cruz: I voted against it, Mr. President, based on the explanation.

Chairman Fitial: Mr. President, I move that these two Committee Reports, along with their Recommendations, be placed on the calendar for Second and Final Reading at your discretion.

The motion was seconded and carried.

*Decision not
to do final
reading until
after the
public hearing*

Ramon Villagomez: Since it appears that we have covered most of the things that were set for today, I move that we recess until Monday morning at ten o'clock.

Chairman Mafnas: Point of order, Mr. President, we still have one item on our calendar.

President Guerrero: Our next item of business is Announcements, but before we go into that, does anyone have a speech to be given today?

Floor Leader Rasa: Mr. President, I understand that everybody is tired in here but I wish to say a few remarks with regard to the works of this Convention. I would like to address these remarks to all the Delegates, but particularly to those from the outer municipalities. I don't suppose that we can form a Commonwealth if the intent of separatism, of regionalism, continues to haunt this Hall. Mr. President, I am disgusted by the distrust in which most of the members from the outer municipalities have placed upon the Delegates from the municipality of Saipan. I, for one, will never support a Proposal just because it has been introduced...or is a Proposal introduced by the Saipan Delegation. I think a Propoposal had to be judged on its merits and demerits and not essentially from its originators. We'll be confronting a lot of complex issues which would demand give and take, and we cannot continue to have equal distribution on this basis. We have to accept the fact, Mr. President, that even here in the Marianas alone-- here in the municipality of Saipan--we don't get to support each other's view all of the time. So, with the kind of attitude which is evidence of the negative attitude towards our Delegation, I wish to inform Delegates from the other municipalities that we are here with open minds and we are not here to support what we think is good for Saipan and not for Rota or Tinian. I hope that we can come to a compromise because not all the issues can be distributed equally. If we have only Three Dollars and we continue to put out One Dollar for each municipality, and such municipality doesn't need the One Dollar, then we're going to end up with three separate, independent Commonwealths. I don't think that's the course of this Convention. All the lip-service of "unity" has lost its definition just a few minutes ago. I thank you.

Delegate Benjamin Manglona: Mr. President, thank you. The remarks made by our Floor Leader have prompted me, also, to make a few remarks. Mr. President and fellow Delegates, I don't think it is right to accuse the Rota Delegation, nor the Tinian Delegation, for the action we have done in this Convention. I think, all along, we have cooperated in deliberating our work here and I don't think we have come to the point where we use this Convention to disrupt the activities of this honorable body. I think the action which we have just approved is a good action and I think it is a good compromise. I don't think it's right that Delegate Rasa should

Floor Leader Rasa: Point of order, Mr. President. May I ask the speaker to confine himself to the issue and not to mention particular members in his speech.

President Guerrero: I ask the patience of the Delegate from Rota to confine himself and not mention the name of a person.

Delegate Benjamin Manglona: Mr. President, I don't want any member or Delegate from this Convention to try to accuse a Delegate from my municipality. I think we have to have mutual expressions and grievances of our people and that is why we are presenting this problem here in this Convention. While we are in the process of framing our Constitution we have to make this a workable Constitution for all of us. I cannot find other words to express it other than to say, "we're dissatisfied," so that I can convince the Delegates in this Convention. The reason why I came here is to present our problem and that is all that I have to say. I cannot hide it. Experience has taught us to do this. I regret, if in a way, I hurt some of the Delegates, but I can assure you that my Delegation is willing to work along harmoniously with each and everyone of you.

Delegate Leon Taisacan: Mr. President and fellow Delegates, I do not know the real definition behind these unfavorable remarks from one of the Delegates, but if it is to better facilitate better communication among the Delegates, then let it be so. However, if it is for any other reason, then I pray that such arrangement will not affect our unity in this Convention. With these Committee Reports we have heated expression on some issues, but let us not forget that we are here to represent our people's view. That view, Mr. President, is the drafting of a sound and effective Constitution for the Commonwealth of the Northern Marianas.

Delegate Francisco T. Palacios: Mr. President, the concern of the smaller municipalities in many instances is justified, based on their previous experience

with the administration. But bear in mind that the administration is not us, administered by someone else. Because of that experience they generate fear that a similar experience may occur under the Commonwealth. They're looking for justice and justice borne out of equality. In the name of equality, we, the bigger municipality, should not try to take advantage of the smaller municipality. At the same time I have mixed feeling whether the smaller municipalities....it is injustice for the smaller municipalities to take advantage, in the name of justice, that 2/3 of each municipality should be able to block the wishes of the majority of the people. If, indeed, one-man/one-vote concept is the democratic concept, I feel that in the name of unity and justice, it is not good for the bigger municipality or bigger population to dominate the smaller municipality and smaller population. At the same time we should be careful that the smaller municipality does not dominate the bigger municipality because, by the same token, the bigger population should not dominate the smaller population. If the smaller population dominates through the name of equality, then it becomes inequitable and we will have a Rhodesia. In Rhodesia the minority dominates the majority. So let us discuss this thing and talk about it in the next couple of days and let us look at it, issue by issue, and see how we can resolve this.

Delegata Jose R. Cruz: Mr. President, I just want to thank the first speaker for his eloquent and straightforward frankness on the very important issue that all of us should remember during the remaining balance of this Convention. I want to assure the original speaker and the rest of the Delegates that the Tinian Delegation is here to frame a workable Constitution for the people of the Northern Mariana Islands. As evidence of our faithfulness and our pledge to this principal, I wish to remind everyone here that the people of Tinian, with its very limited land, has committed more than 2/3 of its land to our future national defense and for the future of the Commonwealth Government of the Northern Mariana Islands. Thank you.

Delegate Hilario Diaz: Thank you, Mr. President. I just want to add something to what my fellow Delegate from Tinian just said. I'll make it very short. We respect the views of every Delegate in this Convention and I believe we all have a concern to see that we have equal representation, equal protection and equal opportunity in our new government which will be the Commonwealth Government. That is all I have to say, Mr. President. Thank you.

Delegate Juan P. Tenorio: Mr. President, if there are no further announcements, I would like to move that the Convention recess until Monday morning at 9:00.

President Guerrero: Before I entertain that motion there should be announcements.

(13) ANNOUNCEMENTS

Chairman Mafnas: Your Committee on Governmental Institutions, Mr. President, will be meeting tomorrow at 10:00 in the Convention Hall. I urge that every member be present. If a member cannot be present tomorrow, Mr. President, I urge that he makes a proxy so his vote can be counted. Thank you.

Chairman Fital: Your Committee on Finance, Local Government and Other Matters will be meeting tomorrow at the same place at three o'clock in the afternoon.

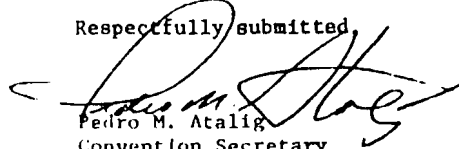
Acting Chairman Palacios: Your Committee on Personal Rights & Natural Resources will meet Monday right after the Plenary Session.

Floor Leader Rana: Mr. President, there being no further business, I move that the Convention recess until two o'clock tomorrow.

Convention Secretary: Mr. President, one more announcement first, please. I would like to remind the Delegates that we need the originals on all Delegate Proposals. I would like them to be given to me for filing purposes and for duplication.

The motion to recess was seconded and carried. The Convention recessed at 4:20 p.m.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

SEVENTH DAY
Sunday, October 24, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 2:10 p.m.

The Honorable Lorenzo I. Guerrero, President, presided.

(2) A moment of silent prayer was observed.

(3) The Convention Secretary called the roll. There were 30 Delegates present. Delegates Olympio T. Borja, Antonio M. Camacho, Magdalena C. Camacho, Jose R. Cruz, Jose P. Mafnas and Ramon G. Villagomez were excused. Delegates Carlos S. Camacho, Juan DLG. Demapan and Herman Q. Guerrero were absent. A quorum was present.

Floor Leader Rasa: I move that those Delegates not in attendance who had offered prior notification of their absence be excused by the Convention.

The motion was seconded and carried.

(4) ADOPTION OF THE JOURNAL

Floor Leader Rasa: I move for the adoption of yesterday's Summary Journal.

The motion was seconded and carried to adopt the Sixth Day Summary Journal.

(5) COMMUNICATIONS - None

(6) COMMITTEE REPORTS - None

(7) INTRODUCTION AND FIRST READING OF PROPOSALS

Vice Chairman Francisco Palacios: I move for the adoption on First Reading of Committee Recommendation No. 1: Eligibility to Vote; Committee Recommendation No. 2: Elections and Election Procedures; and Committee Recommendation No. 3: Initiative, Referendum and Recall, from the Committee on Personal Rights and Natural Resources.

The motion was seconded.

Chairman Benigno Fitial: I move for the adoption on First Reading of Committee Recommendation No. 2: Education, from the Committee on Finance, Local Government and Other Matters.

The motion was seconded.

Delegates David Q. Maratita introduced and read Delegate Proposal No. 47, entitled "Proposal Regarding Executive Branch of Government."

Delegates Luis Limes, Lorenzo I. Guerrero, Pedro M. Atalig, Benigno Fitial and Pedro Igitol introduced Delegate Proposal No. 46, entitled "Proposal Regarding Natural Resources." The Secretary read the Proposal.

Delegate Esteven M. King introduced and read Delegate Proposal No. 48, entitled "Proposal Regarding Employees' Rights."

REFERRAL OF PROPOSALS

Delegate Proposal No. 29, entitled "Proposal Regarding Election Procedures.", was referred to the Committee on Personal Rights and Natural Resources.

Delegate Proposal No. 30, entitled "Proposal Regarding the Official Language of the Commonwealth.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 31, entitled "Proposal Regarding Trial by Jury.", was referred to the Committee on Personal Rights & Natural Resources.

(Delegate Ramon G. Villagomez entered the Convention Floor.)

Delegate Proposal No. 32, entitled "Proposal Regarding Local Government.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 33, entitled "Proposal Regarding the Executive Branch of Government.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 34, entitled "Proposal Regarding Governmental Institutions.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 35, entitled "Proposal Regarding Capital Improvement Funds.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 36, entitled "Proposal Regarding the Office of Public Auditor.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 37, entitled "Proposal Regarding Land Alienation.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 38, entitled "Proposal Regarding Education.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 39, entitled "Proposal Regarding Members of the Medical and Dental Professions.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 40, entitled "Proposal Regarding Taxation and Finance.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 41, entitled "Proposal Regarding Governmental Institutions.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 42, entitled "Proposal Regarding the Office of Comptroller.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 43, entitled "Proposal Regarding Consumer Protection.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 44, entitled "Proposal Regarding Education.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 45, entitled "Proposal Regarding Nomenclature of Government Offices.", was referred to the Committee on Governmental Institutions.

(8) SECOND AND FINAL READING OF PROPOSALS - None

(9) MOTIONS AND RESOLUTIONS - None

Vice-Chairman Palacios: I move for the adoption on First Reading of Committee Recommendation No. 1: Eligibility to Vote from the Committee on Personal Rights and Natural Resources.

Floor Leader Raza: Mr. President, if I am not mistaken, I think under item 12, General Orders of the Day, we have Committee Recommendation No. 1: Eligibility to Vote. It is necessary that the House resolve itself into Committee of the Whole so that we can debate the issues involved and then go back and adopt it by the Convention. I suggest, if there is no objection by Vice Chairman Palacios, that we wait until after debate of the issues.

President Guerrero: Vice Chairman, can you withdraw your motion please.

Vice Chairman Palacios: I can, Mr. President, but the reasons I made this motion was that we still have Second Reading and on Proposals like Eligibility to Vote and Elections which are non-controversial I thought we would not need debate. I will yield to the Floor Leader's wishes and withdraw my motion.

President Guerrero: For clarification and information to the Delegates, introduction of the Committee's Recommendation under Item 7, Introduction and First Reading of Proposals, is the most appropriate time for introduction. We will then discuss these Recommendations under General Orders of the Day while in Committee of the Whole.

Delegate Pedro Dela Cruz: I nominate Delegate David Q. Maratita to be the permanent Chairman of the Committee of the Whole.

President Guerrero: Point of order. The Chair has the prerogative to appoint any member of this Delegation to be Chairman of Committee of the Whole. The point of order has been stated by the Chair and this is taken care of.

- (10) UNFINISHED BUSINESS - None
- (11) SPECIAL ORDERS OF THE DAY - None
- (12) GENERAL ORDERS OF THE DAY

Floor Leader Rasa: I move that the Plenary Session resolve into the Committee of the Whole in order to discuss the four stipulated items under General Orders of the Day.

The motion was seconded and carried to resolve into Committee of the Whole to consider Committee Recommendations No. 1, No. 2 and No. 3 from the Committee on Personal Rights and Natural Resources and Committee Recommendation No. 2 from the Committee on Finance, Local Government and Other Matters.

President Guerrero: I appoint Delegate Benjamin Manglona to act as Chairman of this Committee of the Whole.

The Convention resolved into the Committee of the Whole at 2:25 p.m.

The Convention reconvened in Plenary Session at 4:24 p.m.

Delegate Benjamin Manglona: Mr. President, I am very happy to report that your Committee of the Whole deliberated and has adopted, in principle, Committee Recommendation No. 1: Eligibility to Vote, and Committee Recommendation No. 2: Election and Election Procedures, from the Committee on Personal Rights and Natural Resources. It also adopted Committee Recommendation No. 2: Education, from the Committee on Finance, Local Government and Other Matters.

I would like to inform the Chair that after considerable discussion on Committee Recommendation No. 3: Initiative, Referendum and Recall, from the Committee on Personal Rights and Natural Resources, it was decided by your Committee of the Whole to defer action on this matter and this is referred back to the Committee on Personal Rights and Natural Resources.

Floor Leader Rasa: I move that the Convention adopt Recommendation No. 1: Eligibility to Vote, from the Committee on Personal Rights and Natural Resources.

The motion was seconded and carried.

Floor Leader Rasa: I move that the Convention adopt Recommendation No. 2: Elections and Election Procedures, from the Committee on Personal Rights and Natural Resources.

The motion was seconded and carried.

Floor Leader Rasa: I move that the Convention adopt Recommendation No. 2: Education, from the Committee on Finance, Local Government and Other Matters.

The motion was seconded and carried.

Floor Leader Rasa: I ask for unanimous consent that we recess until tomorrow.

President Guerrero: We will have announcements first.

- (13) ANNOUNCEMENTS

Chairman Fitial: The Committee on Finance, Local Government and Other Matters will be meeting tomorrow morning at 9:00 a.m. at its usual meeting place.

Chairman Felipe Atalig: I would like to make a short statement and announcement, please.

President Guerrero: First, let me recognize Vice-Chairman Prudencio Manglona.

Vice-Chairman Prudencio Manglona: The Committee on Governmental Institutions will be meeting at 10:00 a.m. tomorrow morning.

Chairman Felipe Atalig: I think it is abominable for any Delegate to express his discontentment on any Committee Recommendation when his participation has been practically nothing. Therefore, this particular person should come to the meeting tomorrow. And I will express again, that regardless of another duty, he should attend this meeting.

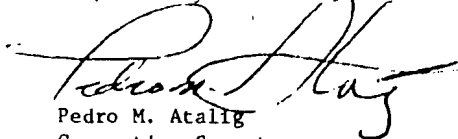
The Committee on Personal Rights and Natural Resources will meet tomorrow morning at 9:00 a.m. in the same room.

Floor Leader Ranaa: I move that we recess until 2:00 p.m. tomorrow.

The motion was seconded and carried.

The Convention recessed at 4:30 p.m.

Respectfully submitted,



Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

EIGHTH DAY
Monday, October 25, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 2:10 p.m.

The Honorable Lorenzo I. Guerrero, President, presided.

(2) A moment of silent prayer was observed.

(3) The Convention Secretary called the roll. There were 34 Delegates present. Delegates Olympio T. Borja, Magdalena C. Camacho, Juan D.L.G. Demapan, Herman Q. Guerrero and Pedro M. Ogo were excused. No Delegates were absent. A quorum was present.

Floor Leader Rasa: I move that absent members be excused.

The motion was seconded and carried.

(4) ADOPTION OF THE JOURNAL

Floor Leader Rasa: I move that yesterday's Journal be adopted.

The motion was seconded and carried to adopt the Summary Journal for the Seventh Day, October 24, 1976.

Delegate Felipe Atalg: I believe prior to adoption of the Journal, we should have open discussion in case there is any error in the Journal. That is the reason I asked the Chair to be recognized because I have found a typographical error. It is on the first page under item (7), paragraph 4, whereby it should be corrected to Delegate David Q. Maratita.

President Guerrero: Let the record show this is to be corrected.

(5) COMMUNICATIONS - None.

(6) COMMITTEE REPORTS

Chairman Fitial: I have a report from the Committee on Finance, Local Government and Other Matters. I would, at this time, like to make a motion that this report No. 3, regarding "Corporations" be accepted by the Convention.

The motion was seconded and carried to accept the Committee's Report.

(6) INTRODUCTION AND FIRST READING OF PROPOSALS

Chairman Fitial: At this time I would like to introduce for First Reading Committee Recommendation No. 3 from the Committee on Finance, Local Government and Other Matters, regarding "Corporations." At this time I would like to tell the Convention that this is a very important subject and considerable attention was required by the members of this Committee during its deliberations. We examined many issues including the status of pre-existing corporations, registration of foreign corporations, possible misuse of corporate privileges and franchises and official requirements of non-profit, educational and public corporations. We have reviewed very quickly the consultant's briefing papers on corporations and its extensive consideration of constitutional restrictions and statutory practices in the Northern Mariana Islands jurisdictions. The Constitution should contain a clear and unambiguous statement regarding incorporation of private business. Special acts of incorporation which are subject to abuse would be prohibited. This is essential to the protection of our Commonwealth and we recommend that detailed matters on corporate definition also various acts and organization of non-business corporation should be left to Legislative decision. Further we request the Committee on Personal Rights and Natural Resources look at the important matters pertaining to restrictions

on land alienation insofar as they involve corporations. Mr. President, I submit this Recommendation and Report of the Committee on Finance, Local Government and Other Matters and urge that our proposed provisions on private business corporations be considered in the Committee of the Whole in principal. I thank you.

Delegate Gregorio S. Calvo introduced Delegate Proposal No. 49, entitled "Proposal Regarding Board of Education." The Convention Secretary read the Proposal.

Delegate Juan S. Demapan introduced and read Delegate Proposal No. 50, entitled "Proposal Regarding Inter-Island Sports Competition."

Delegate Juan S. Demapan introduced and read Delegate Proposal No. 51, entitled "Proposal Regarding Bill of Rights."

Delegate Juan S. Demapan introduced and read Delegate Proposal No. 52, entitled "Proposal Regarding Natural Resources."

Delegate Juan S. Demapan introduced and read Delegate Proposal No. 53, entitled "Proposal Regarding Natural Resources."

Delegate Juan S. Demapan introduced and read Delegate Proposal No. 54, entitled "Proposal Regarding Narcotics and Other Dangerous Drugs."

Delegates Jose R. Cruz, Esteven King, Hilario Diaz, Vicente Manglona and Henry Hofschneider introduced Delegate Proposal No. 55, entitled "Proposal Regarding Local Government." The Proposal was read by Jose R. Cruz.

Delegate Oscar C. Rasa introduced Delegate Proposal No. 56, entitled "Proposal Regarding Transaction of Business."

Delegate Oscar C. Rasa introduced Delegate Proposal No. 57, entitled "Proposal Regarding the Passage of Bills."

Delegate Oscar C. Rasa introduced Delegate Proposal No. 58, entitled "Budget Submission."

Delegate Oscar C. Rasa introduced Delegate Proposal No. 59, entitled "Emergency Power."

Delegate Oscar C. Rasa introduced Delegate Proposal No. 60, entitled "Proposal Regarding the Restrictions of Office."

Delegate Oscar C. Rasa introduced Delegate Proposal No. 61, entitled "Proposal Regarding the Legislature."

Delegate Oscar C. Rasa introduced Delegate Proposal No. 62, entitled "Proposal Regarding Immunity."

Delegate Felipe Q. Atalig introduced and read Delegate Proposal No. 63, entitled "Proposal Regarding Bill of Rights."

Delegate Felipe Q. Atalig introduced and read Delegate Proposal No. 64, entitled "Proposal Regarding Bill of Rights."

Delegate David Q. Maratita introduced and read Delegate Proposal No. 65, entitled "Proposal Regarding the Executive Branch of Government."

Delegate Daniel P. Castro introduced Delegate Proposal No. 66, entitled "Proposal Regarding Land Alienation." The Proposal was read by the Convention Secretary.

Delegates Esteven M. King, Vicente M. Manglona, Henry U. Hofschneider, Hilario F. Diaz and Jose R. Cruz introduced Delegate Proposal No. 67, entitled "Proposal Regarding Bill of Rights." The Proposal was read by the Convention Secretary.

Delegate Jose P. Mafnas introduced and read Delegate Proposal No. 68, entitled "Proposal Regarding Removal of Executive Appointee from Office."

Delegate Jose P. Mafnas introduced and read Delegate Proposal No. 69, entitled "Proposal Regarding Pardon and Clemency."

Delegate Jose P. Mafnas introduced and read Delegate Proposal No. 70, entitled "Proposal Regarding Restoration of Civil Rights and Liberties."

Delegate Ramon G. Villagomez introduced Delegate Proposal No. 71, entitled "Proposal Regarding Land Ownership." The Secretary read the Proposal.

Delegate Ramon G. Villagomez introduced Delegate Proposal No. 72, entitled "Proposal Regarding Government Institutions." The Convention Secretary read the Proposal.

Delegatos Lorenzo I. Guerrero and Luis M. Limes introduced Delegate Proposal No. 73, entitled "Proposal Regarding Natural Resources." The Proposal was read by the Secretary.

Delegates Lorenzo I. Guerrero and Luis M. Limes introduced Delegate Proposal No. 74, entitled "Proposal Regarding Land." The Proposal was read by the Convention Secretary.

REFERRAL OF PROPOSALS

Delegate Proposal No. 46, entitled "Proposal Regarding Natural Resources.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 47, entitled "Proposal Regarding Executive Branch of Government.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 48, entitled "Proposal Regarding Employees' Rights.", was referred to the Committee on Finance, Local Government and Other Matters.

- (8) SECOND AND FINAL READING OF PROPOSALS - None.
- (9) INTRODUCTION OF RESOLUTIONS - None.
- (10) UNFINISHED BUSINESS - None.
- (11) SPECIAL ORDERS OF THE DAY - None.
- (12) GENERAL ORDERS OF THE DAY

Delegate Felipe Atalig: At the permission of the House, I would like the House to recognize the presence of my sister, Mrs. Pedro Olopai, and my friend, Mr. Ignacio Villanueva, from San Antonio. I would also like the House to recognize the presence of everyone in the gallery.

President Guerrero: At this time, the Chair would like to take the privilege to deliver a short remark.

Monday, October 25, 1976, marks the eighth day of progress in this Constitutional Convention. Your unselfish and unremitting efforts, as well as your dedicated attendance, has resulted in excellent progress thusfar. However, fellow Delegates, we cannot ignore the fact that the more we progress, the more crucial our task becomes. I, as Convention President, and you, as Delegates, share the responsibility and accountability for fulfilling the monumental assignment we have been given. We, together, are one and all in this process.

Let us put aside individual differences, political disagreements, the pursuit of individual glory, and any other activity detrimental to the success of our crucial mission. I urge each of you, fellow Delegates, to be altruistic -- to practice the sacrifice of self in the interest of society -- in every endeavor of this Convention. Partisanship by Delegates is a luxury our constituents can ill-afford. If I may repeat myself, our task is most crucial and demanding.

Not only present issues, but matters of future concern, could possibly affect what we are doing these days. Because of that, I am happy to say that our three substantive committees are being very ambitious, active and progressive in their specific assignments. Remember that committees are designed to permit each Delegate to serve effectively. Most proposals introduced by the committees in the past 7 days have had tremendous impact among the Delegates themselves and the public at large.

The Committee on Governmental Institutions is apparently the most sensitive committee in that it is responsible for the construction of the most workable and functional governmental structure of our new Commonwealth.

The Committee on Personal Rights and Natural Resources is another group whose particular and unique role in the formation of our future Constitution we should recognize. The challenging issue of personal rights and the protection of our natural resources are demanding and require extreme care. We are caught in a time where people of distinct classes and different walks of life are beginning to emerge and seek their inalienable rights.

The Committee on Finance, Local Government and Other Matters is responsible for recommending appropriate local governmental institutions, should our Constitution authorize their creation. No republican form of government can ever achieve its ends without providing the means to pursue its ultimate goals. We cannot create more than what is needed. We cannot ask for more than what we have to give. Anything beyond our present capacity, and anything above what we can offer to our constituents, could possibly lead us to governmental chaos. Let us cooperate with these committees 100%.

The various proposals introduced are specifically intended to be incorporated in our constitutional provisions. Unfortunately some of those proposals may not reach maturity, while some do. Indeed, we are all here to try to do the best we can to protect the interest of our people in their respective localities. Some of us may be preparing to pursue extreme demands to further special interests. However, let us keep in mind that we need to compromise. Nothing could be accomplished while we are here, fellow Delegates, without consent of 3/4 of the vote.

I am confident that with your full cooperation and altruism we will accomplish our crucial task with understanding and harmony. May the blessings of the Almighty come to us and give us guidance now and forever.

I thank you.

(13) ANNOUNCEMENTS

Chairman Jose P. Mafnas: Your Committee on Governmental Institutions will meet immediately after this session in the Convention Hall.

Chairman Felipe Atalig: The Committee on Personal Rights & Natural Resources will meet immediately after this session in their usual meeting place.

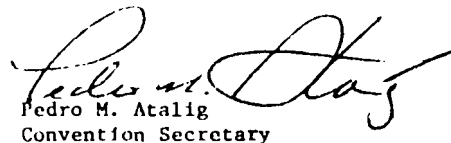
Chairman Benigno Fitial: The Committee on Finance, Local Government and Other Matters will meet tomorrow morning for the entire day and again the following morning.

Floor Leader Rasa: There being no further business, I move that the Convention recess until Wednesday, October 27, 1976, at 2:00 p.m.

The motion was seconded and carried.

The Convention recessed at 2:40 p.m.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary


CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

CONVENTION JOURNAL

NINTH DAY
October 26, 1976

There was no session this date.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS
VERBATIM JOURNAL (TRANSCRIPT)

TENTH DAY
Wednesday, October 27, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 2:05 p.m.

The Honorable Lorenzo I. Guerrero, President, presided.

(2) A moment of silent prayer was observed.

(3) The Convention Secretary called the roll. There were 37 Delegates present. Delegates Juan DLG. Demapan and Oscar C. Rasa were excused. No Delegates were absent. (Delegate Juan DLG. Demapan arrived on the Convention Floor just after roll call.)

Delegate Felipe Atalig: I move that those Delegates not present be granted leave of absence.

The motion was seconded and carried.

(4) ADOPTION OF THE JOURNAL.

Delegate Jose R. Cruz: I move we adopt the Journal for the 10th Day.

Delegate Olympio T. Borja: I would like to amend the motion to state "8th and 9th Days."

