

2nd CONSTITUTIONAL CONVENTION  
32nd Day - July 19, 1985  
(Session) - Tape #2 (Side A)

TORRES: Mr. President, fellow delegates, I just don't understand the Committee on Governmental Institution. What's happening.

MAFNAS: I will accept your castigating the committee.

TORRES: I asked, I question the wisdom on this and Delegate Lizama and unfortunately he's not here, mentioned that the committee members agreed that the legislature needs this. Now why are we reversing our action.

MAFNAS: Mr.

PRESIDENT: Delegate Mafnas.

MAFNAS: The Committee on Governmental Institution is not afraid of admitting its mistakes so we apologize to the Convention if we disturb any delegate but we are, we believe that this can be done without inserting it in the Constitution. Moreover, if this is challenged, then there is a question whether it's really constitutional. We have talked to several attorneys, four attorneys, they have conflicting opinions regarding the constitutionality or unconstitutionality of this proposal. So in order to avoid the court from striking or declaring a provision in our Constitution unconstitutional, that's why we're admitting, we, we are recommending that we file this permanently and bury it with grace.

PRESIDENT: Delegate Torres.

TORRES: Mr. President, please allow my to express certain things. This is a clear manifestation of a lack of extensive research. I'm really disturbed at the committee's work because obviously they just ironed this out without railroad it if you will. Without court and extensive research, I'm confused. I want to get the legal, an AG's opinion on this if we can. Furthermore, if we feel that this may be unconstitutional, then I also, which I did raise earlier, raise question,

MAFNAS: Point of information.

TORRES: Points on setting a ceiling for the legislature without doing the same thing for the executive branch, to my mind, that may violate the check and balance, separation of power principle.

PRESIDENT: Delegate Torres, I believe there's a legal opinion on, on this issue.

MAFNAS: Legal opinion No. 33.

PRESIDENT: You might wanna read that. If it - I, I did ask,

we've been deferring this because of the legal opinion and we've keep deferring it and I asked the members to read the legal opinion so we can take it up.

TORRES: Okay, so I'd like the record to show that this has never been in existence.

Motion to end debate.

PRESIDENT: What do you mean it never - of course it was. The Chair accept it so therefore it, it was.

TORRES: Well, I'd like the record to show that the Chair also is wrong and as well as the Committee.

PRESIDENT: No, that's the prerogative of the Chair, Delegate Torres and any delegate can change their vote at, on second and final reading.

KING: Mr. President, can you accept that you're wrong like the GI Institution.

PRESIDENT: I only accept, I don't make judgment on the

KING: Thank you, I'm just asking.

PRESIDENT: On the deliberation of the committee.

Motion to end debate.

Second.

PRESIDENT: Thank you. Those in favor of ending debate say aye

AYE

PRESIDENT: Oppose say nay. Those in favor of filing Committee Recommendation 36 please say aye.

AYE

PRESIDENT: Those oppose say nay. Motion carried. Committee Recommendation 36 is filed indefinitely. We go down, yes Delegate Mendiola.

MENDIOLA: Mr. President, I move to recess till about 4:00.

Second

Objection

MENDIOLA: Make it a unanimous consent then.

Six

Suggestion

IGITOL: Mr. President.

PRESIDENT: Yes, Delegate Igitol.

IGITOL: Why don't we, why don't we take up 63 as Committee of the Whole and then 2:30 we'll recess until 7:00 tonight. Since we're planning to take off recess 2:30 for the event.

Never mind the lunch.

PRESIDENT: Can we at least, if that's the case, then we'll recess until 7:00

No objection.

PRESIDENT: If that's the case, then we'll, the Chair will recess until 7:00.

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PRESIDENT: The session is called back to order. Secretary Nabors, I believe we're ready to take up Committee Recommendation No. 27.

MAFNAS: Point of information.

PRESIDENT: State your point Delegate Mafnas.

MAFNAS: Question, where are the senior citizens Mr. President.

PRESIDENT: Could Delegate Nabors respond to that. Would Delegate Nabors response to, Delegate Nabors, Delegate Nabors, hello, we're in session right now.

