

2nd CONSTITUTIONAL CONVENTION
32nd Day - July 19, 1985
(Session) - Tape #4 (Side A)

(NO RECORDING ON SIDE A)

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INOS: Fitma nai i, i agreement na para esta ta fan huyung guine. Lao gaige gi under is article 7 este i elegibility to vote. Jangin hun defina haji esta sinia man man bota nai, pues sumasaga ha siempre eyi hi hun defina nai guine gi Transitional Matters, ahi ti hu suha. Sa sumuha nai, gaige gi article 7 lao ilelegmo na ejo ha na taotao sinia man man bota i man ma defina esta gi under 8 a, b, and c. Enigi problemao gi presente ja tisia na ta alog na gigun ha terminate gi i Trusteeship, na kontodo i article 7 hu terminate ha gui lokke. Ejo ha a terminate gui siempre i Schedule on Transitional Matters. Enigi i kinemprendeku guine na amendment.

PRESIDENT: Delegate Torres.

TORRES: Thank you Mr. President. Malapago ja tafan, tafan fino Chamorro. An tages atan este, dos clasen citizen pa ta fatinas. Eyi na citizen i denifine ni Schedule on Transition 8 a, b, and c. Pues an magpo i Trusteeship, otro clasen citizen siempre gumaha. Eji na clasen citizen i manaigui gi 8 a, b, and c. Okay. Lao este dos na clasen citizen, still man kualificao ha pao fan man bota guine na section. Gi otimon i Trusteeship Agreement. An magpo i Trusteeship Agreement, este i section 8 a, b, and c na citizen esta tumaja. Ma - estegi na ma hahalog transition nai este sa pao fan hanao guato gi real, sinia ta alog real U.S. citizen sa este i interim kalan sinia ta halog ti real este. Interim ha. Nu haf - taja guine problema. Hafa na para ta fan luhan guine. Nu ke an man ma kotte hit, polo ta fan ma kotte, lao necessita ta fan mamatinas punto, i puntion direcho. Eji gi i punto na para ta keke chogui guine. Todo hit ha tumungho na este ha i alacha na ma ngekuentos hit pot languahi. Ta tungho ha na siempre guaha fina dididi confusion. Lao polo ja hu guaha confusion. Ta keke protehi i direchota, pues polo ja chuka hu guaha confusion. Parehu ha jan este. Mungha hit man maniao. Polo ta fan ma kotte. Huhu sa ti ta tung - sa tisia mu mudefendi hit gui kotte logue, lao, my only point here nai Mr. President, my only point here is that until we are granted full-fledged U.S. citizenship, then I think it is only right and proper to protect our interest, to defend ourselves, and to express our feelings regarding these things. We will be creating, yes, we will be creating two classes of citizenship here. Those citizens defined in the Schedule of Transitional Matter, section 8 a, b, and c and those citizens who will become citizens after the Trusteeship Agreement. Both citizens will be eligible to vote, so there, there shouldn't be any fear about these two classes of citizenship or citizens. The Schedule on Transitional Matters will be, will cease upon termination of Trusteeship and those citizens who will become U.S. citizens under this schedule will still be eligible to vote and those citizens who will have become U.S. citizens after the termination of the Trusteeship will still, will also be eligible to vote in the Commonwealth. If there is any fear that we may be taken to court, then so be it. Perhaps that fear is just a fear in the air but lets, let's stand up and be

counted and be recognized on our rights. Thank you.

PRESIDENT: Delegate

INOS: I'm not finished yet.

PRESIDENT: Manglo - I mean Inos.

INOS: Okay, first I'll ask a question. Does the committee intend under qualification of voters to just include 8 a, b, and c as people who can vote only.

PRESIDENT: Point of order. We're talking about the amendment.

INOS: Yes, I'm talking about the amendment, because in order for me to vote for the amendment, I need to know this.

MAFNAS: Are you looking at me.

INOS: No, yes I'm looking at you.

PRESIDENT: Delegate King, this is your committee, speak up.

KING: Testing, which amendment are you talking about Delegate Inos, is it the amendment that was made by Delegate Mendiola.

INOS: Yes.