The motion was seconded and carried to adopt the Summary Journals for the 8th and 9th Days.

(5) COMMUNICATIONS - None.

(6) COMMITTEE REPORTS

Chairman Jose P. Mafnas: On behalf of the Committee on Governmental Institutions, I am pleased to submit Committee Recommendation No. 2. This Recommendation concerns the "Judicial Branch of Government" and consists of a proposed constitutional article on the judicial branch and an accompanying explanatory report.

The Committee recommends the creation of a Commonwealth court system. The Committee recognizes, however, that the Northern Marianas has few lawyers and little experience with administering a judicial branch. Accordingly, we suggest that at the beginning only a Commonwealth trial court of defined jurisdiction be formed. The court would consider all land matters, all other civil matters not involving more than \$5,000, and criminal cases involving fines of not more than \$5,000 or imprisonment for not more than five years. Other civil and criminal cases and all appeals would be heard by the United States District Court for the Northern Marianas.

Five years after the Constitution becomes effective, the Committee's recommended language would permit the legislature to expand the jurisdiction of the Commonwealth trial court and to establish appellate courts.

The Committee's proposed article would empower the governor to appoint Commonwealth judges, subject to the advice and consent of the upper house of the legislature. Judges would serve for an initial term of six years. They would be eligible for reappointment to one or more terms. The Committee's proposed language would authorize the legislature to increase the terms of judges who are reappointed to a period not to exceed 12 years. Judges would be subject to impeachment and to removal by the governor following the recommendation of an Advisory Commission composed of lawyers and representatives of the public.

The judiciary would have the power to issue rules governing criminal and civil procedures, admission to the bar, the affairs of the bar, judicial ethics, and other matters of judicial administration. These rules would be submitted to the legislature and would take effect 60 days after submission unless disapproved by either house of the legislature.

Mr. President, the Committee on Governmental Institutions believes the judicial system that I have outlined would serve the Northern Marianas people efficiently, fairly and economically. The Committee urges the Convention to accept this Recommendation and to calendar it for early consideration by the Committee of the Whole.

Thank you, Mr. President.

Chairman Felipe Atalig: The Committee on Personal Rights and Natural Resources completed its reconsideration regarding Committee Recommendation No. 3: Initiative, Referendum and Recall, as requested by the Committee of the Whole. The Committee has three reports to submit. First, a Committee report on referendum and recall; second, a majority report on initiative; and third, a minority report on initiative.

Each of these reports has attached to it proposed constitutional language that the Committee will ask the Committee of the Whole to consider. Thank you.

Chairman Benigno Fitial: On behalf of your Committee on Finance, Local Government and Other Matters, I am happy to submit Committee Recommendation No. 4, regarding "Constitutional Amendments."

Mr. President, I wish to address a most important issue which has already received the attention of this Convention in its Committee of the Whole.

I refer to the subject of constitutional amendments and more specifically to ratification methods. The Committee of the Whole had amended the original recommendation of the Committee on Finance, Local Government and Other Matters to require approval by 2/3 of the votes cast in each of the three municipalities.

Your Committee has reconsidered this amendment and its implications. We are concerned because under it any one municipality could prevent ratification although the voters of that municipality constituted a small percentage of the total votes cast by the Commonwealth as a whole.

Denial, Mr. President, of the basic principle of majority rule might pose constitutional problems under the Federal Constitution Equal Protection Provision. This is true in light of the important decision of the United States Supreme Court in *Reynolds v. Sims*, the "one man-one vote" decision.

For constitutional reasons, as well as governmental and political ones, we favor the principle of majority rule. At the same time, Mr. President, we should not ignore the separate and special needs of the individual municipalities.

How then, Mr. President, can we blend both sets of interests -- those of the majority of the population and the interests of the individual islands? The Covenant provision on legislative representation suggests an approach.

We propose a further amendment to the ratification provision. In the case of constitutional amendment proposed by legislative initiative, in which the individual municipalities are equally represented in the upper house, a majority of the votes cast would be required. In the case of amendments proposed by constitutional convention or popular initiative an affirmative vote of a majority of the votes cast -- Commonwealth wide -- would be required and a two-thirds vote of each of two of the three municipalities. Thus, you have blended two interests: majority rule and special needs of the islands.

Delegate Olympio T. Borja: I would like to move for acceptance of the report made by the Chairman of the Committee on Governmental Institutions.

The motion was seconded and carried.

Delegate Olympio T. Borja: I move we accept the reports made by the Chairman of the Committee on Personal Rights and Natural Resources and the Chairman of the Committee on Finance, Local Government and Other Matters.

The motion was seconded and carried.

(7) INTRODUCTION AND FIRST READING OF PROPOSALS

Delegates Ramon G. Villagomez, Jose S. Borja, Juan S. Demapan and Henry U. Hofschneider introduced Delegate Proposal No. 75, entitled "Proposal Regarding Public Officials." The Proposal was read by Delegate Borja.

Delegates Pedro M. Atalig, Benjamin T. Manglona, Leon I. Taisacan, Prudencio T. Manglona, David M. Atalig, Gregorio S. Calvo, Henry U. Hofschneider, Vicente M. Manglona, Esteven M. King, Pedro M. Ogo, Pedro Q. Dela Cruz, and Jose R. Cruz introduced Delegate Proposal No. 76, entitled "Proposal Regarding Governmental Institutions." The Proposal was read by Delegate Dela Cruz.

Delegates David M. Atalig, Prudencio T. Manglona, Benjamin T. Manglona, Pedro M. Ogo, Leon I. Taisacan, Pedro Q. Dela Cruz, Gregorio S. Calvo, Pedro M. Atalig, Vicente M. Manglona, Henry U. Hofschneider, Esteven M. King, Hilario F. Diaz and Jose R. Cruz introduced Delegate Proposal No. 77, entitled "Proposal Regarding Code of Ethics." The Proposal was read by Delegate Dela Cruz.

Delegates Pedro Q. Dela Cruz, Leon I. Taisacan, Benjamin T. Manglona, David M. Atalig, Pedro M. Atalig, Prudencio T. Manglona, Gregorio S. Calvo, Pedro M. Ogo, Vicente M. Manglona, Esteven M. King, Jose R. Cruz and Hilario F. Diaz introduced Delegate Proposal No. 78, entitled "Proposal Regarding Capital Punishment." The Proposal was read by Delegate Dela Cruz.

Delegates David M. Atalig, Prudencio T. Manglona, Benjamin T. Manglona, Pedro M. Ogo, Leon I. Taisacan, Pedro Q. Dela Cruz, Gregorio S. Calvo, Pedro M. Atalig, Vicente M. Manglona, Henry U. Hofschneider, Esteven M. King, Hilario F. Diaz and Jose R. Cruz introduced Delegate Proposal No. 79, entitled "Proposal Regarding Private Employer." The Proposal was read by Delegate Dela Cruz.

Delegates Pedro M. Atalig, Benjamin T. Manglona, Leon I. Taisacan, Prudencio T. Manglona, David M. Atalig, Pedro Q. Dela Cruz, Esteven M. King, Jose R. Cruz, Hilario F. Diaz, Pedro M. Ogo, Gregorio S. Calvo and Vicente M. Manglona introduced Delegate Proposal No. 80, entitled "Proposal Regarding the Bill of Rights." The Proposal was read by Delegate Dela Cruz.

Delegate Vicente T. Attao introduced Delegate Proposal No. 81, entitled "Proposal Regarding Land."

Delegate Vicente T. Attao introduced Delegate Proposal No. 82, entitled "Proposal Regarding Extradition."

Delegate Vicente T. Attao introduced Delegate Proposal No. 83, entitled "Proposal Regarding Apportionment in the House of Representatives."

Delegate Vicente T. Attao introduced Delegate Proposal No. 84, entitled "Proposal Regarding Public Land."

Delegates David M. Atalig, Prudencio T. Manglona, Benjamin T. Manglona, Pedro M. Ogo, Leon I. Taisacan, Pedro Q. Dela Cruz, Gregorio S. Calvo, Pedro M. Atalig, Vicente M. Manglona, Henry U. Hofschneider, Esteven M. King, Hilario F. Diaz and Jose R. Cruz introduced Delegate Proposal No. 85, entitled "Failure to Make Appropriations."

Delegates David M. Atalig, Prudencio T. Manglona, Benjamin T. Manglona, Pedro M. Ogo, Leon I. Taisacan, Jose R. Cruz, Vicente M. Manglona, Henry U. Hofschneider, Pedro Q. Dela Cruz, Gregorio S. Calvo, Pedro M. Atalig, Esteven M. King and Hilario F. Diaz introduced Delegate Proposal No. 86, entitled "Proposal Regarding Oath of Office."

Delegates David M. Atalig, Prudencio T. Manglona, Benjamin T. Manglona, Pedro M. Ogo, Leon I. Taisacan, Pedro Q. Dela Cruz, Gregorio S. Calvo, Pedro M. Atalig, Vicente M. Manglona, Henry U. Hofschneider, Esteven M. King, Hilario F. Diaz and Jose R. Cruz introduced Delegate Proposal No. 87, entitled "Proposal Regarding Existing Officers Continued in Office."

Delegates David M. Atalig, Prudencio T. Manglona, Pedro M. Ogo, Benjamin T. Manglona, Pedro Q. Dela Cruz, Gregorio S. Calvo, Pedro M. Atalig and Jose R. Cruz introduced Delegate Proposal No. 88, entitled "Proposal Regarding Public Employees."

Delegates David M. Atalig, Prudencio T. Manglona, Benjamin T. Manglona, Pedro M. Ogo, Leon I. Taisacan, Pedro Q. Dela Cruz, Gregorio S. Calvo, Pedro M. Atalig, Vicente M. Manglona, Jose R. Cruz, Hilario F. Diaz, Henry U. Hofschneider and Esteven M. King introduced Delegate Proposal No. 89, entitled "Proposal Regarding Sea Fisheries."

Delegates Benigno R. Fitial, Pedro Igitol and Luis M. Limes introduced Delegate Proposal No. 90, entitled "Proposal Regarding the Legislative Branch of Government." The Proposal was read by Delegate Fitial.

Delegates Hilario F. Diaz, Vicente M. Manglona, Henry U. Hofschneider and Jose R. Cruz introduced Delegate Proposal No. 91, entitled "Proposal Regarding the Office of Ombudsman." The Proposal was read by Delegate Diaz.

Delegates Hilario F. Diaz, Vicente M. Manglona, Henry U. Hofschneider, Esteven M. King and Jose R. Cruz introduced Delegate Proposal No. 92, entitled "Proposal Regarding Revenue From Natural Resources." The Proposal was read by Delegate Diaz.

Delegates Jose R. Cruz, Hilario F. Diaz, Vicente M. Manglona, Henry U. Hofschneider and Esteven M. King introduced Delegate Proposal No. 93, entitled "Proposal Regarding Justification of Governmental Programs." The Proposal was read by Delegate Cruz.

Delegates Esteven M. King, Henry U. Hofschneider and Hilario F. Diaz introduced Delegate Proposal No. 94, entitled "Proposal Regarding Personal Rights." The Proposal was read by the Convention Secretary.

Delegates Esteven M. King, Vicente M. Manglona, Henry U. Hofschneider and Hilario F. Diaz introduced Delegate Proposal No. 95, entitled "Proposal Regarding Finance." the Proposal was read by the Secretary.

Delegates Pedro M. Ogo, Pedro Q. Dela Cruz, Leon I. Taisacan, Henry U. Hofschneider, Esteven M. King, Francisco T. Palacton, David M. Atalig, Gregorio S. Calvo, Benjamin T. Manglona, Prudencio T. Manglona, Vicente M. Manglona, Hilario F. Diaz and Jose R. Cruz introduced Delegate Proposal No. 96, entitled "Proposal Regarding Official Flag." The Proposal was read by Delegate Taisacan.

Delegate Daniel P. Castro introduced and read Delegate Proposal No. 97, entitled "Proposal Regarding Governmental Institutions."

Delegates Luis M. Limes and Lorenzo I. Guerrero introduced Delegate Proposal No. 98, entitled "Proposal Regarding Ombudsmen."

Delegates Luis M. Limes and Lorenzo I. Guerrero introduced Delegate Proposal No. 99, entitled "Proposal Regarding Micronesian Claims Act."

Delegates Lorenzo I. Guerrero and Luis M. Limes introduced Delegate Proposal No. 100, entitled "Proposal Regarding the Different Orders of Court."

Delegates Lorenzo I. Guerrero and Luis M. Limes introduced Delegate Proposal No. 101, entitled "Proposal Regarding the Jurisdiction of the 'Supreme Court' of the Commonwealth."

Delegates Lorenzo I. Guerrero and Luis M. Limes introduced Delegate Proposal No. 102, entitled "Proposal Regarding the Native Language of the Commonwealth of the Northern Mariana Islands."

Delegates Luis M. Limes, Lorenzo I. Guerrero, Leon I. Taisacan, Pedro M. Atalig, Felix A. Ayuyu, Hilario F. Diaz and Henry U. Hofschneider introduced Delegate Proposal No. 103, entitled "Proposal Regarding Conflicts of Interest."

Delegates Luis M. Limes and Lorenzo I. Guerrero introduced Delegate Proposal No. 104, entitled "Proposal Regarding Bill of Rights."

Delegates Luis M. Limes and Lorenzo I. Guerrero introduced Delegate Proposal No. 105, entitled "Proposal Regarding the Constitution."

Delegates Luis M. Limes and Lorenzo I. Guerrero introduced Delegate Proposal No. 106, entitled "Proposal Regarding Employment of Minorities in the Labor Force."

Delegates Luis M. Limes and Lorenzo I. Guerrero introduced Delegate Proposal No. 107, entitled "Proposal Regarding Natural Resources."

Delegates Luis M. Limes and Lorenzo I. Guerrero introduced Delegate Proposal No. 108, entitled "Proposal Regarding Oath of Office."

Delegates Juan P. Tenorio, Esteven M. King and Pedro Ogo introduced Delegate Proposal No. 109, entitled "Proposes a Provision in the Commonwealth Constitution that the Following be Included in the Local Government." The Proposal was read by the Convention Secretary.

Delegates Juan P. Tenorio, Esteven M. King and Pedro Ogo introduced Delegate Proposal No. 110, entitled "Proposal a Provision in the Commonwealth Executive Branch." The Proposal was read by the Secretary.

Delegate Ramon G. Villagomez introduced and read Delegate Proposal No. 111, entitled "Proposal Regarding Chamorro Language Requirement for Government Jobs."

REFERRAL OF PROPOSALS

Delegate Proposal No. 49, entitled "Proposal Regarding Board of Education.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 50, entitled "Proposal Regarding Inter-Island Sports Competition.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 51, entitled "Proposal Regarding Bill of Rights.", was referred to the Committee on Personal Rights and Natural Resources.

Delegate Proposal No. 52, entitled "Proposal Regarding Natural Resources.", was referred to the Committee on Personal Rights and Natural Resources.

Delegate Proposal No. 53, entitled "Proposal Regarding Natural Resources.", was referred to the Committee on Personal Rights and Natural Resources.

Delegate Proposal No. 54, entitled "Proposal Regarding Narcotics and Other Dangerous Drugs.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 55, entitled "Proposal Regarding Local Government.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 56, entitled "Proposal Regarding Transaction of Business.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 57, entitled "Proposal Regarding the Passage of Bills.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 58, entitled "Budget Submission.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 59, entitled "Emergency Power.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 60, entitled "Proposal Regarding the Restrictions of Office.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 61, entitled "Proposal Regarding the Legislature.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 62, entitled "Proposal Regarding Immunity.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 63, entitled "Proposal Regarding Bill of Rights.", was referred to the Committee on Personal Rights and Natural Resources.

Delegate Proposal No. 64, entitled "Proposal Regarding Bill of Rights.", was referred to the Committee on Personal Rights and Natural Resources.

Delegate Proposal No. 65, entitled "Proposal Regarding the Executive Branch of Government.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 66, entitled "Proposal Regarding Land Alienation.", was referred to the Committee on Personal Rights and Natural Resources.

Delegate Proposal No. 67, entitled "Proposal Regarding Bill of Rights.", was referred to the Committee on Personal Rights and Natural Resources.

Delegate Proposal No. 68, entitled "Proposal Regarding Removal of Executive Appointee from Office.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 69, entitled "Proposal Regarding Pardon and Clemency.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 70, entitled "Proposal Regarding Restoration of Civil Rights and Liberties.", was referred to the Committee on Personal Rights and Natural Resources.

Delegate Proposal No. 71, entitled "Proposal Regarding Land Ownership.", was referred to the Committee on Personal Rights and Natural Resources.

Delegate Proposal No. 72, entitled "Proposal Regarding Governmental Institutions.", was referred to the Committee on Personal Rights and Natural Resources.

Delegate Proposal No. 73, entitled "Proposal Regarding Natural Resources.", was referred to the Committee on Personal Rights and Natural Resources.

Delegate Proposal No. 74, entitled "Proposal Regarding Land.", was referred to the Committee on Personal Rights and Natural Resources.

President Guerrero: I would like to remind the Delegates that according to Rule 54, as amended, no Delegate Proposal can be presented after October 29, 1976.

(8) SECOND AND FINAL READING OF PROPOSALS - None

(9) INTRODUCTION OF RESOLUTIONS - None

(10) UNFINISHED BUSINESS - None

(11) SPECIAL ORDERS OF THE DAY

Delegate Olympio T. Borja: I would like to move that Committee Recommendation No. 2 from the Committee on Governmental Institutions, regarding "The Judicial Branch of Government.", be placed on the calendar under General Orders of the Day for tomorrow for consideration by the Committee of the Whole.

The motion was seconded and carried.

(12) GENERAL ORDERS OF THE DAY

Chairman Benigno Fitral: I would like to move that the Plenary Session resolve into the Committee of the Whole in order to consider Committee Recommendation No. 3 from the Committee on Personal Rights & Natural Resources, regarding "Initiative, Referendum and Recall.", and, also, Committee Recommendation No. 3 from the Committee on Finance, Local Government and Other Matters, regarding "Corporations."

The motion was seconded and carried.

President Guerrero: At this time, I would like to call on Vice President Francisco Palacios, to preside over the Committee of the Whole.

The Convention resolved into the Committee of the Whole at 2:38 p.m.

The Convention reconvened in Plenary Session at 4:07 p.m.

Chairman Palacios: I would like to report that the Committee of the Whole adopted the sections in the Reconsideration of Committee Recommendation No. 3 regarding, "Referendum and Recall," but they recommended re-referral of the section regarding "Initiative" to the Committee on Personal Rights and Natural Resources.

The Committee of the Whole also adopted Committee Recommendation No. 3 from the Committee on Finance, Local Government and Other Matters, regarding "Corporations."

Delegate Pedro Dela Cruz: Point of order, Mr. President. I think we need to adopt the report from the Committee of the Whole. I feel we need to do this.

Chairman Benigno Fitial: I move that the Committee Recommendations, as adopted by the Committee of the Whole, be adopted by this Convention.

The motion was seconded and carried.

(13) MISCELLANEOUS

Delegate David Q. Maratita: Mr. fellow Delegates, I wish to take a moment of your time to express my views about the proposal I introduced to provide for a draft Constitutional article prohibiting the creation of units of local government in the new Commonwealth.

As we all know, the government that we shall be forming under the new constitution should be a functional government taking all things under this system as totally devoid of the inconsistencies of the past experiences under the Trust Territory Government Administration.

The Municipal Governments that we now have are more than what I can normally call a "parasite" which eat of a sizeable amount of the capital resources that would have more appropriately been under a centralized agency.

Allow me to qualify my observation on why I feel that we, in this Convention, should provide an article in the constitution prohibiting the creation of local governments.

First, if we are to continue the present system, that is, the existence of municipal governments in the new Commonwealth, we will be sacrificing an essential part of the capital resources made available to fund for the operations of municipalities. As an example, the Saipan Municipal Government for its fiscal year budget for 1977, that is July 1, 1976 to June 30, 1977, a total of about \$451,883.00 will be needed to operate the municipality against an estimated revenue of \$453,392.00.

In a locality such as Saipan where the central government has activity such as Public Works, the services performed by the Municipal Government in public works become inter-phased in area of similar responsibilities. While Saipan is more evident of the duplication of public service efforts, Rota and Tinian to a certain degree, equally share the problem of duplicating some of the efforts that are provided by the central government. This appears unnecessary and unwarranted in the new Commonwealth Government for economic reasons.

Second, the absence of local government would make the delivery of services to the people more efficient. Legislative programs can be handled more effectively by limiting the process to one level of government, the central government. In other words, the legislature and the governor can program for the people under the concept of a central government with decentralized functions operating for the entire Commonwealth. Since the Commonwealth Legislature will be composed of representatives elected from the islands of Rota, Tinian and Saipan and the governor elected on a commonwealth-wide basis, there should be a reappraisal of our mental attitude to refer to our government as one central government and not persist on separate political sub-divisions.

Since the Covenant under Section 203(c) gives the people of Rota and Tinian protection that their particular interests be recognized and accommodated in the new Commonwealth, it would to a large degree be more advantageous to include a constitutional provision that would prohibit the creation of separate political sub-divisions on the islands of Rota, Tinian and Saipan. To insure, however, that the people living on these three main islands are represented in the executive branch of government, we should consider providing a constitutional language that would require the governor to establish within his immediate staff, a person to be responsible for the affairs of the islands, a position that would require the advice and consent of the legislature. At the same time, a provision could be

provided that the legislature be required to establish by a commissionership system or whatever allowing for the election of one person from each island who will be the chief representative of the governor on matters pertaining to their particular island. Compensation of these commissioners will be as provided by law and to be included in the commonwealth-wide budget for the operation of the executive branch. The Commissioner for Rota and Tinian under this system could be authorized by statute to be in direct charge of the administration in the delivery of services under a decentralized budget developed by the respective commissioner and approved in the governor's budget.

By doing away with a local government, the degree of delineation of authority as to what the local government can and cannot do will be less confusing to our people. In other words, the sad experiences that have been had prior to the new Commonwealth Government should not be repeated. I feel that a government functioning as one unit, that is the central government, will do more for the people on a commonwealth-wide basis rather than permitting a local government to perform only certain things for a given locality. The less local government we have the more efficient services can be delivered by the central government in that there will only be one level of government to work with. By decentralizing the function of this central government to Rota and Tinian allocating the authority that can be locally handled in matters pertaining to the administration of the government, we will not have to worry about maintaining another level of government operating under its separate identity such as we used to experience.

My fellow Delegates, perhaps what I have expressed may be facetious, but I feel that we are here in this Convention drafting our charter for a new government. I will urge a close review of our present political experience and ensure ourselves that what we will be providing for our future government will be a workable and acceptable approach to our new Commonwealth.

In conclusion, I am for a central Commonwealth Government under the concept of decentralized functions with respect to the administration of such a government.

Delegate Hilario F. Diaz: Mr. President and fellow Delegates. The Convention has now used over nine of its allotted 50 days. We have made substantial progress in some areas. Nevertheless, I think that it is important to pause to assess what we have done and what we must accomplish in the next 40 days in order to accomplish our mission.

Our Mission is straightforward; we must write a Constitution that not only creates a workable structure of government but also is sturdy and flexible enough to withstand the test of time. We must devote all of our efforts to achieving this objective. We must not permit geographic differences to interfere with our crucial task. The minority must never take advantage of the majority. The majority must never dominate the minority. Let us always remember that the United States Government would probably veto any Constitution that unfairly discriminates against any group, majority or minority, of our people. Rejection of our Constitution by the federal government would be a tragedy whose dimensions would be beyond our capacity to measure.

Mr. President and fellow Delegates, we must all remember that the Constitution will serve as the foundation of our new Commonwealth. But what is a commonwealth? It is a government founded on law and united by the people's compact with themselves to act for the common good. To speed the creation of our Commonwealth, we of the Tinian Delegation are willing to consider the completed Constitution as an entity. Even though we may disagree with specific provisions adopted in principle by the Committee of the Whole, we will not obstruct the work of the Convention. After the drafting of the Constitution is concluded, we will examine the entire document to determine if the interests of our constituents are adequately protected.

Mr. President, the Convention has heard many words urging Delegates to cooperate with each other. Over the next 40 days, we must give meaning to those words. We must act in the interests of all of our people on all of our islands. Let us create a Commonwealth that will serve us and our children well. Thank you.

Delegate Henry U. Hofschneider: Mr. President and Honorable Delegates of this historic Convention. This day marks our 10th day of our Convention and I would

like to take this opportunity on behalf of my fellow Delegates from Tinian to congratulate all of our hard working Delegates in this Convention.

First of all, Mr. President, I would like to go on record that disunity among us, in each perspective municipality in the Government of the Northern Marianas, has become idealistic since the beginning of this Convention. Let me further state that speeches and comments have been well established in this Convention against the wishes of both Rota and Tinian Municipality desires and presumably the Northern Islands. We all wish to frame a Constitution which would not duplicate our experience of frustration in our government system but to formulate a supreme government system in which that as citizens of the Northern Mariana Islands should ratify without the sense of future confrontation between ourselves. The delegates from Tinian, wish to express and assure all Delegates, and you, Mr. President, that we will cooperate in order to form a workable Constitution that will be accepted by all our people. We are divided by a body of ocean, however, this should not be an obstacle, we will not let it be an obstacle. It pains me to think that at one time our ancestors were one people and then were colonialistically divided by foreign power; we have been see-sawing from one power to the other.

Mr. President and fellow Delegates, let us not lose this opportunity to break forever from the Trust Territory Government. In conclusion, my fellow Delegates and Mr. President, Tinian is ready and open its hands to its brothers. Thank you.

Delegate Leon Taisacan: Mr. President and fellow Delegates. We assemble here in this Convention for the purpose of creating a workable Constitution for the Northern Marianas Government. During our assemblage in this Convention Hall, I have heard some encouraging speeches on unity in this Convention. I sincerely hope that each of us is honest about unity. I do not believe it would be worth anybody's while to note that if we want unity in this Convention and then attempt to break-up the spirit of unity and cooperation through actions. I hope that what we have said here about unity can be put into meaningful actions.

Mr. President, I just want to inform the Delegates that our proposal of 20% participation in the initiative process did not come out from our briefcase. It came out over a long period of time. It came out especially from the experience Rota and Tinian have had in the District Legislature in a manner in which we have treated each other. It came out from a long history and background of our relationship with the two Municipalities. Thank you.

Delegate Gregorio Calvo: I noticed on the Convention Journal for the 9th Day that there was no session. I believe the fact that we had committee meetings that day, even though there was no Plenary Session, should be in the Journal.

President Guerrero: Yes, the Convention Journal will be corrected to show that committee meetings were held on the 9th Day, even though there was no Plenary Session.

Delegate Jose R. Cruz: I just want to state an observation concerning a remark made earlier by one of the Delegates. While I am very much concerned about governmental levels, expenditures, funding and so forth, I wish to point out to this Convention that we should not close the door in drafting the Constitution for the possible future creating of a local government. I wish to remind this Convention, for example, the State of Hawaii, has county and city governments similar to the structure the Marianas presently has. Perhaps only the names are different. The reason why local government has not been very successful in the Northern Marianas is simply because there was no decentralization of responsibility according to the various municipalities. I want this to be a reminder to all the Delegates, in drafting our Constitution, it is very important that we include the provision that if we want to have local government in the future, we have the avenue to do so.