NABORS: Thank you Mr. President. Committee Recommendation No. 27 adopted as amended by the Committee of the Whole in the Convention. A proposed constitutional amendment to amend section 8 of the schedule of transitional matters of the Northern Marianas Constitution relating to interim definition of citizenship period. Be it adopted by the Second Constitutional Convention colon: Upon ratification pursuant to section 5 of article 18 of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30 comma, the Constitution of the Commonwealth of the Northern Mariana Islands is amended to read as follows colon: Roman numeral one period. Effective upon ratification comma, section 8 of the schedule of transitional matters is hereby amended

to read colon: Quote section 8 period. Interim Definition of Citizenship period underlined. For the period from the approval of the Constitution by the people of the Northern Mariana Islands and the termination of the Trusteeship Agreement comma, the term United States citizen or United States national as used in the Constitution and laws of the Northern Mariana Islands means those persons and their subsequent children who comma, on the date of the approval of the Constitution by the people of the Northern Mariana Islands comma, do not owe allegiance to any foreign state and who qualify under one of the following criteria colon: Quote a paren persons who are born in the Northern Mariana Islands comma, who are citizens of the Trust Territory of the Pacific Islands on the date of the approval of the Constitution by the people of the Northern Mariana Islands and who on that date are domiciled in the Northern Mariana Islands or in the United States or any territorial possession thereof semi-colon; quote b paren. Persons who are citizens of the Trust Territory of the Pacific Islands on the date of the approval of the Constitution by the people of the Northern Mariana Islands and who had been domiciled continuously in the Northern Mariana Islands for at least five years immediately prior to that date comma, and who comma, unless under aged comma, registered to date - to vote in election to the Mariana Islands District Legislature or for any municipal election in the Northern Mariana Islands prior to January 1, 1975 semicolon; or quote c paren, persons domiciled in the Northern Mariana Islands on the date of the approval of the Constitution by the people of the Northern Mariana Islands who comma, although not citizens of the Trust Territory comma, of the Pacific Islands comma, on that date had been domiciled continuously in the Northern Mariana Islands beginning prior to January 1, 1974 period close quote.

MENDIOLA: Mr. President.

PRESIDENT: Acting floorleader Mendiola.

MENDIOLA: I move to

PRESIDENT: Take your time. Please don't choke. Are you okay.

MENDIOLA: I move to adopt Committee Recommendation No. 27 for its first and sec - second and final reading.

Second.

PRESIDENT: It has been moved and seconded to adopt Committee Recommendation No. 27 for second and final reading. Delegate Mafnas.

MAFNAS: Thank you Mr. President. During the first reading, we extensively discussed this and I don't see any reason to further discuss it, Mr. President, so I move for the previous question.

Second.

NABORS: Mr. President. I have distributed in accordance with our rules a written amendment to strike on line 8 the word means and insert in lieu thereof the word includes. This originally had been agreed to and I'm sorry that Delegate Lizama is not present who subsequently withdrew that particular amendment. And I so move.

I second for discussion purposes.

Second.

PRESIDENT: It has been moved and seconded to change the word means on line 8 to include discussion.

KING: Who, who second it, Mr. President.

PRESIDENT: Delegate Villanueva.

VILLANUEVA: Mr. President.

KING: Point of clarification. May I ask the Chair who second the motion.

PRESIDENT: Delegate Mafnas.

KING: Thank you.

VILLANUEVA: I think this amendment would change the purpose of this proposal. We discuss this in length and even Delegate Lizama who's one of the very prominent lawyer here in the Northern Marianas decide that if it's because it's the willing, the will of the general public to remove the word include and to put the word means, I don't see why we should change it back to put the word include and put, and take away the word means. I know the, the mover of this amendment is also one of our very prominent lawyer here in the Northern Marianas, but I feel that since both of them are prominent, and we respect both their concerns, I think that the two of them cancel each other and the delegate here should go ahead and continue with the word means, unless the mover of this proposal can convince me that the word means is influen, is not as good as the word includes. Thank you.

PRESIDENT: Delegate Nabors.

NABORS: Thank you Mr. President. I have a lot of confidence and faith in the founding fathers. Our founding fathers used includes. They knew what they were doing, I respect their judgement, and I see no compelling reason to change what they did. I support Committee Recommendation 27. We need that to cover persons who were inadvertently overlooked but since the present Constitution in - uses the word includes, I see no need to change it.