KING: We haven't decide yet on that so

INOS: I know, that's why before I decide I wanna know.

KING: Ask Delegate Mendiola.

PRESIDENT: Delegate Mendiola.

INOS: I questionhu nai, kao ezu ha malagota na taotao pao fan man bota, eji i man ma defina gi sectiona ocho, a, a', be', che'. Ezu ha.

MENDIOLA: Niora.

INOS: Pues ileleku nai na i problemao guine, jangin ezu ha malagota para tana fan man bota pues mauleg ha jo lao inasoko na ilelekta na man malagu hit ha lokke, jangin man ma terminate nai i Trusteeship man malaguhit ha lokke na hu fan mambota otro taotao ni man pareho qualificasionta. Pues hafa nai, malagu jo na para bai hu tungo i comete' hafa intension niha ja bai tatiji i intension niha i comete' sa ti maanao jo lokke ma kotte sa ti bai hu anao bai falag i kotte.

PRESIDENT: Delegate Reyes.

REYES: Thank you Mr. President. The intent of the committee, if I recall and I could, I will stand corrected, is only on the transitional period. There has never been an intention to exclude U.S. citizens after the transition and these are the facts that came up. Because of the fact that we cannot vote in the states now because we are still interim U.S., we also want to extend this kind of interim, interim aliens for the U.S. citizens who came from the states. So this is just for the transitional period.

INOS: But, Mr. Chair, Mr. President.

PRESIDENT: You may.

INOS: But I think that we're missing a point here because we're, we're saying that it's only for the transitional period but we are not stating that here. We're stat - we're saying that only people, those people qualified to vote are those as specifically defined in section 8 a, b, and c of the Schedule on Transitional Matters of this Constitution period.

KING: That's right.

INOS: So that's the only people that we want to vote, even after the termination of the Trusteeship.

No,

REYES: No, that's not the intent of the committee.

KING: Point of clarification.

TENORIO: Clarification.

PRESIDENT: State your point Delegate King.

KING: It is true that under line 10 it means transitional matters of this Constitution. Now if the termination of the Trusteeship Agreement, Agreement is in effect and the, then the transitional matter of this Constitution become dead so there's no transitional matters so we go back to the Covenant as defined in the Covenant.

INOS: No, I don't believe that is true because I think that you already define who will vote and even if the term, even if the Transitional Matter is already gone and went bye bye, that definition remains because that's what we want in there.

KING: But where you, where you gonna find the definition.

INOS: In the Constitution.

KING: But that's become void.

INOS: Void in transitional matters only but not your, in your definition for who is qualified to vote.

KING: But when its become void then it's invalid. You cannot use that to argue when it's invalid.

OGUMORO: May I

PRESIDENT: Somebody has to challenge that in court, isn't it. To become null and void first. Delegate Ogumoro.

OGUMORO: Thank you Mr. President. I'm sorry that our representative from the Attorney General's Office is gone, but when we were discussing this matter with him, he said that you may put anything you want in our Constitution right now, but what is going to be in effect is what is in the Covenant.

KING: Right.

OGUMORO: So that takes over as soon as the Trusteeship Agreement terminates.

KING: Right.

OGUMORO: So, you know, to, to clarify on whatever we put in right now, I, I have to mention this because I raised a concern before Delegate Juan Lizama offered his amendment to further qualify and put the voting requirement in, when we were discussing the section on citizenship. I was concern because if we had left out that they, that those people that would be regarded or that would be included under our definition of citizens, that do not, did not vote prior to January 1, 1974, that those people might get, their status might be very shaky at the termination of the Trusteeship Agreement, but according to the Attorney General's Office, that should not be a problem as soon as the Trusteeship Agreement terminates whatever is in the Constitution under article 3 will take over. I'm sorry, of the Covenant will take over, go into effect. My other concern President is beginning with the word after, I mean, what, do we need that at all. The whole thing that whatever is being proposed by Delegate Mendiola. Do we need to further include in the proposed Committee Recommendation 35.

PRESIDENT: Probably Delegate Mendiola can best answer that.