Delegate Benigno Fitial: I just want to cheer-up my fellow Delegate from Tinian. In regard to his remarks, that particular Delegate Proposal has been tabled.

(14) ANNOUNCEMENTS

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

Chairman Jose P. Mafnas: Your Committee on Governmental Institutions will meet tomorrow morning at 9:00 a.m. in the Convention Hall.

Chairman Benigno Fitial: Your Committee on Finance, Local Government and Other Matters will meet tomorrow morning at 9:00 a.m. in their regular meeting place.


President Guerrero: I would like to announce that the Committee on Procedures and Organization will be meeting immediately following this session.

Delegate Pedro Dela Cruz: I move that we recess until tomorrow at 2:00 p.m.

The motion was seconded and carried.

The Convention recessed at 4:27 p.m.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS
VERBATIM JOURNAL (TRANSCRIPT)

ELEVENTH DAY
Thursday, October 28, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 2:05 p.m.

The Honorable Lorenzo I. Guerrero, President, presided.

(2) A moment of silent prayer was observed.

(3) The Convention Secretary called the roll. There were 37 Delegates present. Delegates Daniel P. Castro and Joaquin S. Torres were excused. No Delegates were absent.

Floor Leader Rasa: I move that those Delegates not in attendance be granted leave of absence.

The motion was seconded and carried.

(4) ADOPTION OF THE JOURNAL

Floor Leader Rasa: I move that we adopt the Summary Journal for the 10th Day.

The motion was seconded and carried to adopt the Summary Journal for the 10th Day.

(Delegate Joaquin S. Torres entered the Convention Hall.)

(5) COMMUNICATIONS - None.

(6) COMMITTEE REPORTS

Chairman Jose P. Mafnas: I would like to report that your Committee on Governmental Institutions is now discussing the executive branch of the government. I also have several Delegate Proposals which have been disposed of by your Committee. Regarding Delegate Proposal No. 75, entitled "Proposal Regarding Public Officials.", the Committee has set the age for Senator at 30 years minimum and the age for Representatives at 25 years minimum age.

Delegate Proposal No. 76, entitled "Proposal Regarding Governmental Institutions.", it was agreed that all sessions of the Legislature will be open to the public except on highly sensitive issues.

On Delegate Proposal No. 62, entitled "Proposal Regarding Immunity.", the Committee has decided to accept this.

Delegate Proposal No. 61, entitled "Proposal Regarding the Legislature.", requests that the Senate and House of Representatives shall be called "The Marianas Congress." Your Committee on Governmental Institutions has tentatively decided to call this body "The Northern Marianas Commonwealth Legislature." I have reservations on that particular conclusion.

On Delegate Proposal No. 17, entitled "Proposal Regarding the Legislative Branch of Government.", your Committee has agreed tentatively that the upper house will be called "The House of Senate" and will be composed of three Senators from Tinian, three Senators from Saipan and three Senators from Rota. The lower house, "The House of Representatives," will be composed of 30 members; 25 from Saipan, 3 from Rota and 2 from Tinian. Also regarding this Proposal, your Committee has tentatively agreed that appropriation bills should originate in the lower house and will be subject to approval by the upper house.

Chairman Felipe Atalig: I would like to yield the floor to Delegate Manuel Tenorio for presentation of the report from the Committee on Personal Rights and Natural Resources.

Delegate Manuel Tenorio: The Committee on Personal Rights and Natural Resources has deliberated on the provision on Initiative that had been re-referred to the Committee by Committee of the Whole yesterday. The Committee has agreed to recommend the first Proposal that was offered to the Convention requiring twenty percent (20%) of the total number of qualified voters within the Commonwealth.

Chairman Benigno Fitial: Your Committee on Finance, Local Government and Other Matters will make no report at this time.

(7) INTRODUCTION AND FIRST READING OF PROPOSALS

Delegate Juan S. Demapan introduced Delegate Proposal No. 112, entitled "Proposal Regarding Land." The Proposal was read by the Secretary.

Delegates Olympio T. Borja and Jose S. Borja introduced Delegate Proposal No. 113, entitled "Proposal Regarding Sovereign Immunity." The Proposal was read by Delegate Olympio T. Borja.

Delegates Manuel A. Tenorio, Luis M. Limes, Jose S. Borja, Francisco T. Palacios, Juan S. Demapan, Felix A. Ayuyu, Henry U. Hofschneider and Juan P. Tenorio introduced Delegate Proposal No. 114, entitled "Proposal Regarding Legislative Matters." The Proposal was read by the Convention Secretary.

Delegates Manuel A. Tenorio, Luis M. Limes, Francisco T. Palacios, Jose S. Borja, Juan S. Demapan, Henry U. Hofschneider, Hilario J. Diaz and Juan P. Tenorio introduced Delegate Proposal No. 115, entitled "Proposal Regarding Land Use." The Proposal was read by the Convention Secretary.

Delegates Manuel A. Tenorio, Luis M. Limes, Henry U. Hofschneider, Leon Taisacan, Daniel Castro, Lorenzo I. Guerrero and Juan P. Tenorio introduced Delegate Proposal No. 116, entitled "Proposal Regarding Natural Resources." The Proposal was read by the Convention Secretary.

Delegates Manuel A. Tenorio, Luis M. Limes, Leon I. Taisacan, Lorenzo I. Guerrero and Juan P. Tenorio introduced Delegate Proposal No. 117, entitled "Proposal Regarding Natural Resources." The Proposal was read by the Secretary.

Delegates Benigno R. Fitial and Pedro Igitol introduced Delegate Proposal No. 118, entitled "Proposal Regarding the Northern Marianas Youth Congress." The Proposal was read by Delegate Fitial.

Delegates Benigno R. Fitial and Pedro Igitol introduced Delegate Proposal No. 119, entitled "Proposal Regarding Public Disclosures by Elected Officials." The Proposal was read by Delegate Fitial.

Delegates Benigno R. Fitial and Pedro Igitol introduced Delegate Proposal No. 120, entitled "Proposal Regarding Public Disclosure of the Budget." The Proposal was read by Delegate Fitial.

Delegate Benigno R. Fitial and Pedro Igitol introduced Delegate Proposal No. 121, entitled "Proposal Regarding Governmental Institutions." The Proposal was read by Delegate Fitial.

Delegate Francisco T. Palacios introduced Delegate Proposal No. 122, entitled "Proposal Regarding Public Land."

Delegates Herman Q. Guerrero and Magdalena Camacho introduced Delegate Proposal No. 123, entitled "Proposal Regarding Employment and Conditions of Labor."

Delegates Herman Q. Guerrero and Magdalena Camacho introduced Delegate Proposal No. 124, entitled "Proposal Regarding the Imprisonment of Children."

Delegates Herman Q. Guerrero and Magdalena Camacho introduced Delegate Proposal No. 125, entitled "Proposal Regarding Child Labor."

Delegates Herman Q. Guerrero and Magdalena Camacho introduced Delegate Proposal No. 126, entitled "Proposal Regarding the Structure of Government."

REFERRAL OF PROPOSALS

Delegate Proposal No. 75, entitled "Proposal Regarding Public Officials.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 76, entitled "Proposal Regarding Governmental Institutions.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 77, entitled "Proposal Regarding Code of Ethics.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 78, entitled "Proposal Regarding Capital Punishment.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 79, entitled "Proposal Regarding Private Employer.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 80, entitled "Proposal Regarding the Bill of Rights.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 81, entitled "Proposal Regarding Land.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 82, entitled "Proposal Regarding Extradition.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 83, entitled "Proposal Regarding Apportionment in the House of Representatives.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 84, entitled "Proposal Regarding Public Land.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 85, entitled "Failure to Make Appropriations.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 86, entitled "Proposal Regarding Oath of Office.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 87, entitled "Proposal Regarding Existing Officers Continued in Office.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 88, entitled "Proposal Regarding Public Employees.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 89, entitled "Proposal Regarding Sea Fisheries.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 90, entitled "Proposal Regarding the Legislative Branch of Government." was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 91, entitled "Proposal Regarding the Office of Ombudsman.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 92, entitled "Proposal Regarding Revenue from Natural Resources.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 93, entitled "Proposal Regarding Justification of Governmental Programs.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 94, entitled "Proposal Regarding Personal Rights.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 95, entitled "Proposal Regarding Finance, Local Government and Other Matters.

Delegate Proposal No. 96, entitled "Proposal Regarding Official Flag.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 97, entitled "Proposal Regarding Governmental Institutions.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 98, entitled "Proposal Regarding Ombudsmen.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 99, entitled "Proposal Regarding Micronesian Claims Act.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 100, entitled "Proposal Regarding the Different Orders of Court.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 101, entitled "Proposal Regarding the Jurisdiction of the 'Supreme Court' of the Commonwealth.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 102, entitled "Proposal Regarding the Native Language of the Commonwealth of the Northern Mariana Islands.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 103, entitled "Proposal Regarding Conflicts of Interest.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 104, entitled "Proposal Regarding Bill of Rights.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 105, entitled "Proposal Regarding the Constitutions.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 106, entitled "Proposal Regarding Employment of Minorities in the Labor Force.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 107, entitled "Proposal Regarding Natural Resources.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 108, entitled "Proposal Regarding Oath of Office.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 109, entitled "Proposes a Provision in the Commonwealth Constitution That the Following be Included in the Local Government.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 110, entitled "Proposal A Provision in the Commonwealth Executive Branch.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 111, entitled "Proposal Regarding Chamorro Language Requirement for Government Jobs.", was referred to the Committee on Governmental Institutions.

(8) SECOND AND FINAL READING OF PROPOSALS - None

(9) INTRODUCTION OF RESOLUTIONS

Delegate Felipe Atalig: I would like to introduce the following resolutions:

"Resolution No. 2:

"Resolved, that the Northern Marianas Constitutional Convention is aware of the fact that any land on Tinian which has been leased to the United States is publicly owned land, not land taken from private parties, and resolved further, that the Convention will take note of this fact in considering any proposal relating to privately owned land on Tinian."

"Resolution No. 3:

"Resolved, that the Northern Marianas Constitutional Convention, offers its best wishes to the most widely known citizen of Plains, Georgia, Jimmy Carter."

(10) UNFINISHED BUSINESS - None

(11) SPECIAL ORDER OF THE DAY

Chairman Benigno Fitial: I would like to move that Committee Recommendation No.1

from the Committee on Finance, Local Government and Other Matters, regarding "Constitutional Amendment," be placed on the calendar for Second and Final Reading tomorrow, October 29, 1976.

The motion was seconded and defeated.

(12) GENERAL ORDERS OF THE DAY

Floor Leader Rasa: I move that the Convention resolve into the Committee of the Whole in order to consider Committee Recommendation No. 2 from the Committee on Governmental Institutions, regarding "The Judicial Branch of Government."

The motion was seconded and carried.

President Guerrero: I would like to call on the Delegate from Saipan, Delegate Olympio T. Borja to Chair the Committee of the Whole for today.

The Convention resolved into the Committee of the Whole at 2:26 p.m.

The Convention reconvened in Plenary Session at 3:11 p.m.

Chairman Olympio T. Borja: I would like to report that the Committee of the Whole, after thorough deliberation, has unanimously adopted Committee Recommendation No. 2 from the Committee on Governmental Institutions, regarding "The Judicial Branch of Government."

Chairman Olympio T. Borja: I now would like to move that the Convention accept my oral report on Committee of the Whole and that Committee Recommendation No. 2 from the Committee on Governmental Institutions be placed on the calendar for Second and Final Reading.

The motion was seconded and carried.

President Guerrero: I would like to call to the attention of the Delegates, that according to Rule 47, if there are any amendments, these should be in writing and distributed prior to such consideration.

Chairman Benigno Fitial: What is the decision of the Chair regarding Committee Recommendation No. 4: Constitutional Amendments, from the Committee on Finance, Local Government and Other Matters.

President Guerrero: Committee Recommendation No. 4: Constitutional Amendments, from the Committee on Finance, Local Government and Other Matters, is recognized as an amendment to Committee Recommendation No. 1: Constitutional Amendments, previously submitted by your Committee. This amendment will have to be offered during the Second Reading since Committee Recommendation No. 1 was already adopted, unamended, during its First Reading.

Chairman Benigno Fitial: I don't think it was understood in my previous motion that I was not asking for adoption of Committee Recommendation No. 4, I was asking that it be placed on the calendar for discussion.

President Guerrero: Any amendment to a Committee Recommendation that has already been adopted during its First Reading has to be made at the Second Reading.

(13) MISCELLANEOUS

Delegate Juan S. Demapan: I would like to make a few remarks.

Mr. President and fellow Delegates. The recent decisions to refer Committee Recommendation No. 3: Initiative, Referendum and Recall, indicate that there is misunderstanding and division of the House on a matter that may seemingly affect the Commonwealth at a point in time in the future.

Mr. President and fellow Delegates, the major problem we now face is that we are not thinking about Commonwealth as a whole but rather divisions of people. If this chamber continues to believe in the latter, I am sorry to say that this supposedly one Commonwealth, one people, is going to hell. What is past is past -- it's the future we look into. I, for one, strongly believe in a Commonwealth.

For only when there are differing types of governments and nations can there be a compromise. The Northern Marianas is one Commonwealth and nothing else. We shall all look ultimately for one direction. For if I were in a foreign country at one future date and someone asked me where I from, for sure I won't say I'm from Rota, but from the Commonwealth of the Northern Marianas. Therefore, I only urge each one of you to think Commonwealth.

Thank you.

Delegate Jose R. Cruz: If someone asked me where I am from, I am going to certainly answer, from the Marianas. But then I might say that I represent the individual people of Tinian.

(14) ANNOUNCEMENTS

Chairman Benigno Fitial: The Committee on Finance, Local Government and Other Matters will meet at 9:00 a.m. tomorrow morning.

Chairman Jose P. Mafnas: The Committee on Governmental Institutions will meet tomorrow morning at 9:00 a.m. in the Convention Hall.

Chairman Felipe Atalig: The Committee on Personal Rights & Natural Resources will also meet tomorrow morning at 9:00 a.m.

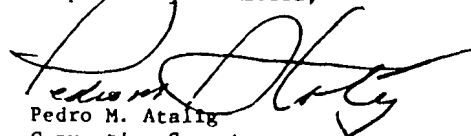
Convention Secretary: Mr. Rudy Sablan, Public Information Officer, is in the process of making biographical sketches of all the Delegates and also a pictorial record of the proceedings. He would like the Delegates to prepare their own biographical sketches and give them to him.

Delegate Juan DLG. Demapan: I move that the Convention recess until 2:00 p.m. tomorrow afternoon.

The motion was seconded and carried.

The Convention recessed at 3:20 p.m.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

TWELFTH DAY
Friday, October 29, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 2:40 p.m.

The Honorable Lorenzo I. Guerrero, President, presided.

(2) A moment of silent prayer was observed.

(3) The Convention Secretary called the roll. There were 39 Delegates present. No Delegates were excused or absent.

(4) ADOPTION OF THE JOURNAL

Floor Leader Raza: Mr. President, I move for the adoption of the Summary Journal of the 11th Day.

The motion was seconded.

Chairman Benigno Fitial: Mr. President, there is an error on page 4, under Special Orders of the Day. It should reflect that Committee Recommendation No. 1 was from the Committee on Finance, Local Government and Other Matters.

President Guerrero: The Chair will order that such correction be made.

Motion to adopt the Summary Journal of the 11th Day carried.

(5) COMMUNICATIONS - None.

(6) COMMITTEE REPORTS

Chairman Mafnas: Mr. President, your Committee on Governmental Institutions met this morning and they are discussing the Executive Branch of Government. If I may continue, Mr. President, I will give the disposal of Delegate Proposals assigned to your Committee.

President Guerrero: Please continue.

Chairman Mafnas: Delegate Proposal No. 03, "Judicial Branch of Government.", was discussed by your Committee on the portion that discusses a court with jurisdiction over disputes involving land. Your Committee reported out on that in a Committee Recommendation made yesterday, Committee Recommendation No. 2. On the portion that proposed to create at least one judgeship to staff the court, that was also reported out in Recommendation No. 2 yesterday. On the portion proposing appointment of an attorney who is not a resident of the Northern Marianas to serve as a judge of the court, your Committee decided on Recommendation No. 2 to be silent on that in the Constitution. Also from the same Delegate Proposal, Mr. President, the request that a judge be authorized to sit temporarily on courts which decide cases not involving land, was reported out favorably by your Committee yesterday.

On Delegate Proposal No. 09, "A Proposal Regarding Special Court to Deal with Land Matters.", your Committee Recommendation No. 2 made yesterday reflects favorably on the Proposal in its entirety.

On Delegate Proposal No. 15, "Proposal Regarding the Legislative Branch of Government.", your Committee recommended (in a Recommendation to be submitted at a later date) that the bi-cameral legislature be called Northern Marianas Commonwealth Legislature and not Northern Mariana Islands Legislature. That the upper house, to be addressed as Senate, with three members from each chartered municipalities--that was tentatively agreed upon by your Committee.

That the lower house be addressed as House of Representatives and membership configuration be based on population--in a report to be submitted at a later date your Committee recommended a membership of 30 in the House of Representatives (25 from Saipan, 3 from Rota and 2 from Tinian). We have not acted on length of term for members of either house, but provide for a minimum age of 30 years in the upper house and 25 years in the lower house. These are subject to changes in the Convention Hall, Mr. President.

On Delegate Proposal No. 82, Mr. President, regarding "Extradition," your Committee has yet to reach a position on this matter. We have, in fact, discussed this Proposal this morning.

Delegate Proposal No. 85, regarding "Failure to Make Appropriations."-- your Committee has reached a favorable decision on it in its entirety.

Delegate Proposal No. 100, regarding "The Different Orders of Court."-- your Committee Recommendation No. 2 has reported that Proposal favorably.

Delegate Proposal No. 101, regarding "The Jurisdiction of the 'Supreme Court' of the Commonwealth."--that position, Mr. President, is reflected in your Committee's Recommendation No. 2.

Delegate Proposal No. 69, regarding "Pardon and Clemency.", this is a provision granting the power to the governor--your Committee reported out favorably and provided a Board of Pardon and Parole who recommends approval of any pardon or clemency.

Chairman Atalig: Mr. President, your Committee on Personal Rights & Natural Resources has considered the Recommendation No. 3, regarding "Initiative," and I believe Minority has also made a report in this regard. At this time I would like to ask the Convention Secretary, since he's one of the signatories of the minority report, to report this to the house.

Convention Secretary Atalig: There is a report to the Committee of the Whole and the Convention as a whole that the Minority feels that the required number of votes required for "Initiative" should be three-fourths of the votes cast. We submit our Minority Report in this matter.

Chairman Fitial: Your Committee on Finance, Local Government and Other Matters is still deliberating on "Local Government." At its next meeting, Mr. President, your Committee will have its final deliberation on "Revenue and Taxation Finance" and, hopefully, by Tuesday we will have a complete and final Committee Recommendation for the review and consideration of the Committee of the Whole. Thank you, Mr. President.

(7) INTRODUCTION AND FIRST READING OF PROPOSALS

Delegate Jose S. Borja introduced and read Delegate Proposal No. 127, entitled "Proposal Regarding Preamble."

Delegates Pedro Dela Cruz and Benigno Fitial introduced Delegate Proposal No. 128, entitled "Proposal Regarding Regulation of Business." The Proposal was read by Delegate Dela Cruz.

Delegates Henry U. Hofschneider, Jose R. Cruz, Pedro M. Atalig, David M. Atalig, Leon I. Taisacan, Pedro Dela Cruz, Prudencio Manglona, Jose Borja, Esteven King, Felix Ayuyu, Benjamin Manglona, Manuel Tenorio, Vicente Manglona, Hilario F. Diaz, Gregorio Calvo and Pedro Ogo introduced Delegate Proposal No. 129, entitled "Proposal Regarding a Land Corporation." The Proposal was read by Delegate Hofschneider.

Delegates Esteven M. King, Benigno Fitial, Henry Hofschneider, Pedro Dela Cruz and Luis M. Limes introduced Delegate Proposal No. 130, entitled "Proposal Regarding Official Languages of the Commonwealth." The Proposal was read by Delegate King.

Delegates Carlos S. Camacho, Antonio M. Camacho, Felix Ayuyu and Juan DLG. Demapan introduced Delegate Proposal No. 131, entitled "Proposal Regarding Alien Immigration Quota into the Northern Marianas." The Proposal was read by Delegate Demapan.

Delegates Francisco T. Palacios, Daniel P. Castro, Benigno R. Fitial, Manuel A. Tenorio and Luis M. Limes introduced Delegate Proposal No. 132, entitled "Proposal Regarding Executive Branch Offices." The Proposal was read by Delegate Palacios.

Delegate Magdalena Camacho introduced and read Delegate Proposal No. 133, entitled "Proposal Regarding Personal Rights."

Delegate Magdalena Camacho introduced and read Delegate Proposal No. 134, entitled "Proposal Regarding Legislative Branch."

Delegates Francisco T. Palacios, Daniel P. Castro, Juan S. Demapan, Benigno Fitial and Manuel A. Tenorio introduced Delegate Proposal No. 135, entitled "Proposal Regarding Bill of Rights." The Proposal was read by Delegate Palacios.

Delegates Francisco T. Palacios, Luis M. Limes, Manuel A. Tenorio, Juan S. Demapan and Jose S. Borja introduced Delegate Proposal No. 136, entitled "Proposal Regarding Economic Development." The Proposal was read by Delegate Palacios.

Delegates Francisco T. Palacios, Juan S. Demapan, Benigno Fitial and Manuel A. Tenorio introduced Delegate Proposal No. 137, entitled "Proposal Regarding Natural Resources." The Proposal was read by Delegate Palacios.

Delegates Francisco T. Palacios, Daniel P. Castro, Benigno R. Fitial, Manuel A. Tenorio and Luis M. Limes introduced Delegate Proposal No. 138, entitled "Proposal Regarding Education."

Delegates Juan P. Tenorio, Oscar C. Rasa, Henry U. Hofschneider and Manuel A. Tenorio introduced Delegate Proposal No. 139, entitled "Proposal Regarding Commonwealth Legislature." The Proposal was read by Delegate Juan P. Tenorio.

Delegates Manuel A. Tenorio, Magdalena S. Camacho, Ramon G. Villagomez, Jesus G. Villagomez, Juan P. Tenorio and Carlos S. Camacho introduced Delegate Proposal No. 140, entitled "Proposal Regarding Public Land Matters." The Proposal was read by the Secretary.

Delegates Larry I. Guerrero, Benigno R. Fitial and Felipe Atalig introduced Delegate Proposal No. 141, entitled "Proposal Regarding Refusal." The Proposal was read by Delegate Atalig.

Delegate Olympio T. Borja introduced and read Delegate Proposal No. 142, entitled "Proposal Regarding Preamble."

Delegates Lorenzo I. Guerrero and Benigno R. Fitial introduced Delegate Proposal No. 143, entitled "Proposal Regarding Consultation on Matters Involving the Commonwealth of the Northern Mariana Islands." The Proposal was read by Delegate Fitial.

Delegates Pedro Ogo and Carlos S. Camacho introduced Delegate Proposal No. 144, entitled "Proposal Regarding Members of the Medical, Dental, Nursing and Education Professions."

Delegates Carlos S. Camacho, Antonio M. Camacho and Felix Ayuyu introduced Delegate Proposal No. 145, entitled "Proposal Regarding Executive Branch of Government." The Proposal was read by the Convention Secretary.

Delegates Juan S. Demapan, Jose S. Borja and Pedro M. Atalig introduced Delegate Proposal No. 146, entitled "Proposal Creating Environmental Protection Board."

Delegates Juan S. Demapan, Jose S. Borja and Pedro M. Atalig introduced Delegate Proposal No. 147, entitled "Proposal Regarding Mass Transit."

Delegates Herman Q. Guerrero and Carlos S. Camacho introduced Delegate Proposal No. 148, entitled "Proposal Regarding the Taking of Census."

Delegate Jose R. Cruz offered a Proposal orally, regarding the Commonwealth Legislature, and then immediately ruled himself out of order because it was not offered in writing.

REFERRAL OF PROPOSALS

Delegate Proposal No. 112, entitled "Proposal Regarding Land.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 113, entitled "Proposal Regarding Sovereign Immunity.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 114, entitled "Proposal Regarding Legislature Matters.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 115, entitled "Proposal Regarding Land Use.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 116, entitled "Proposal Regarding Natural Resources.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 117, entitled "Proposal Regarding Natural Resources.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 118, entitled "Proposal Regarding the Northern Marianas Youth Congress.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 119, entitled "Proposal Regarding Public Disclosures by Elected Officials.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 120, entitled "Proposal Regarding Public Disclosure of the Budget.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 121, entitled "Proposal Regarding Governmental Institutions.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 122, entitled "Proposal Regarding Public Land.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 123, entitled "Proposal Regarding Employment and Conditions of Labor.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 124, entitled "Proposal Regarding the Imprisonment of Children.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 125, entitled "Proposal Regarding Child Labor.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 126, entitled "Proposal Regarding the Structure of Government.", was referred to the Committee on Governmental Institutions.

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

(9) INTRODUCTION OF RESOLUTIONS - None.

(10) UNFINISHED BUSINESS - None.

(11) SPECIAL ORDERS OF THE DAY

Chairman Fitial: Mr. President, I move that the Convention reconsider your Committee's Recommendation No. 1, regarding "Constitutional Amendment." And I also move that it be placed under General Orders of the Day on Tuesday for consideration.

The motion was seconded and carried.

(12) GENERAL ORDERS OF THE DAY

Floor Leader Rasa: Mr. President, I move that the Convention resolve into the Committee of the Whole in order to Consider Committee Recommendation No. 3, regarding "Initiative," and to consider Committee Recommendation No. 4, regarding "Bill of Rights."

The motion was seconded and carried. President Guerrero appointed Vice-President Vicente Manglona to preside over the Committee of the Whole.

The Convention resolved into the Committee of the Whole at 3:10 p.m.

The Convention reconvened in Plenary Session at 4:31 p.m.

Chairman Manglona: Mr. President, I would like to yield the floor to the Chairman of the Committee on Personal Rights to give the report.

Chairman Atalig: Thank you, Mr. President. The Committee of the Whole recommended again that Committee Recommendation No. 3 on "Initiative" is to be deferred until the next meeting, which will be on Tuesday. I would also like to report to you, Mr. President, that on the same matter the Committee's Recommendation No. 4 has been adopted by the Committee of the Whole. At this time I move that the Committee's Recommendation No. 4 on "Personal Rights" be adopted.

The motion was seconded and carried.

Floor Leader Rasa: Mr. President, Section 10 on "Free Public Education," according to the Committee's Report, provides that each person shall have the right to a free public education. If we go back and review the Recommendation which was passed by the Committee of the Whole and the Convention regarding Section 1 on "Education," which states that there shall be free, compulsory and public elementary and secondary education.....I think there is a substantial difference between the two. Public education could be considered to be institutions which are run and subsidized by the government. Compulsory public elementary and secondary education stipulates that there must be primary and secondary levels. I have to oppose the counsel's decision that we should incorporate the Article on Education as submitted by the Committee on Finance and Taxation under the Committee's Recommendation on "Free Public Education" because I think there is a substantial difference. And I do intend to come in with an amendment on the Second Reading. Thank you.