PRESIDENT: Delegate Tenorio.

TENORIO: Thank you Mr. President. I think it's only about a couple days ago, maybe a day ago when the same proposal, the same amendment was introduced to the floor and it was overwhelmingly defeated. I don't see why we have to put again the same amendment that was previously defeated to the, to the floor for discussion.

NABORS: Point of information.

TENORIO: I, I respect Delegate Nabors' argument and I think that we should follow the rule of the majority and we already have the rule of the majority. If we vote for this again, when we don't have all the delegates that were present at the time when we had the discussion, I think that it would be unfair for those people who are not present at this time. They have already placed their confidence in the votes of the other delegates that were here at the time that we voted the same, exactly the same amendment. I therefore feel that we should not address this issue again because we already addressed because we already addressed it. It would be repeat, we'll be repeating the same thing again, thank you Mr. President.

NABORS: Point of information.

PRESIDENT: State your point Delegate Nabors.

NABORS: As I recall, the mover withdrew.

Oh you did.

NABORS: Delegate Lizama, as I recall, agreed to strike his motion to change means to include and then back to means again. I did not recall that it was voted upon.

PRESIDENT: Delegate Mundo.

MUNDO: Thank you Mr. President. I, I would like to suggest that we defer from discussing this amendment at this time. I don't think we have enough delegates to, even to pass this or not to pass this amendment.

PRESIDENT: We only need, we have a majority present, therefore, we need 3/4 of the pres - member present to, for a proposal to pass.

MAFNAS: Mr. President.

PRESIDENT: Yes Delegate Mafnas.

MAFNAS: I believe 3/4 of 20, because we recess this afternoon and there were 20 this morning. Not 3/4 of 15. So Delegate Mundo is

still correct.

MENDIOLA: Mr. President, could we go through the rules and check it out.

MUNDO: Why don't we recess for three minutes

NABORS: No proposed amendments to the Constitution or provision shall be adopted by the Convention except by affirmative vote of not less than 3/4 of the delegates present in the Convention with delegates voting only in person period. A majority of delegates present comma, a quorum being present comma, shall be sufficient for taking, the taking of any other action except when the affirmative vote of a greater number shall be required by these rules.

MAFNAS: So what's your interpretation.

NABORS: That we have a quorum, 3/4 of the members present.

MAFNAS: Tonight, not this morning.

NABORS: That's right.

MAFNAS: Thank you.

MUNDO: Quorum of tonight.

MENDIOLA: Continue Mr. President.

PRESIDENT: With what we have right now, you need 12 votes to pass.

MENDIOLA: No, 3/4 of 15

15

PRESIDENT: We need 12 votes. Discussion.

Move to end debate.

Second.

PRESIDENT: Delegate Manglona.

MANGLONA: Mr. President, I'd just like to ask, would, would there be some problem here because should this be passed, we're going to be denying some person who in the past we have allowed to, to some rights, for example, to vote, and by passing this, Delegate Nabors

NABORS: Point of information, Mr. President. 27 has, will not disenfranchise anyone it's 35 that I have a problem with in terms

of voting. 30 - 27 simply includes people who were inadvertently left out, Northern Marianas people, children

MANGLONA: But it will exclude U.S. citizens now on that

NABORS: Right, if my amendment is not adopted, then we're gonna have problems.

MANGLONA: That's what I'm saying, if you don't put include.

NABORS: Right, if my amendment

MANGLONA: Would them be a problem because the Covenant includes those people and this one will not. Is there any problem, I mean

NABORS: Yes.

MANGLONA: Will there be any problem there.

NABORS: I foresee a problem.

PRESIDENT: If somebody challenge it in court, probably. The court could strike it out so we're back to square one.

MANGLONA: Why, why do we want to encounter such a problem.

NABORS: I'm hoping that we can avoid it by adopting my amendment.

TENORIO: Point of information Mr. President.

PRESIDENT: State your point Delegate Tenorio.