MENDIOLA: I myself don't know, but like I said before, I have consulted three, four lawyers that came up with a different opinion, so just to make sure that those national and United States citizens are eligible to vote here in the Commonwealth after the termination of the Trusteeship should be eligible to vote.

OGUMORO: If, if I understand the Attorney General's Office correctly, I would not, I don't see the difference, I don't see what this amendment that my fellow Delegate Mendiola is offering.

MENDIOLA: That's what happen by consulting only one lawyer.

OGUMORO: There were a couple other lawyers that we were talking to

so.

PRESIDENT: Delegate Mafnas.

MAFNAS: Thank you Mr. President. I agree with Delegate Ogumoro. The Attorney Generals indicated that after the termination we go back to the Covenant. She was the one who asked that question. Mr. President, if the committee's intent on Committee Recommendation 35 is because we are not voting in the United States which I don't really care because I wanna vote over here, that this amendment is put forth to the Convention I am right now against it. We have people who have decided to make the Northern Marianas their homes, U.S. citizens from Guam and United States, they have made that choice because they love our loving and peaceful islands. They wanna partake in the political progress of our infant Commonwealth. Mr. President, this is part of the bargain that we made when we entered or decided to be part of the families of the United States of America. And to further compound our problem or the problem that we envision by passing Committee Recommendation 27 is something that I cannot support at this point and time. I sympathize with the sentiments of the members, our people in the states are getting benefits too that many of our American friends who are here are not enjoying. The intent of the interim citizenship is to allow our people to move back and forth from here to the states and all the U.S. territories and to also enjoy many benefits and it's not, it was never intended to qualify us to vote in the United States. Even Mr. President, even when the termination - when the Trusteeship Agreement is terminated, we will not vote for the President of the United States. So what are we trying to do here. I cannot support this recommendation. Because I never plan to vote in the United States and if that is the intent of this proposal, then I don't wanna be part of it. We wanna make sure that the Northern Marianas open its arms to our dedicated and sincere American friends or brothers who have decided to be part of us for the rest of their lives. So I move, I ask, I move to file this forever, thank you.

Second.

TORRES: Point of information.

PRESIDENT: State your point Delegate Torres.

TORRES: I think some of us do not fully grasp the meaning of interim. Interim is just for time being. That's what it means. Let's have no fear on that. As it is now there are two classes of U.S. citizens. As is very explicitly explained in the committee report, U.S. citizens under Amendment 14 of the U.S. Constitution and U.S. citizens in the Schedule of Transitional Matter. They are two totally different classes of U.S. citizens. And they are two totally different classes of citizens who have two totally different benefits. I just cannot comprehend how we cannot see through these, perhaps unintended discrimination. Interim means for time being. That means that for the time being we are not

truly U.S. citizens. I think the Committee on Natural Resources is trying to rectify a problem. A problem which a few of us recognize. And perhaps a problem which a few of us would even like to think about. Let's face it. We are not a full-fledged U.S. citizen as defined in Amendment 14 of the U.S. Constitution. We are interim, for the time being. We are for the time being kind of a citizen. Okay. And with this distinction, there are obviously differences in the rights and in the benefits from these two classes. The fact that we are not fully U.S. citizen doesn't guarantee us all the benefits, all the rights of a U.S. citizen under Amendment 14. We are, by we I mean the people in the Commonwealth are U.S. citizen under the interim definition of schedule 8 a, b, and c. Which means that we are not full-fledged, which can be extended to mean that we are not truly U.S. citizen and you can even add further that we do not have all the rights that U.S. citizens defined in Amendment 14 have. Let's recognize this discrepancy. Let's deal with it appropriately. I think we are fooling ourselves in not recognizing the reality of these two classes of U.S. citizen. Let's recognize it. Let's deal with it. Let's work within it. And let's just not say that oh well, perhaps we're not mature enough to be truly U.S. citizen. I cannot understand the rationale in allowing this discrepancy or disparity to continue. When the Trusteeship terminates, then that's the time when we can proudly say yes, I am a true U.S. citizen. For now we're not and let's not fool ourselves with that. We are not U.S. citizen as defined in Amendment 14 of the U.S. Constitution. We are just for the time being quote U.S. citizen. Thank you.