President Guerrero: I ask that any amendment be made before taking our Second and Final Reading, please. Have it in advance, written and ready to distribute among all the Delegates. That will give them a chance to read it and make the final decision in their voting.

(13) MISCELLANEOUS

Delegate Benjamin Manglona: Mr. President, I would like to make a few remarks.

Mr. President and fellow Delegates:

Today marks the 12th day of our Convention. When our Delegation entered this sacred hall of justice for the first time, we pledged ourselves to devote our full energy to the challenging task ahead of this Convention. We are here to frame a workable constitution that will guarantee the pursuit of happiness, protection and prosperity to all our people. A workable Constitution that will be equally enjoyed by the people of Saipan, Rota and Tinian. During the last 11 days, we have sat in this Convention and heard many eloquent speeches. We have heard speeches on unity. We have heard speeches on mutual trust and cooperation. We have heard speeches condemning the delegation from one or more of the municipalities. The free expression of the Delegates in this Convention is a model to all of us of the American democracy in action. We can proudly say that we are glad that we are part of America, a great nation.

We came to this Convention with some reservations. We know we are the minority. We know we will have many differences. We know that at times we may even quarrel on issues. We anticipated heated debates. But despite all these reservations, you should be grateful that we are here. We are here as your good friends and good neighbors. Let us reason together to achieve a good compromise.

Our delegation does not regret that we are sharing together in this Convention. We are getting to know and understand each other's position, day by day. We are learning to be a Saipanese while you are learning to be a Rotanese. And at the same time we are all learning to be a Tinianese. Altogether we are one people. But our ocean has divided us and our past experience has disunited us.

Today, as we frame our Constitution we seek unity, we seek friendship, and let us all hope that the products of our hard work will produce a workable Constitution that will make one island out of many islands and one people out of many people so that all generations to come can proudly say that I am glad that Saipan is my home, Rota is my home and Tinian is my home. I thank you, Mr. President.

Delegate Esteven King: Mr. President, I have a speech today, please.

Mr. President and fellow Delegates of the Northern Marianas:

With respect and honor, let's have the type of Constitution in the new Government of the Northern Marianas that we can ever hope to achieve the kind of life we desire by protection of law. The Constitution, the supreme power that there will be many changes to expect in life in the Marianas. The citizens of the Marianas will ratify the new Constitution for our country and its people for the protection of unity. The people of the Marianas will be the ones to hold the power of the Government, compromising with the personal guarantee without any foreign interference. But, let us have the type of Constitution that will give the people of the Marianas the strength of authority and responsibility that they will no longer be dependent upon outside powers to handle internal and external affairs. Let's have the type of Constitution to defend us from all advantages and disadvantages of foreigners. The Constitution will be a great guide in solving the problems that we will face in our metamorphosis to a free and strong paradise country. Mr. President, we shall preserve the heritage of the past and protect the promise of the future. Without justice under law for all and equal protection--that means the Marianas Government would not be strong without a Constitution. Mr. President and fellow Delegates, let's not make it a simple Constitution because of 'minority and majority.' Let's make it strong so that the people of the whole world will respect us and we will become the proud guardians of our islands and our people, now and forever. Thank you.

(The Plenary Session was conducted in the Chamorro language from 4:37 p.m. until 4:46 p.m.)

(14) ANNOUNCEMENTS

Chairman Fitial: Mr. President, your Committee on Finance, Local Government and Other Matters will be meeting Saturday at ten o'clock, Sunday at ten o'clock and Monday at two o'clock in their usual, regular meeting place.

Chairman Atalig: Your Committee on Personal Rights & Natural Resources will meet at 1:30 p.m. on Saturday. Their meeting times for Sunday and Monday will be announced later.

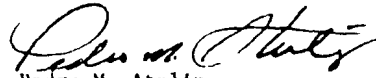
Delegate Benjamin Manglona: Mr. President, Chairman Matuan asked me to announce that your Committee on Governmental Institutions will be meeting at ten o'clock Sunday morning.

Delegate Jose R. Cruz: Mr. President, I move that the Convention recess until nine o'clock, Tuesday morning.

The motion to recess was seconded and carried.

The Convention recessed at 4:55 p.m.

Respectfully submitted,



Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS
VERBATIM JOURNAL (TRANSCRIPT)

FOURTEENTH DAY
Sunday, October 31, 1976

There was no Plenary Session this date, however, there were committee meetings.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary

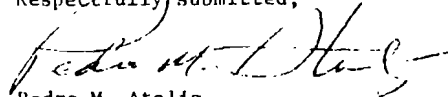
CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

FIFTEENTH DAY
Monday, November 1, 1976

There was no Plenary Session this date, however, there were committee meetings.

Respectfully submitted,



Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

SIXTEENTH DAY
Tuesday, November 2, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 9:18 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 38 Delegates present. Delegate Felipe Atalig was excused. No Delegates were absent.

Floor Leader Rasa: I move that the Delegate not in attendance be granted leave of absence.

The motion was seconded and carried.

(4) ADOPTION OF THE JOURNAL

Floor Leader Rasa: I move we adopt the Summary Journals for the 12th, 13th, 14th and 15th Days.

The motion was seconded and carried.

(5) COMMUNICATIONS - None

(6) COMMITTEE REPORTS

Chairman Benigno Fitial: Your Committee on Finance, Local Government and Other Matters has completed its analysis of two important subjects: taxation and debt, and we have the honor of presenting this Convention this morning two sets of Recommendations and accompanying Reports for consideration of the Committee of the Whole. Copies of these documents have already been distributed to each Delegate this morning.

Committee Recommendation No. 5 deals with taxation. Two critical matters are respectfully proposed for consideration. First, your Committee strongly recommends that the Constitution prohibit levying of taxes or appropriation of funds except for a public purpose. Public funds could not be used for private purposes. This restriction, Mr. President, would not apply to appropriations for assistance to industrial development projects in which private investors also participate when the undertaking serves a public purpose for the benefit of the Commonwealth.

Second, your Committee has a recommendation on the subject of tax exemption. We concluded, after careful analysis, that flat prohibitions and specific exemptions should not be in the Constitution. But we recommend and commend to the consideration of the Delegates a constitutional requirement that the Governor prepare and submit to the Legislature, every five years, a report on the use of statutory tax exemptions that may be granted. This report would analyze the use, social, and economic impact of the exemption, as well as its consequences with respect to achieving a balanced budget.

Mr. President, the Committee on Finance, Local Government and Other Matters also submits Recommendation No. 6 dealing with Commonwealth debt. In the judgment of your Committee, it is imperative that borrowing for public improvements be done with caution, and pursuant to well-ordered physical improvement plans. Moreover, it is imperative that limitations be placed on the amount of debt that can be incurred by the Commonwealth Government and its political subdivisions.

Therefore, we propose that the debt limitation contained in the Covenant be made a part of the Constitution. That will assure that borrowing by way of general obligation bonds be limited at any one time to not more than ten percent (10%) of the assessed value of property in the Commonwealth.

We, also, have a second recommendation to control debt. This applies both to general obligation and revenue bonds. Under the Committee's proposal, no public debt shall be authorized or incurred unless approved by a two-thirds vote of the members in each house of the Legislature.

The capacity of our people to achieve their dreams cannot be done without cost. We must plan carefully, consider wisely, and spend cautiously. This is the essence of the two sets of recommendations that we submit this morning.

I thank you.

Chairman Jose P. Mafnas: Your Committee on Governmental Institutions is still considering the "Executive Branch of Government."

(7) INTRODUCTION AND FIRST READING OF PROPOSALS

Chairman Benigno Fitial: At this time I would like to introduce Committee Recommendations No. 5 and 6 from the Committee on Finance, Local Government and Other Matters, concerning Commonwealth Taxation and Commonwealth Debt, for First Reading.

Referral of Proposal

Delegate Proposal No. 127, entitled "Proposal Regarding Preamble.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 128, entitled "Proposal Regarding Regulation of Business.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 129, entitled "Proposal Regarding a Land Corporation.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 130, entitled "Proposal Regarding the Official Languages of the Commonwealth.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 131, entitled "Proposal Regarding Alien Immigration Quota into the Northern Marianas.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 132, entitled "Proposal Regarding Executive Branch Offices.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 133, entitled, "Proposal Regarding Personal Rights.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 134, entitled "Proposal Regarding Legislative Branch.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 135, entitled "Proposal Regarding Bill of Rights.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 136, entitled "Proposal Regarding Economic Development.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 137, entitled "Proposal Regarding Natural Resources.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 138, entitled "Proposal Regarding Education.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 139, entitled "Proposal Regarding the Commonwealth Legislature.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 140, entitled "Proposal Regarding Public Land Matters.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 141, entitled "Proposal Regarding Refusal.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 142, entitled "Proposal Regarding Preamble.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 143, entitled "Proposal Regarding Consultation on Matters Involving the Commonwealth of the Northern Mariana Islands.", was referred to the Committee on Governmental Institutions and the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 144, entitled "Proposal Regarding Members of the Medical, Dental, Nursing and Education Professions.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 145, entitled "Proposal Regarding Executive Branch of Government.", was referred to the Committee on Governmental Institutions.

Delegate Proposal No. 146, entitled "Proposal Creating Environmental Protection Board.", was referred to the Committee on Personal Rights & Natural Resources.

Delegate Proposal No. 147, entitled "Proposal Regarding Mass Transit.", was referred to the Committee on Finance, Local Government and Other Matters.

Delegate Proposal No. 148, entitled "Proposal Regarding the Taking of Census.", was referred to the Committee on Finance, Local Government and Other Matters.

(8) SECOND AND FINAL READING OF PROPOSALS - None

(9) INTRODUCTION OF RESOLUTIONS - None

(10) UNFINISHED BUSINESS - None

(11) SPECIAL ORDERS OF THE DAY - None

(12) GENERAL ORDERS OF THE DAY

President Guerrero: We have three Committee Recommendations to be discussed today: Committee Recommendation No. 3 from the Committee on Personal Rights & Natural Resources, regarding "Initiative.", and reconsideration of Committee Recommendations No. 1 and 4 from the Committee on Finance, Local Government and Other Matters, regarding "Constitutional Amendment."

Floor Leader Rasa: I move that the Convention resolve itself into the Committee of the Whole.

The motion was seconded and carried.

President Guerrero: I would like to call on Delegate Jose R. Cruz, from Tinian, to Chair our Committee of the Whole this morning.

The Convention resolved into the Committee of the Whole at 9:30 a.m.

The Convention reconvened in the Plenary Session at 10:53 a.m.

Chairman Jose R. Cruz: Mr. President, your Committee of the Whole begs to report as follows: Proposal of Amendment No. 1 and Committee Recommendation No. 4 are approved by your Committee that it shall be incorporated in Section 5, stating: "An amendment proposed by Legislative Initiative shall be approved if it receives an affirmative vote of the majority of the votes cast. An amendment proposed by constitutional convention or by popular initiative shall become effective if approved by a majority of the votes cast and at least two-thirds (2/3) of the votes cast in two of the three municipalities."

The next report: Your Committee of the Whole begs to report as follows: that the matter brought before the Committee for further reconsideration on No. 3 "Initiative", and the Proposal by the Tinian and Rota Delegations be approved.

President Guerrero: That includes the amended version of the ...

Chairman Jose R. Cruz: That is correct, Mr. President. As I pointed out, the Proposal presented by the Delegations of Rota and Tinian.

President Guerrero: For the record, I want to call attention to the amendment. Can you also give that?

Chairman Cruz: Yes, Mr. President, your Committee approved as follows:

Section 1: Initiative. The people may enact laws by initiative.

a) An initiative petition shall contain the full text of the proposed law and shall be signed by at least twenty (20) percent of the total number of voters qualified to vote on the proposed law and if the petition proposes a general law that affects each chartered municipality the petition shall be signed by at least twenty (20) percent of the qualified voters in each of two of the chartered municipalities.

b) Initiative petitions shall be filed with the Attorney General for certification that the requirements of Section 1(a) have been met.

c) Initiative petitions certified by the Attorney General shall be submitted to the voters at the next regular general election, provided that such election is held at least 180 days from the date the initial petition is filed with the Attorney General.

d) An initiative petition submitted to the voters shall become law if approved by a two-thirds (2/3) majority of the registered voters, and shall take effect thirty (30) days after the date of the election unless the initiative petition itself otherwise provides.

Chairman Benigno Fitial: I move that the Convention adopt Committee Recommendation No. 4 as adopted by the Committee of the Whole on the amended constitutional provision regarding "Constitutional Amendments."

The motion was seconded.

Delegate Benjamin Manglona: I hate to disrupt the motion, but I need to be enlightened on a provision in our Rules of Procedure that all Constitutional provisions have to be approved by a three-fourths (3/4) vote. Is this the proper time to apply this provision in our Rules of Procedure?

President Guerrero: For your information, at this time we are only adopting the report from the Committee of the Whole. After that, if there is a motion for passage on First Reading in the Plenary Session, then would be the appropriate time for any debate. I would like to make the Delegates aware that any proposed amendments to be taken up on Second Reading should be prepared in writing, distributed and thoroughly discussed during the Committee of the Whole.

Floor Leader Rana: In that connection, also, we still have two readings coming up. One is the Second Reading, and we will resolve ourselves into Committee of the Whole and then go back into the Plenary Session. This will give those who want to propose amendments two chances. Plus, after the construction of the provisions, there will be a three-fourths (3/4) majority vote required. It is necessary to put all these pieces together so that we can see where we stand. If we continue to go on a piece-meal basis, we may delay the Constitution, and I suggest that all the people wishing to make amendments note that we distribute the Committee Reports before we place them on General Orders for the Day, so this should give them ample time to have their amendments in written form. This would also allow ample time for the Delegates to review amendments. So, we still have three chances to amend all these provisions.

Delegate Benjamin Manglona: I certainly appreciate the explanation made by our Floor Leader, but I am still troubled by the procedures that, after we get all the constitutional provisions formulated, the three-fourths (3/4) vote of the entire membership would be required. I feel that the Rota Delegation would do the Convention an injustice because if one or two of the provisions are not met to our satisfaction and we vote against the whole package. I would prefer that we would vote on the merit of each constitutional provision separately and then approve the entire package on the Second Reading.

Delegate Jose R. Cruz: Point of information. As I understand it, the motion is simply requesting that the Convention accept the Committee of the Whole's report. Is that true?

President Guerrero: That is correct. We will now vote on the motion made to accept Committee Recommendation No. 4 from the Committee of the Whole.

A voice vote was taken and the motion carried.

Delegate David Maratita: I would like to move that we adopt the report of the Committee of the Whole regarding "Initiative," as amended, in Committee Report No. 3 from the Committee on Personal Rights and Natural Resources.

The motion was seconded and carried.

Floor Leader Rasa: I want it to be clear, that we adopt the Report as amended.

President Guerrero: Yes, adopted as amended. Now we should have a motion for the passage of the First Reading.

Floor Leader Rasa: There is in the Rules of Procedure and Robert's Rules of Order, "equivalence of terms." Motion to adopt, motion to accept and motion to pass and the same. There is no difference.

President Guerrero: That is the reason a Delegate has to be aware of what we are adopting. That means that any passage of a Committee's Report in this session means that it has been passed on its First Reading.

Delegate Jose R. Cruz: I would please like to ask that the Delegates of this Convention refrain from parliamentary trickery. Just a remark.

Delegate Herman Guerrero: Could I be enlightened? What constitutes First Reading and Second Reading of an article. I think when we pass a Committee's Recommendation with an article attached, that should not be constituted as a First Reading of that article. Is that the case?

President Guerrero: When the Committee of the Whole reports to the Plenary Session, and it is in favor of a particular Committee Recommendation, then that is the passage on the First Reading. This also includes passage of the attached article.

Delegate Jose R. Cruz: I would like to ask for some direction for my own enlightenment from the consultants on the matter brought before this Convention by the Floor Leader. Could they explain the three aspects mentioned in regard to acceptance, adoption and passage.

Floor Leader Rasa: I don't think there is any need. I quote from Robert's Rules of Order Newly Revised, page 422, fourth paragraph:

"EQUIVALENCE OF TERMS; INCORRECT MOTIONS. As applied to the assembly's action with respect to board or committee reports or any of their contents, the expressions adopt, accept, and agree to are all equivalent -- that is, the text adopted becomes in effect the act or statement of the assembly. It is usually best to use the word adopt, however, since it is the least likely to be misunderstood.

A common error is to move that a report "be received" after it has been read -- apparently on the supposition that such a motion is necessary in order for the report to be taken under consideration or to be recorded as having been made. In fact, this motion is meaningless, since the report has already been received. Even before a report has been read, a motion to receive it is unnecessary if the time for its reception is established by the order of business, or if no member objects."

Consultant Willens: I concur with the Robert's Rules of Order and the statement that was made by the Floor Leader. I think that the important point is that you are approving matters in principle by the Committee of the Whole and your reporting it to the full Convention and the procedures, as I understand the Chair and the Floor, are that receipt of that report amounts to approval, in principle, on First Reading. That is the way I understand the rulings of the Chair and the Floor Leader and I understand that is consistent with the Procedures that you have adopted and Robert's Rules of Order.

President Guerrero: Just as a reminder, we have that in item 35, of our Rules of Procedure. It states, "In cases concerning which the Rules contain no applicable provisions, the proceedings shall be controlled by Robert's Rules of Order."

Delegate Olympio T. Borja: There has been quite a bit of confusion, and I have shared in some of this confusion, especially as stated by Delegate Benjamin Mangiona.

When we accept the report from the Committee of the Whole we have also accepted the Committee Recommendation for the First Reading. This is, in essence, what all the discussion has been about. I hope this is clear to each Delegate.

Jose R. Cruz: While ignorance is not an excuse, I wish to appeal to the Chair, that the distinguished Delegate from Rota, Benjamin Manglona, emphatically expressed to this Convention, when you pose such a question, whether this Convention is merely accepting the Committee's Report, or is it accepting it on First Reading, Second Reading or Third Reading, for that matter.

Delegate David Maratita: I think that matters under General Orders of the Day which are recommended for acceptance by the Plenary Session by the Committee of the Whole, that would constitute First Reading.

President Guerrero: That is correct of any report adopted by the Committee of the Whole.

Delegate David Maratita: Now the Committee Recommendation will go to Second and Final reading on the Order of Business.

Floor Leader Rasa: I just want to point out that there is no need for us to follow Robert's Rules of Order since the adoption of Committee Recommendations is outlined in our Rules of Procedure. I don't think there is any procedural problem.

(13) MISCELLANEOUS

Delegate Benjamin Manglona: I am somewhat disappointed, because I understand that we have a procedural problem in this Convention. According to Public Law 4-45, and also stipulated in our Rules of Procedure, any provision for the Constitution must pass by a three-fourths (3/4) majority vote. I still don't understand at what point we are to apply that provision. I think the procedure must be stipulated if that is to apply to First Reading, Second Reading or whatever. We need to have assurance that no Constitutional Provision will be passed without following the provisions provided. Is it Third Reading that has to be roll call in order to see if three-fourth majority want acceptance of a provision? We are very much concerned as to this procedure.

President Guerrero: The most appropriate time to use the 3/4 majority vote is when a Recommendation is being considered for Second and Final Reading.

Delegate Olympio T. Borja: I want to supplement the ruling made by the President, in that, the Final Reading is the time for the Convention to pass a provision with three-fourths (3/4) majority. To give you one good example, the Secretarial Order for the new Legislature, required two readings. The First Reading was mostly discussion, but the Final Reading required a two-thirds (2/3) majority vote of the membership. The First Reading appears to be mostly discussion and the Second and Final Reading is where we vote in compliance with the Public Law.

Floor Leader Rasa: It is very possible for a three-fourths (3/4) majority on the First Reading and the Second Reading not to meet the three-fourths (3/4) majority. So that is why we have to have a 3/4 majority approval on the First Reading, not the Second Reading.

Delegate Jose R. Cruz: I just want the Chair to insure that a three-fourths (3/4) majority vote requirement will be administered on the Second Reading.

President Guerrero: You can be sure, this requirement will be made by the Chair.

(14) ANNOUNCEMENTS

Chairman Benigno Fitial: There will be a joint meeting of the Committees on Finance, Local Government and Other Matters and Governmental Institutions this afternoon at 2 o'clock.

Vice Chairman Palacios: The Committee on Personal Rights and Natural Resources will be at 1:30 p.m. this afternoon.

Delegate Pedro Dela Cruz: Point of privilege. Friday we had an Executive Session, yet Saturday morning, the newspaper covered the discussion regarding our Executive Session. What is the purpose of an Executive Session if the deliberations are going to be covered in the newspaper?

President Guerrero: I saw the newspaper, too, for your information, and I was a little disgusted because there were details of what we discussed.

Delegate Pedro Dela Cruz: Also, for the record, I would like to make it clear that the Rota and Tintan Delegations were not tight-lipped at that time. We justified our intentions, and that's to be clarified.

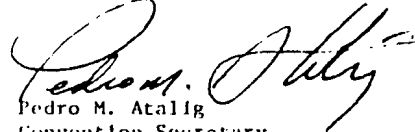
President Guerrero: I urge that if you meet with the Pacific Daily News representative again, make him correct it to show your position.

Floor Leader Rana: I move that the Convention recess until 2:00 p.m. tomorrow afternoon.

The motion was seconded and carried.

The Convention recessed at 11:20 a.m.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

SEVENTEENTH DAY
Wednesday, November 3, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 2:05 p.m.

The Honorable Lorenzo I. Guerrero, President, presided.

(2) A moment of silent prayer was observed.

(3) The Convention Secretary called the roll. There were 37 Delegates present. Delegates Carlos S. Camacho and Manuel A. Tenorio were excused. No Delegates were absent.

Floor Leader Rasa: I move that those Delegates not in attendance be granted leave of absence.

The motion was seconded and carried.

(4) ADOPTION OF THE JOURNAL

Floor Leader Rasa: I move we adopt the Summary Journal for the 16th Day.

The motion was seconded and carried to adopt the Summary Journal for the 16th Day.

(5) COMMUNICATIONS - None

(6) COMMITTEE REPORTS

Chairman Benigno Fitial: Your Committee on Finance, Local Government and Other Matters has made remarkable progress today in the matter regarding, "Local Government." Tomorrow we will have final determination on how the Local Government Provision will be designed in our Constitution.

Chairman Felipe Atalig: Your Committee on Personal Rights and Natural Resources has completed their work on "Public Lands" and it is expected that some time tomorrow this particular report will be given to the House. The Committee is now working on "Natural Resources", which is one of the very important issues to this Convention.

Chairman Jose P. Mafnas: Your Committee on Governmental Institutions will submit its report on "Legislative Branch" tomorrow at this time.

President Guerrero: I would like to ask all the Chairmen to please make a summary report of all the Delegate Proposals regarding the action that has been taken by your Committee for the convenience of all the Delegates. This will help us know what action has been taken on the Delegate Proposals.

(Delegate Manuel A. Tenorio entered the Convention Hall.)

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

(8) SECOND AND FINAL READING OF PROPOSAL - None

(9) INTRODUCTION OF RESOLUTIONS - None

(10) UNFINISHED BUSINESS - None

- (11) SPECIAL ORDERS OF THE DAY - None
(12) GENERAL ORDERS OF THE DAY

President Guerrero: We have two items on our agenda to be discussed today. These are Committee Recommendation No. 5 from the Committee on Finance, Local Government and Other Matters and Committee Recommendation No. 6 from the same Committee.

Floor Leader Rasa: I move that the Convention resolve into the Committee of the Whole.

The motion was seconded and carried.

President Guerrero: At this time, I would like to ask the First Vice from Rota, Benjamin Manglona, to Chair the Committee of the Whole

There is no

The Convention resolved into the Committee of the Whole at 2:

The Convention reconvened in Plenary Session at 2:30 p.m.

Chairman Benjamin Manglona: Your Committee of the Whole, to which I have two Recommendations, is pleased to report the following: Committee Recommendation No. 5, regarding "Commonwealth Taxation" and Committee Recommendation No. 6 regarding "Commonwealth Debt," have been unanimously adopted by the Committee of the Whole.

Chairman Benigno Fitial: I move that the Convention adopt Committee Recommendation No. 5, regarding "Commonwealth Taxation" and Committee Recommendation No. 6 regarding "Commonwealth Debt" from the Committee on Finance, Local Government and Other Matters.

The motion was seconded and carried.

The adopted Articles are as follow:

ARTICLE _____
TAXATION AND FINANCE

Section 1: Public Purpose. No tax shall be levied or appropriation of money made, directly or indirectly, except for a public purpose.

Section 2: Report on Tax Exemptions. Every five years the governor shall prepare a report to the legislature that assesses the use and the social, fiscal and economic impact of any tax exemptions established by law. The report shall include any recommendations by the governor on exemption policy or laws.

ARTICLE _____
COMMONWEALTH DEBT

Section 1: Public Debt Limitation. No public indebtedness other than bonds or other obligations of the government payable solely from the revenues derived from any public improvement or undertaking shall be authorized in excess of ten percentum of the aggregate assessed valuation of the property within the Northern Mariana Islands or for any operating expenses of the Commonwealth government or its political subdivisions.

Section 2: Public Debt Authorization. No public debt shall be authorized or incurred unless approved by two-thirds (2/3) of the members in each house of the legislature.

- (13) MISCELLANEOUS

Delegate Olympio T. Borja: Mr. President, distinguished Delegates, ladies and Gentlemen:

As we enter into the third week of our work here, I have some observations which I believe may be useful and helpful to us all.

Like all of us, I want to see the rest of the 50 days remaining to be utilized in the best possible fashion in order to formulate the best Constitution for all the people of the Northern Mariana Islands.

In this connection, Mr. President, while we have yet to hold public hearings on some of our proposals, committee work has progressed well, and we have molded some of the basic concepts for our Government.

In terms of the judicial system, there is general basic agreement, but we still find problems with the executive, especially on the degree of autonomy for local government.

Mr. President, I strongly believe that if we trust each other here in this meeting, then it will be both easy and possible to create a government structure which will protect the interests of everyone.

Unfortunately, recent debate on certain issues has thus far left me impressed with the progress so far, but distressed at the certain issues -- which should not be major issues -- appear to be major obstacles blocking our path to a smooth and rapid end to our proceedings.

I have seen a lot of references in the news media about so-called "geographical differences" at this Convention. For myself, however, I wonder just what geographic differences are being referred to?

I had always thought when we negotiated the Covenant, we were talking about the Northern Mariana Islands -- not the Commonwealth of Rota, the Commonwealth of Tinian and the Commonwealth of Saipan. Mr. President, let us recall that we are drafting neither a Declaration of Independence, nor the Constitution of an emerging nation. What we are drafting in point of fact is very similar to that of a State Constitution, with the Covenant and the U. S. Federal Constitution as compelling and practical examples.