TENORIO: I think that it was, this issue was discussed when we were discussing Committee Recommendation No. 27. It was fully discussed and I'm pretty sure that the Convention at that time were fully aware of the significance of this amendment. At that time also they passed the amendment on first, first reading based on the issues that was, that were discussed, based on explanations that were brought up by the members of the Convention. I therefore feel that any further discussion on this thing is not warranted, if it refers to the definition. Thank you.

MENDIOLA: Move to end debate.

Second.

OGUMORO: Privilege, privilege. Delegate Nabors, is your amendment trying to accommodate the category of individuals that Maria Pangelinan was pointing out to us that would have difficulty if we pass Committee Recommendation No. 27 with the definition, with the word means used instead of the word include.

NABORS: Absolutely.

MENDIOLA: Point of information, Mr. Chairman,

PRESIDENT: State your point Delegate Mendiola.

MENDIOLA: I mean Mr. President, I'm sorry. I don't think that the U.S. citizen has been here since 1974, I mean before 1974, so that's wrong, Mr. Delegate Nabors. If the U.S. citizen been here, like yourself, you could vote.

NABORS: 35

MAFNAS: Point of order. The secretary was not recognized by the President.

PRESIDENT: Delegate Nabors

MENDIOLA: If you look at proposal - section 8(c) you'll be included.

NABORS: Yes.

MENDIOLA: So your statement by saying yes to Maria Pangelinan's statement is wrong.

PRESIDENT: Delegate Nabors.

NABORS: Thank you Mr. President. Maria Pangelinan was not here and she is a person of Northern Marianas descent. So she would not be included here unless you change means to includes.

MENDIOLA: What she was saying, Mr. President.

PRESIDENT: Delegate Mendiola.

MENDIOLA: What Maria Pangelinan was saying was that some of her cousins and uncles took off for the U.S. after 1974 and they became U.S. citizens and coming back again, does that mean that Proposal No. 70, 27 will stop them by, will stop them from voting. That's what Maria questioned.

PRESIDENT: She's also making reference to herself.

MENDIOLA: Right, including herself. She was here before 1974, then she left after 74. So she still

PRESIDENT: No she doesn't

NABORS: No, she doesn't qualify continuously. There was a break in her residence.

REYES: Won't that depend on what her reason for leaving, when she went to school.

MENDIOLA: Yeah, she was gone for school so that's

Domicile

PRESIDENT: Any other discussion.

Move to end debate.

PRESIDENT: If not, Delegate Nabors

NABORS: Could I ask the indulgence of the, my colleagues and see if we could get an opinion from the Attorney General as to whether or not leaving means - would exclude people of Northern Marianas descent from having privileges guaranteed them by the Covenant.

VILLANUEVA: Objection, this, this is suppose to have been done ten years ago. I don't know why, you know, we're suppose to delay this because attorney, or Delegate Ray is not here, it was discussed by so many people, so many attorneys, even our committee assistant is involved in discussing this and we're gonna keep on discussing this and if we're gonna wait for that why are we discussing it now. We should just defer it and wait until, you know, all these opinions come.

NABORS: Point of information Mr. President.

PRESIDENT: State your point Delegate Nabors.

NABORS: I took the point to Delegate Villagomez' home during our afternoon recess and ascertained his wishes in this matter. I said what do you want us to do. Do you want us to defer this until you are present, we took it up this morning, or do you want to withdraw it and he advised me that we should go on and make our decision on the matter. That he will not be here tonight, he will not be here tomorrow.

PRESIDENT: Delegate Mendiola.

MENDIOLA: I just want, a couple questions Delegate Nabors. If just in case by tomorrow the military comes in here. Will this authorize the military to vote.

NABORS: No.

MENDIOLA: Why.

NABORS: Because they did not obtain their U.S. citizenship under a, b, or c and neither was here before 1974.

MENDIOLA: Okay, if we pass this, but if we don't pass could they.

NABORS: No. The Covenant outlines the same provision as the transitional matters. And anyone who doesn't qualify under a, b, or c cannot vote. It's not,

MENDIOLA: You mean

NABORS: Excuse me, at the present time, okay. A, b, c, delineates individuals who will obtain U.S. citizenship upon termination, okay. Now 35, 35 committee recommendation 35 will have the restrictive effect that any American citizen not here before 1974

MUNDO: Point of order, I think we're discussing 20, 27, Recommendation 27

NABORS: That's correct Mr. President. 27 and 35 are companion measures.