MAFNAS: Mr. President.

PRESIDENT: Yes Delegate Mafnas.

MAFNAS: I don't, I don't claim that I am a U.S. citizen under and I don't care to be a U.S. citizen. The purpose for the interim definition Mr. President is not for us to call ourselves truly a U.S. citizen. The purpose of the transition or interim definition in our Covenant is to allow mobility of our people, our children to go to school in the states without the I-20 visa requirement and not for them or for us to vote in the states. There are benefits now enjoyed by our children prior to our signing or entering into agreement with the United States of America under the Covenant, such as foodstamps, free tuitions or tuitions, resident tuitions, and these were not available prior to the signing of our, of the Covenant. So the purpose of the interim citizenship as defined is to allow our people to move, to move back and forth without being harassed at a first U.S. port of entry and is, it was never intended for us to call ourselves a first-class or a second-class U.S. citizen nor it was intended for us to vote in California, in Honolulu or Guam. So I understand the definition of interim citizen and I know the purpose for having that in the Covenant. Thank you.

KING: Point of information Mr. Chairman. I believe that all the benefits we're getting from the United States is an exchange to our

islands to establish a military here for defense purposes. We are being used by Americans, we're the first people to be eaten up in case there's a war. So that's the main reasons that we're exchanging our live to them for those kinds of benefits and we are being, we have been in the CNMI for a long time and there's no such program but we still alive.

MAFNAS: Point of information Mr. President.

PRESIDENT: State your point Delegate MAFNAS.

MAFNAS: We did not - the U.S., the United States of America did not ask us to join them, we asked them to join us. Let's not try and fool ourselves. We asked them to join us.

Point of information.

MAFNAS: Originally we were negotiating for free associated states of Micronesia.

KING: Clarification Mr. President. The United States need all the islands of Tinian for defense purposes.

MAFNAS: We are not arguing that point.

PRESIDENT: Delegate Manglona.

MANGLONA: Let me try to remember what I was thinking. I think we all here know the intent of this amendment to Committee Recommendation No. 35. We all agree with the concerns of Delegate Torres, we all agree that we are not full-fledged U.S. citizen, we all agree that we do not want these full-fledged U.S. citizens to vote in our election in the interim period. We all agree that we want them to vote after the interim period. So our problem here is language, that is our problem and that is what Delegate Mendiola and Delegate Inos are trying to point out. I think the problem is the way that this section 1, article 7 is written, the way it is worded is the problem and that is what I am trying to point out and I think that is what Delegate Mendiola and Delegate Inos is trying to point out. If the intent of the committee is to allow these U.S. citizens to vote after the interim, then there must be some language to be placed in here. I agree that the interim definition will mean nothing after the termination of TT, however, this wording, the way you read it in black and white on section 1, article 7 will remain even after TT is terminated so there should be a language here that should say something like this. Citizens or national of the United States will be allowed to vote, however, for the interim period, only those U.S. citizens which qualify under section a, b, and c will be qualified. I think that is the kind of language that we're looking for in here and that is what Delegate Mendiola is trying to point out so it is not a, a fight here or the concern here is not whether we are being treated second class or, or whether we don't want U.S. citizens to vote, that is not the concern that we are facing right now. It is the language and we want a language here

that we will all understand and that we will not make it too complicated, so we have a chance now to make it simple and easy to understand so let's do that.

MAFNAS: Mr. President, I have no problem in allowing the U.S. citizens to vote now and again after the Trusteeship Agreement. They are taxpayers of the Commonwealth, they should be represented, their voice should be heard too. So I have no, no, no argument, no reservations in allowing them that privilege because they're paying taxes.

Point of information Mr. Chairman.

PRESIDENT: (Unclear)

Thank you.

PRESIDENT: (Unclear) . . . but if you would like to talk to the members, go ahead. I already turned it on. Delegate Mendiola.