Certainly, the point our colleagues from Tinian and Rota emphasized is not lost on us; we know that they have been neglected in the past under a Trust Territory Administration. This was not our fault. What happened in the past should not be repeated, and that, of course, is the very point the distinguished Delegates from Tinian and Rota are making.

I, for one, certainly believe and support the concept and the practice of giving more autonomy to local areas, to all chartered municipalities with the further thought that it will be the Commonwealth Legislature which will provide the necessary funds to implement priority programs and projects to the municipalities according to their requirements and demands -- and which funds will be managed and controlled by them in a decentralized fashion. But, at the same time, we should not, and we cannot afford to let some of our differences in the manner of representation paralyze this Convention, and inhibit it from carrying out its task.

Related to this, Mr. President, I recall a statement I prepared for the Covenant, signed by President Ford in Washington, D. C. What I concluded in that statement was that we are proud of becoming a part of the United States and that we pledge that America will be proud of us.

Mr. President, not only are the eyes of our representatives, the people of the Northern Mariana Islands upon us, but also the attention of our friends in the Territory of Guam, the Trust Territory, and the Executive Branch and Congress of the United States, as well as our future fellow Americans. What are they to think of our deliberations? Are we truly equal to the task at hand?

Surely, Mr. President, the result of this Convention, and the way in which we go about drafting our Constitution, will rightfully raise or lower our stature in the eyes of those who are watching us. Therefore, I for one, ask us all to set aside our differences, and to concentrate on providing basic protections and legal rights, equity and fairness for all the people of the Northern Mariana Islands.

The structure of the executive and legislative branches, as it has been provided in both State and Federal Constitutions, has proved workable despite the vast and real geographic and demographic differences in the United States of America. I see no reason why such a basic approach cannot work here in the Northern Marianas.

Some voices have been raised over the issue of representation in a bicameral legislature: some Delegates claim they are concerned over the respective powers of representatives based on region versus population. But, Mr. President, it

would appear to me that our job here consists of setting the general guidelines; we are not here to do the legislature's battle; we are here to create a structure containing checks and balances; we are not here to constrain or otherwise limit the option and undermine the prerogatives of the future legislative branch.

For these reasons, Mr. President, I sincerely ask us all to concentrate on the main objective and that is a workable Constitution, consistent and in conformance with the Covenant and with the Constitution of the United States of America.

Of course, we realize that no product of human endeavor is perfect, the Constitution and the Covenant included, and that is the reason why provisions are made for amendment of those documents.

Therefore, let us at this point in history, try to forge together the most reasonable, equitable and effective Constitution for the Northern Mariana Islands. Let us not contemplate extension, for extension of our legal life of 50 days would only prolong debate over some issues which are perhaps more properly within the realm of our future government. Additionally, we must not let our differences create the potential for disapproval of this historic document. Instead, let us work together so that when we come to the final product, we will be able to take pride in having discharged our duties and responsibilities in a commendable manner on behalf of our constituents.

We have the opportunity, at this time, to set a shining example for other Island areas under U. S. jurisdiction, and to prove that we are worthy of the trust placed in us by the United States, and to truly make the people of America proud to have us as members of their political family.

The choice is up to us. Thank you, Mr. President.

Chairman Benigno Fitial: Mr. President and fellow Delegates. I speak today concerning a matter which, I fear, threatens the success of our Convention. I refer to the spirit of narrow localism with which some Delegates are so pronoucnely concerned.

Some of our colleagues tell us, "we are a minority, therefore, we must have protection; for we cannot trust the new government." Mr. President, if any group is a minority in these Islands, it is the Gupalao. If discrimination is to be feared, surely we must fear it more than anyone else. The late President Roosevelt once said, "There is nothing to fear, but fear itself." The Gupalao do not demand special arrangements; we do not assume that the new government will treat us badly. Mr. President, the Gupalao in the Northern Marianas number 4,000 people. If we wished, we too could demand special arrangements under the name of "protection." But we do not. We realize that our Commonwealth can succeed only through mutual trust and cooperation. We understand that insistence on special arrangements can destroy that spirit of trust, thereby destroying the Commonwealth before it is even underway.

We, the Gupalao from Saipan, even without a single Representative in the Northern Marianas Legislature, are now ready to place our faith in the honesty, integrity, and good sense of the majority. All I ask from the Delegates from Rota and Tinian is that they do no less. Thank you, Mr. President.

Chairman Felipe Atalig: I am deeply touched by the remarks made by Delegate Fitial and I am in support of the speech that he made.

Delegate Benjamin Manglona: I am somewhat disturbed by the continuous accusation of some Delegates that we are delaying the work of this Convention. We are working together with you. I am sorry, if a times, we are raising issues. I think, in order to understand each other better, we have to raise issues. I think it would not be nice for any of us to condemn a municipality Delegation. I appreciate the concern raised by the speaker. Also, in regard to the minority on Saipan, I certainly respect the speaker's views, but one thing we have to remember is that the minority here on Saipan is more fortunate than the minority in Rota and Tinian. The minority on Saipan are the most fortunate minority, because they have access to good public health care; they have access to good schools; they have access to good roads; they have access to good utilities; they have access to good government service. Saipan's minority is the most fortunate minority.

I am sorry to make this remark and I wish the record to show my concern.

Delegate Pedro Dela Cruz: I would be very satisfied if someone could clarify for me, how are we delaying the work of the Convention?

President Guerrero: The Chair does not feel that this is the right time for debate on this particular issue. I believe that all the Delegates in this Convention are working in a most cooperative manner and the Chair recognizes that this should be the case during this Convention. I will not recognize anymore speakers in this regard.

Chairman Benigno Fitial: I just want to cheer-up the Convention. I want to propose that we, the Convention, send a congratulatory message to the new President of the United States, whoever it may be.

Delegate Felipe Atalig: A few days ago, I introduced a Resolution regarding Jimmy Carter and I think it is proper at this time to consider such a Resolution.

President Guerrero: For your information, Chairman Atalig, the Chair recognizes the urgency of that Resolution. As you were notified earlier today, action will be taken later on in the session.

Delegate David Maratita: I want to remind Delegate Atalig, that I think we should defer the Resolution regarding, Jimmy Carter, until we know for sure he is the new President.

(14) ANNOUNCEMENTS

Chairman Benigno Fitial: Your Committee on Finance, Local Government and Other Matters will be meeting tomorrow at 9:00 a.m.

Chairman Jose P. Mafnas: Your Committee on Governmental Institutions will be meeting immediately after this session.

Chairman Felipe Atalig: Your Committee on Personal Rights and Natural Resources will be meeting immediately after this session.

President Guerrero: The Committee on Organization and Procedures will meet immediately after this session in the President's Office.

Delegate Juan DLG. Demapan: I move that the Convention recess for today until 2:00 p.m. tomorrow.

The motion was seconded and carried.

The Convention recessed at 2:50 p.m.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

EIGHTEENTH DAY
Thursday, November 4, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 2:05 p.m.

The Honorable Lorenzo I. Guerrero, President, presided.

(2) A moment of silent prayer was observed.

(3) The Convention Secretary called the roll. There were 39 Delegates present. No Delegates were absent or excused.

(4) ADOPTION OF THE JOURNAL

Floor Leader Rasa: I move we adopt the Summary Journal for the 17th Day.

The motion was seconded and carried.

(5) COMMUNICATIONS - None

(6) COMMITTEE REPORTS

Chairman Jose P. Mafnas: I would like to report on the disposal of Delegate Proposals by the Committee on Governmental Institutions.

Delegate Proposal No. 139, entitled "Proposal Regarding the Commonwealth Legislature," states:

1. The new Commonwealth Legislature shall be on a part time basis for the first seven years of its existence.
2. The salary of the Upper House of the Commonwealth Legislature shall be set at \$1,200.00 per annum the first seven years of the Legislature's existence.
3. The salary of the Lower House of the Commonwealth Legislature shall be set at \$1,000.00 per annum the first seven years of its existence.

Your Committee feels that this Proposal would be most economical and acceptable in principle, however, it is the feeling of the Committee to reject the Proposal in its entirety. We want our Legislature to be on a full time basis and to be compensated accordingly, in order to obtain qualified people.

Delegate Proposal No. 134, entitled "Proposal Regarding Legislative Branch," states:

1. Provides reapportionment at least every 15 years;
2. Provides a special election to fill vacancy for unexpired term of more than one year; appointment by Governor, less than one year.
3. Any member of Congress, i. e., Senator or House, may not hold any other public office or employment.
4. Any legislation of appropriation should be passed by 3/4 votes of each of the two houses.

Your Committee feels reapportionment should take place at least every 10 years. Special election should be conducted to fill vacancy for unexpired term of more than one year. The Governor should appoint those candidates who received the next highest vote if the vacancy is for unexpired term of less than one year, provided the appointee is from the municipality in which the vacancy exists. The Committee also feels that no member of the Legislature shall be permitted to hold any office in the Judiciary and Executive Branches a member of the Legislature shall not be permitted to serve on any board or regulatory agency, whether a voting member or non-voting.

Delegate Proposal No. 90, entitled "A Proposal Regarding the Legislative Branch of Government," states:

1. Requires that members of the Legislature be elected by the cumulative voting system.

I regret to report that this Proposal is not acceptable at this time. The one man - one vote principle is in the best interest of our future Commonwealth Government.

Delegate Proposal No. 75, entitled "Proposal Regarding Public Officials," states:

1. Provides that the minimum age for Senator be 25 years;
2. Provides that minimum age for Representative be 21 years;
3. Provides that minimum age for Governor be 30 years;
4. Provides that minimum age for Mayors be 25 years; and
5. Provides that minimum age for Attorney General be 25 years.

Your Committee, upon reconsideration, has accepted this proposal in principle.

Delegate Proposal No. 62, entitled "Proposal Regarding Immunity," has been accepted by your Committee in principle.

Delegate Proposal No. 114, entitled "Proposal Regarding Legislative Matters," states:

1. Provides that no member of the Northern Marianas Legislature be a voting member of any board, group or body established by that Legislature;
2. Provides further that no legislation be enacted contradictory to the purpose provided above;
3. Provides further that no appointments which may be provided by law be made contradictory to this provision.

Your Committee recommends acceptance of this restriction whether a voting member or non-voting member. This Proposal is along the same line as Delegate Proposal No. 134, which I have already reported on.

Mr. President, your Committee on Governmental Institutions is now ready to present to the Convention its Recommendation No. 3 on the "Legislative Branch." Your Committee recommends that the Convention adopt, in principle, the Constitutional provisions with respect to the Legislative Branch of government which we will now submit.

Chairman Felipe Atalig: Your Committee on Personal Rights and Natural Resources has submitted their Committee Recommendation No. 5, regarding "Public Lands." We would like to request that the Delegates take time in going over the report and we also request that Committee Recommendation No. 5 be placed on tomorrow's calendar. Furthermore, in compliance with the Chair's request yesterday, regarding the status of Delegate Proposals, I wish to report that attached to Committee Recommendation No. 5 is a status report on Delegate Proposals beginning on Page 21.

Chairman Benigno Fitial: Your Committee on Finance, Local Government and Other Matters is still deliberating on the subject of "Local Government." In regard to your request for a report on Delegate Proposals, your Committee will submit a written status report.

(7) INTRODUCTION AND FIRST READING OF COMMITTEE RECOMMENDATIONS

Chairman Felipe Atalig: I wish to introduce Committee Recommendation No. 5, regarding "Public Lands," to be adopted on the First Reading.

Chairman Jose P. Mafnas: Committee Recommendation No. 3, regarding "Legislative Branch of Government," from the Committee on Governmental Institutions is ready to be placed on tomorrow's calendar.

President Guerrero: We will place both Committee Recommendation No. 5 from the Committee on Personal Rights and Natural Resources and Committee Recommendation No. 3 from the Committee on Governmental Institutions on the calendar tomorrow under General Orders of the Day.

(8) SECOND AND FINAL READING OF PROPOSALS - None

(10) UNFINISHED BUSINESS - None

(11) SPECIAL ORDERS OF THE DAY - None

Delegate Hilario Diaz: Point of order. I believe we passed one item on our agenda and that is "Introduction of Resolutions."

(9) INTRODUCTION OF RESOLUTIONS

Delegate Hilario Diaz: Actually, I do not have any resolution to introduce at this time, however, I would like to re-introduce the resolution submitted by Chairman Atalig the other day. Since we all know now that Jimmy Carter is the President-Elect of the United States, I would certainly like to see the resolution become a reality by this Convention.

Chairman Benigno Fitial: I do have a resolution to introduce regarding this, in order to extend our congratulations and greetings to the newly elected President of the United States, and I would like the Secretary to read the resolution.

Convention Secretary: Resolution No. 4:

"A Resolution

The Constitutional Convention of the Northern Mariana Islands meeting in Plenary Session on the 4th Day of November, 1976.

WHEREAS, the people of the Northern Mariana Islands pursuant to the Covenant with the United States of America are engaged in the historic task of drafting a constitution for the Government of the Commonwealth of the Northern Mariana Islands in political union with the United States of America; and

WHEREAS, the Constitutional Convention has heard the results of the national election for President of the United States; whose term of office will take place when the Constitution now being drafted comes into being; and

WHEREAS, the people of the Northern Mariana Islands desire to secure wholesome, effective and cooperative relations with the Government of the United States of America, now and in the future; and

WHEREAS, such good relations involve close ties between our people and the Government of the United States in Washington and the elected officers of the United States;

NOW, THEREFORE, MEETING IN CONSTITUTIONAL CONVENTION,

RESOLVED, that the Greetings and Best Wishes of the Delegates of the Constitutional Convention of the Northern Mariana Islands are expressed to The Honorable James Earl Carter on the occasion of his stunning victory as President of the United States; and

RESOLVED FURTHER, that the Secretary of the Constitutional Convention is directed to send a copy of the text of this Resolution to The Honorable James Earl Carter."

President Guerrero: I believe the legal consultants should review this Resolution before it's sent.

Chairman Felipe Atalig: I think it is also proper that this Convention recognize the work of the outgoing President of the United States.

(12) GENERAL ORDERS OF THE DAY - None

(13) MISCELLANEOUS

Chairman Felipe Atalig: Mr. President and fellow Delegates to this Convention. This afternoon I want to take this opportunity to address a few remarks to my colleagues concerning our work here.

At the outset, Mr. President, I want to associate myself with remarks made earlier by some Delegates, concerning the need for harmony, cooperation, and just plain hard work needed to make this Convention a successful one.

As we all know, the events leading to and including this very Convention epitomize what is evasively termed as the "democratic process"; a phrase which is not without some substantial meaning as evidenced by the American Resolution Bicentennial celebrated in the United States this year.

This Convention was conceived in freedom and democracy and is dedicated to foster that concept and practice.

The framing of Constitutions is not an easy task, whether it be a State or National, whether the goal be separate or political entity from one polity or merge it with another.

One might look back to the drafting of the U. S. Constitution which replaced the unworkable Articles of Confederation; the stage setting for that meeting in Philadelphia took place in the wake of a national depression and a rebellion. During it, there was considerable disagreement, protest, and dissension -- yet ultimately to their credit, one of the most workable, flexible, and durable Constitutions in the world was formulated and later approved. In fact, Mr. President, if memory serves correctly, many of the same issues addressed at that Convention in 1787 are being here today in the Northern Marianas in 1976.

For this reason it is understandable -- to me at least -- some of the confusion and complaints we have heard here in our meeting place. It is understandable that this is the first time some Delegates have had contact with such a sophisticated and complex matter.

Related to this, I want to assure the Convention that the work of the Committee on Personal Rights and Natural Resources has exemplified a non-partisan, democratic approach, in confronting and seeking solutions.

Delegate David Maratita: November 2, 1976, is my birthday as well as an historic day for the U. S., in that a Democratic candidate has been elected to the U. S. Presidency in eight years. The election of Jimmy Carter and a new administration would be important to us in this Convention because the commitment of the U. S. Government has agreed upon in the Covenant to establish a Commonwealth of the Northern Mariana Islands could have a serious complication as to the outcome of the kind of Constitution we have out of the Convention. We must bear in mind the fact that the Republican administration has given its full support to our desire to become a permanent member of the American political family and that it was President Ford, himself, who gave us that assurance by approving the Covenant on March 24th of this year.

It would appear proper then for us in this Convention to express our appreciation by adopting a resolution addressed to President Ford and his Republican administration, for the support given to the Mariana Islands in its quest for a close and permanent relationship with the United States and to President-Elect Jimmy Carter, and his new Democratic administration, urging him to continue the spirit that the U. S. has initiated by acting favorably on our Constitution when presented to the U. S. Government for consideration. I hope that our product from this Convention will receive the same degree of enthusiasm and approval by the new U. S. President as that of his predecessor. We have yet to see the new leadership in Washington with respect to our future relationship with the United States.

Chairman Felipe Atalig: I guess the previous speaker forgot that it was a Democratic Congress that actually passed the Covenant for the approval of the President of the United States, so I hope he will take that into consideration.

Delegate David Maratita: I just want to remind my colleague from Susupe that the Democratic Congress is still retaining control of the U. S. Congress, so they're still in order.

Delegate Juan P. Tenorio: It is my understanding that most of the remarks and speeches are usually submitted in writing. I respectfully request the Chair to spare me the agony of listening to those speeches and have them passed out to the Delegates.

President Guerrero: Fellow Delegates. As you know, incumbent President Gerald Ford has lost the U. S. Presidential elections to Mr. Jimmy Carter. The election results would have been just an ordinary and insignificant event to us in the Northern Marianas if it were not for the overwhelming support we received from President Ford and his administration in our quest for Commonwealth status. As a final proof of that support, President Ford signed the Covenant on March 24, 1976.

While we certainly regret President Ford's loss, because of its possible effect on the U. S. ratification of the Constitution we are now drafting, we should in all candor also send our message of congratulations to the President-Elect, Mr. Jimmy Carter, with the sincerest hopes that our Government will still continue to receive the support previously extended by the Ford Administration. I feel that a resolution to this effect will be very timely and in order. Thank you.

(14) ANNOUNCEMENTS

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

Convention Secretary: I would like to remind the Delegates that the four day period has lapsed for review of the Verbatim Transcript Journals for the 1st through the 5th Days and adoption of these journals will appear on tomorrow's calendar.

Floor Leader Rana: I move that the Convention recess until 2:00 p.m. tomorrow.

The motion was seconded and carried.

The Convention recessed at 2:42 p.m.

Respectfully submitted,


Pedro M. Atallig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

NINETEENTH DAY
Friday, November 5, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 2:07 p.m.

The Honorable Lorenzo I Guerrero, President, presided.

(2) A moment of silent prayer was observed.

(3) The Convention Secretary called the roll. There were 33 Delegates present. Delegates Carlos S. Camacho, Jose R. Cruz, Herman Q. Guerrero, Francisco T. Palacios, Oscar C. Rasa and Joaquin S. Torres were excused. No Delegates were absent. A quorum was present.

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

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

(4) ADOPTION OF THE JOURNAL

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

The motion was seconded and carried.

(5) COMMUNICATIONS

The Convention Secretary read the following communication:

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

Dear President Guerrero and Honorable Delegates:

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

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

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

Sincerely yours,

/s/Ed

Edward DLG. Pangelinan
Marianas Washington Liaison Officer

(6) COMMITTEE REPORTS

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

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

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

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

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

(9) INTRODUCTION AND ADOPTION OF RESOLUTIONS

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

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

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

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

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

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

Delegate Felipe Atalig offered an oral amendment that was defeated.

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

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

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

"Resolution No. 4.

A RESOLUTION

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

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

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

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

WHEREAS, the people of the Northern Mariana Islands desire to secure effective and cooperative relations with the Government of the United States of America, now and in the future; and

WHEREAS, such good relations involve close ties between our people and the elected officers and other officials of the United States; and

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

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

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

Adopted: November 5, 1976"

(10) UNFINISHED BUSINESS - None.

(11) SPECIAL ORDERS OF THE DAY - None.

(12) GENERAL ORDERS OF THE DAY

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

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

The motion was seconded and carried.

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

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

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

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

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

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

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

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

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

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

The motion was seconded and carried.

(13) MISCELLANEOUS - None.

(14) ANNOUNCEMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Delegate Hilario Diaz: I withdraw my motion.

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

The motion was seconded and defeated.

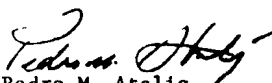
Delegate Pete Ogo: Clarification should be made on record that the motion was defeated because it stated that on Sunday the Delegates should report back to their respective precincts, not just for outer islands.

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

The motion was seconded and carried.

The Convention recessed at 5:15 p.m.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary

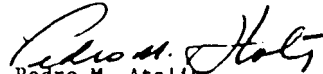
CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

TWENTIETH DAY
Saturday, November 6, 1976

There was no Plenary Session this date, however, there were committee meetings.

Respectfully submitted,


Pedro M. Atallá
Convention Secretary

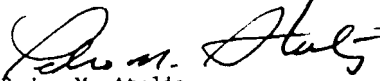
CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

TWENTY-FIRST DAY
Sunday, November 7, 1976

There was no Plenary Session this date, nor were there any committee meetings.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS
VERBATIM JOURNAL (TRANSCRIPT)

TWENTY-SECOND DAY
Monday, November 8, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 2:15 p.m.

The Honorable Lorenzo I. Guerrero, President, presided.

(2) A moment of silent prayer was observed.

(3) The Convention Secretary called the roll. There were 37 Delegates present. Delegates Daniel Castro and Jose Mafnas were absent. No Delegates were excused. A quorum was present.

(4) ADOPTION OF THE JOURNAL

Floor Leader Rasa: Mr. President, I move for the adoption of the Summary Journal of the 19th Day.

The motion was seconded.

Convention Secretary: Mr. President, there are two corrections that should be made. On the second page, sixth paragraph, it should show that Delegate Borja's motion to amend the main motion carried. On the third page at the top, before Delegate Diaz withdrew his motion, it should reflect that Delegate Gregorio Calvo made the following statement: "The Rota Delegation is willing to stay and work over the weekend, so they should not again be accused of delaying the work of the Convention. I would like this to be reflected on the record."

Motion to adopt the Summary Journal of the 19th Day carried.

(5) COMMUNICATIONS - None.

(6) COMMITTEE REPORTS

Acting Chairman Palacios: Mr. President, your Committee on Personal Rights & Natural Resources has completed its work on eminent domain and on behalf of the Committee I submit the Committee's Report and recommended constitutional provisions on eminent domain and ask that it be calendared for consideration by the Committee of the Whole at the earliest possible time.

Acting Chairman Prudencio Manglona: Your Committee on Governmental Institutions is still working on the matter of the "Executive Branch."

Chairman Fitial: Mr. President, on behalf of the Committee on Finance, Local Government and Other Matters, I have the honor to present to the Convention, for consideration in Committee of the Whole, Committee Recommendation No. 7 on "Oath of Office." We have examined assiduously constitutions of other states on the requirements for and wording of a constitutional oath of office. We have also reviewed Section 204 of the Covenant which requires that all members of the legislature and all officers and employees of the government take an oath of affirmation to support the Covenant, Commonwealth Constitution and applicable provisions of the Federal Constitution, treaties, and laws. Mr. President, based on the Covenant provision, we have proposed a constitutional oath that would be required of all legislators and officers and employees of the Commonwealth and political subdivisions thereof. I recommend, on behalf of my colleagues on your Committee on Finance, Local Government and Other Matters that the Convention, meeting in Committee of the Whole, adopt the proposed constitutional language on an oath of office and the Committee Recommendation No. 7 and Report.

(7) INTRODUCTION AND FIRST READING OF PROPOSALS

Chairman Fitial: At this time I would like to introduce Recommendation No. 7

from the Committee on Finance, Local Government and Other Matters, regarding "Oath of Office.", and I ask that it be placed on the calendar under General Orders of the Day for consideration by the Committee of the Whole for First Reading.

Acting Chairman Palacios: At this time I ask that Committee Recommendation No. 6, regarding "Eminent Domain.", from the Committee on Personal Rights & Natural Resources be calendared for First Reading.

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

(9) INTRODUCTION OF RESOLUTIONS

Delegate Ramon Villagomez: Mr. President, I would like to introduce a Resolution which I will read:

"A RESOLUTION

WHEREAS, the people of the Northern Mariana Islands have elected a new group of legislators, including delegates to the Constitutional Convention, as members of the new legislature; and

WHEREAS, the delegates and the other new legislators will ensure that preparation for the Commonwealth government is efficient and thorough; and

WHEREAS, the spirit of unity, effectiveness and fairness necessary to the above endeavors is being promoted by the delegates and the other legislators;

NOW, THEREFORE, BE IT RESOLVED, That the Northern Marianas Constitutional Convention offers its sincere congratulations to the delegates and the other members of the new legislature.

Offered by: Ramon G. Villagomez.

Convention Secretary: Delegate Villagomez, there is an error in the Resolution. I'm sure it's a typographical error, but "effectiveness" is misspelled.

("Effectiveness was originally spelled "effectitiveness.")

President Guerrero: I would suggest that the Secretary and introducer of the Resolution get together and correct that typographical error.

(10) UNFINISHED BUSINESS - None.

(11) SPECIAL ORDERS OF THE DAY - None.

(12) GENERAL ORDERS OF THE DAY - None.

(13) MISCELLANEOUS

Delegate Ramon Villagomez: Mr. President, I would like to ask the Convention to recognize the presence of Senator Manuel Muna from Saipan, Senator-Elect Pedro Guerrero from Saipan, and all other visitors present in the Convention Hall.

President Guerrero: The Chair also recognizes the presence of the Vice-Speaker of the Municipal Council, Mr. Plasio Tagabuel.

(14) ANNOUNCEMENTS

Chairman Fitial: Mr. President, your Committee on Finance, Local Government and Other Matters will meet immediately following the Plenary Session, in their usual meeting place.

Acting Chairman Palacios: Mr. President, the Committee on Personal Rights & Natural Resources will meet right after the session at the Committee's office.

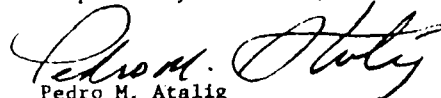
Acting Chairman Manglona: Mr. President, your Committee on Governmental Institutions will meet right after this session, in this Convention Hall.

Floor Leader Rana: I move that the Convention recess until two o'clock tomorrow.

The motion was seconded and carried.

The Convention recessed at 2:30 p.m.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

Twenty-Third Day
Tuesday, November 9, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 2:10 p.m.

The Honorable Lorenzo I. Guerrero, President, presided.

(2) A moment of silent prayer was observed.

(3) The Convention Secretary called the roll. There were 35 Delegates present. Delegates Jose R. Cruz, Daniel P. Castro, Olympio T. Borja, and Luis Limes were excused. No Delegates were absent.

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

The motion was seconded and carried.

(4) ADOPTION OF THE JOURNAL

Floor Leader Rasa: I move that the Summary Journal of the 22nd Day be adopted.

The motion was seconded and carried.

(5) COMMUNICATIONS - None

(6) COMMITTEE REPORTS

Chairman Felipe Atalig: The Committee on Personal Rights and Natural Resources has completed Committee Report No. 7, regarding "Natural Resources," and this will be introduced for the First Reading on today's agenda.