MAFNAS: Point of observation.

PRESIDENT: State your point Delegate Mafnas.

MAFNAS: Would you kindly declare tonight the Delegate from Tinian night, delegates from Tinian's night.

NABORS: Mr. President

PRESIDENT: Continue Delegate Nabors.

NABORS: Do we have legal opinion No. 36. Do the delegates have legal opinion No. 36.

Yes.

NABORS: May I direct your attention to the ultimate paragraph in that legal opinion.

Where is that.

NABORS: I mean the first sentence of the last paragraph. Thus, by this proposed amendment comma, people who are presently citizens within the Constitution who are citizens by means other than clauses a, b, and c comma, will no longer be deemed to be citizens under the Constitution. The, this revoking of citizenship without due process of law would be unconstitutional. So you are, it's very clear.

MENDIOLA: Mr. President

PRESIDENT: Delegate Mendiola.

MENDIOLA: It's not gonna be unconstitutional if what we're defining here is interim definition. If the - presently when we're having a public hearing in regards to this proposal, the Attorney General said that the Northern Marianas right now, under the Covenant, we could stop any U.S. citizen from coming into the Northern Marianas because we have the immigration rights. They, they have to apply for it. Now this is just for your information.

NABORS: I don't happen to agree with that.

I move to end debate.

Second.

PRESIDENT: Delegate Reyes.

REYES: Mr. President, I think the concern of Mr. Nabors earlier during the sessions was the, the possibility of the outsiders coming in and voting and one of those concerns is the number of military personnel, but we don't know whether they're gonna vote, but irrespective to that, the number might come in and offset the number of Tinianese voting. This thing is clear in my mind. No. 27 simply states that the term of the United States citizen include. So U.S. citizens now are U.S. citizens, and it would include the other enumerated here, a, b, and c. And on No. 35 it goes to the qualification of voters. So what it does is, if Mr. Nabors concern about the military, is really true, so he won't amend this to include. But if he's not worried now about the military voting on Tinian to include in this No. 27 would mean that they can vote later on. As I understand it. Isn't that correct, Mr. Nabors.

NABORS: No, I have never been concern about the military voting on Tinian.

MENDIOLA: I am Mr. President.

Move to end debate.

PRESIDENT: Any more discussion. If not, those in favor of Delegate Nabors' amendment please say aye.

AYE

PRESIDENT: Those oppose say nay.

No

Nay

PRESIDENT: Motion defeated. We're back to the main motion. Discussions. If no discussion then Secretary Nabors can you take

the roll call.

NABORS: Thank you. Delegate Calvo

Delegate Cing

Yes

Delegate Guerrero, Herman

Delegate Guerrero, Lorenzo

Delegate Igisomar

Delegate Igitol

Yes

Delegate Igitol

Yes

Delegate Inos

No

Delegate Kaipat

Delegate King

Hunggan

Delegate Limes

Delegate Lizama

Delegate Mafnas

I'll answer yes for them

Delegate Mendiola

Yes

Delegate Manglona

No

Delegate Mundo

Yes

Delegate Nabors

No

Delegate Ogumoro

Yes

Delegate Pangelinan

Delegate Reyes

Yes

Delegate Tenorio

Yes

Delegate Tomokane

Yes

Delegate Torres

Yes

Delegate Torres

Yes

Delegate Villagomez

Delegate Villanueva

Yes

Delegate Mafnas

Yes

NABORS: I have 12 affirmative votes Mr. President, I have three negative votes, I have no abstentions and apparently we have 11 absences.

PRESIDENT: Since I didn't respond, what's my vote.

NABORS: Oh, excuse me, Delegate Guerrero, Herman T.

Answer nai

GUERRERO, Herman T.

Abstain

NABORS: Okay, I then have 12 yes votes, three no votes, one abstention and 10 absences.

PRESIDENT: 12 yes.

Pass by 13 votes.

NABORS: Oh, excuse me, Delegate Calvo.