MENDIOLA: Thank you Mr. President. On Public Law 4-30, it says duty of the Convention. And the Convention should look and amend the Constitution for the, if we believe that it is for the interest of our people. When I first got elected and went to Tinian, the people of Tinian are very concern in regards to the military coming into Tinian. And I believe that one of the concern is the military coming into Tinian and taking over the island. As you know, we only have about 400 voters and the latest information we received is we gonna be invaded by about 5 to 10,000 military coming into Tinian. I believe that this is the basic interest of the people I represent. Just for the record, I fully agree with this amendment. This will protect the people I represent and I'd like to know that, that I'm doing the wishes of the people of Tinian. There's two up - main concern that is the local government and the invasion of the military into Tinian. Thank you Mr. President.

VILLANUEVA: Move to end debate.

Second.

Second.

PRESIDENT: Those in favor of ending debate say aye.

AYE

PRESIDENT: Those oppose say nay. We're voting on the amendment. First of all we need to vote on - to accept the amendment, those in favor of the amendment offered by

VILLANUEVA: Mendiola.

PRESIDENT: Delegate Mendiola please say aye.

AYE

PRESIDENT: Those oppose say nay.

Yeah.

PRESIDENT: Motion carried. We're back to the main motion now. Discussion.

MANGLONA: No discussion.

PRESIDENT: Delegate Nabors.

NABORS: I move that we file 30, Committee Recommendation No. 35.

MAFNAS: Second.

MANGLONA: Objection.

PRESIDENT: It has been moved and seconded to file Committee Recommendation 35. Discussion. If no, Delegate Tomokane.

TOMOKANE: I would like the mover of that motion to give a brief explanation why.

VILLANUEVA: Second.

PRESIDENT: Delegate Nabors.

NABORS: Thank you Mr. President. Because the reason why I made the motion is that we don't need it. And the reason why you do not need it is that by all accounts, the Trusteeship Agreement will be terminated before the end of the year, long before the election of - or the ratification of the constitutional amendments, it will be a nullity and I believe will create chaos in the event that it is passed and the termination of Trusteeship Agreement does not take place. I agree with Delegate Mafnas that you can only vote in one place. If you wanna vote in California, you can't vote in Saipan. If you're gonna vote in Nevada, you can't vote in Saipan. Now if you want to vote in Nevada all you have to do is go over there and register and vote. Pedro Atalig, I met in Washington three months ago, voted for the President of the United States, he's a military man from Tinian and was sent a ballot and he voted for Mr. Reagan. So our people, or the Marianas, people of Marianas descent are voting when they establish residency in the states and I don't believe that it would be of any benefit to have so-called reciprocal rights because you cannot vote in two places. You may only vote in one place and I do not believe that this committee recommendation adds anything, I think it's just gonna just cause confusion.

TORRES: Point of information.

PRESIDENT: What's your point Delegate Torres.

TORRES: I, I just wanna remind my colleagues that reciprocal right is what we're lacking. A lot of students in the mainland from the CNMI are denied to vote. Why, because they are only interim U.S. citizen. Thank you.

MENDIOLA: Move to end debate.

PRESIDENT: Delegate Tomokane.

TOMOKANE: I agree that one person cannot vote in two places at the same time, that's common sense.

MAFNAS: Mr. President.

PRESIDENT: Delegate Mafnas.

MAFNAS: Under section 304 of our Covenant, it says citizens of the Northern Marianas will be entitled to all privileges and immunities of citizens in the several states of the United States. It says all privileges and immunities. Is voting a privilege.

MENDIOLA: It's a right.

MANGLONA: It's a right.

TORRES: It's a right.

MENDIOLA: We don't have rights in the United States.

MANGLONA: Voting is a right.

TENORIO: It's a right.

MANGLONA: Point of information.

PRESIDENT: State

MANGLONA: I voted for President Reagan about - a few years ago.

TORRES: He's the fortunate one.

MAFNAS: You did.

MANGLONA: I registered and was allowed to vote, was - my name was listed.

MAFNAS: So what's the question, if you wanna vote there you can vote.

MENDIOLA: If, if you voted in the United States and you are not a U.S. citizen I think you're lying on your application, registration, I think.

MANGLONA: I put down CNMI.

MENDIOLA: So the computer must be wrong because.

MANGLONA: They knew I was voting for Reagan.

MAFNAS: You got the right, you got the right to vote under section 304.