Chairman Jose P. Mafnas: The Committee on Governmental Institutions is still deliberating on the "Executive Branch."

Chairman Benigno Fitial: Your Committee on Finance, Local Government and Other Matters has completed deliberation and has adopted the constitutional language for the provision on "Local Government." This will be finalized and presented tomorrow to the Convention.

President Guerrero: At this time, the Organization and Procedures Committee would like to report that the Order of Business for today does not show the scheduling of Committee Report and Recommendation No. 5, regarding "Public Lands," for consideration of the Committee of the Whole for First Reading today. This should be inserted in your Order of Business under item 12, "General Orders of the Day."

(7) INTRODUCTION AND FIRST READING OF COMMITTEE RECOMMENDATIONS

Chairman Felipe Atalig: I would like to introduce Committee Recommendation No. 7, regarding "Natural Resources," from the Committee on Personal Rights and Natural Resources. I would like this to be placed on the calendar for First Reading.

(8) SECOND AND FINAL READING OF PROPOSALS - None

(9) INTRODUCTION OF RESOLUTIONS - None

(10) UNFINISHED BUSINESS

Convention Secretary: The Committee on Personal Rights and Natural Resources has recommended re-referral of Delegate Proposal No. 26 to the Committee on Finance, Local Government and Other Matters and Delegate Proposal No. 21 was re-referred to the Committee on Governmental Institutions.

President Guerrero: The Committee on Organization and Procedures will reassign those Delegate Proposals to the appropriate standing committee sometime this afternoon.

(11) SPECIAL ORDERS OF THE DAY - None

(12) GENERAL ORDERS OF THE DAY

Floor Leader Rasa: I move that the Convention resolve itself into the Committee of the Whole in order to consider Committee Recommendation No. 5, "Public Lands," Committee Recommendation No. 6, "Eminent Domain," and Committee Recommendation No. 7, "Oath of Office."

The motion was seconded and carried.

President Guerrero: I would like to call Delegate Pedro Dela Cruz from Rota to Chair the Committee of the Whole for today.

The Convention resolved into the Committee of the Whole at 2:18 p.m.

The Convention reconvened in Plenary Session at 4:45 p.m.

Chairman Dela Cruz: Your Committee of the Whole has adopted all three recommendations. Regarding Committee Recommendation No. 5, it was adopted as amended.

President Guerrero: As stated in our Rules, all amendments have to be submitted in writing, so I suggest that the Committee Chairman get that amendment in writing and submit it to the Convention Secretary.

Chairman Dela Cruz: I move that the Convention adopt the Recommendations, as adopted by the Committee of the Whole. These are Committee Recommendation No. 6, "Eminent Domain," from the Committee on Personal Rights and Natural Resources, Committee Recommendation No. 7, "Oath of Office," from the Committee on Finance, Local Government and Other Matters, and Committee Recommendation No. 5, as amended, on "Public Lands" from the Committee on Personal Rights & Natural Resources. The amendment to Committee Recommendation No. 5 is as follows:

Committee Recommendation No. 5: Public Lands

Section 5(a). The Corporation shall make available some portion of the public lands for a homestead program. No person shall be eligible for more than one agricultural and village homestead. No person shall receive title to a homestead for five years after the grant of a homestead or shall be able to transfer title to a homestead within ten years of receipt thereof provided, however, that these requirements shall be waived for persons who have established a continuous residence on public lands for at least 20 years as of the effective date of this Constitution. Other requirements for eligibility for the homestead program and the nature of the interest in land to be transferred by the Corporation shall be as provided by law.

The motion was seconded and carried.

(13) MISCELLANEOUS

President Guerrero: There is a resolution being passed around for signature that will be sent to President-Elect Jimmy Carter. I suggest that all the Delegates sign where required and return this to the Convention Secretary.

(14) ANNOUNCEMENTS

Chairman Benigno Fitial: Your Committee on Finance, Local Government and Other Matters will meet tomorrow at 9:00 a.m.

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

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

President Guerrero: There will be a meeting of all Convention officers, including the three Vice Presidents and the Chairman of the three substantive committees immediately following this session.

Floor Leader Raza: I move that the Convention recess until 2:00 p.m. tomorrow.

The motion was seconded and carried.

The Convention recessed at 4:50 p.m.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

Twenty-Fourth Day
Wednesday, November 10, 1976

JP Tenorio
was acting
Floor leader
this day

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 2:03 p.m.

The Honorable Lorenzo I. Guerrero, President, presided.

(2) A moment of silent prayer was observed.

(3) The Convention Secretary called the roll. There were 33 Delegates present. Delegates Olympio T. Borja, Daniel P. Castro, Francisco T. Palacios, Oscar C. Rasa, Manuel A. Tenorio and Joaquin S. Torres were excused. No Delegates were absent. A quorum was present.

Delegate Juan Tenorio: I move that those Delegates not in attendance be excused.

The motion was seconded and carried.

(4) ADOPTION OF THE JOURNAL

Delegate Juan Tenorio: I move that the Summary Journal of the 23rd Day and the Verbatim Journal Transcripts for the 6, 7, 8, 10 and 11 Days be adopted by the Convention.

The motion was seconded and carried.

(5) COMMUNICATIONS

President Guerrero: I would like to announce that since Floor Leader Rasa is unavailable for today, I have appointed Delegate Juan Tenorio as Acting Floor Leader.

(6) COMMITTEE REPORTS

Chairman Benigno Fitial: Your Committee on Finance, Local Government and Other Matters is submitting Committee Recommendation No. 8, regarding "Local Government," to the Convention.

Chairman Felipe Atalig: Your Committee on Personal Rights and Natural Resources has completed their assignment and all Committee Reports will be submitted sometime this week. May I also add, that the participation of your Committee Members is highly recognized and the output of all the Committee Members is highly appreciated by the Chairman. Thank you very much.

Chairman Jose P. Mafnas: Your Committee on Governmental Institutions hopefully will submit their Report and Recommendation on the "Executive Branch" by tomorrow or Friday.

Chairman Benigno Fitial: I want to report to the Convention that with the submission of Committee Recommendation No. 8 on "Local Government," this Committee has completed its essential task and we would like to offer our assistance to the other two Committees if deemed appropriate.

Chairman Felipe Atalig: On November 13 and 14, 1976, some members of your Committee are going to Tinian and Rota for the purpose of planning public hearings. At this time, the Chairman would like to recognize that Ramon Villagomez has been appointed to go to Tinian and Jose Borja and Manuel Tenorio will go to Rota. The appointment of Ramon Villagomez is subject to his acceptance.

(7) INTRODUCTION AND FIRST READING OF COMMITTEE RECOMMENDATIONS

Chairman Benigno Fitial: At this time I would like to introduce Committee Recommendation No. 8, regarding "Local Government," from the Committee on Finance, Local Government and Other Matters to be placed on the calendar for First Reading.

(8) SECOND AND FINAL READING OF PROPOSALS - None

(9) INTRODUCTION OF RESOLUTIONS - None

(Delegate Manuel Tenorio entered the Convention Hall.)

(10) UNFINISHED BUSINESS - None

(11) SPECIAL ORDERS OF THE DAY - None

(12) GENERAL ORDERS OF THE DAY

President Guerrero: As shown on the Order of Business, we have one item to be discussed today by the Committee of the Whole. It is Committee Recommendation No. 7, regarding "Natural Resources," from the Committee on Personal Rights and Natural Resources.

Acting Floor Leader Tenorio: I move that the Convention resolve itself into the Committee of the Whole.

The motion was seconded and carried.

President Guerrero: I would like to call Delegate Gregorio Calvo from Rota to act as Chairman for today's Committee of the Whole.

The Convention resolved into the Committee of the Whole at 2:12 p.m.

The Convention reconvened in Plenary Session at 2:52 p.m.

Chairman Gregorio Calvo: Your Committee of the Whole has unanimously adopted Recommendation No. 7 from the Committee on Personal Rights and Natural Resources, regarding "Natural Resources."

Delegate Ramon Villagomez: I move that the Convention adopt Committee Recommendation No. 7, regarding "Natural Resources," from the Committee on Personal Rights and Natural Resources.

The motion was seconded and carried.

(12) MISCELLANEOUS

Delegate Jose R. Cruz: A while ago, this Convention resolved itself into the Committee of the Whole and I was recognized by the Chair to speak. Before I started speaking, someone raised the point of "Rules." I did not have a chance to speak. I urge this Convention that when a newspaperman is here at the session, not to stir up a show to show that he is better than another Delegate, so that his name will be in the headlines of tomorrow's paper, especially when it comes from the Chairman of a substantive committee who doesn't seem to know the answer to a question, but can't stand to have another member answer the question.

I think this Convention should have respect and cooperation among all the Delegates. Everyone should have a chance to speak. I know that when the newspaperman comes here someone wants to show-off. We're here to frame the Constitution of the Northern Marianas, not at a beauty contest.

Chairman Felipe Atalig: The statement made by the Delegate from Tinian, is referring to the Chairman of the Personal Rights and Natural Resources Committee. I wish to register my concern at this moving statement and hope the Delegate from Tinian can see that there is no place for this kind of childish discussion in this Convention. For fourteen years he has been in a legislative body, therefore, he should be used to complying with the Rules and Regulations. Let the record show, Mr. President, that

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

Twenty-Fifth Day
Thursday, November 11, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 1:05 p.m.

The Honorable Lorenzo I. Guerrero, President, presided.

(2) A moment of silent prayer was observed.

(3) The Convention Secretary called the roll. There were 34 Delegates present. Delegates Olympio T. Borja, Daniel P. Castro, Herman Q. Guerrero, David Maratita and Francisco T. Palacios were excused. No Delegates were absent. A quorum was present.

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

The motion was seconded and carried.

(Delegates Herman Q. Guerrero, David Maratita, and Francisco T. Palacios entered the Convention Hall during Committee of the Whole.)

(4) ADOPTION OF THE JOURNAL

Floor Leader Rasa: I move that the Convention adopt the Summary Journal of the 24th Day.

The motion was seconded.

Chairman Felipe Atalig: There is a correction that should be made on the first page under item 6, the second paragraph. The word "that" should be changed to "this."

The motion to adopt the Summary Journal of the 24th Day carried.

(5) COMMUNICATIONS - None

(6) COMMITTEE REPORTS

Chairman Jose P. Mafnas: I am sorry to report that the Committee on Governmental Institutions is unable to submit the Committee Report and Recommendation on the "Executive Branch" this morning.

Chairman Benigno Fitial: The Committee on Finance, Local Government and Other Matters was hoping to present the Committee Report and Recommendation, regarding "The Preamble," but the duplicating machine was not functioning properly. The Recommendation will definitely be introduced tomorrow.

Chairman Felipe Atalig: Your Committee on Personal Rights and Natural Resources has completed their work on Committee Recommendation No. 8, regarding "Land Alienation." However, as stated previously by Chairman Fitial, due to problems with the duplication machine, your Chairman is not able to submit that report. We expect to submit it to the Convention tomorrow.

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

(8) SECOND AND FINAL READING OF PROPOSALS - None

(9) INTRODUCTION OF RESOLUTIONS - None

- (10) UNFINISHED BUSINESS - None
- (11) SPECIAL ORDERS OF THE DAY - None
- (12) GENERAL ORDERS OF THE DAY

President Guerrero: Today we have Committee Recommendation No. 8 from the Committee on Finance, Local Government and Other Matters, regarding "Local Government," for discussion during the Committee of the Whole.

Floor Leader Rasa: I move that the Convention resolve itself into the Committee of the Whole.

The motion was seconded and carried.

President Guerrero: May I call on Delegate Ramon Villagomez to Chair the Committee of the Whole for today.

The Convention resolved into the Committee of the Whole at 1:15 p.m.

The Convention reconvened in Plenary Session at 5:00 p.m.

Chairman Ramon Villagomez: I am happy to report to you that Committee Recommendation No. 8 from the Committee on Finance, Local Government and Other Matters, regarding "Local Government," has been adopted with certain amendments.

I move that the Convention adopt the recommendation of the Committee of the Whole.

The motion was seconded and carried.

The amendment to Committee Recommendation No. 8, regarding "Local Government," from the Committee on Finance, Local Government and Other Matters is as follows:

Section 3: Responsibilities of Mayor.

- (1) The word "shall" is substituted for the word "may" in the first line of subsection 3(d); and
- (2) The following sentence is added to subsection 3(d): "Any proposal relating to the budget made by the mayor shall be considered by the responsible Commonwealth official and rejected only for good cause."

- (13) MISCELLANEOUS - None
- (14) ANNOUNCEMENTS

Chairman Felipe Atalig: I wish to announce that this evening at 7:00 p.m., your Committee on Personal Rights and Natural Resources will be meeting to review the last Committee's Recommendation, No. 8. I would also like to ask the Committee members to pick up copies of Recommendation No. 8 so they will have ample time to read it before the meeting tonight.

Chairman Benigno Fitial: Your Committee on Finance, Local Government and Other Matters will meet tonight at 7:00 p.m. I would like to invite interested Delegates from Rota and Tinian to attend for the purpose of discussing further the provision on "Local Government," which was just adopted by the Convention on First Reading.

Chairman Jose P. Mafnas: For reasons that I cannot reveal, which I will advise you on at a later time, your Committee on Governmental Institutions cannot meet tonight. We will meet tomorrow morning at 8:00 a.m.

Delegate Henry Hofschneider: I would like to attend the meeting of the Committee on Finance, Local Government and Other Matters, and I am asking if I can be excused by the Chairman of the Committee on Personal Rights and Natural Resources.

Chairman Felipe Atalig: Yes, provided there is one Delegate from Tinian in attendance, so I urge Delegate Diaz to come and attend the meeting.

President Guerrero: There will be a meeting of the three Vice Presidents, three Committee Chairman, the Floor Leader, and Convention Secretary immediately following this session.

Delegate Juan DLG. Demapan: I move that the Convention recess until 2:00 p.m. tomorrow.

The motion was seconded and carried.

The Convention recessed at 5:05 p.m.

Respectfully submitted,



Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS
VERBATIM JOURNAL (TRANSCRIPT)

Twenty-Sixth Day
Friday, November 12, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 2:10 p.m.

The Honorable Lorenzo I. Guerrero, President, presided.

(2) A moment of silent prayer was observed.

(3) The Convention Secretary called the roll. There were 35 Delegates present. Delegates Olympio T. Borja, Daniel P. Castro, Pedro Q. Dela Cruz and Francisco T. Palacios were excused. No Delegates were absent.

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

The motion was seconded and carried.

(4) ADOPTION OF THE JOURNAL

Floor Leader Rana: I move that the Summary Journal of the 25th Day be adopted by the Convention.

The motion was seconded and carried.

(5) COMMUNICATIONS - None

(6) COMMITTEE REPORTS

Chairman Benigno Fitial: I am happy to report that your Committee on Finance, Local Government and Other Matters is submitting Committee Recommendation No. 9, regarding "Preamble."

Chairman Felipe Atalig: At this time, your Committee on Personal Rights and Natural Resources is submitting a written report on the disposition of Delegate Proposals by our Committee. I am also happy to submit to the Convention Committee Recommendation No. 9, regarding "Miscellaneous Provisions." This Report deals with Statute of Limitations, Treatment of Children in Criminal Proceedings, and Search and Seizure.

Chairman Jose P. Mafnas: The basic formation and requirements, regarding the "Executive Branch," have been reached by your Committee on Governmental Institutions. However, there is one obstacle that did not permit your Committee to submit this report this afternoon. That is the composition regarding the so-called mayor/lieutenant governor portion of the Recommendation. The proponents of the amendment introduced yesterday by Delegate Jose R. Cruz and our Committee are deadlocked on that issue. For the Convention's information, the President had formed a Special Committee to iron out the problems that we are facing on the question of local government and the lieutenant governor's authority and responsibilities. I have yet to hear from the Chairman of that Special Committee. I understand that they met this afternoon and I hope that resolution was reached so that we can proceed with our business.

Delegate Joaquin Torres: Mr. President, could you tell us who the Delegates were that comprised that Special Committee?

President Guerrero: For your information, the Convention Officers met about 5:30 p.m. yesterday evening and we made the selection and appointed the following Delegates:

Delegates Benjamin Manglona, Jose R. Cruz, Pedro Atalig, Juan P. Tenorio, Jesus Villagomez and Francisco T. Palacios. Unfortunately Delegate Palacios was unable to attend and Delegate Ramon Villagomez was appointed to attend in his place.

Delegate Jose R. Cruz: The Special Committee met and vigorously attempted to tackle the problem and it seems to me that a solution has been tentatively reached, although this must be reduced into constitutional language so that everyone can ascertain the gist of the concern. We think with more time this afternoon, or sometime tomorrow, we should be able to come up with some kind of solution.

President Guerrero: I hope that the Special Committee can come up with an alternative that will solve these problems so that we can discuss and complete the Committee's Recommendation.

(7) INTRODUCTION AND FIRST READING OF COMMITTEE RECOMMENDATIONS

Chairman Benigno Fitial: At this time, I would like to introduce Committee Recommendation No. 9, regarding "Preamble," from the Committee on Finance, Local Government and Other Matters for First Reading.

Chairman Felipe Atalig: At this time, I would like to introduce Committee Recommendation No. 9, regarding "Miscellaneous Provisions," from the Committee on Personal Rights and Natural Resources for the consideration of the Convention.

(8) SECOND AND FINAL READING OF PROPOSALS - None

(9) INTRODUCTION OF RESOLUTIONS

Chairman Felipe Atalig: I have a resolution to read into the record.

A RESOLUTION THANKING AND COMMENDING THE CONSULTANTS
FOR THE COMMITTEE ON PERSONAL RIGHTS AND NATURAL RESOURCES.

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

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

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

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

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

NOW THEREFORE, BE IT RESOLVED, by the Northern Marianas Constitutional Convention that its Delegates express and extend their appreciation and congratulate them for their successful assistance, and

BE IT FURTHER RESOLVED, that the Secretary of the Convention be requested to send a copy of the text of this Resolution to the two consultants mentioned above and to the law firm of:

WILMER, CUTLER AND PICKERING
1666 K Street, N. W.
Washington, D. C. 20006

(10) UNFINISHED BUSINESS - None

(11) SPECIAL ORDERS OF THE DAY - None

(12) GENERAL ORDERS OF THE DAY

President Guerrero: For today's discussion is Committee Recommendation No. 8, regarding "Restrictions of Land Alienation," from the Committee on Personal Rights and Natural Resources.

Floor Leader Rasa: I move that the Convention resolve itself in the Committee of the Whole.

The motion was seconded and carried.

President Guerrero: At this time, the Chair would like to call on Delegate Luis Limes from Saipan to preside over the Committee of the Whole for today.

The Convention resolved into the Committee of the Whole at 2:27 p.m.

The Convention reconvened in Plenary Session at 3:35 p.m.

(During Committee of the Whole, Delegate Felipe Atalig asked the House to recognize the presence of Senator-Elect Jesus Mafnas.)

Chairman Luis Limes: Your Committee of the Whole adopted Committee Recommendation No. 8 from the Committee on Personal Rights and Natural Resources, regarding "Restrictions On Land Alienations."

Floor Leader Rasa: I move that the Convention adopt Committee Recommendation No. 8 from the Committee on Personal Rights and Natural Resources for First Reading.

The motion was seconded and carried.

President Guerrero: The Chair would like to recognize the presence of all the interested citizens of the Northern Marianas who are in the gallery.

(13) MISCELLANEOUS

Delegate Juan S. Demapan: Good afternoon, Mr. President and fellow Delegates:

Today, we begin the last half of our Convention days, and our tasks still remain abundant. With so little time remaining and much to do, it seems that we won't ever accomplish the task of formulating a Constitution that is representative of our people's needs and wants. Such a task is not easy, but in God we ask a miracle to show us the way to understand that only through a unity of purpose can we accomplish such a task that, at present, is seemingly impossible.

As a member of this honorable body, I have a moral and public responsibility to promote understanding and trust -- unity of purpose -- amongst ourselves. In fact, this is the best place to start it.

The major obstacle facing this body is that some of us are fearful of abandonment and inattention of the basic material needs and wants of our people in our other municipalities. That fear, unquestionably, stems from past repetitive experiences. But if we are really going to think about it, the fear is basically rooted in inadequate monetary support to these islands in order to establish adequate basic facilities such as hospitals, schools, airports, docks, roads, etc., necessary for the well-being and convenience of our people in these outer islands. This, in short, is fundamentally the injustices of the past.

But let's be practical and realistic. On its own, Saipan may never be able to support our neighboring islands for material conveniences. In fact, it has never been. The Trust Territory Administration, the administering authority, if anything, is the direct source for such injustices of the past.

To be sure, our problems here are no different from the other districts in the Trust Territory. My experience in the other districts has been one of great sorrow. For it seems that only the major island centers are where everything seems to be. The outer islands of Truk, Marshalls, Ponape, Yap, and Palau are probably more mistreated and forgotten than us here in the Marianas.

I have seen islands out there without running water, electricity, roads, airports, hospitals, and ports. In medicare, these islands sometimes get it once in every forty-five days. So if injustices we want to say, that is where injustices exist. We are much luckier and fortunate, in fact, by far. But with \$8.5 million for governmental operations, and some \$4 million for capital improvements, as provided by the Covenant, we can safely say that our often shouted "injustices" are more than eliminated.

Thus, my fellow Delegates, I wish to close with a warning: continuance of concentrating our efforts and time on material injustices of the past, could very well lead us to forget the heart of our task, namely, protecting the interests, rights and desires of our people, and protecting ourselves from the expected and unexpected evils of government and amongst ourselves. Only history will tell what we do in this Convention to protect our cherished people and lands and heritages on a planet filled with customs, cultures and beliefs of peoples and nations far different and outnumbering our kind. In final, I wish to ask that we all join hands and work for the good of all our people and islands and the generations to come, which is the task we here face.

Delegate David Maratita: I would like the Convention to recognize in the gallery, the presence of Francisco Ulodong, the new descent of the Marianas, and two members of the Pacific Daily News staff who are 100% American citizens.

Chairman Felipe Atalig: I have a letter that has been prepared to our pageboy for his outstanding work for our Committee on Personal Rights and Natural Resources. This is a very special occasion and I would like to present this letter to the Sergeant-at-Arms to be presented to the President so that it can be inserted in the record. I would like the Convention Secretary to read the letter to the Convention.

November 12, 1976

Mr. Ramon R. Seman
Northern Marianas Constitutional Convention
Saipan, Mariana Islands 96950

Dear Mr. Seman:

On behalf of the Committee on Personal Rights and Natural Resources, I wish to express our sincere appreciation and commendation for your sincere and most generous services provided the Committee during the past 26 days of our deliberation in our Committee's work.

We are pleased to present to you a small gift as a token of our appreciation for your kind services provided which we all cherished.

The Committee recognizes the importance of your work with respect to providing a comfortable atmosphere in our daily work and we hope you continue to extend your excellent spirit for the remaining 24 days of the Committee's work.

Thank you yan si Yuss maasi. Ha dahi na unmalefa nai chairman yan i mangachong na gi sakan 1977.

Sincerely,

Felipe Q. Atalig
Chairman, Personal Rights and
Natural Resources

President Guerrero: Today marks the 26th day of session of our Constitutional Convention. The progress achieved by the backbone of this august body is par-excellent, and, therefore, worth honoring every effort contributed to this effect. As President of this Constitutional Convention, it is my pleasure, and I am proud to mention, that the Committee on Governmental Institutions has made it possible to undo complexities and difficulties relative to governmental structure which were undoubtedly necessary to accommodate demands and to relieve grievances of the past.

Third, even if a governor should be so unwise as to reject all or most of the reasonable recommendations of a mayor, the legislature could reject the budget. Remember that Rota and Tinian will control the senate. If the senators from those islands believe that the governor's budget is unfair to their constituents, they will have the power to disapprove the entire budget. Will a governor attempt to deny adequate services to the outer islands if the cost is the rejection of his entire program? I think not. Remember, also, that the senate will exercise the power to confirm or reject the governor's principal appointees.

Despite the ample protections of this Committee Recommendation, some Delegates continue to demand complete autonomy for the outer islands. The words of these Delegates are disturbing for two reasons. First, a governmental system, and we are addressing only one system, that serves only 15,000 -- or even 150,000 people -- is not workable if it is splintered into three autonomous parts, each duplicating the functions of the others. The governor would be little more than a figurehead if three so-called "lieutenant governors" are given responsibility for administering the government and hiring and firing its employees on their islands. We are told that the governor and his department heads will "set policy." But what does that mean if the people who will implement the policy are not selected and cannot be supervised or removed by the policy-makers? Policy will soon degenerate. If the governor and a lieutenant governor are of different political parties, conflict between the two is inevitable. Soon the lieutenant governor will seek out ways to repudiate the policies of the chief executive.

Furthermore, Mr. President, the experience of the United States suggests that the needs of Rota and Tinian can be met without this lieutenant governor proposal. The state of Hawaii is also a community of islands -- separated by many more miles of ocean that is true in the Northern Marianas. The individual islands of Hawaii do not begin to have the kind of powers and local autonomy that our colleagues want for Rota and Tinian, even though the islands in Hawaii are much richer in terms of people and money. In fact, the State of Hawaii provides most of the significant public services -- education and welfare, for example.

Mr. President, what some of my colleagues are demanding is a system in which the lieutenant governors will be more powerful than the governor. This is a system appropriate for a federation of loosely joined sovereign states, not for a Commonwealth where the interests of all of the people are paramount. If the governor has the authority to supervise governmental services, the Commonwealth will receive the benefits of a comprehensive civil service system. Employees will be hired and promoted according to objective standards based upon merit. It is clear that qualified public servants will be more effective than the political cronies of a lieutenant governor.

The proposal for local autonomy would be more than inefficient. It would be costly. A different set of supervisors would be required for each island. These administrators will strain the limited resources of the Commonwealth. This can only result in the reduction of the services actually available to the people of the Northern Marianas. Mr. President, is our concern elaborate organizational charts whose only beneficiaries are those who fill positions listed on those charts? Or is our goal to ensure services sufficient to their needs?

The words of Delegates supporting local autonomy are disturbing for a second reason. Some of my colleagues have suggested that if their views do not prevail they will block ratification of any Constitution. Some even threaten to walk away from our responsibilities before our fifty days have ended. Mr. President, now is not the time for threats. My fellow Delegates, let us try to reach consensus. Let us not be alarmed or dismayed if we cannot agree today or tomorrow or even two weeks from now. Let us use all of the time remaining to us to resolve this troubling issue if that is necessary. But let us also not lose sight of why we were sent here by our people -- to draft a Constitution for them. So while we continue to discuss the issue of local government, let us continue also to reach agreement on other questions. In twenty-four days, let us have a Constitution. I thank you.

Delegate Juan DLG. Demapan: Mr. President and fellow Delegates. We are all

aware that this Constitution that we are in the process of drafting is a matter of utmost seriousness. Not only will our own people be passing judgment on our work, but it must also stand up under the scrutiny of the United States Congress and the President of the United States. Unless we relish the idea of being branded as incompetents, it is important that we apply ourselves to doing thoughtful first-class work.

We have been provided with excellent briefing papers, which if read and studied, should make our work relatively easy.