Yes

NABORS: I have now 13 affirmative votes

PRESIDENT: How many abstentions

NABORS: I have one, three negatives and that will be 8 absences.

7

NABORS: 8

PRESIDENT: Yeah, it should be 8. 13 affirmatives

More than 3/4

NABORS: I have seven absences. 13 affirmatives, three negatives, one abstention.

PRESIDENT: Committee Recommendation No. 27 passed by 14 votes. We have Committee Recommendation No. 35.

MENDIOLA: Mr. President

PRESIDENT: Yes Delegate Mendiola.

MENDIOLA: Can I ask for three minutes recess, I've got amendment to

PRESIDENT: To what.

MENDIOLA: To pass out.

PRESIDENT: Recess for three minutes.

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PRESIDENT: Delegate Nabors, can you read Committee Recommendation No. 35 please.

NABORS: Thank you Mr. President. Committee Recommendation No. 35.

A proposed constitutional amendment to amend section 1, article 7 of the Northern Marianas Constitution relating to qualification of voters period. Be it adopted by the Second Constitutional Convention colon: Upon ratification pursuant to section 5 of article 18 of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30 comma, the Constitution of the Commonwealth of the Northern Mariana Islands is amended to read as follows colon: Effective upon ratification comma, section 1 of article 7 amended to read colon: Quote section 1 colon: Qualification of Voters period. A person is eligible to vote who on the date of the election comma, is 18 years of age or older comma, is domiciled in the Commonwealth and has resided in the Commonwealth for a period of time provided by law comma, is not serving a sentence for a felony comma, has not been found by a court to be of unsound mind comma, and is either a citizen or national of the United States as specifically defined in section 8a comma, b and c of the Schedule on Transitional Matters of this Constitution period close quote.

MENDIOLA: Mr. President.

PRESIDENT: Acting floorleader Mendiola.

MENDIOLA: I move to adopt Committee Recommendation No. 35 for its second and final reading.

Second.

PRESIDENT: It has been moved and seconded to adopt Committee Recommendation No. 35. Discussion.

MENDIOLA: Mr. President

PRESIDENT: Delegate Mendiola.

MENDIOLA: I passed out a, a rough copy of the amendments to include one sentence after Constitution. To read, after the effective date of this citizenship provision of the article 3 of the Covenant, a citizen or national of the United States need not come within the definition of the - section 8 a, b, and c of the Schedule on Transitional Matters of the Constitution.

Second.

PRESIDENT: It has been moved and seconded to amend Committee Recommendation No. 35 on line 10, after Constitution to read after the effective date of the citizenship provisions of article 3 of the Covenant comma, a citizen or national of the United States need not come within the definition of section 8 parenthesis (a) parenthesis comma, parenthesis (b) parenthesis comma, and c of the Schedule of Transitional Matter of this Constitution. Discussion. No discussion. Delegate Manglona.

MANGLONA: I, I understand the intent of Delegate Mendiola but there's no flaw in here, I feel there's a missing link. I think he's trying to redefine on line 8 national citizen or national of the United States after the effective date of the citizenship but there's something missing. There's a link here missing.

MENDIOLA: Like what.

PRESIDENT: Delegate Mendiola.

MENDIOLA: I don't catch him.

PRESIDENT: Would you please restate your statement Delegate Manglona.

MANGLONA: Maybe he should say something like referred to, what I'm saying is that if you add the last sentence, so what. What I'm saying is, if you add it, then what does it do.

MENDIOLA: Mr. President.

PRESIDENT: Delegate Mendiola.

MENDIOLA: This will assure that after the termination of Trusteeship, all U.S. citizens and U.S. national is eligible to vote on section 8 a, a, b, and c, U.S. citizens who are not here in, before 1974, are not eligible. So what I'm trying to say here is that after termination of the Trusteeship, all U.S. citizen and national could vote in the Northern Marianas.

PRESIDENT: Delegate Mafnas.

MAFNAS: I wonder Mr. President whether we need to say that. I mean after the termination of the Trusteeship Agreement, all U.S. citizens and nationals will be eligible to vote. Do we need to say that.

PRESIDENT: Delegate Mendiola.