PRESIDENT: Delegate Villanueva.

VILLANUEVA: There, there're a lot of students who just don't register to vote both in the United States and in the Northern Marianas. We have students who register to vote in Hawaii. They were allowed to vote. In fact, there're more students who register to vote in, in Hawaii and they don't vote than in, than who registered to vote in the Northern Marianas and this is because they know the candidates in the Northern Marianas. They rather vote for candidates in the Northern Marianas than for candidates in - in the states, except maybe for President Reagan, but I am a witness to this, you know, right to vote business. I never voted in Hawaii because I, I like the candidates in the Northern Marianas except for President Reagan. Thank you.

MAFNAS: Point of information. If he ever registered and votes in Honolulu, we're gonna strip him off with this outside Commonwealth differential and that's a lot Mr. President.

TORRES: He's the fortunate one.

INOS: Adahi.

MENDIOLA: Move to end debate.

PRESIDENT: Those in favor of, of the motion to file, those in favor of filing please say aye.

MAFNAS: AYE

MENDIOLA: Point of order Mr. President.

PRESIDENT: Those oppose

MENDIOLA: Point of order.

PRESIDENT: Say nay. Delegate Mendiola.

MENDIOLA: I think we have to go with the amendment motion first before we get to the filing.

We have

MAFNAS: We finished.

MENDIOLA: Yeah, sorry then.

MAFNAS: That's okay Mr.

NABORS: Point of privilege Mr. President.

PRESIDENT: State your privilege.

NABORS: No more four hours recesses, bulacho gi taotaotao jo.

PRESIDENT: Those in favor of filing the Committee Recommendation No. 35 please said aye.

AYE

PRESIDENT: Those oppose say nay.

NAY

PRESIDENT: Can I have a, Delegate Mafnas are you voting for both?

MAFNAS: No. I'm in favor to file. I voted to file.

PRESIDENT: Can I have a show of hand of those in favor of filing. 1, 2, 3, 4, 5, 6, 7, 8. Oppose 1, 2, 3, 4, 5, 6, 7, 8 - 8.

MAFNAS: Will you declare your vote Mr. President.

Please repeat.

PRESIDENT: I wanna file it.

Wait.

PRESIDENT: Motion carried to file it.

MENDIOLA: Sorry Mr. President, but that's what the people of Tinian wanted.

MANGLONA: Guaha guine ma bar-b-que Tinian

MAFNAS: I'll campaign his

MANGLONA: Guaha guine ma bar-b-que agupa Tinian

I'm not running.

Ahi mauleg ha ejo

MENDIOLA: Five minutes recess.

PRESIDENT: Can we have a five minutes recess.

MAFNAS: Thank you.

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PRESIDENT: What do we do next. Item I, introduction of resolution and referral. Since there's none, we move on to unfinished business. This, we're scheduled for general order of the day yesterday, so we need to entertain this.

NABORS: Mr. President.

PRESIDENT: Secretary Nabors.

NABORS: I move that we dissolve into Committee of the Whole.

VILLANUEVA: Second.

MAFNAS: Second.

PRESIDENT: It has been moved and seconded to resolve to the Committee of the Whole, discussion. Those in favor say aye.

AYE

PRESIDENT: Those oppose say nay. Before, motion carried. Do you wanna take the entire thing or

Let's take it.

Take it

Finish, let's finish.

PRESIDENT: Delegate Mundo, would you like to preside.

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CHAIRMAN (Mundo): The Committee of the Whole is now called to order, to order. We'll entertain Committee Recommendation No. 63. Delegate Inos.

INOS: I move to adopt Committee Recommendation 63.

Second.

INOS: On first reading of the Committee of the Whole.

CHAIRMAN: It has been moved to adopt Recommendation No. 63. Any second. Delegate Calvo.

CALVO: Did I hear the vice-chairman on the Committee on Finance Matter read the topic, did you read the

CHAIRMAN: For the first reading.

INOS: This is first reading.

CHAIRMAN: For the first reading

INOS: Yes.

CHAIRMAN: Okay.

(Unclear)

No discussion.

(Unclear) (End of side B)