It is true that there are unique local problems that have not been anticipated in the briefing papers, but as to them, the question is: Are they really matters that can only be resolved by Constitutional provisions? It seems to me that many of the proposals submitted reflect local concerns based upon past experience.

It may well be true that under a series of incompetent Trust Territory Administrations, the municipalities of Rota and Tinian were treated as step-children, but does not the fault lie partly with our equally incompetent District Administrators who were more concerned with pleasing Headquarters than tending to the needs of our friends in the municipalities. Now that we look forward to a District Administrator (governor) who will answer rather than to a High Commissioner, is it not reasonable to expect more responsive consideration? Surely the allegiance of a governor who need not look to a High Commissioner for job security will lie with the people; all of the people. Therefore, should not the Delegates from Tinian and Rota make an effort to forget past injustices and refrain from trying to guard against past neglects that will not be repeated by introducing proposals which do not belong in a constitution. These disputes only consume precious time and lead to nothing constructive.

With the advent of a new form of government, in which the three branches draw their respective authority from a written law, and which at the same time, places clear cut limitations on the exercise of that authority; it is my firm belief that no one need fear a repetition of the excesses or neglects of the past. We should look to our Constitution as a unifying force rather than a divisive one.

Should we persist in the attempt to guard against past wrongs -- real or imagined -- by inserting all sorts of ill-advised and distorting provisions in our Constitution, it is clear that we will wind up with a document, yes, but will it be a Constitution? I think not. It will be a joke, the laughing stock of all thinking men everywhere; and what is of prime importance, it will not pass muster neither with our people nor the U. S. Congress.

Let us have faith that all assembled here are men of good will, that we all seek the common good. Let sectionalism be set aside and let us get on with the work appointed in a spirit of unity.

For myself, I pledge that my concern embodies the welfare of the people of Rota and Tinian, to as great a degree as those of Saipan. We are a unit, let us behave as one. Thank you.

Delegate Jose R. Cruz: Mr. President, I don't have a prepared speech, but I would like to make a comment. I would like to assure this Convention that the Delegation from Tinian, and perhaps I can speak for the Delegation from Rota, has no intention of trying to bring what took place in the past. We are willing to forget what happened in the past, but certainly we refuse to continue the practices of the past. So as I stated, we the minority from Tinian joined in forces with the other minority from Rota, came up with a proposal because we firmly believe that that's the only way we can have a workable government. We are not being selfish. We are only bringing to the attention of this Convention that we want to be treated equal. We believe in the American proverb, "What is good for the goose is good for gander." We are minorities, and unfortunately as a result of this minority, we have had problems in the past, but we don't intend to keep dragging that up in this Convention. But in order for the Delegation from Tinian to be assured that it is understood fully by the Convention, the injustices and the inequity we have suffered in the past, we have to explain this to the Convention so that the members will understand our problems.

We are not asking anything impossible. We want some more voice in our future government. The only reason the people from Tinian supported the Covenant and the new political status is because we want to change the suffering we have had in the past 25 years. If we knew that such safeguard would be turned down by this Convention to protect the interest of the minority, we would have voted down the passage of the Covenant. We would have refused sacrificing the very small island of Tinian to be turned over for future national defense. I would respectfully like to remind this Convention that the people of Tinian sacrificed more than two-thirds of its very small island for the future of the Marianas. We are only asking that we have more voice, more authority, in this new government. If we don't get this, then we refuse to have a new constitution. What is the use for us to join this new political entity if the arrangement will be just like the old days? I have heard so many speeches accusing the outer islands of being selfish. What is the danger, Mr. President, if giving Tinian and Rota a man who is elected locally to administer their local affairs? Why do we have to resort to people from Saipan, like the old days? The governor will sit here all the time, he doesn't spend 24 hours on Rota and Tinian. We want a workable government. We want to be a part of that government. Thank you.

Delegate Benjamin Manglona: I certainly appreciate the remarks made by several of the Delegates and certainly share some of their consensus. However, Mr. President and fellow Delegates, the Rota and Tinian Delegations have been continuously blamed for the action and the work of this Convention. One thing I want to make very clear, we have been making ourselves available in all the Committee work and we have been at this Convention. I assure the Convention that we have no intention of trying to walk out unless we come to the point where we think that there is no where to go to protect the interest of the people of Rota and Tinian. I still think there is hope and room for understanding. We will continue to be in this Convention until that time. I want to assure you that it is the feeling of our Delegation that we still have plenty of room to resolve our differences.

One thing I want to ask you, is to give us the protection that we are asking. It is not the protection for the people of that island. It is the protection for all of the people. We have some people from Saipan who have come to Rota and decided to live there. It is protection for these people, too.

One thing I want to make clear; we are doing our work and hope we can reach an agreement on the proposal we have submitted. Thank you.

Delegate Ramon Villagomez: I think we have reached the point where we cannot come to a further compromise, a further understanding, a further giving away of power. This is it. This is the time to walk out. Let me explain why. There are three municipalities in the Northern Marianas; 12,000 of the people on the island of Saipan, 1,200 or so on Rota and about 750 in Tinian. We found out we couldn't have a Covenant if we didn't have a compromise, so we thought we were giving compromises. But instead of compromise, the people of Saipan have given to these minorities more than they are entitled to. Think about this carefully. What we have given up to this point to the minorities, is more than they are entitled to. There is nothing that the people of Saipan can enact in the way of legislation without the permission of the people of Rota and Tinian. Nothing. Nothing can go through that legislature without the people of Rota and Tinian saying "yes." There is nothing that the people of Rota can ask Saipan, that the people of Saipan can refuse. Because if Saipan says we refuse to cut down your trees, the people of Rota and Tinian in the senate will say, we refuse to cut down your trees and nothing happens. Therefore, to ask for more when we have already given more than they are entitled to, the power is not here in Saipan now. The power is in the minority. The minority is asking for more. What more power can we give? We cannot negotiate anymore and we cannot compromise anymore, because we have given more than we can give. We have given more than we can afford. If you are looking for the time in which we cannot go any further, that time has come. We cannot any longer negotiate or compromise.

If you think the only way you can solve this problem is to walk away from it, let me warn you that Saipan will not suffer. If you are not going to have a Commonwealth as we have been seeking to have, all the dreams that we have been dreaming, all the goals we have been expecting, are never going to come. We are not going to give anymore, we have given more than enough. Thank you.

Delegate Esteven King: This is not a speech, just a very short comment I would like to make to the Delegates. Let's look back on the Constitution of the United States and what happened when they gave very strong power to the government. They ended up with a civil war. Bloody. We do not want this same thing to happen here in the Marianas Commonwealth. Even though we are a minority, we are asking for equal treatment. The islands of Tinian and Rota are not separated from Saipan by barbed wire, we are separated by ocean. We are not asking for decentralization of power, we are asking that there is some power in Tinian and Rota. I would like to ask the cooperation of this Convention in listening to the issues we have presented. We are trying to be treated equally with all people of the Commonwealth. So I ask for the cooperation of the Delegates; notice that on certain issues, not only are Rota and Tinian Delegates voting against it, some Saipanese are also voting against it. I'll bet that the Delegates that stand up and say I'll fight for you; why, because they are feeling the pains. I want this Convention to recognize that it is just not the Tinian and Rota Delegates voting against the issue, but some Saipanese, too. Let's be realistic in this Convention on each issue. Certain Delegates from Saipan would like to vote with Rota and Tinian, but they cannot speak because they are residing on this island. Thank you.

Chairman Jose P. Mafnas: Upon completion of the session, I would like to report back to our constituents that we have formulated a Constitution. When you appointed a special committee to iron out these problems; I wish to advise every Delegate in this Convention to please refrain from jeopardizing the negotiations that are going on in this special committee. As the Chairman of the Committee on Governmental Institutions, who has yet to report to this Convention its report on the "Executive Branch," I find that it will be very difficult, at this time, to reach a consensus because of the speeches that have been made directed against the wishes of the people of Rota and Tinian. I feel that there is still time to reach a consensus and I strongly advise every Delegate to please refrain from making any remarks that might jeopardize the negotiations. Thank you.

Delegate Juan DLG. Demapan: I am full admiration of love and destiny and I do sympathize with the feeling, sentiments and concerns of the people of Tinian and Rota. But, Mr. President, I think they are wrong, as Delegate Ramon Villagomez said. I think there is enough protection for the municipalities of Rota and Tinian. Since the senate is three/ three/ three, let me assure you that no legislation will be approved without the consent of the two municipalities. Thank you.

Delegate Henry Hofschneider: Let's assume, Mr. President, that the Constitution has been ratified. I would be very pleased, as for my fellow Delegates, if we follow what formula is being recommended now. I would like to extend invitations to residents from Saipan to stay on Tinian and share with us our experience.

(14) ANNOUNCEMENTS

Chairman Felipe Atalig: Your Committee on Personal Rights and Natural Resources will meet tonight at 7:00 p.m. in Room 225. I urge all members to be present.

Chairman Jose P. Mafnas: There will be a meeting of your Committee on Governmental Institutions immediately after this session. I would like the President to advise the members of the Special Committee to please be present in this meeting so we can hear what transpired in their meeting this afternoon.

President Guerrero: May I respectfully request that members of that Special Committee attend the meeting of the Committee on Governmental Institutions, as Chairman Mafnas has requested, which will be held immediately following this session.

Chairman Benigno Ftial: I would like to announce that the Committee on Finance, Local Government and Other Matters will meet jointly with the Committee on Governmental Institutions so we can hear what transpired in the Special Committee's meeting.

Delegate Jose R. Cruz: I do not oppose the joint meeting of the two Committees,

however, we still need to draft the constitutional language and we haven't done that yet. Before the Tinian Delegation accepts the solution we have to have draft language. We want to make sure our concerns are protected. I don't know if we will accomplish that this afternoon.

President Guerrero: I suggest that the Committee on Governmental Institutions should proceed with its meeting, and I also urge the Special Committee to come up with the committee's recommendation and draft concerning the "Executive Branch." If you still have areas in which no solution has been formulated, I suggest that the Chairman please try to expedite that problem within your committee and come up with a committee report. Whether you have a minority or majority report, please expedite.

Chairman Jose P. Mafnas: Mr. President, am I to understand that you are withdrawing your directive to the Special Committee to attend the meeting this afternoon?

President Guerrero: As suggested by Delegate Cruz, it may not be wise to meet at this time since they have not reached the drafted language of their proposed amendment.

Chairman Jose P. Mafnas: After hearing the explanation of Delegate Cruz, I was under the impression that the Special Committee had reached a tentative agreement on the problem, but if this is not the case, I withdraw my invitation.

Chairman Benigno Fitial: If that is the case, the Committee on Finance, Local Government and Other Matters will meet alone immediately after this session.

Floor Leader Rasa: I move that the Convention recess until 10:00 a.m. tomorrow.

The motion was seconded and carried.

The Convention recessed at 4:30 p.m.

Respectfully submitted,



Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

Twenty-Seventh Day
Saturday, November 13, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 10:19 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 29 Delegates present. Delegates David Atalig, Gregorio Calvo, Jose Cruz, Pedro Dela Cruz, Hilario Diaz, Benjamin Manglona, Prudencio Manglona, Vicente Manglona, Pedro Ogo and Francisco T. Palacios were excused. No Delegates were absent. A quorum was present.

President Guerrero: Mr. Secretary, for your information, the Delegates from Rota and Tinian who are not present are excused as they are attending a meeting in the Rota Delegation room.

Convention Secretary: Also, Delegate Francisco T. Palacios and Delegate Pedro Dela Cruz asked to be excused for very urgent business.

Floor Leader Rasa: I move that those members not present be granted leave of absence.

The motion was seconded and carried.

(4) ADOPTION OF THE JOURNAL

Floor Leader Rasa: I move that the Summary Journal of the 26th Day and the Verbatim Journal Transcripts of the 12, 16, 17 and 18 Days be adopted by the Convention.

The motion was seconded and carried.

(5) COMMUNICATIONS

Convention Secretary: A communication from the Chairman of the Committee on Finance, Local Government and Other Matters states:

Subject: Appointment of Delegates from Delegations to Conduct Public Hearings

In compliance with your verbal instructions for public hearings, the following Delegates from the Committee on Finance, Local Government and Other Matters have been appointed from their respective Delegations to conduct public hearings on Saipan, Tinian and Rota.

Saipan: Delegate Jesus Villagomez and Delegate Oscar Rasa

Tinian: Delegate Juan Tenorio and Delegate Benigno Fitial

Rota: Delegate Luis Benavente and Delegate Esteven King

President Guerrero: Have the Chairman of the other two Committees submitted the names of the Delegates who will attend the public hearings on Saipan, Tinian and Rota?

Chairman Jose P. Mafnas: I have the names, Mr. President, and I will submit these names to you right after this session.

(6) COMMITTEE REPORTS

Chairman Jose P. Mafnas: On behalf of the Committee on Governmental Institutions, I have the honor to introduce Committee Recommendation No. 4. The Committee's Recommendation concerns the "Executive Branch of Government."

In brief, the Committee recommends that the executive branch be headed by a governor and a vice governor. These officials would serve four-year terms and would run on the same ticket. The article offered by the Committee also provides for a board of education, an attorney general, a public auditor, and a civil service commission. The legislature would have the power to establish additional departments and agencies. The governor would have the authority to reorganize the executive branch subject to a legislative veto if the reorganization would depart from existing law.

Among the governor's prescribed duties are the responsibilities to address the legislature at least once a year and to see that the laws are faithfully executed. The Committee's recommended article would also require the governor to consult with the chief executive officers of Saipan and the islands north of it, Rota, and Tinian, in preparing his proposed annual budget. The governor would also be required to detail to the legislature his response to the budgetary requests made by the chief executive officers of the islands.

The Committee has decided not to submit any proposal with respect to the issues of local government and the powers and title of the chief executive officers of the islands. The Committee believes that further discussion of these issues by the Convention or the Committee of the Whole should be deferred until the President's Special Committee advances its recommended compromise. Accordingly, Mr. President, the Committee respectfully requests that the Convention and the Committee of the Whole neither debate nor vote on these issues during the discussion of Committee Recommendation No. 4. The Committee's reasons for deciding not to propose constitutional language dealing with the lieutenant governor/mayor issue are fully discussed in an attachment to the Report that we submit today.

Mr. President, I ask that the Convention accept Committee Recommendation No. 4 and that it be calendared for early consideration by the Committee of the Whole. Thank you.

President Guerrero: The officers of the Convention, composed of the three Vice Presidents, the three substantive Chairmen, the Floor Leader, and the Convention Secretary, will meet right after this session to decide if this matter will be calendared for tomorrow's meeting.

(7) INTRODUCTION AND FIRST READING OF COMMITTEE RECOMMENDATIONS

Chairman Jose P. Mafnas: At this time, I would like to introduce Committee Recommendation No. 4, regarding "The Executive Branch of Government," from the Committee on Governmental Institutions, to the Convention.

(8) SECOND AND FINAL READING OF PROPOSALS - None

(9) INTRODUCTION OF RESOLUTIONS - None

(10) UNFINISHED BUSINESS - None

(11) SPECIAL ORDERS OF THE DAY - None

(12) GENERAL ORDERS OF THE DAY

President Guerrero: As shown on the Order of Business for today, we have Committee Recommendation No. 9 from the Committee on Finance, Local Government and Other Matters, regarding "Preamble," and Committee Recommendation No. 9 from the Committee on Personal Rights and Natural Resources, regarding "Miscellaneous Provisions," to discuss during the Committee of the Whole.

Floor Leader Raza: I move that the Convention resolve itself into the Committee of the Whole.

The motion was seconded and carried.

President Guerrero: May I call on Chairman Felipe Atalig to Chair today's Committee of the Whole discussion.

The Convention resolved into the Committee of the Whole at 10:30 a.m.

The Convention recessed while in the Committee of the Whole. Recess was called at 11:23 a.m., to last until 9:00 a.m. the following morning.

Respectfully submitted,



Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

Twenty-Eighth Day
Sunday, November 14, 1976

The Constitutional Convention of the Northern Mariana Islands reconvened in Committee of the Whole at 9:14 a.m.

The Honorable Felipe Q. Atalig, Delegate, presided.

The Convention reconvened in Plenary Session at 10:22 a.m.

The Honorable Lorenzo I. Guerrero, President, presided over the Convention.

Chairman Felipe Atalig: The Committee of the Whole deliberated and adopted the following Committee Recommendations: Committee Recommendation No. 9 from the Committee on Finance, Local Government and Other Matters, regarding "Preamble," and Committee Recommendation No. 9 from the Committee on Personal Rights and Natural Resources, regarding "Miscellaneous Provisions." Each of these Recommendations were adopted unanimously.

The Committee of the Whole also adopted, as amended, Committee Recommendation No. 4 from the Committee on Governmental Institutions, regarding "The executive Branch of Government."

The amendments are as follows:

Wherever the words "vice governor" now appear in the text, will be changed to read "lieutenant governor," and wherever the words "lieutenant governor" now appear in the text, will be changed to read "mayor."

Committee Recommendation No. 4: The Executive Branch of Government

Section 18: Public Services.

a) The governor may delegate to the mayor responsibility for the execution of Commonwealth laws and the administration of public services in the island or islands in which the mayor has been elected.

b) Public services on Rota and Tinian shall be supervised by a resident assistant director in the departments providing such services appointed by the head of the department with the advice and consent of the representatives and senators in the legislature from the island where the assistant director shall perform his duties.

c) Public services authorized by law shall be provided on a fair and equitable basis to all the citizens of the Commonwealth. The legislature may require that such services be provided through decentralized administrative arrangements. The governor shall make any necessary recommendations to the legislature in order to accomplish these objectives.

Chairman Felipe Atalig: I move that the Convention accept the report of the Committee of the Whole and adopt Committee Recommendation No. 9 from the Committee on Personal Rights and Natural Resources, Committee Recommendation No. 9 from the Committee on Finance, Local Government and Other Matters, and Committee Recommendation No. 4, as amended, from the Committee on Governmental Institutions.

The motion was seconded and carried.

(13) MISCELLANEOUS

*Executive Branch
Article passed
Governor - may
delegate to mayors*

Delegate Jose R. Cruz: Mr. President, I want to express my sentiment on behalf of my Delegation. During the past several weeks, there were times when we were highly emotional and times when statements were made that were uncalled for. But I want to assure this Convention that we all did this in good faith. We don't want to drag into today, yesterday's injustices. But in order for us to justify our position, so that this Convention can understand how much my people have suffered, we have no other alternative but to go on record, Mr. President.

Today I want to thank the members of this Convention, in particular the Chairmen, for their unselfishness and thoughtfulness for making the people of Rota and Tinian their concern. On behalf of my people I want to thank this Convention. Now the Commonwealth is only the next day ahead of us. Thank you.

Delegate Hilario Diaz: On behalf of the Delegation from Tinian I want to assure this Convention that we will cooperate to the maximum extent to assure the conclusion of this Convention, and we will work with full cooperation toward a workable Constitution. Thank you.

Delegate Joaquin Torres: I would like the record to show that Chairman Felipe Q. Atalig chaired the Committee of the Whole during its most turbulent and critical period, and he led discussion with distinction. He should be highly commended.

Delegate Benjamin Manglona: On behalf of my Delegation, I wish to convey our whole-hearted thanks to each Delegate for reaching a workable compromise. I certainly appreciate this opportunity to express this thanks to you.

Delegate Vicente Manglona: On behalf of my Tinian Delegation I would like to thank each and every Delegate for their thoughtfulness and understanding concerning our compromise. Thank you.

Delegate Esteven King: I would like to express my gratitude to all the Delegates who voted for our compromise, but there is still Second and Final Reading. We are happy that we were able to come up with a compromise. We are glad to have cooperation among the Delegates. Thank you.

Delegate David Maratita: I just want to assure the members of the Delegations from Rota and Tinian that, as a Rotanese by birth and as a Delegate by election from Saipan, there was no way in my heart that I could resign myself from the fact that I was a Rotanese. We are discussing issues of concern that will affect the Commonwealth of the Northern Marianas. Regardless of the fact, Mr. President, that I am now living in Saipan, I still want to call myself a citizen of the Northern Marianas first, and a Rotanese, second. The fact is, we are all here working for the good of the Commonwealth. Thank you.

Delegate Pedro Ogo: On behalf of the people of Rota, we are now feeling the sense of unity in this Convention with the adoption of this proposal on the "Executive Branch of Government," No. 4, as amended. Thank you.

Delegate Pedro Igitol: Let me borrow a quotation from Davy Jones, "Damn the torpedoes and full speed ahead." Let's get this thing over with.

Delegate Benigno Fitial: Since we have reached a compromise, I would like to ask that all the Delegates join hands and sing our National Anthem of the Northern Marianas.

President Guerrero: Before we sing, there are still some Delegates who wish to make statements. We will sing our National Anthem before we recess.

Chairman Jose P. Mafnas: I would like the Convention to recognize the presence of the Honorable Minor Pounds, District Attorney from Ponape.

Floor Leader Rasan: This is not the first time that I have tangled with this problem. I am very much impressed by the persistence of the Delegations from Rota and Tinian. I think we all still remember the time I opposed, and I still oppose, in negotiations that they managed to see that there is a bi-cameral congress, which I fought, and still think is not economical. Now they manage, once again, to get what they want on the executive level.

I am not saying that it is wrong, I am only saying that what I did should not be construed as what I think is right. I should be construed it is done because the desire of the people is paramount. Thank you.

Delegate Manuel Tenorio: I just want the Convention to recognize the outstanding work of the Committee on Governmental Institutions who provided the constitutional language and the Special Committee for providing the compromise. Thank you.

Delegate Pedro Dela Cruz: One way to resolve an issue is to argue intensively. This is one way that we can let things out. Because we should not leave here saying, this is what we should have done and should have argued in there. I would like the Delegates to recognize and respect the opinions of others, because we all have different thoughts and feelings. Thank you.

President Guerrero: The Chair would also like to commend the good work of the Special Committee in providing this Convention with a good compromise. I am sure that with all the good words from the Delegates, we will achieve the goal of this Convention.

Delegate Juan DLG. Demapan: It is not only the Delegates from Rota and Tinian who have suffered; the people of Saipan have also suffered. There are a lot of people in Saipan who still don't have running water. We also have suffered regarding hospital services. You sometimes have to spend all day at the hospital for treatment. We are not totally accommodated with such services. I would like to apologize to the Delegates of Tinian and Rota for being controversial. Thank you.

Delegate Maratita: In regards to singing, I move that we go to Committee of the Whole.

President Guerrero: The Chair will recognize the request made earlier by Chairman Fitial that we sing the National Anthem of the Northern Marianas.

Chairman Benigno Fitial: I would like to ask all the Delegates to please join me in singing the National Anthem. (The words are as follow:)

GI TALO GI HALUM TASI

Gi talo gi halum tasi
'Nai gaigi i tano hu
Malagoho
Mil beses yan mas
Hu saluda hao
Gatbo na Islas Marianas
Hu tuna hao

Ya un dia bai hu hanao
Bai hu fattu ha talo
Tisina hao hu dingngo
O tano ho
Mil beses yan mas
Hu saluda hao
Gatbo na Islas Marianas
Hu tano hao

Delegate Jose R. Cruz: We have just sung our National Anthem of the great Northern Marianas. At this time, I would like to dedicate a song to our future nation, the United States of America. I will sing "God Bless America." If anybody wants to join me, please do so. (The song was sung in unison.)

President Guerrero: This is a very special day and this shows the spirit and harmony present. I hope this will continue and the Convention will proceed with its tasks and that we will finish by our 50th Day.

(14) ANNOUNCEMENTS

Chairman Benigno Fitial: The Committee on Finance, Local Government and Other Matters will meet immediately following this session right here.

Chairman Jose P. Malinas: Since we have solved our most troublesome problem, the Committee on Governmental Institutions will take a vacation today.

President Guerrero: I would like to announce, the officers of the Convention would like to schedule the public hearings in Rota and Tinian on Wednesday, and if possible we would like to conduct the public hearings in Saipan on Wednesday and Thursday. I urge the Committee Chairmen and each Committee Member to be prepared for these important public hearings.

The Committee on Organization and Procedures will meet immediately following this session in the office of the President. This meeting includes the officers of the Convention.

Delegate Jose R. Cruz: Could the Committee Chairmen please announce which members of their respective Committees will be going to Rota and Tinian and attending the public hearings in Saipan?

Committee on Personal Rights and Natural Resources

Rota: Delegates Manuel Tenorio and Felipe Atalig
Tinian: Delegates Jose Borja and Juan S. Demapan
(Legal Consultant to Rota: Deanne Seimer)

Committee on Governmental Institutions:

Rota: Delegates Joaquin Torres and Herman Guerrero
Tinian: Delegates Olympio T. Borja and Jose R. Cruz
(Other Committee Members will attend Saipan hearings)

Committee on Finance, Local Government and Other Matters

Rota: Delegates Esteven King and Luis Benavente
Tinian: Delegates Juan Tenorio and Benigno Fitial
Saipan: Delegates Oscar Rasa and Jesus Villagomez
(Other Committee Members will attend Saipan hearings)

Chairman Felipe Atalig: I announced earlier that Delegate Ramon Villagomez would be going to Tinian, but at his request to remain in Saipan. Delegate Jose Borja will be going to Tinian in his place.

Delegate Pedro Dela Cruz: Is it alright if a Delegate from Rota or Tinian wishes to follow the team? Can we go along if we pay our own way?


President Guerrero: Yes, any Delegates who wishes to go along, may. But I do suggest that at least one Delegate from Rota and Tinian be present at the Saipan hearings.

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

The motion was seconded and carried.

The Convention recessed at 10:52 a.m.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

Twenty-Ninth Day
Monday, November 15, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 2:06 p.m.

The Honorable Lorenzo I. Guerrero, President, presided.

(2) A moment of silent prayer was observed.

(3) The Convention Secretary called the roll. There were 37 Delegates present. Delegate Manuel P. Tenorio and Juan DLG. Demapan were excused. No Delegates were absent. A quorum was present.

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

The motion was seconded and carried.

(4) ADOPTION OF THE JOURNAL

Floor Leader Rasa: I move for adoption of the Summary Journals of the 27th and 28th Days.

The motion was seconded and carried.

(5) COMMUNICATIONS - None

(6) COMMITTEE REPORTS - None

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

(8) SECOND AND FINAL READING OF PROPOSALS - None

(9) INTRODUCTION OF RESOLUTIONS - None

(10) UNFINISHED BUSINESS - None

(11) SPECIAL ORDERS OF THE DAY

President Guerrero: I would like to ask the Convention Secretary to place all pending Resolutions under Special Orders of the Day for the next day's session.

(12) GENERAL ORDERS OF THE DAY - None

(13) MISCELLANEOUS

Delegate Benigno R. Fitral: Mr. President, all of the Delegates to this Convention can take pride in our decisions of the last few days. I would like to point out a major concern that I have. The geographical minority of our people, through their Delegates, has expressed their concerns thoughtfully and persuasively. The Convention responded by approving the Recommendation of the President's Special Committee. Saipan joined with the outer islands in guaranteeing Rota and Tinian, and hopefully, the Northern Islands, substantial protections under the new Commonwealth government. To make that guarantee, the Saipan Delegation made significant concessions to our colleagues from other islands. I was pleased to support the Special Committee's compromise, because as a member of a minority myself, I understand the concerns of those who fear the excesses of a majority.