MENDIOLA: Mr. President, if on proposal No. 35, if we don't say this, I don't know, I have contact about 3, 4 lawyers and they come up with different answers. Whether section 8 a, b, and c is still in effect after the termination of the Trusteeship Agreement and I could not believe which one is which. Which one is right. Some lawyers say after the termination section 8 a, b, and c will be still be in effect because it is mentioned under section 1 of the Constitution, or article 3 of the Constitution. So just to be sure that this section is, is not in effect after termination, I put this down.

PRESIDENT: Delegate Tenorio.

TENORIO: Thank you, thank you Mr. President. I think the interim definition of citizenship is taken care of by the Covenant or our Constitution that it will at the termination of the Trusteeship Agreement, that definition will terminate automatically. I don't see any reason why we should put this in our Constitution at this time. Thank you.

PRESIDENT: Delegate Torres.

TORRES: Yeah, I wanna direct my question to Delegate Mendiola. Delegate Mendiola, are you trying to nullify the effect of the interim definition of citizenship, section 8 a, b, and c in this, in Committee Recommendation No. 35, is that what you're trying to do?

MENDIOLA: No Mr. President. I'm, I'm trying to make sure that once the U.S. government give us the full-fledged U.S. citizenship, then all U.S. citizen and national should have the right to vote here.

TORRES: But wouldn't that be taken care of as pointed out by Delegate Tenorio, given the fact that the interim definition of citizenship will have lose force at the termination of the Trusteeship.

MENDIOLA: That was my first thought but after consulting about 3, 4 lawyers, they have a different opinion. Some of them says if you put it on this section, they might come in and say because of this provision on the proposal 35, that portion of the Transitional Matters are still in effect, I don't know. Just to make sure. You could come up with a better word.

PRESIDENT: Excuse me. Delegate Ogumoro.

OGUMORO: Yes, to clarify a, a couple of concerns here before we take the final vote on this committee recommendation, on the amendment that is proposed, what would this mean to U.S. citizens that are, that have been here since after January 1st, 1974, between that date and the termination of the Trusteeship Agreement, would that allow them to vote here in the CNMI. Could they register to vote in our general elections should we pass this amendment. There are a number of U.S. citizens now that are, that are voting. What would this amendment do to them.

PRESIDENT: I think Delegate Ogumoro you just ex - exclude them, you just exclude them on Committee Recommendation 27. The Chair recognize Delegate Nabors.

OGUMORO: So what is this committee recommendation doing further, further excludes them,

MENDIOLA: Yes it does.

OGUMORO: Makes sure that they're really excluded.

NABORS: In my opinion, this 35 if pass, will continue to be in full force and effect until the 3rd Constitutional Convention.

REYES: Mr. President.

MENDIOLA: Mr. President, I think we're deleting from the subject. My amendment is after termination and comes back again to between 84 and termination. My amendment is for the purpose of after termination.

OGUMORO: I share your concern Delegate Mendiola. However, right now we, we have certain U.S. citizens that are presently in the Commonwealth now that have been voting and have been exercising that right to vote

MAFNAS: Mr. President.

OGUMORO: And I wonder, you know,

MAFNAS: Point of order please

OGUMORO: if this would affect

PRESIDENT: State your point Delegate Mafnas.

MAFNAS: We're not discussing the amendment. Let's dispose the amendment and go to the committee recommendation.

OGUMORO: I think that has bearing on the proposed amendment. Are you saying that my discussion right now has no relevancy with the proposed amendment offered by Mendiola.

MAFNAS: The proposed, the proposed amendment, Mr. President is trying to nullify this section.

NABORS: That's right. It would nullify it and colleagues, the best thing to do is to kill 35 and let the damage that you've already done stay minimal. If you pass 35, you're gonna compound your error.

MENDIOLA: Damage to who.

NABORS: Damage to individuals who have vested rights and who will go to court and get you declared unconstitutional.

MENDIOLA: Let them go to court.

NABORS: So you're right back where you are. How does that help you.

MENDIOLA: How do you know.

PRESIDENT: Delegate Inos.