It is for my minority -- the 4,000 Carolinians in the Northern Mariana Islands -- that I speak today. For too long, we have been victimized by discrimination -- in jobs, and especially in education, and in access to positions of governmental power. Just as there can be no place for regional prejudices in the new Commonwealth, the brutality of ethnic discrimination must cease. By degrading our Carolinian community, the majority has also deprived the Northern Marianas of the talents of 4,000 of its most productive and creative people. The new Commonwealth will be unable to afford this unthinking waste.

I, therefore, call upon my fellow Delegates to extend the protection of the Constitution to their Carolinian brothers and sisters. In the near future, I will offer several amendments to the constitutional provisions that we have tentatively adopted in principle. These amendments will be designed to assure Carolinians of dignity, equal opportunity, and cultural integrity as we take our place in the new Commonwealth of the Northern Mariana Islands. I urge today, as I shall urge in the remaining days of the Convention, we purge ourselves of the ethnic discrimination that has tainted our political, social, and economic affairs. Thank you.

(Delegate Juan DLG. Demapan entered the Convention Hall.)

Delegate Pedro Ogo: I would like to comment on the Sections on Personal Rights in the preliminary draft of the Constitution. It seems to be worded in a rather negative manner. Could we change this so that the wording would be more positive? There seems to be a lot of "nos" in the Bill of Rights.

Consultant Deanne Seimer: I understand that concern, Delegate Ogo. The reason most of those are phrased as "no," is because there are limitations as to what the government can do with respect to individual personal liberties. So, they are saying "no" to the government; the government cannot do that. Other than what is provided in the Bill of Rights, the government can do anything. That is why it does not have to be phrased positively. There may be some room in the drafting when we go back over and make changes simply for style without changing the meaning. We may be able to accommodate that.

President Guerrero: I have some miscellaneous business to announce and I will read as follows:

The consultants have prepared a preliminary draft of the Schedule on Transitional Matters, which is needed to ensure the orderly transition from the Trust Territory Government to that of the new Commonwealth of the Northern Mariana Islands. The Schedule will be attached to our Constitution and will be approved by the voters at the time the Constitution is ratified. It has the same force as a statute passed by the legislature.

The draft schedule has nine sections. Sections one through seven, which I assign now to the Committee on Finance, Local Government and Other Matters, pertain to the continuity of our current laws, government employment and operations, and judicial and legislative matters; citizenship; and elections. Sections eight and nine, which I assign now to the Committee on Governmental Institutions, deal with election districts and commencement of terms of office of Commonwealth officials.

I urge the Committees to meet and consider these transitional matters as promptly as possible and to report back to the Convention.

Delegate Jose R. Cruz: Mr. President, I just want to ask, now that we have a draft constitution, can we give copies to our constituents to be used during the public hearings? Do we have a sufficient number of copies?

President Guerrero: As discussed yesterday, copies will be available for Tinian and Rota. There will be 100 copies available for Tinian and 100 copies available for Rota. The remaining 300 to 400 copies will be for Saipan. However, copies will be monitored through my office to help eliminate unnecessary cost.

Delegate Jose R. Cruz: Who has the responsibility of bringing these 100 copies to Tinian?

President Guerrero: I have delegated that responsibility to the Secretary of the Convention to make those available as soon as they are ready

Delegate Jose R. Cruz: Mr. President, if there is no substantive committee chairman assigned to attend the Tinian public hearing, can Delegate Olympio T. Borja be designated to chair the hearing?

President Guerrero: We have delegated all the responsibilities to the Vice Presidents for each municipality. I have delegated that responsibility to the Second Vice President from Tinian, Delegate Vicente Manglona.

Chairman Felipe Atalig: I question the necessity of passing out copies of the draft constitution. The reason I state this is I am sure there will be some changes made, therefore, to eliminate this expense, it would be wiser not to pass all those copies out.

President Guerrero: The consensus of the Convention is that the copies are necessary for the public to review in order to take part in the public hearings. I think the purpose of the public hearings, is not only to disseminate what we have accomplished in this Convention and to present a product of our accomplishment but, also, to entertain the views of the people.

Floor Leader Rasa: I received several requests from students at the University of Guam, Guam high school students and other citizens of the Northern Mariana Islands who will be eligible to vote in Commonwealth elections, but who reside in Guam, for a public hearing on Guam. I think there is a need to send some Delegates to Guam for a public hearing. Those who are interested should get together after this session to discuss how this trip will be financed. These people in Guam are very interested and financial problems of the Convention should not be a deterrent.

President Guerrero: We will take note of the possibility of public hearings on Guam and possibly we can send six people to accommodate this request of the concerned people in Guam. It is very important for them to know what is going on. We will check into the financial arrangements.

Delegate Jose R. Cruz: I want to register some concern that the Office of Transitional Studies is being so stingy about the cost of the Constitutional Convention. We are talking about \$1.5 million for the Constitutional Government, and I strongly resent this kind of attitude. All the hopes of the Office of Transition are worthless without this Constitution.

President Guerrero: Point of order. I want to remind the members of the Convention that they formed a Pre-Convention Committee, and the Pre-Convention Committee should look at all these problems that we have today.

Delegate Jose R. Cruz: Many recommendations made by the Pre-Convention Committee were not carried out by the Office of Transition Studies and Planning. That is why I am saying this.

(14) ANNOUNCEMENTS

Chairman Jose P. Mafnas: The Committee on Governmental Institutions will have a brief meeting immediately following this session.

Chairman Felipe Atalig: At this time, I would like the house to recognize the presence of the newly elected Senator from the Territorial Party, the Honorable Norman Tenorio.

Chairman Benigno Fitial: I would like to ask all the members of the Committee on Finance, Local Government and Other Matters to meet with Consultant Howard Mantel immediately following this session to discuss very briefly what we are going to do on the transitional matters.

Delegate Hilario Diaz: Since our Committee on Personal Rights and Natural Resources is not having a meeting today, may we attend the meetings of the other two Committees?

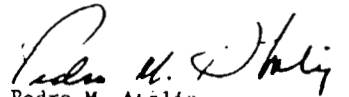
President Guerrero: All Delegates have the privilege of attending any substantive committee meeting.

Floor Leader Rana: I move for the Convention to recess until 9:00 a.m. tomorrow.

The motion was seconded and carried.

The Convention recessed at 2:32 p.m.

Respectfully submitted,



Pedro M. Atalig
Convention Secretary

NOTE importance of
Resolution #2 -
CNMI was public
land in Tinian in
paper of Tinian summit

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS
VERBATIM JOURNAL (TRANSCRIPT)

Thirtieth Day
Tuesday, November 16, 1976

(1) The Constitutional Convention of the Northern Mariana Islands was called to order at 9:13 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 35 Delegates present. Delegates Jose R. Cruz, Pedro Q. Dela Cruz, Manuel A. Tenorio and Ramon G. Villagomez were excused. No Delegates were absent. A quorum was present.

Floor Leader Rasa: Mr. President, I move that those Delegates not present be excused.

The motion was seconded and carried.

(4) ADOPTION OF THE JOURNAL

Floor Leader Rasa: Mr. President, I move that the Summary Journal of the 29th Day be adopted by the Convention.

The motion was seconded and carried. The Summary Journal of the 29th Day was adopted.

Delegate Juan DLG. Demapan: I move that the Verbatim Transcripts of Days 19, 22, 23 and 24 be adopted by the Convention.

The motion was seconded and carried. The Verbatim Transcripts of Days 19, 22, 23 and 24 were adopted.

(5) COMMUNICATIONS - None.

(6) COMMITTEE REPORTS

Chairman Mafnas: Mr. President, your Committee on Governmental Institutions met yesterday and discussed Resolution No. 5, as introduced by the Honorable Delegate Ramon G. Villagomez. It passed unanimously.

President Guerrero: A sheet should have been distributed giving the schedules for public hearings. For that purpose we'll have a five-minute recess.

The Convention recessed at 9:18 a.m.

RECESS

(Delegates Manuel Tenorio and Ramon Villagomez entered the Convention Hall during the recess.)

The Convention reconvened at 9:25 a.m.

President Guerrero: The Chairmen should now have all necessary papers pertaining to the public hearings and we can proceed with our order of business.

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

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

(9) INTRODUCTION OF RESOLUTIONS - None.

(10) UNFINISHED BUSINESS - None.

(11) SPECIAL ORDERS OF THE DAY

Floor Leader Rasa: I move for the adoption of Resolution No. 2, as introduced by Delegate Felipe Atalig.

The motion was seconded.

Delegate David Maratita: Mr. President, I move that we resolve into the Committee of the Whole in order to discuss these Resolutions.

Floor Leader Rasa: Mr. President, I don't think it is necessary that we resolve ourselves into the Committee of the Whole. These are very short Resolutions and the arguments for and against them could be easily perceived. It would be a waste of time to resolve into the Committee of the Whole.

President Guerrero: The Chair will recognize the fact that we can discuss this in Plenary Session rather than resolving into the Committee of the Whole, if there is no objection from the floor. If there is no objection, we will proceed with the discussion on Resolution No. 2.

Delegate Maratita: Mr. President, the Resolution before us for discussion, I feel is not necessary due to the fact that the substance of the Resolution is noting that the Convention is aware that any land on Tinian which has been leased to the United States is publicly owned land. If we were to read the Covenant, Mr. President, it is a well-established fact that these publicly owned lands on Tinian are publicly owned lands. I don't think we should dwell on the necessity of taking a stand on this Resolution. It would be a waste of our time and I hope the Convention will see no need to pass this Resolution.

Delegate Hilario Diaz: Since the Covenant has explicitly stated reasons for leasing the land on Tinian and that is public land, I do not see a reason for the Resolution. However, Mr. President, I would like the introducer to give us some enlightenment as to what prompted him to introduce this Resolution and what was his intention.

Delegate Felipe Atalig: First of all, I share the views of the Delegate from Garapan, Maratita. But it appears to me, Mr. President, that the Delegate from Garapan still has a misconception as to the content of the Resolution itself. The purpose of the Resolution is to reconfirm and reaffirm the position as stated in the Covenant. I feel that this Convention should adopt a position whereby to reinforce the Covenant. I think the Delegate from Garapan should be aware of and remember different deliberations by different representatives which have been stated and claim that the two-thirds land of Tinian belongs to the people of Tinian. This is the idea, Mr. President. I want to convey the message and remind them that the two-thirds land of Tinian is not the land of the people of Tinian, but is the land of the Northern Marianas Commonwealth Government. Therefore, Mr. President, I see no harm in passing this Resolution to reconfirm our position.

Delegate Benigno Ftial: Although I don't see any harm, I still don't see any need. Mr. President, we are aware that the land leased to the military on Tinian is public land and there is no need to reaffirm that awareness. Therefore, Mr. President, I move that this Resolution be tabled.

The motion was seconded.

Delegate Jose Mafnas: Privilege, Mr. President. May I ask the mover of the motion to please withdraw his motion to table. There are Delegates who have questions on this particular Resolution.

Delegate Ftial: Do we continue to question our awareness?

Delegate Mafnas: It goes further than that, Mr. President. May I ask the mover of the motion to please withdraw his motion.

Delegate Ftial: No.

Motion to table Resolution No. 2 carried by roll call. The votes were as follow:

Yes: Delegates David Atalig, Pedro Atalig, Felix Ayuyu, Jose

Borja, Carlos Camacho, Daniel Castro, Juan DLG. Demapan, Hilario Diaz, Benigno Fitial, Herman Guerrero, Henry Hofschneider, Esteven King, Benjamin Manglona, David Maratilla, Pedro Ogo, Jesus Villagomez and Ramon Villagomez.

No: Delegates Felipe Atalig, Gregorio Calvo, Jose Mafnas, Vicente Manglona, Francisco Palacios, Oscar Raza, Leon Taisacan, Juan Tenorio, Manuel Tenorio and Joaquin Torres.

Abstain: Delegates Vicente Attao, Luis Benavente, Olympio T. Borja, Antonio Camacho, Magdalena Camacho, Juan S. Demapan, Lorenzo I. Guerrero, Pedro Igitol, Luis Limes, and Prudencio Manglona.

Floor Leader Raza: I move that Resolution No. 3 be filed by the Convention.

The motion was seconded and carried by voice vote.

Delegate Jose Mafnas: I move that Resolution No. 5 be adopted unanimously.

The motion was seconded.

Delegate Joaquin Torres: Mr. President, I ask that Delegates who are affected by this Resolution not vote, based on conflict of interest.

Delegate Gregorio Calvo: Mr. President, yesterday the Committee on Governmental Institutions met and agreed to include the name of the author of this Resolution. Am I in order to make an amendment from the floor at this time?

President Guerrero: You are in order to make an amendment if there's no objection.

Delegate Calvo: I would like to make an amendment to include the words "Introduced by Ramon G. Villagomez" following the title sentence of the Resolution. It would then read, "A Resolution offering sincere congratulations to the delegates and other members of the new legislature, as offered by Delegate Ramon G. Villagomez."

The motion was seconded.

Delegate Felipe Atalig: Mr. President, with all due respect to my fellow delegate from Rota, I really don't see a need for inserting the words after "legislature" of "introduced by Delegate Villagomez." I think introducing that would have some significant change on the title itself. And, besides, Mr. President, the original appeared with the introducer's name on the Resolution. It is for that very reason that I am against the proposed amendment.

Delegate Calvo: Mr. President, I just feel that the person introducing this should be given due recognition.

Delegate Olympio T. Borja: Mr. President, I believe it is just a matter of style. If we put the name of the introducer following the title sentence it could affect the title, but I go along with the mover that the name of the introducer should be inserted. I would like to ask the mover if he would have any objection to putting that "introduced by" following "Resolution No. 5" and just above "A Resolution offering...." If he will go along with that, I will support it. I think that would be the most appropriate spot.

Delegate Benigno Fitial: I don't see any need, Mr. President, to insert the name of the introducer. I have never seen a resolution that was passed by a legislative body or any constituted body that included the name of the introducer. I think that if we all agree to endorse this Resolution, it should bear the name of the body, rather than the name of an individual.

Floor Leader Raza: Mr. President, there is no rule which restricts specification regarding the author, but it is a normal procedure that anything introduced on an individual basis and adopted by the house, should be the property of the house. I have no objection to putting somebody's name as the introducer but, then, there might be some future question as to what will happen to individual proposals which have been taken into consideration by the committees--whether our names would be reflected on the documents--or whatever it is. My point in question is that it is not the normal legislative procedure to have the name of the introducer included in the Resolution which is supposed to be

attested by the officers of the Convention. I think it is necessary that we realize the fact that although we have various ideas coming into the Convention, the action of the Convention should be considered as a unitary action in that only the officials of the Convention should have their names specified in the documents. I would have to oppose such a move simply because it would technically provide precedence for future disputes over ideas as introduced by individual delegates.

Delegate Joaquin Torres: Mr. President, since the issue under debate relates to giving due recognition to individual delegate's effort in this Convention, I move that a verbatim transcript of all those speaking in favor of the Resolution be attached to this Resolution.

President Guerrero: Delegate Torres, we are discussing the motion offered by Delegate Calvo from Rota.

Delegate Torres: I am amending the motion, Mr. President.

Delegate Torres' motion to amend was seconded.

President Guerrero: May I ask the mover of the motion to amend to restate his motion.

Delegate Torres: The motion is to incorporate Delegate Calvo's suggestion of inserting Delegate Villagomez' name in the title of this Resolution. And, then, my motion was to also include a verbatim transcript of all those speaking in favor of this Resolution to be attached to the Resolution before it is submitted to those individuals covered by the Resolution.

On voice vote, Delegate Torres' motion to amend was defeated.

Floor Leader Rasa: Mr. President, I forgot to include that should a person desire to know the name of an introducer, the record will reflect all names of introducers of all measures. To have somebody's name on the Resolution would only duplicate what we already have in the record of the Convention.

Delegate Olympio T. Borja: Mr. President, I am still in support of inserting the name of the introducer. I am, mainly, because yesterday when your Committee deliberated they agreed that we should recognize the author. As pointed out by Floor Leader Rasa, if we don't have a rule specifically providing for this, either we put it or we don't. Our legislature in the Northern Mariana Islands, on bills or resolutions, puts "introduced by." That is provided for in the rules there and although our rules don't so provide, I don't think it would hurt since the Committee recommended doing so. I, therefore, still support the motion to insert the name of the introducer by putting the words "Introduced by Delegate Ramon G. Villagomez" on top of the words "A Resolution."

Delegate David Maratita: I wonder if the Committee Chairman, to which this Resolution was referred, has made a report as to the action taken. That would constitute a record to the Convention, and I believe the action taken yesterday in the Committee would reflect that the person who introduced the Resolution was the Honorable Ramon G. Villagomez and if the action taken by the Committee was favorable. I am neither recommending nor not recommending the approval of inserting the name of the introducer in the Resolution, but I think, as a matter of practice, normally the name of the introducer is not on the final product of a Resolution, or Bill, for that matter. It does not make much difference to me, Mr. President, and I urge that we take a vote.

Delegate Jesus Villagomez: I believe we have had enough discussion on this matter and I, therefore, move we end debate.

The motion was seconded and carried.

Chairman Jose P. Mafnas: Point of privilege. We cannot vote on the amended motion because we have not temporarily suspended Rule 47, according to our Rules of Procedure.

Delegate Olympio T. Borja: I believe with unanimous consent we can entertain any amendment or we can move for the suspension of Rule 47.

Chairman Jose P. Mafnas: Yes, Delegate Borja is correct. That was on Resolution No. 2 and No. 3. We are now discussing Resolution No. 5.

Floor Leader Rana: I move that we suspend House Rule 47.

The motion was seconded and carried.

Delegate Jesus Villagomez: Point of order. I thought the suspension had to be unanimously approved. I raised up my full opposition to the suspension, therefore, it could not possibly be approved.

President Guerrero: If I am not mistaken, Rule 47 suspension, does not require unanimous consent, but a majority consent.

Delegate Jesus Villagomez: Do you mean that unanimous consent means a simple majority? That is not unanimous consent.

Chairman Felipe Atalig: I don't think the speaker in the back is fully aware of what is specified in Rule 47. Rule 47 does not specify that it has to unanimous consent, therefore, I believe we are in order.

President Guerrero: We will now vote on Delegate Calvo's amendment to the motion. Would the Secretary please read the amendment to the motion?

The proposed amendment was as follows:

I move that the words "Introduced by Delegate Ramon G. Villagomez," appear on the resolution above the words "A RESOLUTION."

Delegate Olympio T. Borja: As I stated earlier, possibly we could put the words "Introduced by," following the "Resolution No. 5", and then the words "A Resolution." If this is acceptable to Delegate Calvo, then this is the amendment to the motion.

President Guerrero: The Chair believes the normal procedure, if you want to include the name of the introducer, is to place it on the top right-hand side of the page: "Introduced by."

Delegate Francisco T. Palacios: We are spending too much time on this kind of monkey-business.

Delegate Gregorio Calvo: I am in agreement with the amendment as stated by Delegate Borja.

The motion to amend the Resolution carried.

Chairman Jose P. Mafnas: I move that the remarks made by Delegate Palacios be stricken from the record. This is not monkey-business.

Delegate Francisco T. Palacios: I am privileged to say whatever I want on the floor.

President Guerrero: The Chair will recognize that that is the privilege of the individual Delegate. But I hope that after this session, Delegate Palacios will request that the Secretary strike that word from the record.

Delegate Francisco T. Palacios: No, Mr. President.

President Guerrero: We will not vote on the adoption of Resolution No. 5, as amended.

The motion was carried.

The Resolution is as follows:

Introduced by Delegate Ramon G. Villagomez

A RESOLUTION

Offering sincere congratulations to the delegates and other members of the new legislature.

WHEREAS, the people of the Northern Mariana Islands have elected a new group of legislators, including delegates to the Constitutional Convention, as members of the new legislature; and

WHEREAS, the delegates and the other new legislators will ensure that preparation for the Commonwealth Government is efficient and thorough; and

WHEREAS, the spirit of unity, effectiveness and fairness necessary to the above endeavors is being promoted by the delegates and the other legislators;

NOW, THEREFORE, BE IT RESOLVED, That the Northern Marianas Constitutional Convention offers its sincere congratulations to the delegates and the other new members of the new legislature, and that a copy of this Resolution be sent to each member of the new legislature.

ADOPTED: November 16, 1976

/s/Lorenzo I. Guerrero
President, Constitutional Convention

/s/Pedro M. Atalig
Convention Secretary

(12) GENERAL ORDERS OF THE DAY - None

(13) MISCELLANEOUS

Chairman Benigno Fitial: Several days ago, this Convention adopted a Resolution, which I introduced, which congratulated the newly elected President of the United States. I want to register my concern that that Resolution was unanimously adopted by the Convention and the introducer was not recognized. It was considered as offered by the Committee of the Whole. Mr. President, there is some inconsistency. I want to point this out for the Convention.

President Guerrero: For your information, there was a motion at that time, if there was no objection, that the Committee of the Whole appear as the introducer of that Resolution.

Chairman Benigno Fitial: I was hoping that the Convention would have more sense of respect for the introducer, the author of the Resolution. I agree with Delegate Palacios, so let us not monkey around.

President Guerrero: I would like the Convention to recognize the presence in the gallery of the students from Marianas High School, as well as their teacher. They are here to study the Convention, as well as being interested citizens of the Northern Marianas.

Delegate Juan DLG. Demapan: I want to advise the Convention Delegates to please be careful of the language they use. In the gallery there are several students, and it is very improper for any Delegate in this Convention to use improper or unfair language. Thank you.

Delegate Joaquin Torres: Several people have indicated to me that they are having problems obtaining copies of the proceedings of this Convention. I understand, from these people, that they are not being provided copies because there is no money to duplicate more documents. Perhaps, Mr. President, you can direct the Secretary to make these documents available to anyone upon request. Also, the press has complained to me that they are not receiving copies. The reason given is that there is no money to duplicate copies. I would hope that a box would be provided for the press to obtain copies of the proceedings of this Convention. Not only the Pacific Daily News, but our local paper.

I would also like to find out the status of Delegate Rasa's request for public hearings in Guam.

President Guerrero: There will be a delegation of not more than six members, at least one from each municipality, sent to Guam over the weekend.

Convention Secretary: I would like to make a remark in regard to Delegate Torres' statement. First of all, the press has never approached me in asking that copies be provided for them. We have, in the xerox room, set aside special boxes for them. I have directed my xerox people to provide all reports to the press and to put it in their respective boxes; which they have. I am kind of dissatisfied that the press is going to you and not to me. I wonder if they think you are the Convention Secretary. I have informed my public information officers and administrative assistants to provide information to the public and I have not heard complaints coming to me.

Delegate Benjamin Manglona: Since you have appointed me to head the Delegation for the Rota public hearings, I am proud to announce that the following people were appointed by their respective substantive committees to go to Rota. They are: Delegates Felipe Atalig, Manuel Tenorio, Herman Q. Guerrero, Joaquin Torres, Luis Benavente, Esteven King, David Atalig, and Greg Calvo. I am proud to say that the people of Rota are looking forward to receiving them with honor. The check-in time will be tomorrow, Wednesday, at 3:30 p.m. at the Continental ticket counter.

Delegate Vicente Manglona: The Delegates going to Tinian are: Benigno Fitial, Juan Tenorio, Jose Cruz, Antonio Camacho, Olympio T. Borja, Juan S. Demapan, Jose Borja, and Pedro Ogo. Also, legal consultant, Mark Weisburd, will accompany our delegation. There are two flights scheduled to Tinian and I would like to see everyone be on schedule.

Delegate Benjamin Manglona: Also accompanying the delegation to Rota are two consultants, and it is a pleasure to have them accompany the delegation to Rota. This delegation will be returning to Saipan, Thursday, at 2:30 p.m. We are scheduling public hearings on Rota on Wednesday at 7:30 p.m. and on Thursday from 8:00 a.m. to 12:00 noon.

Delegate Francisco T. Palacios: I would like to announce the names of the members on the committee for the Saipan public hearings. They are: Delegates Ramon Villagomez, Oscar Rasa, Jesus Villagomez, and all members of the Committee on Governmental Institutions who are not going to Rota and Tinian. Other Delegates not going to Rota and Tinian are welcome to come in and participate in the Saipan public hearings.

I want to meet with the members of the Saipan public hearings immediately following this session to discuss our program.

Delegate Vicente Manglona: I will give the members of the Tinian Public Hearing Delegation copies of the schedule.

President Guerrero: The Chair would like to urge the Delegates who are not going to Tinian and Rota public hearings to participate in the public hearings in Saipan. We will conduct the hearings here starting at 9:00 a.m. tomorrow and the following day. Please check with Delegate Palacios on the schedule to see if there are any changes.

Also, the Chair would like to announce that the group going to Guam sometime this weekend to meet with the University students, will be Chaired by Floor Leader Rasa. Delegate Benigno Fitial will also accompany the group. I would like to check with Delegate Olympio T. Borja to see if he will be able to attend this hearing. The other member will be delegated by the President of the Convention.

Delegate Joaquin Torres: I just came back from the Xerox room as a follow-up on the Convention Secretary's statement, and the Xerox man told me there was no box for the Marianas Variety. So I would hope that you will take care of this.

President Guerrero: We will communicate with our Secretary. For your information, a week ago, the Secretary of the Convention advised me that the Marianas Variety had been neglecting to pick-up their copies.

(14) ANNOUNCEMENTS

Chairman Benigno Fitial: Your Committee on Finance, Local Government and Other Matters will meet immediately following this session to discuss transitional matters. Copies will be distributed at that meeting.

Chairman Jose P. Mafnas: Your Committee on Governmental Institutions will meet immediately following this session to discuss transitional provisions. I urge every member to be present.

President Guerrero: I would like to request that the Delegation from Rota and the Delegation from Tinian should try to select at least one Delegate to accompany the group to Guam for public hearings. Report who you have selected to me please.

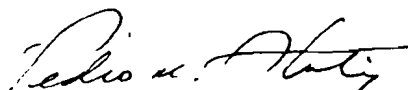
Also, there will be a meeting at 1:00 p.m. today of the three Committee Chairmen, the Floor Leader, Convention Secretary and the three Vice Presidents.

Floor Leader Rasa: Since we will be having public hearings tomorrow and Thursday, I would like to move that the Convention recess until Friday at 2:00 p.m.

The motion was seconded and carried.

The Convention recess at 10:15 a.m.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary

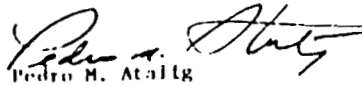
CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS

VERBATIM JOURNAL (TRANSCRIPT)

Thirty-First Day
Wednesday, November 17, 1976

There was no Plenary Session this date, however, there were public hearings.

Respectfully submitted,



Pedro M. Atallg
Convention Secretary

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS
VERBATIM JOURNAL (TRANSCRIPT)

Thirty-Second Day
Thursday, November 18, 1976

There was no Plenary Session this date, however, there were public hearings.

Respectfully submitted,


Pedro M. Atalig
Convention Secretary