INOS: I am, I am in agreement that we do need an amendment here because what we're saying here is that we're defining who will vote and even if the Trusteeship terminates, we're, we still define, under qualification of voters, we still define those people under 8 a, b, and c. That will still hold true in voting and even if we say that we're terminating, the Trusteeship is terminating, those people that - we will automatically become U.S. citizenship, will automatically become U.S. citizens and we're only saying that those that are defined in section 8 a, b, and c will be the only people that can vote, even after the termination of the Trusteeship.

MENDIOLA: Right.

PRESIDENT: Delegate Reyes.

REYES: Thank you Mr. President. I do share the concern here because of the fact that the qualification of voters simply uses the Transitional Matter as a definition as to who qualified to vote so this, there's a worry here that after the lifting of the Trusteeship Agreement this will still be in effect and then it will continue to have U.S. citizens who do not acquire U.S. citizenship under 8 a, b, and c will not qualify to vote. Presently our concern is just the transitional period. We're not concern, I feel, the Convention is not concern about the period after the transition so I urge my colleagues to agree with an amendment to nullify the Transitional Matters for voter qualification after the transition. Thank you.

PRESIDENT: Delegate Tomokane.

TOMOKANE: It seems like, thank you Mr. President. It seem like some of us are still not too sure or not, they haven't really grasp what's going on between the effects of section 301 of the Covenant vs. this interim definition of citizenship in the, in the Constitution. Some people are coming up with their own interpretations and they are misleading other people and these misled people are becoming, you know, they alike to argue too about this matter. When we first started this ConCon we came up with all kinds of proposals, even to include that if you're going to vote or run for office, you must be of Northern Marianas descent and we can't do that. So the motive there is to try and control the situation. How can we control our situation if we cannot even define definitely or specifically what do we want. So, I hope that when you start making an interpretation that you really follow the line from the Covenant and make sure that you're operating from there. I just wanna make clear that section 301 becomes operative on the termination of the Trusteeship Agreement. In between now and then, let's put something in the Constitution ja ta protehi i

interes Marianas. Basta hit man protehi i interest otro taotao.  
Thank you.

PRESIDENT: Delegate Manglona.

MANGLONA: Mr. President, I agree that section 8 will no longer be in effect after the termination of the Trusteeship. However, Committee Recommendation No. 35 will still remain in effect, especially if we do not change it between now and the, and the Third ConCon and the Trusteeship has ended before then. This section 1 of article 7 reads exactly that the United States citizens as specifically defined in section 8 a, b, and c on the Schedule on Transitional Matter will not change even if the Trust Territory ceased. So this will remain forever and ever until it's changed as a qualification of voters. So I think I found the missing link for this one. I, I would ask Delegate Mendiola if he prefers it to read this way. After the effective date of the citizenship provision of article 3 of the Covenant, the qualification that a citizen or national of the United States need come - need to come within the definition of section 8 a, b, and c on the Schedule on Transitional Matter of this Constitution may not apply so that after the TT ceased to exist, then this qualification on line 8 and 9 would no longer apply. Therefore, we don't have to come back and amend this section even after the termination of TT.

PRESIDENT: Delegate Mendiola.

MENDIOLA: I don't know Mr. Chairman, but a lawyer gave me this phrase to put it in just to make sure that these people are eligible to vote after the termination of the Trust - Trusteeship here and this is what they gave me and this is what I put down. I'm not a lawyer, somebody might come in with a better language that, my intention here is just to make sure that all national and U.S. citizen are given the right to vote here in the Northern Marianas as long as they give us the full-fledged U.S. citizenship.

PRESIDENT: Delegate Villanueva.

VILLANUEVA: Mr. Chairman, or Mr. President, I thought that after the termination, or even now, the Covenant is the higher law of the land than the Constitution. And after the termination of the Trusteeship Agreement, I thought that would apply also. Now we're concern about what we put in the Constitution that would not be nullified by the Covenant. I'm not in favor of this proposal. Not because it would deny people the right to vote, it's just that I was in favor of the other proposal and the committee felt that even though it's controversial, we want to find out if the Convention felt that that proposal would attract attention and at least if there's anything to be done to correct the situation, something would be done. And I, I still maintain that the Covenant is a higher law of the Northern Marianas than the Constitution. And whatever is in the Northern Marianas Constitution is nullified if

it's not in agreement with the Covenant. (End of side A)